

# Chapter 3. The Impact of Mass Migrations on Immigration Policy of Turkey

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## Introduction

Turkey is believed to pursue a nation building process with migrations since it was established. There is consensus in the literature on this. On the other hand, migration flows have always occurred in/through Anatolia, where Turkey is located, due to its geographical location. However, Turkey has tried to manage migration influxes with separate laws and directives. But, mass influxes have induced Turkey to make a comprehensive legislation changes and eventually to establish necessary institutions to implement those new regulations. In this study, Turkish laws, regulations and directives managing migration to Turkey and existing institutions/institutional structures are examined.

## The History of Migration to Turkey

Republic of Turkey was established in October 29, 1923. Since then, Turkey has always engaged in migration. Migration, both emigration and immigration, was one of the first issues that should be handled by the new state.

After the World War I, the Ottoman Empire collapsed and Turkish people went to war for independence against the Allies and Greece. After winning the war against those states, Turkey and the Allies, also Greece, signed the Lausanne Treaty in 1923. One of the issues of this treaty was Turkish minorities in Greece and Greek minorities in Turkey. But that problem could not be solved then. Turkey established the Ministry of Population Exchange and Settlement (Mübadele İmar ve İskan Vekaleti) in 1923 and made Constitution of Turkey in 1924, adopted the Turkish Citizen Law in 1928. Meanwhile, after many negotiations, Turkey and Greece reached a compromise and they decided the exchange of their populations. Turkish and Muslim population living in Greece migrated to Turkey, and, Greek and non-Muslim population living in Turkey migrated to Greece. Greece was not the only land Turks were living but also Bulgaria was another land where many Turks were living. But it was not a problem between two states. Turkey and Bulgaria exchanged their populations in 1925. The law on Settlement was adopted in 1934. In those years, Turkey pursued nation building process as being a new state (İcduygu & Aksel, 2013, p.167-172). Actually, in those yearsö population exchanges were common between states (Weitz, 2008).

Between 1950 and 1980 period was a second term in Turkish Migration Policy. The exchange of Turkish-Greek population continued due to political conjuncture. Because of the Cyprus dispute, the relations of Turkey and Greece were strained. 1955, 1963-64 and 1974 in which years the dispute was at its peak, minorities

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migrated to their country of origin. Turkish Cypriots migrated to Turkey, Greek Cypriots migrated to Greece. Furthermore, non-Muslim population went on leaving Turkey. Following the establishment of Israel in 1948, Jewish population living in Turkey migrated to their new state during 1950's. On the other hand, Turkey became a sending country of labour force by the end of 1950s and early 1960s. Emigration of workers started in the beginning of 1960's. Turkey was eager to send its population in order to deal with increasing unemployment and get remittances. Thanks to the Labour Recruitment Agreements, Turkey sent its citizens as workers to many European countries, such as Germany, France and Netherlands. Meanwhile, Turkey signed "the Convention Relating to the Status of Refugees (1951 Convention)" in 1951 and adopted in 1961 and, also adopted "1967 Protocol" in 1968 with a "geographical limitation". So, Turkey does not admit refugees except from Europe. But, Turkey could not avoid itself from the issue, anyway, because her geographic location does not enable this. Turkey is always a transit country in migration.

Turkey went on receiving migrants from the Balkans, namely the former Yugoslavia and Bulgaria at different periods. Major waves of forced migrants from the Balkans have reached to Turkey during 1950s, 1980s and 1990s. Another group of forced migrants namely Chechens immigrated to Turkey during 1990s.

### **Turkey Becomes a Receiving Country**

In 1980s, Turkey had to engage in migration increasingly. In 1981, Turkey granted a dual citizenship by introducing a law considering Turkish people who had emigrated to other countries for working. Since 1980s Turkey began to become receiving country. In those years, political conjuncture, especially wars, influenced migration to Turkey. The Iranian Islamic revolution, the Soviet Union's invasion in Afghanistan (1979-1989) and Iran-Iraq War (1980-1988) brought about Turkey a bridge country between East and West. And, after the collapse of Soviet Union, Turkey faced with irregular migrants who came for economic reasons from former Soviet Republics.

