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**Management of International Migration after 2000 as Public
Policy in Turkey**

Doctoral (PhD) dissertation

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INTRODUCTION

This dissertation addresses exactly these themes by examining Turkey's management of international migration after 2000 as a matter of public policy. In doing so, it responds to several gaps and pressures in the literature. First, while much has been written about Europe's migration regime or about Turkey's refugee situation, less attention has been paid to the evolution of Turkey's own migration *management* framework in the context of its EU accession and regional crises. This study traces how Turkey's policies and institutions were shaped by both domestic imperatives and external pressures. Second, from a public policy perspective, the dissertation sheds light on how a large country of transit and asylum manages the "whole-of-government" challenge of migration: coordinating multiple ministries (interior, foreign affairs, labor, etc.), enacting new laws, and building agencies to handle asylum, temporary protection, and irregular migration. Third, on a theoretical level, the research contributes to debates on migration governance by showing how non-European norms (like Turkey's historical geographical limitation to the 1951 Refugee Convention) have been renegotiated under EU influence and humanitarian need. It highlights the tension between a state-centric, security-minded approach and emerging human-rights norms in Turkey's policy mix, a dichotomy noted by experts.

The first chapter lays the conceptual foundation. It surveys key definitions and terminology of migration – distinguishing internal versus international migration, emigration versus immigration, and related concepts (for example, how the International Organization for Migration defines internal vs. international moves). It reviews classic push–pull theories and other frameworks (such as Lee's model of origin and destination factors), identifying the social, economic, political, and environmental drivers of migration. It also traces the historical development of international migration law, including refugee law. In short, Chapter I provides the theoretical and normative background needed to understand migration as a global phenomenon and as an object of policy.

The second chapter reviews the evolution of European migration governance. It begins by surveying post-World War II migration history in Europe, from the "guest-worker" era of the 1950s–70s to the family reunification phase of the 1970s–90s, and then the surge of asylum seekers and irregular migration since the 1990s. Drawing on scholarly periodizations (e.g. Messina 2007, Zimmermann 2005), the chapter shows how each era's dominant migration type – labor, family, or forced migration – influenced EU policy. The chapter then examines the formation of common EU migration and asylum policies. It covers major milestones such as

the Maastricht and Amsterdam Treaties, which transferred immigration and asylum rules into the Community legal framework; the 1990 Dublin Convention (and later Dublin III Regulation) on asylum responsibility; and the Schengen regime of free movement and external border control. The section also discusses Europe's expanding use of readmission agreements and externalization (cooperating with non-EU countries to stem flows). Overall, Chapter II shows how the EU built a multi-layered migration "acquis" – combining human-rights commitments with tighter border controls – and sets the stage for understanding how Turkey would eventually interact with this European regime.

Building on the EU history, Chapter III turns to the recent shockwaves emanating from the Middle East and North Africa. It explains the origins of the "Arab Spring" (2010–2012) – broad uprisings against authoritarianism, economic hardship, and political corruption – and how these events precipitated unprecedented migration flows. The chapter analyzes how countries like Tunisia, Egypt, Libya, and especially Syria became sources of mass displacement. In particular, it treats the Syrian civil war (post-2011) as a catalyst for the 2015–16 European refugee crisis. The chapter examines trends of mass migration to Europe during and after the Arab Spring, including Mediterranean and Balkan routes. It also reviews the EU's response: the 2015 EU–Turkey Joint Action Plan, the EU–Turkey Statement of March 2016, and other measures (e.g. temporary suspension of Schengen rules, hot spots in Greece, increased humanitarian aid). The chapter highlights how migration became securitized in EU discourse (linking terrorism fears and migration) and how EU asylum policies shifted under crisis conditions. Together, the chapters on Europe and the Arab Spring provide the regional context in which Turkey's policies evolved.

