

THE EU'S SUSPENSION OF SYRIAN ASYLUM CLAIMS: VIOLATIONS OF NON-REFOULEMENT AND THE EROSION OF THE RULE OF LAW

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ABSTRACT

The recent decision by several EU member states to suspend the processing of asylum claims for Syrian nationals and consider forced returns raises urgent legal and humanitarian concerns. This paper examines the implications of these policies, arguing that they violate the principle of non-refoulement, a cornerstone of international refugee law enshrined in the 1951 Refugee Convention and the European Convention on Human Rights (ECHR). Despite claims that Syria is now safe for return, substantial evidence indicates that returnees face persecution, forced conscription, arbitrary detention, and a lack of basic infrastructure.

The paper begins by analyzing the legal frameworks governing asylum in the EU, highlighting contradictions between these policies and the Common European Asylum System (CEAS). It then assesses the political justifications for the suspension of Syrian asylum applications, including growing anti-immigration sentiment and diplomatic considerations. The study further explores the humanitarian consequences, such as the legal limbo faced by asylum seekers, the increased risk of refoulement, and the burden placed on non-EU host countries. In response to these challenges, the paper offers policy recommendations, emphasizing the need for evidence-based decision-making,

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strengthened legal protections for Syrian refugees, and enhanced cooperation with the United Nations High Commissioner for Refugees (UNHCR) and civil society organizations. Ultimately, it calls for the EU to uphold its international obligations and maintain its role as a global leader in refugee protection, ensuring that political shifts do not undermine fundamental human rights principles.

Keywords: Syria; Forced Migration; Non-Refoulement; Asylum; EU Policy; Human Rights

1. INTRODUCTION: THE SYRIAN REFUGEE CRISIS AND EU POLICY SHIFT

1.1 Brief Overview of the Syrian Civil War and Humanitarian Displacement

On December 8, 2024, Syria witnessed a turning point that many believed would never come: the fall of the Assad regime. This event ended over five decades of authoritarian family rule marked by repression, sectarianism, and systemic human rights violations. Under both Hafez al-Assad and later his son, Bashar, Syria functioned as a highly centralized security state where political pluralism was virtually nonexistent.² Dissent was harshly punished through a sprawling network

² Greg Myre, "In Syria, the Assads Leave a Bitter Legacy after a Half-Century of Repressive Rule," *NPR*, December 9, 2024, <https://www.npr.org/2024/12/08/g-s1-37298/in-syria-the-assads-leave-a-bitter-legacy-after-a-half-century-of-repressive-rule>.

of intelligence agencies, the *Mukhabarat*,³ and the regime relied on surveillance, arbitrary detention, torture, and enforced disappearances to maintain control.⁴ Although officially secular, the regime consolidated power through sectarian strategies, favoring the Alawite minority from which the Assad family belonged and exacerbating communal divisions across the country.

The Syrian uprising began in March 2011, inspired by the broader wave of pro-democracy protests known as the Arab Spring. Initial demonstrations called for political reform, an end to corruption, and greater freedoms. However, the Assad regime responded with overwhelming violence.⁵ What began as a peaceful protest movement rapidly spiraled into one of the deadliest and most complex conflicts of the 21st century. The war pitted the Syrian government against a fractured opposition that included moderate rebels, Islamist extremists like ISIS and Jabhat al-Nusra, Kurdish forces, and an array of foreign powers, Russia, Iran, Turkey, the United States, and Gulf states, each pursuing their own strategic interests. Despite international condemnation and evidence of atrocities, the Assad regime survived for over a decade, largely due to military support from Russia and Iran, brutal suppression of dissent, and divisions within the opposition.⁶ The regime's tactics, such as siege warfare, starvation blockades, chemical attacks, and the targeting of civilian

³ Rania Abouzeid, "The Fall of Assad's Syria," *The New Yorker*, December 8, 2024, <https://www.newyorker.com/news/the-lede/the-fall-of-assads-syria>.

⁴ United Nations, Syria: Rights Probe Reveals Systematic Torture and Detention of Assad Regime," *UN News*, January 27, 2025, <https://news.un.org/en/story/2025/01/1159466>.

⁵ Katherine Marsh, Matthew Taylor, and Haroon Siddique, "Syria's Crackdown on Protesters Becomes Dramatically More Brutal," *The Guardian*, April 25, 2011, <https://www.theguardian.com/world/2011/apr/25/syria-crackdown-protesters-brutal>.

⁶ Tuncay Şahin, "How Could Assad Survive the Seven-Year War?," *TRT World*, October 14, 2018, <https://www.trtworld.com/middle-east/how-could-assad-survive-the-seven-year-war--15798/amp>.

infrastructure, have been widely documented⁷ and are under investigation as war crimes and crimes against humanity.⁸

In the years leading up to Assad's fall, the conflict had largely frozen.⁹ With dwindling support from traditional allies, growing economic desperation, and imposed sanctions, the regime's grip weakened.¹⁰ On November 30, 2024, a ten-day offensive led by Hayat Tahrir al-Sham (HTS) and the Turkish-backed Syrian National Army (SNA) culminated in the capture of Aleppo and the eventual collapse of the Assad government.¹¹ The ousting of the regime was met with scenes of jubilation across Syria, symbolizing the end of a reign marked by fear and surveillance, a country where the phrase "the walls have ears"¹² captured the pervasive anxiety of everyday life. The full extent of state repression was uncovered and people gained access to once-hidden documents and prisons.¹³ However, the transition remains uncertain.¹⁴ HTS, a Sunni Islamist group designated as a terrorist¹⁵ organization by the UN, EU, US, and UK, now holds significant power, with Ahmad al-Sharaa assuming the role of transitional president. His administration dissolved¹⁶ the previous

⁷ Samer Bakkour, "Sectarianism, Indiscriminate Violence and Displacement in the Syrian Regime's Civil War Strategy," *Mediterranean Politics* (2024), doi:10.1080/14678802.2024.2349057.

⁸ UN News, *Syria: Rights Probe*.

⁹ Mona Yacoubian, "Syria's Frozen Conflict Heats Up," *United States Institute of Peace*, December 14, 2024, <https://www.usip.org/publications/2024/12/syrias-frozen-conflict-heats>.

¹⁰ Ibid.

¹¹ Natasha Hall, "Syrian Rebels' Surprise Offensive Highlights Assad Regime's Weakness," *Center for Strategic and International Studies (CSIS)*, December 2, 2024, <https://www.csis.org/analysis/syrian-rebels-surprise-offensive-highlights-assad-regimes-weakness>.

¹² Abouzeid, *The Fall of Assad's Syria*.

¹³ Feras Dalatey, "Investigating Syria after Assad: A Black Box, Opened," *Global Investigative Journalism Network*, April 10, 2025, <https://gijn.org/stories/mena-focus-investigative-journalism-syria-after-assad/>.

¹⁴ International Crisis Group, "The New Syria: Halting a Dangerous Drift," *International Crisis Group*, March 2025, <https://www.crisisgroup.org/middle-east-north-africa/east-mediterranean-mena/syria/b95-new-syria-halting-dangerous-drift>.

¹⁵ Sebastian Usher, "Syria: Calls for Justice and Accountability after Assad's Fall," *BBC News*, December 8, 2024, <https://www.bbc.com/news/articles/cn7r4gxjzyeo>.

¹⁶ International Crisis Group, "The New Syria."

constitution and now governs through the Idlib-based Syrian Salvation Government,¹⁷ pending the drafting of a new national charter and elections.

Despite assurances of a peaceful transition and respect for the rule of law, the situation remains fluid and fragile. Disinformation and incitement on social media have fueled tensions.¹⁸ One such incident occurred around Christmas, when a video went viral showing an HTS-affiliated fighter removing a Christmas tree.¹⁹ The clip, widely shared, heightened religious tensions.²⁰ Yet, little attention was given to the fact that the fighter was reprimanded and the tree reinstated, as confirmed by eyewitnesses on the ground.²¹ The selective spread of such narratives illustrates how fragile the current climate is, particularly in a country long fractured by sectarian rule. While Al-Sharaa's government has vowed to chart a path toward national unity, early signs of violence and sectarian reprisals have already emerged.²² On March 6, 2025, pro-Assad fighters attacked the interim government's forces.²³ A counteroffensive ensued but quickly escalated. Just days later, on March 9, reports surfaced of mass atrocities: over 1,500 Alawite civilians²⁴, including entire

¹⁷ David Livingstone, "The Two Faces of Syria's Interim Government," *The Interpreter* (Lowy Institute), February 11, 2025, <https://www.lowyinstitute.org/the-interpreter/two-faces-syria-s-interim-government>.

¹⁸ Nazih Osseiran, "Digital Discord: Online Disinformation Sowing Discontent in Syria," *Context by Thomson Reuters Foundation*, January 31, 2025, <https://www.context.news/digital-rights/digital-discord-online-disinformation-sowing-discontent-in-syria>.

¹⁹ Memri, "Reports Claim Perpetrators Who Burned Christmas Tree In Hama, Syria, Are Uzbek Jihadi Fighters; Syrian Jihadi Cleric: Raising The Cross Should Be Forbidden," *Memri*, December 24, 2024, <https://www.memri.org/jttm/reports-claim-perpetrators-who-burned-christmas-tree-hama-syria-are-uzbek-jihadi-fighters>.

²⁰ Lina Sinjab and Jacqueline Howard, "Protests in Syria over Christmas Tree Burning," *BBC News*, December 24, 2024, <https://www.bbc.com/news/articles/cx27yx1y0deo>.

²¹ Ibid.

²² Al Jazeera, "More than 10 dead in clashes near Syrian capital Damascus," *Al Jazeera*, April 29, 2025, <https://www.aljazeera.com/news/2025/4/29/sectarian-clashes-kill-13-near-syrian-capital-damascus#:~:text=Bloodshed.protection%20from%20hostile%20armed%20groups>.

²³ Reuters, "Syrian Security Forces Killed in Clashes with Militants Linked to Assad," *Reuters*, March 6, 2025, <https://www.reuters.com/world/middle-east/least-13-members-syrian-security-forces-killed-clashes-with-militants-linked-2025-03-06/>.

²⁴ Syrian Observatory for Human Rights, "As More Massacres Documented | The Number of People Killed during Security Operations in Syrian Coastline Exceeds 2,000," *Syrian Observatory for Human Rights*, March 17, 2025, <https://www.syriahr.com/en/357944/>.

families, were reportedly executed in Latakia and Tartous by HTS fighters and allied Sunni gunmen, including foreign fighters, in attacks targeting them based on their sectarian identity.²⁵ Al-Sharaa condemned the Latakia and Tartous killings and established a national investigative committee.²⁶ While this committee appears to be a positive step, questions remain about accountability and the new regime's willingness to address violations, including those committed by HTS in the past.²⁷

On March 13, Al-Sharaa signed a constitutional declaration initiating a five-year transitional period.²⁸ The temporary constitution promises freedom of speech, media independence, and women's rights, while criminalizing calls for separatism or foreign intervention.²⁹ However, the new government faces immense challenges, including navigating its relationship with the Kurdish-led Syrian Democratic Forces (SDF), who controls much of northeastern Syria.³⁰ The SDF, a U.S.-backed military coalition, established control over the region during the fight against the Islamic State and now governs through the Democratic Autonomous Administration of North and East Syria (DAANES).³¹ Although the SDF has agreed in principle to cooperate, its political arm, the Syrian Democratic Council, rejected the transitional charter, citing inadequate protections

²⁵ Amnesty International, "Syria: Coastal Massacres of Alawite Civilians Must Be Investigated as War Crimes," *Amnesty International*, April 3, 2025, <https://www.amnesty.org/en/latest/news/2025/04/syria-coastal-massacres-of-alawite-civilians-must-be-investigated-as-war-crimes/>.