### **Irregular Migration in Turkey**

People have migrated to Turkey because of political reasons, social, cultural and religious pressures or concern for the future war/conflict in 1990s. Those people came from Iran, Iraq, Afghanistan, Eastern Europe, Commonwealth of Independent States and Africa. Some irregular migrants use Turkey as a bridge on their route to Europe. They stay in Turkey for a while for making enough money for their journey. They are also aware of strict border controls between EU and Turkey. They know that they should get a legal status when they arrive in a destination country. Some irregular migrants come to Turkey for working and living without valid documents. Other irregular migrants are the people whose asylum application is rejected by UNHCR and they keep staying in Turkey (İcduygu & Aksel, 2012, p.28).

Even if Turkey does not admit refugees outside Europe, people who seek asylum may prefer Turkey. Since asylum seekers in Turkey are generally resettled by UNHCR rather than asylum seekers in Europe. So Turkey becomes a transit country for those people (İcduygu & Aksel, 2012, p.17-21). Those people also prefer Turkey because of easy visa application procedures (İcduygu, 2012, p.25). Çiçekli and

Demir, in their study, put forward that in recent years, irregular migrants prone to stay in Turkey, Turkey's economic growth, social and cultural affinity and behavior of Turkish society to foreigners are determinants (Cicekli & Demir, 2013, p.113-114). While Turkey is receiving irregular migrants, mass migrations go on flowing to Turkey.

### **Recent Mass Migrations**

Halabja Massacre which happened in 1988 during Iran-Iraq War and 1991 Gulf crisis caused a great many people seek a refuge in Turkey. Those new-comers (mostly peshmergas and their families) were non-Turkish and non-European. In 1988 and 1991 refugee crisis many Iraqi Kurds fled from atrocities against them by Iraqi government, climbed over the mountains and came to Turkey. At first, Turkey did not want to admit them because of security concerns. But, domestic and international pressure made Turkey open its doors. Turkey admitted those people on humanitarian grounds but never granted to them 'refugee' status. Turkey established camps for those people in that time, and those camps were very close to the Turkey-Iraq border. However, Turkey tried to keep them outside of its borders. Turkey suggested safe havens for those refugees in the country where they came from and no fly zones. Turkey also tried to find a solution in international level in order to bring the conflict to end and stop refugee influx to Turkey. This mass migration influx was also a turning point in Turkey's migration policy. It urged Turkey to make "Regulation No. 1994/6169 on the Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum from Another Country" in 1994 (Ihlamur-Oner, 2013, p.191-200; Icduygu & Aksel, 2013, p.174-178 and Kirisci, 2014, p.7-11). In those years, Turkey's immigration policy began to focus on security with the increase in irregular migration and refugees from her eastern neighbours. On the other hand, Turkey's concern on becoming a buffer zone for Europe increased (Kirisci, 1996, p.293-318).

Meanwhile, Bulgarian Turks were expelled from Bulgaria in 1995. Thousands of Bulgarian Turks migrated to Turkey. Turkey opened her doors for them. Turkey admitted them to citizenship by neutralization on the basis of their Turkish descent and facilitated their integration and settled them in Turkey. It means that nation building process still goes on (Ihlamur-Oner, 2013, p.191-200; Icduygu & Aksel, 2013, p.174-178 and Kirisci, 2014, p.7-11).

The 2000s are transition years for Turkey politically, sociologically, economically. Since 2002, Turkey has been governed by Justice and Development Party (JDP). This party has a liberal stance on economy, as well as politics. Ruling Party JDP aims zero problems with neighbours and tries to lift visa requirements to its neighbours, as well as other countries in the world.

