



Briefing on Migration and Asylum Seeking Movements to Turkey and Relevant Policies

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This brief is prepared by the Koç University Migration Research Program team, Ahmet İçduygu, Deniz Sert and Ayşem Biriz Karaçay, with the objectives of highlighting the phenomena of migration and asylum seeking movements to Turkey and relevant policy suggestions, and creation of an effective discussion area on these among academia, policy makers and implementers, and civil society actors in Turkey.

Migration and Asylum Seeking Movements to Turkey:

- Since the formation of the Republic, the history of Modern Turkey has staged different forms of international migration and asylum seeking movements. The emigration of non-Muslims from Turkey and the immigration of people “with Turkish descent and culture” who remained outside the borders of the country, in the initial years of the Republic, are institutionalized.
- During these years the population, migration, and settlement policies aimed at increasing the then scarce population of Turkey on the one hand. On the other hand, they aimed at homogenizing the population in pursuit of nation-state formation. Thus, during the process of nation-state building as a part of the “modernization project”, migration became the most important vehicle of the vision of formation of a new and homogeneous society.
- After the Second World War, with the contributory effect of the Cold War, migration movements of a limited number of asylum seekers and refugees were observed. Turkey had been among the signatories of the 1951 Geneva Convention Relating to the Status of Refugees, as well as the 1967 Protocol, but with inclusion of a “geographical limitation”. Thus, Turkey institutionalized that she will not grant refugee status to asylum seekers coming from non-European countries.
- Aside from the immigration of people with “Turkish decent and culture” in the first part of the 20th century as a part of the nation-state building project population movements that can be considered international migratory movements of “foreigners” to the country has been limited until the 1980’s. Following these years, the migratory movements to Turkey have come to involve a wide range of qualitatively and quantitatively different population movements. Turkey met these new migratory movements unprepared and this phenomenon did not create a significant political and social debate in the country. On the other hand, the limited and temporary arrangements and policies have evoked stern criticisms of the international community.
- Today, Turkey is a country where paths of foreign migrants and asylum seekers coming from many countries with different motives and having different religions, languages and ethnicities intersect. In this framework, Turkey is not only a country of immigration, but it is also a “*transit country*” used by foreigners who want to go to other countries.
- The current migration panorama of Turkey can be examined in three categories: 1) *irregular migration*, which involves the suitcase trade, irregular labor migration, and transit migration; 2) *regular migration*, which involves the migration of professionals, businessmen and women, students, and recently increasing

number of retired people; 3) *asylum seeking and refugee migration*, which sometimes overlaps with irregular migration.

1. *Irregular Migration*: This migration movement initially began in late 1970's with the Polish nationals coming to Istanbul for suitcase trade, and it continued with involvement of others from the USSR and Eastern European countries. It has been also observed that foreigners coming from the Middle East and North African countries, such as Iran, Iraq, Tunisia and Algeria, took part in this trade activity as well. With the collapse of the communist regimes, and the consequent easing of traveling conditions and opportunities of the market economy, suitcase trade gained more density. However, since mid-1990s there has been a significant decrease in suitcase trade. Parallel to this, nationals of the aforementioned countries have been observed to be working informally in Turkey, in sectors such as domestic services, entertainment and sex, textile, agriculture and construction. In recent years, countries such as Moldova, Ukraine, Russia, Georgia, Armenia and Romania stand out as the countries of origin of the irregular migrants who join the work force in Turkey. On the other hand, it is known that migrants coming from certain Asian and African countries, such as Iran, Iraq, Afghanistan, Bangladesh, Ghana, Nigeria and Somali are using Turkey as a transit country to cross to Europe or other developed countries. These migrants usually enter Turkey illegally with the help of human smugglers and leave or try to leave Turkey in similar ways. It is difficult to obtain adequate and reliable data for identification of the sizes and trends in irregular migration movements. An evaluation of the number of people arrested by the security forces in Turkey on the grounds of being irregular migrants, shows that this type of migration has increased sharply since mid-1990's to the beginning of 2000's, reaching an annual number of 90 000 – 100 000. Since 2001, the number of irregular migrants arrested has been on an overall trend of decrease, despite some increases observed with intervals; the number which was 83 000 in 2002, has decreased to 64 000 in 2007.

