



## MIGRATION POLICY OF TURKEY: SYRIAN REFUGEE CRISIS

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### ABSTRACT

*The civil war in Syria caused the appearance of the mass flow of refugees heading to neighbouring countries, such as Jordan, Iraq, Lebanon, and Turkey. Currently, according to the UN, their number reaches almost 6 million people. Considering the continuing unstable situation, it is clear that most of them will stay there for a long time, which makes it important to identify the degree of readiness of host countries to adapt such a huge number of newcomers. The largest number of them turned out to be in Turkey and, above all, in the borderline South-Eastern regions of the country with their diverse ethnic and religious composition of the population, which became a challenge for maintaining stability and sustainable development of the entire Turkish society. The article deals with historical aspects of Turkey's migration policy. As a methodological basis, we chose an analysis of normative texts that allows us to identify changes in approaches to migration policy in terms of terminology and content. It is revealed that throughout history, the country has applied the geographical principle of ranking immigrants from European and non-European regions, which was associated with the processes of the collapse of the Ottoman Empire and the influx of Turkish and Muslim population to the interior of Anatolia from the Balkan provinces. The special terminology developed over time in Turkish legislation reflects the traditions of the migration policy of the late Ottoman and early Republican periods. It is concluded that there is an urgent need for reviewing the migration policy framework, both at the conceptual and institutional levels.*

The events of recent years have radically changed the nature and direction of migration flows in the Middle East and

Mediterranean regions, and the growth of instability and open military clashes led to the emergence of ten thousands of



refugees, internally displaced persons and illegal migrants. Not last of all, this also affected the Republic of Turkey, for a long timewhich is the main supplier of labor migrants to the countries of Western Europe, and today has become one of the largest host countries. Thus, the number of foreign number of foreign citizens on Turkish territory increased from 100,000 in 2008 to 275,000. in 2013, and with the aggravation of the situation in Syria, the number of refugees also increased and forced migrants.

According to UN estimates, their number has increased from 175 thousand in January 2013 to 2.7 million in January 2016, and the Committee for Refugees The UN received 17% of all funding requests from Turkey for its programs, which amounted to about \$ 500 million.

It seems relevant to consider how ready Turkey is to receive such a large number of foreign citizens on its territory, given the presence of internal problems, the lack of experience in integration policy, as well as the growth of anti-immigrant sentiment in modern Turkish society. Should also consider the impact of the influx of refugees on the migration policy of the country.

### **History and current trends of Turkish migration policy**

Located at the crossroads of routes from Europe, the Middle East and North Africa and having access to the Mediterranean and Black Sea coasts, Turkey has always been the core of transit migration flows, which is largely comparable to the Arab countries of the Maghreb<sup>3</sup>. Her role is even greater increased as a result of the Arab Spring, which led to mass Syrian migration to Turkey, as a result of which in 2010, for the first time in the 50-year history of

Turkish migration, the number of arriving foreigners exceeded the number of those leaving it.

Throughout the late Ottoman and early Republican period also took place mass migrations, which was caused by the process the collapse of the empire into nation-states. According to K. Karpas, during the period from 1860 to 1922, about 4 million people migrated to Turkish territory, while 1.5 million were forced, on the contrary, to leave it. With signing Treaty of Lausanne, provided for a forced exchange of population with neighboring countries in the period from 1923 to 1926. Resettlements had a huge influence on the processes of nation-building, turning poly-ethnic Russian empire into a homogeneous republican state<sup>4</sup>. Kirishchi believes that the granting of citizenship in the early Republican period was closely associated with ethnic and religious affiliation. Yes, according to the law on citizenship in 1923, other Muslim ethnic groups could settle in Turkey: Bosnians, Albanians, Tatars. The law of 1934 confirmed this provision, formally canceled only in 2006. After the end of the Cold War period, international migration to Turkey was represented by transit flows, illegal labor immigration, mainly from the former USSR and countries of Eastern Europe, as well as a refugeeemi from Afghanistan, Iran, Iraq and various other countries in Asia and Africa. Samo Turkey's emergence as a country of mass immigration took place against the backdrop of contradictions between the interests of nation-building and the tendencies globalization and Europeanization, which, however, did not lead to the politicization of this issue.

