

Chapter 19. Working Conditions and Informal Employment of Syrian Refugees in Turkey

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Introduction

Migration is the main of events that communities have mostly had from past to today. Many economic, social, cultural and politic reasons such as wars, natural disasters, climate conditions, earthquakes, unemployment, education are accelerant factors in national and international, massive or individual migration acts.

Turkey has gone on being one of countries which have been mostly affected by migration acts through the history depending on reasons of its geopolitical position and also socio economic power. One of its recent samples is Syrian refugees /displaced persons who have migrated to Turkey due to civil war in their country. Syrian people had to migrate to many countries especially as their borders. Turkey involves in countries where Syrian migrants have preferred mostly as Turkey is its longest border; moreover, it follows open door policy besides reasons such as historical, cultural and social connection, line of descent, language and religion unity between two countries.

The number of Syrian people in Turkey is 2.733.044. Total 259 thousands 986 Syrian people have lived in 10 cities and 25 tent cities and containers in Turkey. (<http://data.unhcr.org/syrianrefugees/country.php?id=224>). Syrian refugees in these aforementioned sheltering centers are provided each kind of needs from education to health, from food to sheltering. But Syrian people over 2,5 millions- those who have not registered have also been involved- live out of the sheltering centers. As there is less and restricted aid towards Syrians who have lived out of the sheltering centers, migrants maintain their life by getting their economic opportunities informally. Existence of Syrians in informal employment fields in Turkey can be felt intensively with its positive and negative aspects.

Primary source of informal sector which involves in the main of most important problem in countries consists of migrants definitely. Accordingly, in this study, the following questions will be seeked to get answers; what are legal regulation on how is it prevented to be cheap effort exploited which occurs with informal employment as determining on Syrian migrant refugees who migrate to Turkey in terms of informal employment. When Turkey's unemployment rate, especially its young unemployment and informal employment aspects are considered, it is an enigma what a way will be followed. Conclusion and suggestions will be provided as discrimination and notions of Syrian refugees /displaced persons will he analyzed well and national-international legal regulations and policies applied on the subject will be evaluated.

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General View on Notions of Migration and Informal Sector

Migration; is a fact which has affected on nearly all of communities, which has been existence during all periods of human it's history as a same fact. Mainly, the notion of migration is stated as a movement of a definite population from a place to another one. Moreover, migration includes subjects and notions such as social-economic, cultural, psychological and sociological ones with its results beyond massive place changing. From the point of view, migration is a great population activity which changes deeply the structure of community with social, economic, cultural and political results of process to change geographical place (Özer, 2004: 11).

There have been scarcely any countries which are not affected by migration over world. Population of migrants has increased quickly and world's countries had gotten attention as massive population acts have gotten attention after the middle of 20. century. When we consider data, it is estimated that the number of globally-international migrants will reach to 405 million in 2050 if the acceleration in the last 20 years for migration act goes on gradually, by data of United Nations (Göç İdaresi Genel Müdürlüğü, 2015: 14). Migration is not a static fact and also it is a process which is perceived by its reasons and results. That the factors of time, space, reason and result are process rather than being a static fact makes completing migration, measuring it, solving it, explaining it and interpreting it more complex situation both in theoretic and experimental meanings (İçduygu and Sirkeci, 1999: 249).

Compulsory migration; it may occur due to reasons such as wars, violence as it would source from reasons such as environmental and natural disasters, earthquakes, great fire, climate changes. Definitely, the reflection of threat on community that war and violence create it is as effective as war. Thus, the most tragic and traumatic migration type is compulsory migrations that war and violence create them. Due to civil wars in Syria, Syrian people have had to migrate to Turkey in crowd of people for over three years. It has been foreseen that migrations to Turkey will go on as violence events which have occurred with the change and transformation processes in countries Syria and Iraq a being borders of Turkey go on. Persons or groups in compulsory migration can be an objective of conflict and wars that they are not directly a party to them and they may have to be migrated or may be made to migrate (Özkarlı, 2014: 9).

Displaced person; is a person who do not trust in his/ her state as thinking that he/she is suffered oppression due to his/her religious, racial, political views, social position and ethnic identity in his/her own country and who demand to be a displaced person in another country as leaving from his/her country with the view that he /she is not acted objectively and who is accepted by this country. In another saying, " people who have not got life security in the country where they live, who have to leave from their country and to take refugee in another country due to war or conflicts in the region where they are or due to racial, ethnic, religious, political, sexual discriminants are named as displaced person with its daily use" (BMMYK, 1997: 183).