²⁶ Syrian Arab News Agency (SANA), speech by President Ahmad al-Sharaa on recent coastal developments, *SANA – Arabic Regional Agency*, March 10, 2025, <https://sana.sy/en/?p=349169>.

²⁷ Global Centre for the Responsibility to Protect, "Syria," March 14, 2025, <https://www.globalr2p.org/countries/syria/>.

²⁸ BBC News, "Syria Gets Temporary Constitution for Five-Year Transition," *BBC News*, March 14, 2025, <https://www.bbc.com/news/articles/c70ely2p6e4o>.

²⁹ Agence France-Presse, "Syria's Leader Proclaims 'New History' after Signing Constitutional Declaration," *The Guardian*, March 13, 2025, <https://www.theguardian.com/world/2025/mar/13/syrias-leader-proclaims-new-history-after-signing-constitutional-declaration>.

³⁰ International Crisis Group, "The New Syria."

³¹ Gregory Aftandilian, "Syrian Kurds Attempt to Maneuver Amid New Realities," *Arab Center Washington DC*, June 27, 2025, <https://arabcenterdc.org/resource/syrian-kurds-attempt-to-maneuver-amid-new-realities/>.

for Syria's diverse communities.³² While DAANES is not internationally recognized, it remains a self-governed, multiethnic, and multireligious nonstate entity.³³ In March 2025, the SDF signed an agreement with the new regime to preserve certain Kurdish rights, but implementation has been slow and fragile.³⁴ With the United States now withdrawing its forces from the region, the future of the Kurdish-led administration remains precarious, vulnerable to both regime encroachment and renewed Turkish military threats.³⁵

While the fall of the regime represents a watershed moment in Syrian history, the humanitarian crisis persists. Fourteen years of war have decimated Syria's infrastructure. More than 7 million Syrians remain displaced internally, while another 6 million live as refugees abroad.³⁶ In the northwest alone, up to 1 million internally displaced people (IDPs) intend to return to their areas of origin, many of which lack the most basic necessities: housing, schools, hospitals, electricity, and clean water.³⁷ Twenty-three districts across Syria may see their populations double due to these returns, placing unbearable pressure on already collapsing public services.³⁸ The devastation from war was compounded by the 2023 earthquakes, which killed over 5,500 people in Syria³⁹ and caused more than \$5 billion in damages.⁴⁰ The World Food Program described the situation as a

³² Jana Choukeir and Emma Farge, "Kurdish-led Syrian group rejects Islamist authorities' new constitution framework," *Reuters*, March 14, 2025, <https://www.reuters.com/world/middle-east/kurdish-led-syrian-group-rejects-islamist-authorities-new-constitution-framework-2025-03-14/>.

³³ Wladimir van Wilgenburg, "Syrian Democratic Forces," *European Council on Foreign Relations*, <https://ecfr.eu/special/mena-armed-groups/syrian-democratic-forces-syria/>.

³⁴ International Crisis Group, "The New Syria."

³⁵ van Wilgenburg, "Syrian Democratic Forces."

³⁶ United Nations High Commissioner for Refugees (UNHCR), "Syria Refugee Crisis Explained," February 27, 2025, <https://www.unrefugees.org/news/syria-refugee-crisis-explained/>.

³⁷ UNHCR, "UNHCR Urges More Support in Syria as 1 Million Displaced in North-West Yearn for Home," March 7, 2025, <https://www.unhcr.org/us/news/briefing-notes/unhcr-urges-more-support-syria-1-million-displaced-north-west-yearn-home/>.

³⁸ *Ibid.*

³⁹ UN Development Programme (UNDP), "Türkiye-Syria Earthquakes," UN DP, February 6 2023, <https://www.undp.org/turkiye-syria-earthquakes>.

⁴⁰ World Bank, "Earthquake Direct Damage in Syria Estimated at \$5.1 Billion in Areas Already Severely Ravaged by Long Conflict and Displacement," February 28, 2023, <https://www.worldbank.org/en/news/press->

“catastrophe on top of a catastrophe.”⁴¹ According to the United Nations High Commissioner for Refugees (UNHCR), 90 percent of the population is now dependent on humanitarian aid.⁴² In March 2025 alone, over 21,000 people fled Latakia and Tartous to Lebanon due to renewed sectarian violence.⁴³ These conditions underscore the grim reality: any claim that Syria is now “safe” for return is dangerously premature.

1.2 The EU’s Central Role in Processing Syrian Asylum Claims

Since the onset of the Syrian civil war in 2011, the European Union has played a central and yet contested role in responding to the mass displacement of Syrians. The conflict triggered the largest refugee crisis since World War II, with over 6 million Syrians fleeing the country and millions more internally displaced.⁴⁴ By 2015, a peak year of arrivals, more than one million refugees and migrants, primarily Syrians, crossed into Europe by land and sea.⁴⁵ The EU’s asylum systems, already fragmented and uneven, were pushed to their limits. Subsequently, the EU adopted a series of emergency measures and longer-term policy initiatives aimed at managing migration flows and harmonizing asylum procedures across member states.⁴⁶ Under the Common European Asylum System (CEAS), the EU set out minimum standards for the reception of asylum seekers, the

[release/2023/02/28/earthquake-direct-damage-in-syria-estimated-at-5-1-billion-in-areas-already-severely-ravaged-by-long-conflict-and-displa.](https://www.unhcr.org/news/stories/over-one-million-sea-arrivals-reach-europe-2015)

⁴¹ United Nations, “WFP chief describes ‘apocalyptic’ post-quake landscape in Syria, Türkiye,” *UN News*, February 14, 2023, <https://news.un.org/en/story/2023/02/1133902>.

⁴² UNHCR, “UNHCR Urges More Support in Syria,” March 7, 2025.

⁴³ Arab News, “UN says more than 21,000 people fled Syria sectarian violence for Lebanon,” *Arab News*, March 25, 2025, <https://www.arabnews.com/node/2594818/middle-east>.

⁴⁴ UNICEF, “A Timeline of the Syrian Civil War and Refugee Crisis,” <https://www.unicef.ie/stories/timeline-syrian-war-refugee-crisis/>.

⁴⁵ UNHCR, “Over One Million Sea Arrivals Reach Europe in 2015,” *UNHCR*, December 30, 2015, <https://www.unhcr.org/news/stories/over-one-million-sea-arrivals-reach-europe-2015>.

⁴⁶ Andrea Spehar, “The EU’s New Pact on Migration and Asylum: Towards a Long-Term Sustainable European Migration Policy?,” in *The Depth and Size of the European Union in a Time of War*, ed. Per Ekman et al. (Cham: Palgrave Macmillan, 2025), 197–221, https://doi.org/10.1007/978-3-031-83441-7_9.

examination of asylum claims, and the rights of those granted protection.⁴⁷ However, in practice, implementation varied widely, with significant disparities in recognition rates, reception conditions, and procedural fairness.⁴⁸

The 2015 “refugee crisis” exposed deep divisions within the EU. Countries such as Germany and Sweden⁴⁹ accepted large numbers of Syrian asylum seekers, with Germany alone receiving over 326,900⁵⁰ in 2015. In contrast, other states, particularly in Eastern Europe, refused to participate in burden-sharing mechanisms.⁵¹ The EU’s temporary relocation and resettlement schemes faced limited uptake and political backlash.⁵² The failure to reform the Dublin Regulation, which assigns responsibility for asylum claims to the first country of entry, further strained frontline states like Greece and Italy.⁵³ On March 18, 2016, the EU-Turkey Statement marked a shift toward externalization.⁵⁴ Under this deal, Turkey agreed to prevent irregular migration to the EU in exchange for financial aid, visa liberalization promises, and political concessions.⁵⁵ In practice, the agreement dramatically reduced crossings across the Aegean Sea but also drew criticism for

⁴⁷ European Union Agency for Asylum (formerly European Asylum Support Office), *EASO Asylum Report 2020: Annual Report on the Situation of Asylum in the European Union* (Luxembourg: Publications Office of the European Union, June 25, 2020), sec. 2, “Common European Asylum System and Current Issues.”

⁴⁸ Council of the European Union, “How the EU Manages Migration Flows,” *Consilium*, April 14, 2025, <https://www.consilium.europa.eu/en/policies/managing-migration-flows/>.

⁴⁹ “Sweden and Migration.” *Swedish Institute*, March 12, 2025. <https://sweden.se/culture/history/sweden-and-migration>.

⁵⁰ Federal Office for Migration and Refugees (BAMF), *Migration Report 2015: Key Findings* (Nuremberg: BAMF, 2016), 14, https://www.bamf.de/SharedDocs/Anlagen/EN/Forschung/Migrationsberichte/migrationsbericht-2015-zentrale-ergebnisse.pdf?__blob=publicationFile&v=13.

⁵¹ Ian Traynor, “Europe Set for Bruising Battle over Sharing Refugee Burden,” *The Guardian*, September 4, 2015, <https://www.theguardian.com/world/2015/sep/04/eastern-european-leaders-reject-concerted-policy-on-sharing-refugee-burden>.

⁵² Aryn Baker, “These Syrian Refugees Made It to Europe. But There Still Isn’t an Answer to the Crisis,” *TIME*, December 18, 2017, <https://time.com/5068549/finding-home-crisis/>.

⁵³ Fabienne Keller, *Report on the Implementation of the Dublin III Regulation* (Brussels: European Parliament, December 2, 2020), https://www.europarl.europa.eu/doceo/document/A-9-2020-0245_EN.html.

⁵⁴ Council of the European Union, “EU-Turkey Statement, 18 March 2016,” *Consilium*, March 18, 2016, <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>.

⁵⁵ Kyilah Terry, “The EU-Turkey Deal, Five Years On: A Frayed and Controversial but Enduring Blueprint,” *Migration Policy Institute*, April 8, 2021, <https://www.migrationpolicy.org/article/eu-turkey-deal-five-years-on>.

undermining refugee protections and shifting responsibility to a non-EU country with its own questionable human rights record.⁵⁶ Over the years, the EU has increasingly relied on containment strategies, including funding border controls in North Africa, strengthening Frontex (the European Border and Coast Guard Agency), and supporting reception centers or “hotspots” in transit countries.⁵⁷ These measures have been accompanied by growing concerns over human rights violations at the EU’s external borders, including pushbacks, arbitrary detention, and inadequate asylum procedures.⁵⁸

Despite these challenges, Syrians continue to represent a significant portion of asylum seekers in Europe.⁵⁹ As of early 2025, many remain in limbo due to lengthy procedures, changing political climates, and inconsistent protection standards.⁶⁰ While several EU countries have granted Syrians temporary or subsidiary protection,⁶¹ long-term integration remains uneven.⁶² Syrians face barriers⁶³ to employment, housing, and education, and in some states, the political discourse around migration has grown increasingly hostile.⁶⁴ The fall of the Assad regime in late 2024 has

⁵⁶ Council of the European Union, “Rights Concerns, Costs Undermine Turkey–EU Migrant Deal, Say Auditors,” *Reuters*, April 23, 2024, <https://www.reuters.com/world/europe/rights-concerns-costs-undermine-turkey-eu-migrant-deal-say-auditors-2024-04-23/>.

⁵⁷ Alexandra Tarzikhian, “The European Union Agency for Asylum: A Promising Improvement or Vestige of the European Asylum Support Office?,” *Refugee Law & Migration Studies Brief* 1, no. 1 (2022), <https://digitalcommons.wcl.american.edu/refugeemigrationstudiesbrief/vol1/iss1/3>.