2. *Regular Migration*: It is known that there has been an increase, especially in the last twenty years, in the number of professionals, businessmen and women, and students immigrating to Turkey. According to the official data of early 2000's, approximately 150 000 - 160 000 foreign nationals live in Turkey on a residence permit. Another regular migratory flow to Turkey, which is on the increase, is retirement migration of foreigners from Europe. As a part of this migration wave, primarily Alanya but also other counties of the city of Antalya; tourism centers like Bodrum, Marmaris and Didim and their surroundings have been hosting a significant number of retired European migrants. Although it is difficult to access reliable statistics, studies done so far indicate that only in Alanya, there are 5000- 7000 resident migrants, majority of whom are German, Dutch, and Brits.

3. *Asylum Seeking and Refugee Migration*: During late 1970s and the beginning of 1980s, Turkey faced irregular migration and asylum seeking applications mostly from the Middle East and some Asian and African countries. The first major asylum seeking and refugee movement was in the late 1970s and early 1980s, with the change of regime in Iran. This was followed by the Iran-Iraq War, the occupation of Kuwait by Iraq, the Gulf War, the repressive policies of the Saddam regime, and the occupation of Iraq in 2003. In the recent years, there has been an increase in the number of asylum seekers coming from Asian and African countries. However, the geographical limitation Turkey applied in the 1951 Geneva Convention makes the situation of the asylum seekers, majority of whom are from non-European countries, difficult. The geographical limitation is a cause of serious criticisms directed at Turkey by international institutions and various countries. As an ad hoc solution, within the framework of the Regulation dated 1994, Turkey has granted "temporary asylum" to asylum seekers coming from non-European countries, and took part in the process of resettlement of those who received a refugee status, to third countries. While it is expected that the rejected asylum seekers should return to their home countries, the fact that they often remain in Turkey, work irregularly or try to pass to a third country through illegal border crossing, causes the overlap of irregular migration and asylum seeking movements. Considering the total size of different migration flows to Turkey in the last twenty-five years, it is not possible to say that the asylum seeking and refugee migration has a quantitatively substantial weight. However, the figures cannot be ignored either. Between the years 1997 – 2005, approximately 24 000 asylum applications were made to Turkey. In the recent years, there has been a decrease in the number of asylum applications to Turkey. At the end of 1990's the annual number of asylum seekers in the country amounted to 6000, and this number decreased to less than 4000 in mid-2000s. In 2007, it was about 7000, and in 2008, it increased to approximately 13 000.

The Migration and Asylum Policies of Turkey:

As a part of the nation-state building efforts which dominated the early Republic years, the migration and asylum policies were primarily based on the settlement of migrants with “Turkish culture and descent” to Turkey. This understanding within the framework of the 1934 Settlement Law (although put into a new form in 2006) still determines the rules and regulations of international migration and the settlement of migrants in Turkey.

Turkey, who has been facing a significant level of migration of “foreigners” since the 1980’s for the first time in its history, is having difficulty in regulation of this new migration environment, with the migration policies developed in the early years of the Republic. This context calls for the processes of transformation of the old migration policies and applications to the new conditions; and it stresses the urgent need for the change in the migration environment and policies which are heavily “security-based”, parallel to the dominant approach in the world; and it calls for the development of new migration policies, which consider international migration with its economical and demographic dimensions, and pay attention to the “human rights” aspect of the mobility.