Refugee; the discrimination between notions of displaced person and refugee states that being displaced person with the right to take sanctuary is about gaining a

legal status, being a refugee with the right to take refuge is about the actual sheltering case in short term rather than gaining a legal status. While displaced persons, "status of displaced person", states a foreign person who is legally accepted; refugee, "status of displaced person", corresponds to person who is reviewed and so provided a temporary protection. According to another theory, refugee is a person who demands international protection individually and also in the base of group. Refugee is a person whose protection demand has not been yet connected to final decision by authority of relevant country. So each refugee may not be accepted as displaced person finally but each displaced person is a refugee at the beginning (Reçber, 2014: 251). Syrian migrants that Turkey has accepted them with named such as temporary guests, temporary protection since 2011 involve in "the status of refugee" by 1951 Geneva Convention" that Turkey is one of its parties.

Informality / Informal Sector; the notion of informal employment was firstly used as "informal sector" in Kenya Report within the concept of World Employment Program that ILO regulated it. It was determined on the report that open unemployment which is not met by formal sector has been occluded by informal sector and the migration from rural areas to city has not caused the estimated open unemployment (Güloğlu, 2005: 2). This determination shows us that the reason of informal employment can not be based on separately but it does a part of national and international migrants.

Many definitions of informal employment have been involved in the literature. Informal employment which is the main of economic and social problems is defined as persons who attend in employment by working legally with its qualifications in terms of social security are not informed or are informed insufficiently to the relevant public institutions and organisations as their working days or price (www.isvesosyalguvenlik.com). Within the point of these explanations, "informal employment "is defined as employment events are not based on formal documents and so it is not registered in formal records as its result, all obligations including taxational and compulsory social obligation are excluded out of audit fields of financial employment activities" (Güloğlu vd., 2003: 54).

Labor especially in developing countries will be employed in two different ways. One of them is stated as employees generally who work in an organised sector, namely, as employees who are workers of the institutionalized sector or formal sector. Second of them consists of persons who migrate generally from rural areas to city, who can not find job and who gain their in come with doing their own business without requiring any capital or a little capital in labor and service on the part of unqualified labor which works in daily and temporarily (Yereli, Karadeniz, 2004: 11).

Legal Aspects of Migration in Turkey

The increase in the infringement decisions which are taken to the detriment of our country by European Court of Human Rights in international protection especially with border and administrative observation procedures in our country and negotiations with EU during the adaptation process with European Union have made it compulsory that Turkey is to do wide a legal study. Within this concept, in 2014, 6458 numbered Foreign and Inforntational Protection Law came into force.

The statements of regular migration, irregular migration and international (temporary) protection have been involved in the definition related to migration in the act. Accordingly, migration; is seen that irregular migration has got four distinct points. These state that foreign people enter into Turkey illegally, they are in Turkey illegally, they go from Turkey, they work in Turkey without having permission. Even if foreign people come to Turkey in legal ways, they who do not go in the process of legal outgoing have got the status of irregular migration. While irregular migration is used in the same meaning with illegal migration, illegal migration is correlated with notions such as migrant smuggling and human trafficking. Temporary protection is a sudden and temporary protection which is processed by the decision of cabinet in the cases that there is massive migration act in the scale that it will not be possible to apply effective the mechanism for individual international protection application.

In international legal standards; include three main criteria as open door policy without considering discrimination of religious, religious sect and ethnic origin, the principle of not sending back and meeting main needs. The regulation in 2014 related to "Temporary Protection" which will be provided to foreign who are put to leave from their country, can not go back to their country, come to our borders massively in terms of finding immediate and temporary protection or who pass our borders came into force. It has got importance in terms of determining especially on rights and obligations of Syrians in the aforementioned regulation. Persons who are evaluated within the concept of the regulation are provided education, access to working market, social aids and especially health services with translation and similar services within the bounds of opportunities. Accordingly, Turkey has given the status of temporary protection to Syrians within the concept of its responsibilities which source from international law, it provides access to basic services and protects them from being sent back.

International Legal Aspects of Migration

When the feature of being living document for international human rights law documents, their complementariness and effects on each other are considered, despite of having a contract related to displaced persons in specific meaning, it is possible that displaced persons and refugees get benefit from social rights by their needs beyond this contract and also their status is evaluated completely with wider documents and contracts (Foster, 2007: 27). A significant part of social rights has been involved in Universal Declaration of Human Rights, Economic, Social and Cultural Rights Contract which is called as UN's twin contracts with Civil and Political Rights Contract and other human rights contracts. The language of contracts which includes everything indicates it. Everybody is its samples in statements such as all of people.