⁵⁸ *Ibid.*

⁵⁹ European Union Agency for Asylum (EUAA), “Latest Asylum Trends,” <https://euaa.europa.eu/latest-asylum-trends>.

⁶⁰ European Union Agency for Asylum (EUAA), “Shift in EU+ Asylum Landscape Continued in March 2025,” press release, May 16, 2025, <https://euaa.europa.eu/news-events/shift-eu-asylum-landscape-continued-march-2025>.

⁶¹ Lena Riemer, Lea Rau, and Ronith Schalast, “Country Report: Differential Treatment of Specific Nationalities in the Procedure: Germany,” *Asylum Information Database*, European Council on Refugees and Exiles (ECRE), June 26, 2025, <https://asylumineurope.org/reports/country/germany/asylum-procedure/differential-treatment-specific-nationalities-procedure/#:~:text=The%20policy%20change%20at%20the>.

⁶² Martin Altemeyer-Bartscher, Oliver Holtemöller, Axel Lindner, Andreas Schmalzbauer, and Götz Zeddies, “On the Distribution of Refugees in the EU,” *Intereconomics* 51, no. 4 (July/August 2016): 220–28, <https://doi.org/10.1007/s10272-016-0606-y>.

⁶³ Ola Ali et al., “Refugees’ Path to Legal Stability Is Long and Systematically Unequal,” *arXiv*, June 9, 2025, <https://arxiv.org/pdf/2506.07916>.

⁶⁴ Francesco Pasetti, “Migration, Elections and the European Union of Tomorrow,” *CIDOB*, 2024, https://www.cidob.org/sites/default/files/2024-05/25-30_FRANCESCO%20PASETTI_ANG.pdf.

renewed debates within the EU about returns⁶⁵ and the legal obligations of member states under international and EU law. Although some governments have begun reassessing the designation of Syria as an unsafe country, widespread insecurity, ongoing violence, and humanitarian devastation render any large-scale return deeply problematic.⁶⁶ In this context, the EU's response to Syrian asylum seekers remains both a legal and moral test of its commitment to refugee protection and human rights.

1.3 Recent Suspension of Asylum Applications and Rising Political Pressure for Returns

In recent months, several EU member states, including Germany, Denmark, and Austria, have moved to suspend or reconsider asylum protections for Syrian nationals.⁶⁷ These policy shifts are often justified by claims that Syria, now under the control of Al-Sharaa following the fall of the Assad regime, is sufficiently stable to permit returns.⁶⁸ However, this assumption is increasingly challenged by human rights organizations, which continue to report widespread abuses, arbitrary detention, and sectarian violence by various armed factions and remnants of the former regime's security apparatus.⁶⁹ Importantly, the trend toward reassessing asylum protections for Syrians began well before the fall of the regime. As early as 2019, Denmark began revoking temporary protection for Syrians from Damascus and Rif Damascus, citing improved conditions.⁷⁰ In 2020,

⁶⁵ Priyanka Shankar, "Why Is Europe Pausing Syrian Asylum Claims after al-Assad's Fall?," *Al Jazeera*, December 10, 2024, <https://www.aljazeera.com/news/2024/12/10/why-is-europe-pausing-syrian-asylum-claims-after-al-assads-fall>.

⁶⁶ Laura Pitel, Laura Dubois, and William Wallis, "Why EU Countries Are Freezing Syrian Asylum Applications," *Financial Times*, December 9, 2024, <https://www.ft.com/content/fd5288ac-9b6a-4ded-b831-bf7cca91495e>.

⁶⁷ Shankar, "Why Is Europe Pausing Syrian Asylum Claims?"

⁶⁸ Pitel, Dubois, and Wallis, "Why EU Countries Are Freezing Syrian Asylum Applications."

⁶⁹ Paulo Sérgio Pinheiro, "Oral Update by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic at the 59th Session of the Human Rights Council," *ReliefWeb*, delivered June 27, 2025, <https://reliefweb.int/report/syrian-arab-republic/oral-update-mr-paulo-sergio-pinheiro-chair-independent-international-commission-inquiry-syrian-arab-republic-59th-session-human-rights-council>.

⁷⁰ Mette Kusk, "'I Can't Create a Future with a Temporary Permit': Refugees and Long-Term Temporary Protection in Denmark," *Nordic Journal of Migration Research* 13, no. 4 (2023): 1–19, <https://doi.org/10.33134/njmr.569>.

Germany lifted its deportation ban on Syrians, which allowed for potential deportations to Syria.⁷¹ Austria, the Czech Republic, Cyprus, Greece, Italy, Malta, and Poland followed with similar policy shifts, expressing their agreement that conditions in Syria should be reassessed to allow voluntary refugee returns.⁷² The suspensions reflect a broader trend of securitization in EU migration governance, driven by mounting domestic political pressure.⁷³ Far-right and anti-immigration parties have capitalized on public concerns around security and integration to advocate for aggressive return policies.⁷⁴ In response, mainstream political actors, facing electoral pressures and overstretched asylum systems, have shifted toward policies centered on containment and repatriation rather than protection.⁷⁵ This evolving approach to Syrian asylum seekers marks a sharp departure from earlier EU humanitarian commitments, raising urgent legal and ethical questions about the EU's adherence to international refugee and human rights law.

2. Legal and Policy Frameworks Governing Asylum in the EU

2.1 Overview of the Common European Asylum System, Including the Dublin Regulation and Qualification Directive

The European Union's asylum architecture is rooted in a combination of international legal obligations and EU-specific directives, collectively known as the CEAS. Established to harmonize asylum standards across member states, CEAS was designed to ensure fair and humane treatment

⁷¹ Explained: Germany's Decision to Lift the Ban on Deportations of Syrians," *TRT World*, April 2021, <https://www.trtworld.com/magazine/explained-germany-s-decision-to-lift-the-ban-on-deportations-of-syrians-43368>.

⁷² Menelaos Hadjicostis, "7 EU Members Say Conditions in Syria Should Be Reassessed to Allow Voluntary Refugee Returns," *AP News*, June 7, 2024, <https://apnews.com/article/migrants-refugees-syria-eu-lebanon-safe-zones-returns-3b52a8b2d55acb6838c1e34916638f4b>.

⁷³ Tara Varma and Sophie Roehse, "Understanding Europe's Turn on Migration," *Brookings Institute*, October 24, 2024, <https://www.brookings.edu/articles/understanding-europes-turn-on-migration/>.

⁷⁴ *Ibid.*

⁷⁵ Philippe Jacqu e, "Why Are European Leaders Obsessed with Immigration?" *Le Monde*, October 6, 2024, https://www.lemonde.fr/en/international/article/2024/10/06/europe-s-obsession-with-immigration_6728398_4.html.

of asylum seekers while promoting responsibility-sharing among EU countries.⁷⁶ However, in practice, it has been characterized by inconsistent implementation, growing political divergence, and a deepening reliance on externalization strategies that shift responsibility beyond the EU's borders.⁷⁷ The CEAS comprises a set of key legal instruments that regulate how asylum is granted and managed across the EU.⁷⁸ The Dublin Regulation determines the member state responsible for examining an asylum claim, typically the country of first entry into the EU.⁷⁹ While intended to prevent “asylum shopping” and duplicate claims, the regulation has placed disproportionate pressure on southern and eastern member states, particularly Greece, Italy, and Spain, creating severe procedural bottlenecks and humanitarian crises at the borders.⁸⁰ The Dublin system has been widely criticized for undermining solidarity and facilitating secondary movements due to inadequate reception conditions and procedural safeguards in frontline states.⁸¹ Proposals for reform, including the establishment of a mandatory solidarity mechanism,⁸² have repeatedly stalled amid political disagreement among member states.⁸³

⁷⁶ EUAA, *EASO Asylum Report 2020*, sec. 2.

⁷⁷ Judith Kohlenberger, “Migration Policy: European Union Increasingly Outsources Responsibility for Asylum,” *Heinrich-Böll-Stiftung*, October 15, 2024, <https://eu.boell.org/en/2024/10/15/migration-policy-european-union-increasingly-outsources-responsibility-asylum>.

⁷⁸ EUAA, *EASO Asylum Report 2020*, sec. 2.

⁷⁹ European Commission, “Member State Responsible for an Asylum Application – Dublin Regulation,” *Migration and Asylum – European Commission*, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/country-responsible-asylum-application-dublin-regulation_en.

⁸⁰ Ashley Binetti Armstrong, “You Shall Not Pass! How the Dublin System Fueled Fortress Europe,” *Chicago Journal of International Law* 20, no. 2 (2020): 332–383, accessed via Chicago Unbound, <https://cjl.uchicago.edu/print-archive/you-shall-not-pass-how-dublin-system-fueled-fortress-europe>.

⁸¹ *Ibid.*

⁸² European Parliament, “Reforming the Common European Asylum System,” *European Parliament*, June 30, 2017, <https://www.europarl.europa.eu/topics/en/article/20170627STO78418/reforming-the-common-european-asylum-system#more-solidarity-in-the-eu-with-new-asylum-and-migration-management-regulation-6>.

⁸³ Anja Radjenovic, *Reforming Asylum and Migration Management* (Brussels: European Parliamentary Research Service, May 27, 2024), [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/659316/EPRS_BRI\(2020\)659316_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/659316/EPRS_BRI(2020)659316_EN.pdf).

The Qualification Directive sets criteria for granting refugee status and subsidiary protection in line with the 1951 Refugee Convention.⁸⁴ It incorporates the principle of non-refoulement, prohibiting the return of individuals to countries where they risk persecution, torture, or inhuman or degrading treatment.⁸⁵ This directive is central to ensuring that protection standards across the EU are consistent and rights based. Additional instruments such as the Asylum Procedures Directive⁸⁶ and Reception Conditions Directive⁸⁷ govern the procedural rights of asylum seekers and their material conditions while claims are processed. These include access to legal aid, the right to remain pending appeal, housing, healthcare, and education.⁸⁸ Despite these harmonization efforts, implementation varies widely between states, leading to disparities in asylum recognition rates, detention practices, and the overall treatment of applicants.⁸⁹ The failure to uniformly apply CEAS has contributed to fragmentation within the EU's asylum system.⁹⁰ Some states have adopted restrictive interpretations of eligibility criteria or employed fast-track procedures that compromise due process, disproportionately affecting Syrian applicants whose cases may involve complex security or documentation issues.

⁸⁴ Council of the European Union, **Regulation (EU) No 604/2013** of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), *OJ L 337* (June 29, 2013): 9–26, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:337:0009:0026:EN:PDF>.

⁸⁵ *Ibid.*

⁸⁶ European Commission. “Asylum Procedures.” *Migration and Asylum – European Commission*, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/asylum-procedures_en.

⁸⁷ European Commission, “Reception Conditions for Asylum Seekers,” *Migration and Asylum – European Commission*, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/asylum-eu/reception-conditions_en. (home-affairs.ec.europa.eu).

⁸⁸ *Ibid.*

⁸⁹ Judith Kumin, “UNHCR Report Highlights Differences in the Way EU Countries Assess Asylum Applications,” March 25, 2010, <https://www.unhcr.org/news/stories/unhcr-report-highlights-differences-way-eu-countries-assess-asylum-applications>.

⁹⁰ EUAA, *EASO Asylum Report 2020*, sec. 2.