The fourth chapter is the core empirical study of Turkey's policies. It documents the major legal, institutional, and operational changes in Turkey's migration management from 2000 onward. Key points include: how EU accession requirements prompted Turkey to overhaul its migration regime (for example, the 2003 EU 8th Regular Progress Report urged reforms in asylum law, and Turkey's 2001 National Program incorporated migration steps); how Turkey began signing EU-style agreements on readmission and border control; and how, notably, the 2013 Law on Foreigners and International Protection created a unified legal framework and established the General Directorate of Migration Management (Göç İdaresi). The chapter shows that before 2013, migration functions were scattered across agencies (police, coast guard, military, and various ministries), but the new law centralized responsibility. It also describes institutional developments: the founding of the Turkish Red Crescent's migration services, the Disaster and Emergency Management Presidency's (AFAD) role in refugee

camps, and inter-ministerial coordination bodies. Chapter IV details Turkey's asylum and temporary protection regime (for Syrians, since 2014), as well as bilateral cooperation measures with the EU. For instance, it reviews the 2015-16 EU-Turkey action plans on migration (which include the "1:1" refugee swap scheme and additional EU aid to Turkey), and subsequent provisions on visa liberalization and resettlement. The chapter further examines Turkey's national strategy documents and the European Commission's yearly Progress Reports, which contain recommendations and evaluations of Turkey's migration management. Finally, the chapter looks at Turkey's hard-power measures – border security deployments, maritime patrols, and anti-smuggling campaigns – showing how these have been intensified in response to irregular flows. In sum, Chapter IV paints a comprehensive picture of how Turkey has managed migration on the ground, in law and practice, since the turn of the century.

The fifth chapter provides an extensive comparative evaluation of Turkey's migration management policies and practices with those of the European Union, particularly focusing on Germany, Hungary, and selected Balkan countries, including Serbia. By examining these comparative case studies, Chapter Five highlights both the convergences and divergences in policy frameworks, legal standards, institutional structures, and practical implementations. It specifically assesses how effectively Turkey's migration policies align with or differ from EU norms, emphasizing areas such as refugee protection, border management, human rights practices, and administrative coordination. Furthermore, Chapter Five critically evaluates Turkey's migration governance in response to the Syrian refugee crisis, highlighting both its humanitarian approaches and security considerations. This comparative approach helps contextualize Turkey's policy decisions within broader European practices and illuminates lessons, challenges, and opportunities for Turkey as it continues to refine its migration governance system.

In sum, this introduction has laid out why migration management is of pressing concern globally and especially in Turkey, and it has previewed the dissertation's analytical structure. The coming chapters will delve deeper into each aspect, drawing on official documents, legislative histories, and secondary research, to build a comprehensive understanding of how Turkey has managed international migration since 2000. The work not only provides an empirical narrative but also aims to contribute theoretical insights into how states cope with one of the defining challenges of our time.

I. Relevance and Significance of the Research Topic

The management of international migration has become a crucial issue in global public policy, particularly since the turn of the millennium. Flows of refugees and migrants increased dramatically in the 2010s due to conflict and instability in regions adjacent to Europe, prompting intense attention to the policies of transit and destination countries. Turkey occupies a strategic position at the crossroads of Europe, Asia, and the Middle East, and it currently hosts the world's largest refugee population. This extraordinary influx underscores Turkey's prominence in migration and refugee affairs.

Turkey's importance in migration governance is also due to its complex relationship with the European Union. Turkey's EU accession aspirations and the 1995 Customs Union linked its border policies to EU expectations. In practice, Turkey has served as both a transit corridor and an increasingly significant destination for migrants. After the Syrian civil war in 2011, Europe turned to Turkey as a partner: the March 2016 EU–Turkey Statement effectively made Turkey a gatekeeper for irregular flows to the EU.

Academically and for policy, the topic is timely and significant. Early migration studies largely neglected Turkey as an actor in immigration policy-making, but recent scholarship documents a dramatic shift since 2000. Turkish legislation was reformed to establish the first comprehensive asylum law (2013) and a temporary protection regime (2014), and a dedicated migration agency (the Presidency of Migration Management) was created to implement these policies. Understanding this legal and institutional transformation is crucial for analyzing Turkey's evolving role in regional migration governance.

II. Problem Formulation

Despite growing attention, significant problems remain in the management of migration in Turkey. The central research problem is to understand how and why Turkish migration policy has transformed since 2000, and what the implications are for governance and human rights. Historically, Turkey moved from a relatively passive stance – an era of “ignorance and neglect” of immigration issues in the 1980s–90s – to an active and complex policy framework in the 21st century. This shift raises questions about the drivers of policy change and the balance between international and domestic imperatives.