That international human rights law contracts are interpreted together in the view of the contract's goal on displaced persons' legal status will bring social right and demands related to displaced persons and refugees to be suggested within a wider scope (Foster, 2007: 86). The criticism which would be done towards it is that international-level court decisions are the interpretation on rights of displaced persons and it is needed for a wider interpretation (Coleman, 2003: 23). When it is

considered with the aspect of international law, the legal document which regulates status and rights of displaced person and refugees related to international refugees' law in specific meaning is The Contract on Displaced Persons' Legal Status which was done in Geneva in 1951 (Deniz, 2009: 190). The protocol which was signed in New York in 1967 followed it.

Within the concept of studies which have been run under UN except from it, the notion of sheltering right was included in Universal Declaration of Human Rights with the date of 1948 (Altunışık ve Yıldırım, 2002: 18-19). The most important development which has been seen about displaced persons during UN is that UN Displaced Persons High Commissioners was established as a base institution which is responsible for displaced persons. On The Contract of Displaced Persons's Legal Status in 1951 (Geneva); displaced persons' social status was regulated between articles 20 and 24; sheltering, education, social aid and provisionalism rights were regulated and it was foreseen that labor and social security regulates rights without doing any discrimination. Moreover; quite a wide range of rights has been foreseen from salary region, CA, working of women, youngs and children, occupational training to right to indemnity which will occur as a result of work accidents. Displaced persons were given rights to get benefit from main education, scholarship, exemption from fees, price by working hour, payment of overtime, vocation with pay, minimum working age, traineeship, occupational training and collective price negotiations.

Migration and Labor Markets

Legal regulations and applications especially related to working rights are seen among important issues in terms of Syrians' effect in Turkey economically. That foreign people could work in Turkey is based on provisions of 4817 numbered " Law of Foreign People's Permission Right". But the notion of "foreign" within the scope of law includes a population even under 3% of Syrians in Turkey (<http://data.unhcr.org/syrianrefugees/country.php?id=224>).

Syrians and Formal Employment

Regulations were made on that the working permissions for foreign people to work in Turkey are accepted instead of residence permit and bureaucratic procedures both of foreign people and employers were reduced significantly. Residence permits and working rights of foreign students were firstly regulated with a law in details. Working right was given to foreign students in Turkey during their learning, students of two-year degree and undergraduate would have opportunity to work for 24 hours and students of post graduate and doctorate will have opportunity to work unlimitedly in condition that they have got a successful learning. Moreover, the right of one more year residence permit has been brought to completing their learning in Turkey. Thus staying in Turkey has been led for foreign people who will create qualified labor.

There are important differences between those who came to Turkey from Syria with a passport, namely, through legal ways and those who came without any document or unregisteredly. Important facilities were provided on registering nearly 80 thousand people who came to Turkey with their passport after April 2011, giving residence and working permissions to them. Within the scope of a study that The

Ministry of Labor and Social Security run in March 2013, the opportunity to get working permission was provided for Syrian-citizen foreign people who came to Turkey and Security Office gave residence permit. Syrians who may be more than 95% of Syrians in Turkey and who got "temporary protection" status by The Regulation of Temporary Protection have not got any right by current situation in terms of working rights and also it is possible that they are to have a sanction in a case of working.

Table 1: The Sectoral Distribution of Working Permission Which Is Given to Those Who Are Citizens of Syria (2011-2014).

Sectors	2011	2012	2013	2014	Total for Sectors
Agriculture	-	-	3	12	15
Industry	20	69	257	834	1.180
Building	5	10	31	117	163
Services	80	152	506	1.590	2.328
General Total	105	231	797	2.553	3686

Source: T.R. The Ministry of Labor and Social Security.

As it would be understood from Table 1, working permissions which were given for Syrians are not towards those who got "temporary permission" but towards those who had "foreign" status only with residence permit because they who are under the protection did not get working permission. This number is at quite low level. According to numbers that the ministry of labor and social security provided, the number of Syrians in Turkey who got right to work is only 3.856. Service sector (63,1) is a sector with highest rate as 2.328 (<http://www.hurriyet.com.tr>).

Syrians and Informal Employment

The number of displaced persons in Turkey is 3.1 million. The number of Syrian displaced persons is 2.7 million. Only 272.811 of Syrian refugees have lived in camps. 90% of them have lived out of camping with their own opportunities and with the support of AFAD (Disasters and Urgency Case) and STK (Non governmental organisations). Most of Syrian refugees in working age (95%) are employees without being registered. The sector that Syrian refugees (old people, women and children) work intensively as informal is agriculture. Moreover, other important sectors which refugees work unregisteredly are building and textile ateliers that they opened on their own.