2.2 International Legal Protections: The 1951 Refugee Convention and the European Convention on Human Rights

Beyond EU law, all member states are bound by core international instruments that enshrine the rights of refugees and asylum seekers. Foremost among these is the 1951 Refugee Convention and its 1967 Protocol, which define the legal status of refugees and codify the principle of non-refoulement in Article 33.⁹¹ This principle, widely recognized as a norm of customary international law, prohibits the expulsion or return of refugees to any territory where their life or freedom would be threatened on account of a protected ground.⁹² In addition, the European Convention on Human Rights (ECHR), enforced by the European Court of Human Rights (ECtHR), provides crucial complementary protections. Article 3 of the ECHR⁹³ prohibits torture and inhuman or degrading treatment, and the ECtHR has consistently ruled that returning individuals to countries where they face such treatment constitutes a violation of the Convention, even if they do not meet the narrow definition of a refugee under the 1951 Convention.⁹⁴ These rulings underscore the principle of non-refoulement under human rights law and reinforce the legal obligation of EU states to conduct individualized risk assessments⁹⁵ before any removal or deportation, particularly in contexts like Syria where systemic human rights abuses persist.

⁹¹ UNHCR, *1951 Refugee Convention and 1967 Protocol Relating to the Status of Refugees*, <https://www.unhcr.org/sites/default/files/2025-02/1951-refugee-convention-1967-protocol.pdf>.

⁹² UNHCR, “Application of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees,” *Amicus Brief Submitted to the Human Rights Committee*, No. 201/1985, January 31, 1994, <https://www.refworld.org/jurisprudence/amicus/unhcr/1994/en/20625>.

⁹³ Council of Europe, “Convention for the Protection of Human Rights and Fundamental Freedoms (as amended by Protocol No. 15)”, August 1, 2021, <https://rm.coe.int/1680a2353d>.

⁹⁴ *A.S. v. Switzerland*, App. no. 39350/13, European Court of Human Rights (Second Chamber), June 30, 2015.

⁹⁵ *Ilias and Ahmed v. Hungary*, App. no. 47287/15, European Court of Human Rights (Grand Chamber), November 21, 2019.

In *Ilias and Ahmed v. Hungary* (2019), the Grand Chamber of the ECtHR reaffirmed that states must conduct rigorous, individualized assessments of potential risks before removing asylum seekers, particularly where there is a real risk of exposure to inhuman or degrading treatment in the destination country.⁹⁶ The Court emphasized that procedural safeguards, including access to effective remedies with suspensive effect, are essential to prevent violations of Article 3 of the European Convention on Human Rights.⁹⁷ Similarly, in *Saadi v. Italy* (2008), the Court held that even individuals suspected of terrorism cannot be returned to countries where they face a real risk of torture or ill-treatment, underscoring the absolute nature of Article 3 protections.⁹⁸ In *A.A. v. Switzerland* (2019), the Court found that Switzerland's planned deportation of an Afghan asylum seeker would have violated Article 3 as his conversion to Christianity while in Switzerland exposed him to a risk of persecution if he returned to Afghanistan.⁹⁹ In *S.K. v. Russia* (2017), the Court emphasized that authorities must consider current reports on the situation in Syria when assessing removal.¹⁰⁰ It found that indiscriminate attacks on civilian areas such as schools had caused widespread civilian harm, and reiterated its position that the general violence in Syria was so severe that deportation would violate Article 3.¹⁰¹ The Court concluded that Syrians returned to such conditions face a real risk of inhuman or degrading treatment.¹⁰² These rulings underscore the obligation of member states to consider both structural risks and individual circumstances before executing removal orders, particularly in contexts marked by widespread human rights abuses.

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

⁹⁸ *Saadi v. Italy*, App. no. 37201/06, European Court of Human Rights (Grand Chamber), February 28, 2008.

⁹⁹ *A.A. v. Switzerland*, App. no. 32218/17, European Court of Human Rights (Third Section), November 5, 2019.

¹⁰⁰ *S.K. v. Russia*, App. no. 52722/15, European Court of Human Rights (Third Section), February 14, 2017.

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*

2.3 The EU-Turkey Deal and the Trend Toward Externalization

In March 2016, the EU signed a controversial migration agreement with Turkey aimed at curbing irregular migration flows to Europe.¹⁰³ Under the EU-Turkey Statement, Turkey agreed to accept the return of all migrants and asylum seekers who crossed into Greece irregularly, in exchange for €6 billion in financial aid, visa liberalization talks, and the resettlement of Syrian refugees from Turkey to the EU on a “one-for-one” basis.¹⁰⁴ While framed as a strategy to reduce irregular crossings and save lives in the Aegean Sea, the deal effectively outsourced refugee protection responsibilities to a non-EU state with a contested human rights record. This approach has since been replicated in other contexts, including cooperation agreements with Libya,¹⁰⁵ Morocco,¹⁰⁶ Tunisia,¹⁰⁷ and Egypt,¹⁰⁸ and other transit countries, often without adequate human rights safeguards. The broader deterrence strategy underpinning these arrangements seeks to reduce arrivals by making access to protection more difficult. Such policies, including pushbacks, border fortification, and restrictive interpretations of “safe third countries”,¹⁰⁹ raised serious legal and moral concerns, particularly when applied to Syrians who were fleeing a country still experiencing persecution, instability, and state-led violence.

¹⁰³ Terry, “The EU Turkey Deal, Five Years On.”

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ “EU, Tunisia Sign Deal to Fight Illegal Migration,” *Africanews*, July 17, 2023, <https://www.africanews.com/2023/07/17/eu-tunisia-sign-deal-to-fight-illegal-migration/>.

¹⁰⁸ Ibid.

¹⁰⁹ “EU Proposes Allowing Deportation of Asylum Seekers to Third Countries,” *Reuters*, May 20, 2025, <https://www.reuters.com/world/eu-proposes-allowing-deportation-asylum-seekers-third-countries-2025-05-20/>.

3. CONDITIONS IN SYRIA AND THE RISKS OF RETURN

Despite the formal fall of the Assad regime and the consolidation of power by President Ahmed al-Sharaa, Syria remains profoundly unstable, fragmented, and unsafe for return. The notion that the country has transitioned into a “safe country” is contradicted by persistent violence, entrenched sectarianism, state-sponsored persecution, and systemic economic collapse. For many returnees, the risks are not merely hypothetical, they are immediate, documented, and severe.

3.1 Ongoing Instability and Territorial Fragmentation

Although major frontlines have largely quieted, Syria remains fractured and politically unsettled.¹¹⁰ Zones of de facto control persist across the country, with power divided among Kurdish-led forces, Islamist militias, foreign militaries, and remnants of regime-loyalist networks.¹¹¹ A landmark development came on March 10, 2025, when President Ahmed al-Sharaa and SDF Commander Mazloun Abdi signed an agreement to integrate SDF-controlled military and civilian institutions, including border crossings, oil and gas fields, and key infrastructure, into the Syrian state.¹¹² The deal was widely hailed as a potential breakthrough toward unifying the country.¹¹³ Early signs of progress included prisoner exchanges and joint management efforts in

¹¹⁰ International Crisis Group, “*The New Syria.*”

¹¹¹ Victor Tricaud, “After Assad: What Lies Ahead for Syria?,” *Control Risks*, February 10, 2025, <https://www.controlrisks.com/our-thinking/insights/after-assad-what-lies-ahead-for-syria>.

¹¹² Wladimir van Wilgenburg, “Facilitating the New SDF Agreement Is Key to Stabilizing Syria,” Washington Institute for Near East Policy, April 2, 2025, <https://www.washingtoninstitute.org/policy-analysis/facilitating-new-sdf-agreement-key-stabilizing-syria>.

¹¹³ *Ibid.*

areas like Sheikh Maqsoud and Ashrafiyah in Aleppo.¹¹⁴ However, implementation has proven slow and politically fraught.¹¹⁵

One particularly contentious issue is the transfer of control over the Tishreen Dam, a critical facility supplying power and water to parts of Aleppo and Raqqa.¹¹⁶ It has been under SDF control since it was captured from ISIS in 2015 with support from U.S. forces stationed in the area.¹¹⁷ While the SDF recently began a phased withdrawal, negotiations over operational control remain stalled.¹¹⁸ Damascus accuses the SDF of delaying handover procedures, while Kurdish officials cite a lack of security guarantees and fear that premature withdrawal could expose areas like Ayn al-Arab (Kobani) to encirclement.¹¹⁹ On April 27, 2025, Syrian army units advanced near the Tishreen Dam, violating a local agreement that had left the facility under SDF control after Turkish-backed forces withdrew.¹²⁰ Damascus also set up new checkpoints in the area, likely in response to Kurdish political demands.¹²¹ This move highlights the new government's willingness to undermine negotiated deals in its pursuit of centralized control and its broader rejection of Kurdish autonomy. Compounding these tensions is the integration of former Syrian National Army commanders into the new military structure.¹²² Figures like Mohammad al-Jasem (Abu Amsha)

¹¹⁴ “Second Phase of Prisoner Exchange Conducted in Aleppo,” *JINHA Agency*, June 3, 2025, <https://jinhaagency.com/en/actual/second-phase-of-prisoner-exchange-conducted-in-aleppo-37087>.

¹¹⁵ International Crisis Group, “*The New Syria*.”

¹¹⁶ Samer al-Ahmed, “The Damascus–SDF Agreement Two Months On: Fragile Progress or Delayed Collapse?,” *Middle East Institute*, May 9, 2025, <https://www.mei.edu/publications/damascus-sdf-agreement-two-months-fragile-progress-or-delayed-collapse>.

¹¹⁷ Chase Winter, “Syrian Kurds Take Strategic Dam from Islamic State,” *DW*, December 26, 2015, <https://www.dw.com/en/syrian-kurds-take-strategic-dam-from-islamic-state/a-18943392>.

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ Ahmad Sharawi, “Syria’s Fragile Truce With the Kurds Is Falling Apart,” *Foundation for Defense of Democracies*, April 30, 2025, https://www.fdd.org/analysis/policy_briefs/2025/04/30/syrias-fragile-truce-with-the-kurds-is-falling-apart/#:~:text=Ahmad%20Sharawi,-Research%20Analyst&text=The%20agreement%20between%20the%20interim.deal%20is%20now%20unraveling%20%E2%80%94%20fast.

¹²¹ *Ibid.*

¹²² *Ibid.*

and Sayf Boulad, both under U.S. sanctions for abuses against Kurds, now occupy senior positions, reinforcing Kurdish fears of renewed repression under the post-Assad regime.¹²³

Broader talks on detainee exchanges¹²⁴ and military integration¹²⁵ have also encountered obstacles. While some detainees were released in initial confidence-building measures, further exchanges, including a planned swap involving over 500 individuals, remain unresolved due to disagreements over the release of high-profile figures and transparency concerns.¹²⁶ The SDF has also been accused of continuing to fortify positions and conduct operations independently, while Damascus has slowed the formation of joint command structures.¹²⁷ Commander Abdi has reiterated that full integration is only possible through a comprehensive political agreement that respects decentralized governance and guarantees the rights of ethnic and religious minorities, particularly Kurds and Druze.¹²⁸ The commander highlighted plans for pluralist governance and collaboration with religious minorities including Kurds, Christians, Alawites, and Druze.¹²⁹ He cautioned that without a power-sharing model, Syria risked sliding back into civil conflict.¹³⁰ These concerns are shared by Druze leaders and others, particularly following violence in coastal and Druze-majority areas.¹³¹

¹²³ Ibid.

¹²⁴ Rudaw, “SDF, Damascus swap nearly 500 prisoners”, *Rudaw*, June 2, 2025, <https://www.rudaw.net/english/middleeast/syria/020620251>

¹²⁵ van **Wilgenburg**, “Facilitating the New SDF Agreement.”