At the same time, before the Syrian crisis, the government conducted preparatory



measures initiative to adopt a new, fairly liberal, law on the status of foreign citizens and assistance to refugees, which was supposed to cancel many previous restrictions. Such aspirations were in the spirit of the policy of harmonization of legislation certificates, in accordance with the requirements of the EU. Although Turkish migration policy has changed significantly since the beginning 2000s, in connection with obtaining the status of a candidate for accession to the EU<sup>6</sup>, still there are a number of issues that need to be radically addressed. Primarily, Turkey insists on a geographically restrictive principle of policy towards refugees, refusing to recognize as such people from non-European countries, which is in keeping with the tradition of the 1920s, when the Republic of Turkey received masses of ethnic Turkish population from the former Balkan provinces of the Ottoman Empire.

The UN Refugee Commission is even forced to periodically intervene to determine the possibilities of accommodating refugees from non-European countries in Turkish territory. However, without the guarantee of full EU membership, Turkey forced to maintain many restrictions on non-European immigration, due to fears of becoming a "buffer zone" for illegal migrants. In conditions sustainable economic growth in recent years, the country began to attract migrants from neighboring regions, often considering Turkish territory only as a temporary stop on the way to Europe. Not surprisingly, EU concerns are linked not so much with the possibility of Turkish emigration, but with the resettlement situation third-country nationals who can use Turkey as a transit country.

Visa-free policy with some neighboring countries, such as Syria, Lebanon, Iran, Egypt, etc., has given rise to serious concerns regarding reliability of Turkish border control, especially in connection with the Syrian crisis. Thus, the number of third-country nationals traveling illegally to the EU through Turkish territory, even in the pre-crisis 2011, according to the estimates of the migration services of a number of EU countries, amounted to 55,630 people.

The stumbling block was the conclusion of an agreement on readmission between Turkey and the EU. Although the Turkish government has prepared the text of an agreement with the EU on readmission in June 2012, on the terms of liberalization of the visa regime between Turkey and the EU, it requested a roadmap for a visa agreement before how the readmission arrangements will come into force. The proposed variant called Turkish dissatisfaction due to unacceptable modification requirements of the "whole refugee reception system", "changes in the visa system with regard to non-European countries" and "ratification of additional protocols of the European convention on human rights, to which not even all EU members have acceded"<sup>10</sup>.

According to Turkey, the readmission agreement and the introduction of a visa-free regime with the EU must be simultaneous. The most important step towards the harmonization of relevant legislation became the "Aliens and International Protection Act" (Law 6458) passed on April 2013 by the Turkish Grand National Assembly. His appearance can be regarded as evidence of Turkey's efforts to establish an effective migration management systems, in line with EU



standards. New law made changes to the practice of Turkish migration policy and attitude towards refugees tsam, completely replacing the 1994 Law on the Stay and Movement of Foreigners.(Act No. 5683) and amending the provisions of the Passport Act of 1950 (Act No. 5682). It was planned to create a General Directorate of Migration services under the auspices of the Ministry of Internal Affairs, which is a civilian expert institution that regulates migration and international protection issues. According to the law of adaptation migration of immigrants and refugees is supposed to be facilitated through language courses and information campaigns.

However, the division of refugees into "European" and "non-European" it didn't work. Thus, persons falling under the definition of refugees under the Convention 1951, but related to persons from non-European countries, received the status of "conditional foot refugee." This Turkish legal term was introduced to separate different types of refugees, depending on the country of origin. Such a status provided fewer rights and opportunities compared to a full-fledged refugee status, since in this case there was no possibility long-term integration into Turkish society, which means that such persons were not subject to under the family reunification law.

### **The problem of access to citizenship**

When considering the problem of access to citizenship, an important question is about terminology. The 2006 law defined immigrants as persons who are "Turkish by origin and belonging to Turkish culture, who arrived to Turkey individually or as part of a group for the purpose of settling...". In modern In Turkish, the word

immigrant (göçmen) is a derivative of from the verb "göçmek" or from its obsolete form "köçmek", using - Xia to indicate a change of residence. In the Ottoman language, similar a key role was played by the phrase "hicret etmek", and people who changed their place residence were called "muhacir." Thus, "göçmen" and "muhacir" have a similar meaning and are called simultaneously emigrants, immigrants and migrants. However, these terms are not used in modern Turkish. in such a broad sense. Thus, "muhacir" is used in a historical context as the immigration of persons of Turkish origin or Muslims to the Ottoman empire, and "göçmen" is used in modern texts of official business and colloquial styles to refer to immigrants of Turkish origin.