Refugee who is worked as being deprived of each kind of social protection is in the riskiest group to get lost labor work and they would be dismissed easily. Syrian refugees are seen to work only for peanuts in returns for quite low prices and even with the afraid of not finding job and due to financial difficulty as being devoid of social security, state protection and organized life. Thus, it affects negatively on working share, unemployment, prices, working hours and conditions in the community as creating disadvantages for migrants and local persons who work both in country economy and social policy's scope, it reveals the discrimination between domestic and foreign people; it causes important problems such as social exclusion and poverty.

The growth in irregular migration makes illegal events more profitable, removes unqualified local labor, deteriorates working conditions as debilitating labor negotiations, creates tension in community and lead economy's informal sectors to grow. It creates problems such as having exploitation and misuse of citizens in terms of sending country (Toksöz vd., 12). It requires that migrants work only for peanuts with the worry that they would be sent out of border when they are caught and for quite low prices as not having social security, state protection and organised life.

Conclusion

Syrian refugees had to migrate. Due to civil war which occurred in their country, they came cummulatively to border gates specially to border countries directly with the demand of urgent protection due to that there is a risk to lose their life. As most of them came without having any identities and passports, they were only allowed to enter into the country. Their Vital needs are met by countries that they went to. They get benefit from temporary protection within the scope of international contracts in the case that conditions which provide right to protect themselves or they decide to turn back to their own country with their demands. Status of Syrians differs in this scope and it is important in terms of humanistic aspect. It is thought that some of refugees will stay permanently, some of them will stay in Turkey for long years as it is indefinite when civil war in Syria ends, so the date of turning back to Syria is indefinite. Most of refugees are poor persons. This case makes them to accept bad working conditions and low-priced informal sector.

According to ILO's report "Tendency in Global Employment and Social Appearance 2015", 56 % of Syrian refugees work in irregular jobs and unregisteredly in countries such as daily, Weekly, seasonal jobs. The unemployment fact in recent times can easily be connected to Syrians with that Syrian refugees are employed as "cheap labor" by employers. This case functions one of initiator factors of anger related to refugees. That refugees as cheap labor reduces general level of prices causes that local labor who works in these jobs has negative ve angry view on them.

That Syrians work as illegal workers without having working permission for low prices has made some of business owners or employers happy. Especially, the increase in unqualified labor market has been gotten. Some people are worked under the minimum wage and without having security by employers. This causes disadvantages in terms of domestic workers in home. When the effects of Syrians on labor markets are reviewed, its negative and positive aspects interlock. It can be said that Syrians contribute to Turkish economy in general and from definite aspects to local economy. But Syrian workers come into prominence as they decrease unemployment mostly in employment, informal sector and working prices and they work under heavy conditions.

Most of foreign people have included in illegal and unsecured labor in secondary labor markets that bad life and working conditions are seen in order to survive. Namely, it has illegal and cheap labor status. Difficulties which are seen for adult men have increased as double in terms of refugee women and children. In recent terms, one of important issues in migration is women. These women are

mostly home servicing and child- old people care servicing. Migrant women work informally in heavy working conditions in such cases.

Current laws are insufficient to solve problems (prices, working conditions, social security and informal sector). The legislation which regulates foreign employment is quite complex and dispersed one. Moreover, it includes provisions which are contradictory with each other. Within the scope of last developments, a new legal sub-structure should be done to provide the formation of policies on migrant employment, its application, results' evaluation, gathering data related to issue and analyzing them.

Institutional sub structure on foreign employment should be strengthened. Moreover, official institutions and organisations need to collaborate actively with CSO. Civil society organisations should maintain studies for refugees which support skills to increase level of their welfare, to adapt to community, to deal with troubles and to remain on their own besides studies to provide drug, food, sheltering, consultancy and legal support, educational and occupational opportunities. Refugee should increase controls related to prevent the misuse of effort, should develop effective mechanisms that they would seek those whose efforts are misused and Syrian workers' legal rights which do not guarantee their debts and rights.

Consequently: 24 persons per a minute over world have to leave place where they are, due to hungary and war. Thus it depends on a sudden changeable conditions on who would be a migrant (refugee/displaced person) and when they would be a migrant. Thus persons who migrate should be considered as increasing unemployment, rents; aggravating working conditions and reducing prices. Thus connections between domestic people and migrants should be strengthened, social problems such as violence, social exclusion, discrimination, poverty and unemployment should be prevented. In this direction, both international institutions and organisations and law and legal regulations in the country should be increased solution policies of CSO on problems.

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