¹²⁶ Rudaw, “SDF, Damascus Swap Nearly 500 Prisoners.”

¹²⁷ al-Ahmed, “The Damascus-SDF Agreement Two Months On.”

¹²⁸ Sharawi, “Syria’s Fragile Truce With the Kurds Is Falling Apart.”

¹²⁹ Atilla Yeşilada, “Mazloum Abdi Breaks Silence: Ceasefire with Turkey, Dialogue with Damascus, and Vision for a New Syria,” *P.A. Turkey*, June 1, 2025, <https://www.paturkey.com/news/2025/mazloum-abdi-breaks-silence-ceasefire-with-turkey-dialogue-with-damascus-and-vision-for-a-new-syria-21168/>.

¹³⁰ Ibid.

¹³¹ Justin Salhani, “Syria’s Druze Divided as Sectarian Tensions Linger after Violence,” *Al Jazeera*, May 9, 2025, <https://www.aljazeera.com/news/2025/5/9/syrias-druze-divided-as-sectarian-tensions-linger-after-violence>.

International stakeholders, including the UN, EU, and the U.S., have cautiously welcomed the March agreement but urged both sides to accelerate negotiations and ensure minority rights are enshrined in any future constitutional framework.¹³² The U.S. withdrawal from two more bases in June 2025 further complicated the landscape, fueling Kurdish fears of being left vulnerable to either regime pressure or extremist resurgence.¹³³ All of this points to a Syria that, despite momentary gestures toward unification, remains deeply fragmented, militarized, and politically unstable.

3.2 Sectarianism and the Fragile Social Fabric

Compounding these territorial and political fractures is the enduring presence of sectarianism, which remains a powerful and destabilizing force in post-Assad Syria.¹³⁴ Over the course of the conflict, sectarian divisions were deliberately inflamed by multiple actors, including the former Assad regime, as a means of consolidating control and justifying repression.¹³⁵ As a result, the conflict has left Syria not just physically destroyed, but socially atomized.¹³⁶ Today, sectarian mistrust runs deep, often translating into de facto ethnic and sectarian enclaves.¹³⁷ The suicide bombing carried out by the little-known jihadist group Saraya Ansar al-Sunnah on June 22, 2025, targeting a Christian church in Damascus, is a stark illustration of how fragile Syria's security

¹³² van Wilgenburg, "Facilitating the New SDF Agreement."

¹³³ John Davison and Orhan Qereman, "Exclusive: US pulls out of two more bases in Syria, worrying Kurdish forces," *Reuters*, June 17, 2025, <https://www.reuters.com/business/media-telecom/us-pulls-out-two-more-bases-syria-worrying-kurdish-forces-2025-06-17/>.

¹³⁴ Frederick Deknatel et al., "Syria After Assad: A Future Beyond Authoritarian Rule," *DAWN*, May 2, 2025, <https://dawnmena.org/syria-after-assad-a-future-beyond-authoritarian-rule/>.

¹³⁵ Melani Cammett, "Insight on Syria: A Quagmire of Warring Religious Groups? Why the Western View is Misguided," *Epicenter*, September 26, 2017, <https://epicenter.wcfia.harvard.edu/blog/insight-syria-quagmire?utm>.

¹³⁶ Louisa Loveluck, Zakaria Zakaria and Salwan Georges, "The Fall of Assad's Informant State Leaves Syria Riven by Betrayals," *The Washington Post*, May 19, 2025, <https://www.washingtonpost.com/world/2025/05/19/fall-assads-informant-state-leaves-syria-riven-by-betrayals/>.

¹³⁷ Al Jazeera, "More than 10 dead in clashes near Syrian capital Damascus," *Al Jazeera*, April 29, 2025, <https://www.aljazeera.com/news/2025/4/29/sectarian-clashes-kill-13-near-syrian-capital-damascus#:~:text=Bloodshed,protection%20from%20hostile%20armed%20groups>.

situation is.¹³⁸ The attack, which killed at least 27 and injured sixty people during Sunday mass, targeted the Church of St. Thomas, located in one of Damascus's oldest Christian neighborhoods.¹³⁹ This marked the deadliest attack on Christians in Syria in over a decade.¹⁴⁰ Though the government immediately blamed the Islamic State, the truth is more complex.¹⁴¹ The attacker was reportedly linked to radical group opposed to both the Assad regime and the current reconciliation process.¹⁴² The timing of the attack, just months after the SDF-Damascus agreement, suggests an attempt to derail efforts at reintegration and to stoke sectarian tensions as a means of undermining state consolidation.¹⁴³ Christian leaders have expressed outrage, not just at the act itself but at the failure of the security services to prevent such an attack in one of the most heavily monitored parts of the capital.¹⁴⁴ The bombing has reignited fears among religious minorities that, despite regime change, sectarian violence remains an ever-present threat.¹⁴⁵

3.3 Fragmented Security

Despite the fall of the Assad regime, Syria remains deeply fragmented, with a patchwork of security services, militias, and de facto authorities exerting control over different regions.¹⁴⁶ Many

¹³⁸ Aaron Zelin, "The Damascus Church Attack: Who Is Saraya Ansar al-Sunnah?," *The Washington Institute for Near East Policy*, June 25, 2025, <https://www.washingtoninstitute.org/policy-analysis/damascus-church-attack-who-saraya-ansar-al-sunnah>.

¹³⁹ Sally Abou AlJoud, "Syria: Death toll rises to 27 in Damascus church suicide bombing," *The Middle East Eye*, June 23, 2025, <https://www.middleeasteye.net/news/syria-damascus-church-suicide-bombing-death-toll-rises>.

¹⁴⁰ Ibid.

¹⁴¹ Zelin, "The Damascus Church Attack."

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Justin Salhani, "Deadly church attack raises security fears for Syrians, minorities," *Al Jazeera*, June 25, 2025, <https://www.aljazeera.com/features/2025/6/25/deadly-church-attack-raises-security-fears-for-syrians-minorities#:~:text=Government%20faces%20scrutiny%20as%20church,safety%20for%20minorities%20in%20Syria.&text=Sunday's%20deadly%20attack%20on%20the,including%20those%20from%20minority%20groups>.

¹⁴⁶ EUAA, "Interim Country Guidance: Syria," June 2025, available at <https://euaa.europa.eu/interim-country-guidance-syria>.

of these actors retain ties to former regime networks and continue to operate with impunity.¹⁴⁷ Arbitrary detentions, forced disappearances, and acts of retribution persist, and arrests have been committed by the transitional government, SDF, and the SNA.¹⁴⁸ Security threats remain widespread.¹⁴⁹ Landmines and unexploded ordnance continue to kill and maim civilians.¹⁵⁰ In addition, violent actors opposed to the interim government are actively working to destabilize newly liberated areas.¹⁵¹ On Syria's western coast, pro-Assad loyalist militias have staged attacks on transitional authorities, triggering mass mobilizations and civilian casualties.¹⁵² Meanwhile, Israeli military actions, such as airstrikes and operations beyond the designated demilitarized zone, have exacerbated instability and inflamed sectarian tensions.¹⁵³ Transitional justice mechanisms are still in their infancy, and no unified system of accountability has been established to protect returnees or address past and ongoing abuses.¹⁵⁴ In such a precarious environment, an influx of returnees could further endanger civilians and strain fragile governance structures.

¹⁴⁷ Amnesty International, "Syria: To Guarantee Atrocities Don't Repeat, Uphold Victims' Rights," *Amnesty International Public Statement*, May 16, 2025, <https://www.amnesty.org/en/wp-content/uploads/2025/05/MDE2492102025ENGLISH.pdf>.

¹⁴⁸ Syrian Network for Human Rights (SNHR), "Monthly Report on Arbitrary Arrests, Enforced Disappearances, and Related Violations in March 2025," *SNHR*, April 10, 2025, <https://www.snhr.org/wp-content/uploads/2025/04/M250402E.pdf>.

¹⁴⁹ EUAA, "Interim Country Guidance: Syria."

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*

¹⁵² William Christou, "Syrian security forces execute 125 civilians in battle against Assad loyalists," *The Guardian*, March 7, 2025, <https://www.theguardian.com/world/2025/mar/07/death-toll-rises-syrian-security-forces-struggle-against-assad-loyalist-attacks>.

¹⁵³ United Nations, "Syria's political transition at risk due to Israeli military action, Security Council hears," *UN News*, April 10, 2025, <https://news.un.org/en/story/2025/04/1162071#:~:text=in%20Idleb%2C%20Syria.-,Syria's%20political%20transition%20at%20risk%20due,military%20action%2C%20Security%20Council%20hears&text=Recent%20military%20actions%20by%20Israel.and%20security%20can%20be%20realized.%E2%80%9D>.

¹⁵⁴ Syria Justice and Accountability Center (SJAC), "Two Months After Assad's Fall, Assad-Like Violations Are Still Being Committed in Syria," *SJAC*, February 13, 2025, <https://syriaaccountability.org/two-months-after-assads-fall-assad-like-violations-are-still-being-committed-in-syria/>.

3.4 Lack of Infrastructure and Unlivable Conditions

The destruction of Syria's physical infrastructure further complicates return. Years of aerial bombardment and ground offensives have left entire neighborhoods in ruins.¹⁵⁵ Housing remains extremely limited, with many returnees discovering their homes either destroyed or occupied.¹⁵⁶ Others face legal and bureaucratic obstacles in reclaiming property, with unresolved disputes contributing to tensions and hindering reintegration.¹⁵⁷ Basic services such as water, electricity, education, and healthcare remain largely unavailable, especially in cities like Aleppo, Homs, and parts of Damascus.¹⁵⁸ While a gas deal signed with Qatar in March 2025 aims to double electricity production, the state currently provides only two to three hours of power per day.¹⁵⁹

Meanwhile, northeast Syria faces significant obstacles to recovery.¹⁶⁰ Despite the SDF's efforts to implement more inclusive governance in parts of the region, fuel shortages, crumbling infrastructure, lack of shelter, limited healthcare access, and severe gaps in basic services persist.¹⁶¹ As these regions move toward greater integration with Damascus, many fear that central state

¹⁵⁵ Andrew England and Raya Jalabi, "'It smells of blood and barrel bombs:,'" *Financial Times*, February 20, 2025, <https://www.ft.com/content/2686ce33-1785-4e02-80c9-ac0a5deafddc>.

¹⁵⁶ Norwegian Refugee Council (NRC), "Syria: Destruction, lack of services delay safe returns within country," *NRC*, February 13, 2025, <https://www.nrc.no/news/2025/february/syria-destruction-lack-of-services-delay-safe-returns-within-country?utm>.

¹⁵⁷ Jesse Marks, "Sanctions are lifting, but Syrians still can't go home," *Middle East Institute*, June 16, 2025, <https://mei.edu/publications/sanctions-are-lifting-syrians-still-cant-go-home>.

¹⁵⁸ European Commission, "Syria: Factsheet," *Directorate-General for European Civil Protection and Humanitarian Aid Operations*, May 22, 2025, https://civil-protection-humanitarian-aid.ec.europa.eu/where/middle-east-and-northern-africa/syria_en#what-are-the-needs.

¹⁵⁹ Reuters, "Syria to sign deal to potentially double electricity supply with Qatar's UCC, others," *Reuters*, May 28, 2025, <https://www.reuters.com/world/middle-east/four-firms-including-qatars-ucc-expand-syrian-power-grid-2025-05-28/>.