This applies equally to people with and without citizenship.We can say that the term "göçmen" indicates a privileged position this category of persons from the point of view of the simplified naturalization procedure to which foreigners of non-Turkish origin are not entitled. Therefore, immigrants without Turkish roots and culture (yabancı - lit. someone else's) are considered separately and "cause to a certain degree of fear- in terms of Turkish identity"<sup>12</sup>. These categories of immigrants and refugees in Turkey are more likely than in EU countries to experience difficulties in obtaining citizenship, since the conditions for applicants differ more demanding and significant restrictive measures. Citizenship applicants face tougher requirements and must prove fluency in Turkish, intention to settle in Turkey, good moral character, independence from social payments and the absence of a threat to public order, security and well-being. To





prove this, they must go through an interview conducted by a specialist commission. At the same time, in Turkey, unlike many countries where testing for citizenship, there is no prior access questions or training materials to prepare for the interview.

### **Anti-discrimination legislation**

Turkish legislation does not contain the concept of integration of immigrants and immigrants, and in comparison with most European countries, Turkey has no anti-discrimination legislation with clear definitions, scope application and prescribed enforcement procedures. country so far did not sign the 1990 UN Convention on the Protection of the Rights of All Foreign Workers and members of their families. Moreover, until 2003 there was a law in force prohibiting the practice 72 professions for non-Turkish citizens. Also missing any specialized agency for equality and anti-diversion discriminatory conditions for all residents, and all such issues are regulated only the Constitution, the norms of international law and individual legislatures nye provisions in the areas of employment and education. Doesn't exist either legal support on these issues from the Constitutional Court.

The adoption of such legislation, as well as the establishment of the Council for Equality discussed since 2010. In employment and compliance with the law, as a discrimination of the national factor, civil affiliation is not considered, but only linguistic, racial, gender and religious. Social security, access to home ownership and health care are areas that are generally not considered are considered as an area of possible discrimination.

From a formal point of view, civil, criminal and administrative the courts are open to

all cases of this kind. However, these methods of conflict resolution are ineffective without the presence of specific anti-discrimination mechanisms, required by EU law. So far, procedurally, the Turkish judicial practice shifts the burden of proof of harassment onto the plaintiff's shoulders, which has already been abandoned in most countries. However, potential victims discrimination must assert their rights alone, without the participation of wrongdoing government organizations, that is, without the help of a specialized structure, which is generally unacceptable from the position of the EU. In practice, without official work permits, refugees often face the closeness of the Turkish labor market to unregistered bathroom persons. As a rule, this forces them to go to low-paying jobs.

At one time, from the leadership of the ruling Justice and Development Party (AKP) even promised to consider amendments to the legislation, however this applied only to the provinces with the largest number of refugees, primarily in the southeastern part of the country. For example, in Kilis, refugees account for 59% of the population, in Gaziantep - 10.5%, in Sanliurfa - 10%, in Hatay - 9% and in Mardin -6%. At the same time, the unemployment rate in southeastern Turkey reaches 14.5%, being the highest in the country, and therefore even a limited resolution to work for refugees can cause negative perceptions on the part of local nego population.

Finally, Turkey has an extremely weak position in the field of education. in relation to the tasks of the integration process. Thus, Turkey restricts access migrant children in schools and hardly provides any targeted support and



intercultural interaction. Even the children of legal migrants and refugees are not always able to fulfill their the right to education. Turkey's programs to support low-income Private families, in principle, apply to all residents, however, as a rule, they are rarely used by immigrants, due to poor knowledge of the Turkish language. Wherein no national policy related to changes in this area, side of the Ministry of Education is not maintained. So the refugee children can get a chance to attend primary school only as a result of a special administrative decision in some provinces. However, there are no standard criteria for assessing the learning skills and language of migrants before the start of training, and schools do not receive targeted funding and professional support, according to the specific needs of migrant children. Besides, and the immigrant communities themselves are not encouraged by the state in their efforts to teaching children the national language and culture, unlike most other countries. However, a number of measures aimed at improving this situation, implemented recently in the five southeastern provinces, which have the largest proportion of refugees. Along with

efforts aimed at facilitating reduced access to the labor market, local officials are preparing refugees for long-term residence and open schools for Syrian refugees in many southeastern provinces. In addition, the Center for the Study of Turkish and Foreign Languages Gaziantep University conducts Turkish language courses in twelve camps ryakh for refugees. Finally, seven schools for refugees were opened in Istanbul, and in Izmir, a similar decision was made back in November 2013. In addition, The government has decided to provide scholarships to 600 Syrian students whorye had to confirm only knowledge of the Turkish language and could not pass university entrance exams. Even after the adoption of the Law on Aliens and International Protection, Turkey has unfavorable indicators of integration, especially in comparison with countries Central and Eastern Europe. Immigrant workers and their families are limited in rights and practically do not receive assistance from the state. Modern state policy is not favorable for immigrants in terms of mobility in the labor market, in education and politics.

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