In the last decade, the “unsystematic”, “flexible” and “temporary” arrangements Turkey applied have been replaced by a process of development of new migration policies and practices, which evolved as an effect of the adaptation to the European Union (EU) process and have begun to institutionalize with the coordination (and even pressure) of supra-national and intergovernmental organizations. The prevalent perspective in this process comprised of, on the one hand, focusing on especially asylum seeking and refugee movements, and on the other, primarily concentrating on irregular migration. The *National Action Plan for Asylum and Migration* is a product of this process.

As a result, **from a general perspective:**

- Turkey needs to develop comprehensive, detailed and transparent migration policies, considering a balance between the national interests of Turkey and the general migration and asylum policies accepted in the international community;
- These migration policies **should**,
 - transcend nation-state building concerns, and be in a perspective which covers current global values and focuses on the individual migrant’s human rights,
 - from the perspective of global governance, they should be developed and implemented by the stakeholders of the relevant migration, who are other related governments, international organizations and civil society actors, with an understanding of “burden-sharing” rather than “shifting-burdens”,
 - consider migration as an umbrella term and reflect the fact that the country can face different types of migration (such as temporary migration, migration for settlement, regular and irregular migration, labor migration, family reunions, asylum and refugee movements),
 - include policies in a series of different areas that include the entry of migrants to the country, residence and work permits, rights to citizenship, and other dimensions of integration.

Again, as a result, more **specifically:**

- The *National Action Plan for Asylum and Migration* should be rearranged in accordance with the general perspective mentioned above, the phenomenon of migration should be considered more comprehensively, and consequent to consideration of asylum as a part of the general concept of migration, the plan should be renamed as the “National Action Plan for Migration and Asylum”;
- The dispersed policies and arrangements about migration and asylum should be revised, and their adjustment to be in line with international standards must continue;
- In migration and asylum areas, relevant legal regulations should be developed (by amendments in the current laws or issuing of new laws); in this context, new “foreigners” and “asylum” laws should be issued as soon as possible;
- In migration and asylum areas, the relevant legal regulations must be fully implemented in administrative processes, new administrative arrangements that can be introduced to these processes should be done (for example, the serious administrative complications, which emerged in the applications of the 2004 dated Law regarding Work Permits of Foreigners, should be eliminated, and new arrangements should be made);

- The “geographical limitation”, which is the most criticized part of the asylum policies of Turkey in the international arena, should be lifted (although the concerns over Turkey becoming a buffer zone between Europe and refugee producing countries, if its membership to the EU does not take place, are understandable, this issue should be evaluated in the context of implementation of the international law and protection of rights to asylum);
- Coordination and cooperation between various state institutions, organizations and ministries who work on migration and asylum should be built and sustained, technical and financial resources must be provided for the realization of this, at the same time, training of inter-institutional and intra-institutional personnel must be given priority;
- An understanding of coordination among the central government, local governments, international organizations and international non-governmental organizations working on migration and asylum should be developed and sustained;
- A separate public institution / organ that would take on the responsibilities of issues regarding migration and asylum should be established (there is a new organization within the Ministry of Interior regarding this, however it does not yet have institutional efficiency and authority; it needs to be empowered);
- Bearing in mind that the phenomenon of migration, apart from its political, economical and social dimensions, there are also human dimensions, various activities to be carried out in order to reduce the prevalent prejudices against migrants, asylum seekers and foreigners coming to Turkey with different reasons and to enhance the culture of living together (for example, inclusion of migration and asylum topics to school curricula);
- The necessary actions should be taken for enabling the incoming migrants and asylum seekers to benefit from the basic services pertaining to human rights in the context of international law and standards, especially accommodation, work, health and education services, and for integration of these migrants and asylum seekers to the country (the international law and standards must be abided by in the guesthouse arrangements provided to asylum seekers and even illegal migrants);
- Information and data processing systems, that would demonstrate qualitative and quantitative information about the migrants, asylum seekers and refugees coming to Turkey in a sound and reliable way, should be developed, and cooperation and coordination among the relevant institutions and organizations (who gather data) should be increased.



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