¹⁶⁰ IMPACT Initiatives, "Syria: Critical Humanitarian Needs in Northeast Syria – Key Insights from the July 2024 Situation Overview," *IMPACT*, August 2024, <https://www.impact-initiatives.org/stories/syria-critical-humanitarian-needs-in-northeast-syria-key-insights-from-the-july-2024-situation-overview/>.

¹⁶¹ *Ibid.*

governance will revert to the same corruption and exclusion that fueled the original uprising, undermining progress toward inclusive, democratic institutions.¹⁶²

Syria's health infrastructure is also critically under-resourced: only 37 percent of primary care centers and 57 percent of hospitals are fully operational, and facilities lack adequate supplies and trained personnel.¹⁶³ With 14.5 million Syrians in need of food assistance, the system is unequipped to absorb additional demand from returning populations.¹⁶⁴ Economic conditions remain equally dire. Over 90 percent of Syrians live in poverty, unemployment is widespread, inflation is rampant, and the local currency has collapsed, with many relying on humanitarian aid to survive.¹⁶⁵ Since 2011, the United States has provided \$18 billion in humanitarian assistance sustaining millions of Syrians and helping to stabilize communities throughout the country.¹⁶⁶ However, under the Trump administration, much of that support was significantly reduced severely slowing aid operations.¹⁶⁷ Although some efforts have reportedly been made to reinstate portions of this funding, aid agencies have not yet received the resources needed to restart programs.¹⁶⁸ Humanitarian officials caution that the resulting service gaps could lead to new waves

¹⁶² Frederick Deknatel et al., "Syria After Assad."

¹⁶³ World Health Organization Regional Office for the Eastern Mediterranean (WHO EMRO), "WHO Calls for Urgent Support to Rebuild Syria's Health System," *WHO EMRO*, March 17, 2025, <https://www.emro.who.int/syria/news/who-calls-for-urgent-support-to-rebuild-syrias-health-system.html>.

¹⁶⁴ European Commission, "Syria: Factsheet."

¹⁶⁵ UNDP, "The impact of the conflict in Syria: a devastated economy, pervasive poverty and a challenging road ahead to social and economic recovery," *UNDP*, February 20, 2025, <https://reliefweb.int/report/syrian-arab-republic/impact-conflict-syria-devastated-economy-pervasive-poverty-and-challenging-road-ahead-social-and-economic-recovery-enar>.

¹⁶⁶ Diana Rayes, "The foreign aid freeze poses risks to US interests in Syria," *Atlantic Council*, January 31, 2025, <https://www.atlanticcouncil.org/blogs/menasource/the-foreign-aid-freeze-poses-risks-to-us-interests-in-syria/>.

¹⁶⁷ *Ibid.*

¹⁶⁸ Jesse Marks and Hardin Lang, "Beyond the Fall: Rebuilding Syria After Assad," *Refugees International*, May 2, 2025, <https://www.refugeesinternational.org/reports-briefs/beyond-the-fall-rebuilding-syria-after-assad/>.

of cross-border displacement or compel people to return prematurely to areas that remain unsafe and devastated.¹⁶⁹

3.5 Barriers to Recovery and Governance Gaps

Despite the pivotal role Syrian civil society actors played in maintaining governance and delivering services in opposition-held areas during the war, local recovery initiatives are now severely constrained.¹⁷⁰ Structural and legal barriers continue to impede Syria's reconstruction.¹⁷¹ The limited scope of current U.S. general licenses, combined with a lack of clear, public guidance from financial regulators, has led many banks, money transfer services, and other financial institutions to disengage from Syria-related transactions altogether, disrupting critical remittance flows, humanitarian aid, and essential civilian recovery efforts.¹⁷² Humanitarian organizations also face entrenched bureaucratic obstacles, including outdated requirements such as mandatory registration through the Ministry of Foreign Affairs and enforced partnerships with regime-aligned entities like the Syrian Arab Red Crescent (SARC).¹⁷³ Under the previous Assad government, a similar system was used to exert control over aid flows: nearly all international groups were required to operate under SARC or the Syria Trust for Development, both government-affiliated bodies that played a central role in coordinating humanitarian efforts.¹⁷⁴ This framework often enabled the Assad

¹⁶⁹ Ibid.

¹⁷⁰ Annie Slemrod, "Syria faces huge humanitarian challenges as it begins post-Assad era," *The New Humanitarian*, December 9, 2024, <https://www.thenewhumanitarian.org/analysis/2024/12/09/syria-faces-huge-humanitarian-challenges-it-begins-post-assad-era#:~:text=Whoever%20ends%20up%20governing%20is,at%20their%20highest%20point%20ever.&text=People%20queue%20to%20buy%20bread.Bashar%20al%2DAssad%20from%20power.>

¹⁷¹ Taylor Luck, "Syria hangs by a thread while US sanctions block reconstruction," *Wilson Center*, March 14, 2025, <https://www.wilsoncenter.org/article/syria-hangs-thread-while-us-sanctions-block-reconstruction>.

¹⁷² Marks and Lang, "*Beyond the Fall*."

¹⁷³ Human Rights Watch (HRW), "Syria: New Government Restricts Aid Operations," *HRW*, May 12, 2025, <https://www.hrw.org/news/2025/05/12/syria-new-government-restricts-aid-operations>.

¹⁷⁴ Ibid.

regime to channel assistance according to political priorities rather than humanitarian need, undermining the impartiality of aid delivery and limiting access to vulnerable communities. These constraints have increased operational costs and delayed the delivery of aid.¹⁷⁵ At the same time, key government bodies such as the Office of Humanitarian Action & Coordination and the Ministry of Foreign Affairs have yet to establish transparent, consistent communication channels with international partners, leaving humanitarian efforts fragmented and under-resourced, particularly in key return areas like Homs, Hama, Aleppo, and Damascus.¹⁷⁶ Moreover, legislative sanctions such as the Caesar Act continue to exert a chilling effect on humanitarian engagement.¹⁷⁷ The absence of targeted exemptions for early recovery work and essential civilian sectors has fostered widespread legal uncertainty and overcompliance.¹⁷⁸ International funding for reconstruction remains slow to materialize, while investor confidence is undermined by persistent instability, a weak rule of law, and systemic corruption.¹⁷⁹

Although the UNHCR has established an Operational Framework¹⁸⁰ to support mass return, offering transportation assistance, counseling, and resource coordination, returnees, including those on temporary “go-and-see” visits, are often met with a far harsher reality.¹⁸¹ The interim government, despite its stated commitment to reintegration, lacks the material capacity to absorb

¹⁷⁵ Marks and Lang, “*Beyond the Fall*.”

¹⁷⁶ Ibid.

¹⁷⁷ HRW, “Questions and Answers: How Sanctions Affect the Humanitarian Response in Syria,” *HRW*, June 22, 2023, <https://www.hrw.org/news/2023/06/22/questions-and-answers-how-sanctions-affect-humanitarian-response-syria>.

¹⁷⁸ Ibid.

¹⁷⁹ Bilal Mahli, “*Syria’s Post-Conflict Recovery: Challenges and Prospects for Reconstruction and Stability*,” *Policy Center for the New South*, April 11, 2025, <https://www.policycenter.ma/publications/syrias-post-conflict-recovery-challenges-and-prospects-reconstruction-and-stability#:~:text=Economically%2C%20Syria%20faces%20a%20monumental,inclusive%2C%20and%20sovereign%20Syrian%20state>.

¹⁸⁰ UNHCR, “*Operational Framework: Voluntary Return of Syrian Refugees and IDPs*,” UNHCR, February 6, 2025, <https://www.unhcr.org/media/2025-operational-framework-voluntary-return-syrian-refugees-and-idps>.

¹⁸¹ Samuel Davidoff-Gore, “The Long Horizon of Returns to Syria,” *Georgetown Journal of International Affairs*, April 30, 2025, <https://gija.georgetown.edu/2025/04/30/the-long-horizon-of-returns-to-syria/>.

a large influx.¹⁸² The infrastructure gaps noted above are compounded by broader systemic weaknesses, including a non-functional welfare system and the absence of local safety nets.¹⁸³ Moreover, the absence of transparency in the reconciliation process, coupled with the failure to vet government officials, military leaders, and other appointed figures implicated in serious crimes, including those committed after Assad’s fall, leaves returnees vulnerable to renewed cycles of violence and abuse.¹⁸⁴ In this context, the removal of Assad has not yet produced the structural, legal, and economic conditions necessary to ensure safe, voluntary, and dignified return. Without meaningful reforms, comprehensive security guarantees, and substantial investment in state-building and public services, displaced Syrians remain trapped between exile and the dangers of premature return.

3.6 Syria Fails to Meet “Safe Country” Standards

Under both the EU Asylum Procedures Directive and broader principles of international refugee law, the designation of a country as “safe” requires that individuals will not face persecution, serious harm, or systematic rights violations upon return. Syria, by all meaningful measures, fails this test. The March 2025 agreement between the government and the SDF may represent a step toward national reconciliation, but its fragile implementation, the unresolved disputes over infrastructure and security, and the resurgence of extremist attacks show that Syria is still a country at war with itself. Any blanket assumption that Syria has now become a “safe country” is not only factually unsound, but also legally indefensible. The principle of non-refoulement, a cornerstone

¹⁸² Ibid.

¹⁸³ Marks and Lang, “*Beyond the Fall*.”

¹⁸⁴ Amnesty International, “Syria: New government must prioritize justice and truth measures to prevent further abuse,” *Amnesty International*, May 16, 2025, <https://www.amnesty.org/en/latest/news/2025/05/syria-new-government-must-prioritize-justice-and-truth-measures-to-prevent-further-abuse/>.

of refugee protection, prohibits states from returning individuals to places where they face a real risk of serious harm. Syria, in its current state, clearly meets that threshold.

4. THE EU’S ASYLUM SUSPENSIONS AND LEGAL BREACHES

Despite international legal clarity and Syria’s persistent instability, a number of European Union member states have moved toward halting or reversing protections for Syrian asylum seekers. These developments not only violate the legal frameworks governing refugee protection but also threaten to normalize premature and unsafe returns.

4.1 International Legal Framework

Under international law, particularly the 1951 Refugee Convention and its 1967 Protocol, the principle of non-refoulement is non-negotiable: no state shall return a person to a country where they face a risk of persecution, serious harm, or threats to life and freedom.¹⁸⁵ This principle is foundational to EU asylum policy¹⁸⁶ and has been consistently upheld by the Court of Justice of the European Union (CJEU) and the ECtHR. In a 2024 landmark decision, *CJEU Case C-406/22 (CV v. the Ministry of the Interior of the Czech Republic, Department of Asylum and Migration Policy)*, the Court clarified that a third country cannot be designated as a “safe country of origin” unless safety is ensured throughout its entire territory.¹⁸⁷ Partial or regional safety does not meet the legal threshold under Article 37 of Directive 2013/32/EU, which requires such designations to apply uniformly across the full territory of the country in question.¹⁸⁸ This ruling significantly

¹⁸⁵ UNHCR, “1951 Refugee Convention and 1967 Protocol.”

¹⁸⁶ EUAA, “Box 4. The principle of non-refoulement,” *Asylum Report 2024*, June 2024, <https://euaa.europa.eu/asylum-report-2024/box-4-principle-non-refoulement>.

¹⁸⁷ *CV v. the Ministry of the Interior of the Czech Republic, Department of Asylum and Migration Policy*, C-406/22, Court of Justice of the European Union (Grand Chamber), October 4, 2024.