Since the JDP came to power, Turkey has made some regulations about migration; such as Law No:4817 (in 2003) which is about work permit for foreigners; Law No:5543 (in 2006) which is about settlement in Turkey.

JDP also gives importance the relations with European Union and intends to accomplish the process of accession to EU. For this purpose, Turkey should

harmonize its legislation with EU. Therefore, Turkey adopted “National Action Plan on Migration and Asylum” in 2005. In accordance with this plan, Turkey would establish an institution for managing migration policy and adopt a comprehensive law on migration and also would lift geographical limitation in 2012. But, before lifting geographical limitation, Turkey should evaluate prospective mass movements considering its geographical position. At the same time lifting the limitation cannot encourage refugee flows to Turkey.

After 2010 Turkey has met a mass migration from her neighbour Syria. A great number of Syrians, fleeing from the civil war in their country arrived in Turkey since the civil war broke in Syria. Turkey is home to nearly 3 million Syrians (2019-6). Turkey has received Syrians since the beginning of the crisis and follows an “open door” policy towards these people. As stated above, Turkey does not grant refugee status to people coming from outside Europe. Therefore, Turkey has never recognized Syrian people as refugees since the beginning of refugee influx into to Turkey (since April, 2011). At first Turkey called them ‘guests’. However, there is no ‘guest’ status in the international law related to migrant people. The term ‘guest’ has caused ambiguity. As time went by, the number of Syrians increased in Turkey. Then, in October 2011, Turkey granted ‘temporary protection’ status to Syrians by referring to the 1994 Regulation (UNHCR Thematic Report, 2013, p.9). That regulation provided a legal status to Syrians in the scope of domestic law.

The number of Syrians in Turkey is increasing and it seems that they will stay for a long time in Turkey. In order to smoothly manage the migration process and to eliminate the conceptual confusion, the need for a comprehensive and coherent legislation for Turkey arose. Turkey enacted the Law on Foreigners and International Protection (LFIP-Law No:6458) in April 10, 2013. In the current situation, Syrians have been granted temporary protection in accordance with the Article 91/1 of the aforementioned law. Temporary protection is applied to cases of mass influxes, when it is not possible to register and determine the refugee status of great number of people who flee from their country. (Fitzpatrick, 2000, p.279-306 and Refugee Solidarity Network). Besides, Turkey established the Directorate General of Migration Management with the given legislation, in order to conduct the migration process in Turkey. Turkey also issued regulations on human trafficking and work permits for Syrian asylum seekers.

But, in the year 2016, Turkey still retains geographical limitation. Instead of granting refugee status to Syrians, Turkey tried to determine their legal status by issuing directives and finally by a LFIP.

Meanwhile, Turkey and the European Union signed the Readmission Agreement, which stipulates Turkey admit irregular migrants from EU countries, in December 16, 2013. The European Union and Turkey signed Joint Action Plan in 2015. This plan aims strict border controls and combating irregular migration, human trafficking and giving Turkey 3million euros for refugees hosting by Turkey. The mass refugee influx from Syria and increasing number of irregular migrants who go to Europe through Turkey were the underlying reasons for signing the Readmission Agreement and Joint Action Plan. It was not only Turkey but also the EU want to control mass influxes.

## **Conclusion**

Turkey has engaged in migration since it was established. When receiving mass migration, Turkey makes legislation and builds institutions (such as Ministry of Settlement, Directorate General on Migration Management). If the number of people who migrate is not high and the people who migrate are not Turk, Turkey neglects the issue. In recent years, Turkey faces mass migrations, the numbers of regular and irregular migrants in Turkey increase and international pressure and criticisms on its migration policy increase. Therefore, Turkey made comprehensive law and constitute an institution in order to conduct her migration policy. Turkey's geographical location, the dynamics of international system and developments in neighbouring countries and perceptions of leaders have been major determinants of Turkey's policies on international forced migration.

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