¹⁸⁸ *Ibid.*

impacts how EU member states assess asylum applications from countries like Syria, where power is fragmented and conditions vary widely. While Syria now operates under a new transitional government led by President Ahmed al-Sharaa, who has issued some public guarantees of protection, the situation remains highly volatile. There is little evidence that these guarantees are being consistently implemented, and for many returnees, the new administration may simply represent a change in leadership rather than a meaningful end to the risks of persecution. In fact, in the absence of functioning legal institutions and amid continued reports of arrests, instability, and sectarian violence, it remains unclear whether returnees will be safe if returned.

While the ECtHR does not mandate this same standard, it requires that returns comply with Article 3 of the ECHR, which prohibits torture and inhuman or degrading treatment.¹⁸⁹ This assessment must consider both the general country conditions in the country of origin and the specific circumstances of the individual, emphasizing a case-by-case evaluation.¹⁹⁰ This was reaffirmed in the 2022 decision of *Akkad v. Turkey* (Application no. 1557/19), a case concerning the forcible return of a Syrian national from Turkey to Syria despite his protected status.¹⁹¹ After being arrested near the Turkish-Greek border, Akkad was transported, handcuffed and under duress, across the country and forced to sign documents without access to legal counsel or interpretation.¹⁹² He was then deported to Syria through the Bab al-Hawa crossing, where he was immediately apprehended by members of Jabhat al-Nusra, a jihadist group with direct ties to al-Qaeda, blindfolded, and interrogated in a building believed to be in Aleppo.¹⁹³ Akkad described being beaten and living in

¹⁸⁹ Femke Vogelaar, “Principles Corroborated by Practice? The Use of Country of Origin Information by the European Court of Human Rights in the Assessment of a Real Risk of a Violation of the Prohibition of Torture, Inhuman and Degrading Treatment,” *European Journal of Migration and Law* 18 (2016) 302–326.

¹⁹⁰ *Ibid.*

¹⁹¹ *Akkad v. Turkey* (Application no. 1557/19), ECtHR, June 21, 2022.

¹⁹² *Ibid.*

¹⁹³ *Ibid.*

hiding in fear for his life until he eventually re-entered Turkey and later fled to Germany.¹⁹⁴ The ECtHR ruled that Turkey had violated Akkad's rights under Article 3, finding that his return to Syria exposed him to a serious risk of inhuman and degrading treatment and that the deportation lacked procedural safeguards.¹⁹⁵ This case is especially relevant given that Syria today remains deeply fragmented and unstable. While new leadership under President al-Sharaa has pledged reforms, his previous affiliation with HTS¹⁹⁶, formerly Jabhat al-Nusra,¹⁹⁷ only heightens fears among returnees and international observers. HTS, despite a 2017 rebranding to distance itself from al-Qaeda, continues to espouse Salafi-jihadist ideology and is still a U.S.-designated Foreign Terrorist Organization.¹⁹⁸ The Akkad case illustrates the very real risks faced by those forcibly returned, particularly when extremist groups are still present in swaths of territory and state authority remains weak or contested. As such, both the CJEU and ECtHR frameworks suggest that Syria, even under its transitional government, cannot currently be deemed a "safe country of origin", whether partially or wholly, and any policy of return risks violating binding international legal standards.

4.2 Premature Policy Shifts Across the EU

Several EU countries, following the formal collapse of the Assad regime and the rise of Al-Sharaa, hastily moved to pause or restrict asylum procedures for Syrians.¹⁹⁹ Rather than evaluating

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ Mackenzie Holtz, "Examining Extremism: Hayat Tahrir Al-Sham (HTS)," *CSIS*, August 3, 2023, <https://www.csis.org/blogs/examining-extremism/examining-extremism-hayat-tahrir-al-sham-hts>.

¹⁹⁷ Ibid.

¹⁹⁸ Christopher Blanchard, "Syria: Transition and U.S. Policy," *Congressional Research Service*, March 11, 2025, <https://www.congress.gov/crs-product/RL33487>.

¹⁹⁹ Ashifa Kassam, "UK and other European states suspend Syrians' asylum applications," *The Guardian*, December 9, 2024, <https://www.theguardian.com/uk-news/2024/dec/09/uk-and-other-european-states-suspend-syrians-asylum-applications>.

conditions on the ground based on legal standards, these states appear driven by political and anti-migration motives. Germany, for example, as of December 2024 halted the processing of over 47,000 Syrian asylum applications, citing security improvements.²⁰⁰ However, Germany has not announced active deportations.²⁰¹ Many Syrians already living in Germany are integrated into society and forcibly returning them would undo years of community-building and humanitarian progress. Austria suspended family reunification procedures²⁰² and announced plans to promote so-called “voluntary” returns.²⁰³ As part of this initiative, the government began offering Syrian refugees a €1,000 incentive to return to Syria, framing the payment as a reintegration bonus for those choosing to repatriate.²⁰⁴ Though details remain vague, the shift has created uncertainty for countless families.²⁰⁵ In the Nordic region, Sweden, Denmark, Norway, and Finland all issued broad freezes on Syrian asylum claims, citing the need for updated security assessments.²⁰⁶ France temporarily paused the processing of several hundred cases under review by the French Office for the Protection of Refugees and Stateless Persons, the national agency responsible for granting refugee and subsidiary protection status.²⁰⁷ Meanwhile, countries such as Belgium, Italy, Greece, Cyprus, Croatia, Czechia, and Malta followed suit, adopting similar measures to pause asylum evaluations until the implications of Syria’s political transition could be more clearly assessed.²⁰⁸

²⁰⁰ Shankar, “Why Is Europe Pausing Syrian Asylum Claims?”

²⁰¹ Ibid.

²⁰² The New Arab, “Austria to stop refugee family reunifications in EU first,” *The New Arab*, March 27, 2025, <https://www.newarab.com/news/austria-stop-refugee-family-reunifications-eu-first#:~:text=Austria%20will%20pause%20family%20reunification,to%20stop%20all%20new%20entries>.

²⁰³ Francois Murphy, “Austria offers Syrian refugees 1,000 euros to return home,” *Reuters*, December 13, 2024, <https://www.reuters.com/world/austria-offers-syrian-refugees-1000-euros-return-home-2024-12-13/>

²⁰⁴ Ibid.

²⁰⁵ Shankar, “Why Is Europe Pausing Syrian Asylum Claims?”

²⁰⁶ Associated Press, “Germany and other European countries suspend decisions on Syrians’ asylum bids after Assad’s fall,” *AP News*, December 9, 2024, <https://apnews.com/article/europe-germany-syria-asylum-applications-77dd377a62cbfee8f47e781581678cbc>.

²⁰⁷ Ibid.

²⁰⁸ European Commission, Several EU Countries Temporarily Halt Asylum Processing for Syrians Amid Uncertainty, January 30, 2025, <https://ec.europa.eu/newsroom/home/items/866884/en>.

The Netherlands issued a six-month moratorium²⁰⁹ on all Syrian asylum decisions, with limited exceptions, and the United Kingdom, though no longer an EU member, paused more than 6,000 claims²¹⁰ while it monitored developments inside Syria.

These measures, while framed by governments as temporary and precautionary, were met with strong criticism from international organizations and human rights groups.²¹¹ The UNHCR²¹² and the International Organization for Migration²¹³ both cautioned that Syria remained unsafe for return. Despite the fall of the Assad regime, the country continued to face deep insecurity, fragmented governance, and a lack of basic infrastructure necessary to support the return of displaced persons.²¹⁴ Critics also noted that many EU decisions appeared politically motivated, coinciding with increased pressure from far-right parties and growing anti-immigrant sentiment across the continent.²¹⁵ The suspension of asylum procedures effectively placed thousands of

²⁰⁹ Netherlands Times, “Netherlands Freezes Syrian Asylum Application Decisions for Six Months,” *NL Times*, December 9, 2024, <https://nltimes.nl/2024/12/09/netherlands-freezes-syrian-asylum-application-decisions-six-months>.

²¹⁰ Matt Dathan, “UK suspends all Syrian asylum claims,” *The Times*, December 9, 2024, <https://www.thetimes.com/world/middle-east/article/german-right-pushes-for-return-of-syrian-refugees-skx5w0nwm>.

²¹¹ Human Rights Watch, “EU Migration Policies Fuel Abuses Across Borders,” *Human Rights Watch News*, January 16, 2025, <https://www.hrw.org/news/2025/01/16/eu-migration-policies-fuel-abuses-across-borders>.

²¹² UNHCR, “*Syria Situation Crisis – Prioritized Response*” (Geneva: UNHCR, December 2024), <https://www.unhcr.org/sites/default/files/2024-12/Syria%20Situation%20Crisis%20-%20Prioritized%20Response.pdf>.

²¹³ International Organization for Migration (IOM), “Statement Delivered by IOM Director-General Amy Pope at United Nations Media Briefing, Geneva,” December 22, 2024, <https://syria.iom.int/news/statement-delivered-iom-director-general-amy-pope-united-nations-media-briefing-geneva>.

²¹⁴ Gabriel Garroum Pla, “Refugee Return and the Future of Syria Post-Assad,” *European Institute of the Mediterranean*, 2025, <https://www.iemed.org/publication/refugee-return-and-the-future-of-syria-post-assad/>.

²¹⁵ Emily Rauhala, Anthony Faiola, and Karla Adam, “Migration Debate Pushes Europe to the Right as Attitudes Harden,” *The Washington Post*, December 20, 2023, <https://www.washingtonpost.com/world/2023/12/20/eu-migration-deal/>.

Syrians in legal limbo, many of whom had already fled persecution or war, while governments recalibrated their policies in response to an uncertain and still-volatile post-Assad Syria.²¹⁶

4.3 Legal and Ethical Imperatives for the EU

The European Union's recent actions concerning Syrian asylum claims raise serious legal and ethical concerns. Under international refugee law, particularly as outlined in the UNHCR Handbook on Voluntary Repatriation, returns must meet three essential criteria: they must be voluntary, safe, and dignified.²¹⁷ A voluntary return requires that the individual's decision is made freely and without coercion, such as the revocation of legal status or access to essential services.²¹⁸ Safety demands the absence of risks such as persecution, arbitrary detention, or violence, protection from landmines, and the presence of basic services like housing, healthcare, and education.²¹⁹ Dignity means returnees are treated with humanity, are not stigmatized or punished, and are given the opportunity for meaningful reintegration.²²⁰ At present, these conditions are not fulfilled in Syria. Furthermore, under the 1951 Refugee Convention, the cessation of refugee status is only permissible when a fundamental and durable change occurs in the country of origin.²²¹ Syria's continued fragmentation, the absence of constitutional reform, and the persecution of minority groups clearly demonstrate that this threshold has not been met.

²¹⁶ Fabienne Rorke, "An Enduring Limbo: Europe's Decision to Pause Syrian Asylum Applications," *Arab Renaissance for Democracy & Development*, January 7, 2025, <https://ardd-jo.org/blogs/an-enduring-limbo-europes-decision-to-pause-syrian-asylum-applications/>.

²¹⁷ UNHCR, "Operational Framework."

²¹⁸ Ibid.

²¹⁹ UNHCR, "Voluntary Repatriation and Return," *UNHCR Help Georgia*, <https://help.unhcr.org/georgia/voluntary-repatriation-and-return/>.

²²⁰ Ibid.

²²¹ Yasmeen Siddiqui, "Reviewing the application of the Cessation Clause of the 1951 Convention relating to the status of refugees in Africa," *Refugee Studies Centre*, August 2011.

What is unfolding across the EU is not a principled reassessment of protection needs but rather a politicized shift away from individualized refugee determinations toward blanket, deterrence-driven migration control. Generalized assertions that Syria is now “safe” have been used to freeze, suspend, or revoke protections, despite overwhelming evidence to the contrary. This approach risks legitimizing returns to a country that remains a source of displacement, where many regions are unsafe due to violence, instability, or a complete lack of infrastructure. The narrative that Syria is ready for large-scale returns, safe, voluntary, and dignified, is not only premature but demonstrably false.²²² More broadly, these actions undermine the EU’s reputation as a region committed to the rule of law and human rights.²²³ If liberal democracies with established legal systems are willing to sidestep international protections for political convenience, it sets a dangerous global precedent that may be mirrored by countries with far weaker commitments to human rights.

The EU must be held accountable to its legal obligations. Blanket halts to asylum processing and indirect pressures on Syrians to return contravene both the letter and the spirit of international law.²²⁴ Future asylum policies must be grounded in an honest appraisal of conditions in Syria, a genuine commitment to refugee protection, and adherence to the legal frameworks that have long guided the international community. Rather than rushing to declare Syria safe, the EU should focus on promoting inclusive governance within Syria and bolstering humanitarian support for neighboring host countries. It should also expand protection pathways for vulnerable Syrians and reaffirm the non-refoulement principle as inviolable. By doing so, Europe would not only fulfill

²²² UNHCR, “*Syria Situation Crisis*.”

²²³ Varma and Roehse, “Understanding Europe’s Turn on Migration.”

²²⁴ Euro Med Human Rights Monitor, “Europe: Thousands of Syrian Lives on Hold amid Asylum Application Freeze,” *Euro-Med Monitor*, April 16, 2024, <https://euromedmonitor.org/en/article/6706/Europe:-Thousands-of-Syrian-lives-on-hold-amid-asylum-application-freeze>.

its legal responsibilities but also reclaim its moral leadership in an increasingly cynical global asylum landscape.

5. CONSEQUENCES AND THE PATH FORWARD

The rapid shift in European Union asylum policy following the collapse of the Assad regime, particularly the premature designation of Syria as “safe” and the widespread suspension of refugee protections, has triggered profound legal, humanitarian, and geopolitical consequences. These developments have unfolded amid a fragile transitional process within Syria, a patchwork of international engagement, and growing fragmentation among EU member states on how to respond. For thousands of Syrian asylum seekers across Europe, the consequences have been immediate and deeply destabilizing. Countries such as Denmark and Austria have frozen asylum processing or withdrawn protection, while others like Germany have paused decisions on tens of thousands of pending claims. This policy shift has left many Syrians in limbo, trapped in precarious legal statuses that often strip them of access to work, healthcare, education, and family reunification. The constant threat of deportation, especially for those who have already experienced torture, forced conscription, or arbitrary detention, has inflicted severe psychological harm. Mental health professionals and advocacy organizations report alarming spikes in anxiety, depression, and post-traumatic stress disorder, with children and survivors of trauma disproportionately affected.

Regionally, the humanitarian fallout is equally troubling. The erosion of individualized asylum reviews in Europe risks violating the core international protection principle of non-refoulement. Increasingly, Syrians are coerced into so-called “voluntary” returns under threat of deportation or loss of essential services, in direct contravention of international norms and UNHCR guidance.

This not only exposes returnees to significant danger in a country still marred by insecurity and weak institutions but also transfers the burden onto frontline host countries, Lebanon, Jordan, and Turkey, which already face severe strain and mounting domestic resistance to hosting refugees. In effect, the EU is externalizing its responsibilities, compounding instability in the broader region. Legally, the EU’s retreat from case-by-case asylum adjudication in favor of sweeping designations undermines its credibility as a defender of international law. The 2025 ruling by the ECtHR against Cyprus, which awarded damages for refoulement to Lebanon, served as a stark warning: partial or localized safety in a country does not justify returns.²²⁵ Disregarding these precedents erodes public confidence in EU institutions and sends a dangerous message globally that even liberal democracies may sidestep legal obligations in favor of political expediency.

To restore compliance with international law and provide meaningful protection to Syrian refugees during this critical juncture, EU member states must adopt a principled and evidence-based approach. First, they must reaffirm the non-refoulement principle and immediately suspend all deportation proceedings against Syrians. Forced or coerced returns under current conditions are incompatible with the 1951 Refugee Convention, customary international law, and the EU Charter of Fundamental Rights. Second, asylum authorities must pause all decisions based on the “safe country” doctrine until independent assessments verify that Syria meets the threshold of durable safety, rule of law, and meaningful justice, particularly with regard to the implementation of the Damascus–SDF agreement and the status of ethnic and religious minorities. Third, EU countries must recommit to individualized review processes that account for the diverse risks faced by returnees, including women, ethnic minorities, human rights defenders, and military-aged men.

²²⁵ *M.A. AND Z.R. v. Cyprus*, App. no. 39090/20, European Court of Human Rights (Third Chamber), January 8, 2025.

Generalized assessments fail to capture these nuanced threats and violate the core tenets of refugee protection.

Fourth, the design of asylum and return policies must become more participatory by engaging civil society, refugee-led organizations, and diaspora groups. These actors not only offer critical oversight but also contribute to the development of rights-respecting reintegration frameworks rooted in lived experience. Fifth, the EU should reverse the current trend of retrenchment and expand legal protection pathways for Syrians, including resettlement for high-risk groups such as journalists and activists, humanitarian visas, family reunification mechanisms, and education- or employment-based integration schemes. Sixth, the bloc must pair refugee protection with investments in inclusive and sustainable reconstruction inside Syria. This includes support for local governance, rebuilding essential services, and advancing transitional justice. Reconstruction assistance must be structured to avoid reinforcing impunity or legitimizing war criminals. Lastly, the EU and the United States began revising their sanctions regimes in May and June 2025 in recognition of their unintended humanitarian consequences.²²⁶ These revisions include new exemptions for financial transactions related to food, medical supplies, and infrastructure repair; authorization of energy-sector engagement with local councils; and a waiver system allowing NGOs and UN agencies to procure goods and access local banking without risking sanctions violations.²²⁷ Civil aviation and logistics restrictions have also been eased to facilitate humanitarian delivery and post-conflict rebuilding.²²⁸

²²⁶ Tamer A. Soliman et al., “Lifting of Sanctions on Syria by the United States, European Union, and United Kingdom,” *Mayer Brown LLP*, May 28, 2025, <https://www.mayerbrown.com/en/insights/publications/2025/05/lifting-of-sanctions-on-syria-by-the-united-states-european-union-and-united-kingdom>.

²²⁷ U.S. Department of the Treasury, Office of Foreign Assets Control, “Frequently Asked Questions on Sanctions and Related Designations,” *OFAC*, accessed July 1, 2025, <https://ofac.treasury.gov/faqs/added>.

²²⁸ *Ibid.*

While targeted sanctions on individuals implicated in war crimes remain essential, broader overcompliance and opaque licensing regimes must not be allowed to paralyze legitimate reconstruction or governance efforts.²²⁹ If the international community expects the new Syrian government to deliver stability and accountability, it must ensure that these institutions have the resources and space to function.²³⁰ While lifting U.S. and EU sanctions is a positive first step, it must be paired with broader diplomatic engagement, increased investment, and sustained humanitarian support.²³¹ Upholding legal obligations, rejecting coercive returns, and committing to rights-based recovery would not only protect vulnerable Syrians, but also reestablish the EU as a principled actor in a global refugee system under immense strain. To demand accountability, protect human rights, and foster durable return, the Syrian interim authorities need more than political rhetoric. They need functioning institutions and that requires access to resources and international engagement.

6. CONCLUSION: A CRITICAL TEST OF EUROPEAN VALUES

The evolving discourse on Syrian refugee returns following the fall of the Assad regime presents not only a legal and humanitarian crisis, but also a profound moral reckoning for the European Union. As this paper has shown, Syria remains unstable, fragmented, and unsafe, despite ongoing political agreements and the cautious optimism surrounding the Damascus-SDF rapprochement. The country is far from meeting the thresholds of safety, justice, and institutional reform required under international law to justify returns. Yet several EU member states have already begun

²²⁹ Marks and Lang, “*Beyond the Fall.*”

²³⁰ Nuran Erkul and Ata Ufuk Seker, “Restoring Trust: Building Institutions to Speed up Syria’s Reconstruction,” *Anadolu Agency*, December 25, 2024, <https://www.aa.com.tr/en/middle-east/restoring-trust-building-institutions-to-speed-up-syria-s-reconstruction/3433988>.

²³¹ Delaney Soliday and Kate Johnston, “How to Kick-start Syria’s Reconstruction,” *The National Interest*, May 29, 2025, <https://nationalinterest.org/blog/middle-east-watch/how-to-kick-start-syrias-reconstruction>.

reversing or freezing protection for Syrians, citing an alleged shift in conditions that has yet to materialize in any comprehensive or verifiable way. These premature declarations of safety do not reflect the lived reality of displaced Syrians or the current state of the Syrian legal and political landscape. Rather, they reveal a dangerous tilt toward politicized migration management, one that privileges deterrence over protection, expedience over principle.

This shift undermines decades of international refugee jurisprudence. It erodes legal norms around non-refoulement and weakens the credibility of the European human rights regime. Most alarmingly, it abandons vulnerable individuals to potential retribution, abuse, or destitution under the guise of post-conflict transition. The legal framework anchored in the 1951 Refugee Convention, the EU Charter of Fundamental Rights, the jurisprudence of the ECtHR and CJEU, and UNHCR guidance on Voluntary Repatriation remains unequivocal: returns must be safe, voluntary, and dignified, and they must be rooted in durable and systemic change on the ground. The implications go far beyond Syria. If the EU allows political expediency to erode its commitment to refugee protection in this case, it sets a precedent that could reverberate globally, legitimizing premature returns in other contexts, weakening the international protection regime, and empowering authoritarian regimes to pressure refugees into involuntary repatriation.

The way forward must be grounded in international law, human dignity, and fact-based policymaking. This means reaffirming the absolute prohibition of refoulement under international and EU law; freezing deportation procedures and halting the designation of Syria as a safe country of origin; restoring individualized asylum assessments and guaranteeing protection for those still at risk; involving Syrians both refugee communities and diaspora experts in the design and monitoring of return frameworks; supporting inclusive political transition in Syria through

sustained diplomatic engagement, transitional justice initiatives, and reconstruction assistance; and revisiting the scope and impact of sanctions to ensure that efforts to uphold human rights do not simultaneously obstruct institutional recovery or civilian survival.

The recent steps taken by the EU and U.S. to relax certain sanctions, particularly those obstructing humanitarian access and basic reconstruction, are promising. They recognize that sanctions must be smart, targeted, and calibrated to support, not hinder, the stabilization of post-conflict societies. But more work remains. Lifting the chilling effect on international aid and local governance is necessary to create conditions under which genuine voluntary return might one day be possible. Ultimately, Europe's response to Syrian refugee protection in the wake of regime change will define its moral standing and global influence for years to come. This is a moment to lead with integrity, not fear of upholding the rights of the displaced, rather than shifting the burden to exhausted host states or fragile regions. The international community has a responsibility not only to refugees, but to the future of Syria itself. A safe, just, and united Syria cannot be built on coerced returns or legal shortcuts. It must be shaped by inclusive governance, accountability, and a shared commitment to human dignity. The road to repatriation may be long, but it must be paved with trust, not fear, with law not expedience. If the EU truly seeks to be a beacon of human rights and the rule of law, it must rise to this challenge and stand firmly on the side of those who, for over a decade, have fought for safety, freedom, and the simple right to return home with dignity.