Key sub-problems include: the harmonization of Turkish law with international and EU standards; the reform of institutions and procedures (for example, the establishment of the Directorate General of Migration Management and the enactment of asylum and protection regulations); and the framing of migration in political discourse (whether migration is cast as a humanitarian responsibility or a security threat). The research further examines tensions arising from Turkey's dual role as both a transit gateway to Europe and a major host country, and from conflicts between its international commitments and domestic security imperatives.

III. Main and Correlative Hypotheses

Hypothesis 1: Turkey's migration policy has progressively aligned with EU migration and asylum standards since 2000, driven by the EU accession process and related political agreements.

Hypothesis 2: Security considerations (including border control, counter-terrorism, and public order) have come to dominate Turkish migration discourse and practice in the post-2000 period.

Hypothesis 3: Turkey's cooperation with the EU on migration (notably through the 2016 EU–Turkey Statement) is characterized by strategic bargaining: Turkey agrees to contain migration flows in exchange for financial aid, visa concessions, or progress in EU accession matters.

Hypothesis 4: The legal and institutional formalization of migration management (e.g., the 2013 Law on Foreigners and International Protection and the 2014 Temporary Protection Regulation) has introduced differentiated legal categories (for example, “refugee” status under a geographical limitation vs. “temporarily protected” status) that structure migrants' rights and statuses.

Hypothesis 5: Domestic political factors – including government ideology, nationalist sentiment, and public opinion – significantly influence Turkey's migration policy choices, often amplifying securitization and affecting the integration prospects of migrants.

IV. Research Questions

1. **Legal and Policy Evolution:** How have Turkish laws and regulations on migration and asylum changed since 2000, and to what extent do they reflect or diverge from EU legal and policy frameworks?
2. **Institutional Development:** What institutional reforms (new agencies, inter-agency coordination, administrative structures) have been undertaken to manage migration in Turkey, and how have these affected policy implementations?
3. **Human Rights and Protection:** In practice, how are migrants' rights (especially those of refugees, asylum seekers, and irregular migrants) protected or limited under Turkey's evolving policy framework?

4. **Security and Securitization:** How have national security concerns been incorporated into Turkey's migration policy, and what implications does this have for border management and treatment of migrants?
5. **EU–Turkey Relations:** How have collaboration and tensions between Turkey and the EU on migration been reflected in bilateral agreements, financial assistance, and diplomatic negotiations (for example, the 2016 EU–Turkey Statement)?
6. **Policy Discourse and Public Perception:** What narratives and discourses frame migration in Turkish policy debates (e.g., humanitarian duty, economic impact, security threat), and how do these discourses influence policy outcomes and public attitudes?

These questions align with the hypotheses and collectively address the legal, institutional, humanitarian, and geopolitical dimensions of Turkey's migration policy transformation.

V. Research Methodology

This dissertation adopts a qualitative approach to investigate the evolution of Turkish migration policy. The methodology is primarily document- and discourse-based, employing the following methods:

Document Analysis: Systematic examination of primary sources (Turkish migration laws, regulations, EU–Turkey agreements, international treaties) and secondary sources (scholarly literature, NGO and UN reports) to identify formal policy provisions and stated objectives.

Comparative Policy Evaluation: Analytical comparison of Turkey's migration and asylum regulations with the EU's Common European Asylum System and international norms, to assess convergence and divergence in legal frameworks and procedures.

Discourse Analysis: Interpretive analysis of political and public discourse using speeches by Turkish officials, media coverage, and stakeholder statements (from NGOs, international organizations, and advocacy groups). This will reveal how migration and related policies are framed and justified.

Case Study Examination: In-depth analysis of pivotal events (such as the 2011–2012 Syrian refugee influx, Arab Spring and the negotiation of the 2016 EU–Turkey Statement) to illustrate how policies were formulated and implemented under crisis conditions.

Data sources include official gazettes and legislation, Turkish parliamentary records, EU and international organization reports, and statistical databases (e.g. UNHCR refugee figures). Triangulating these qualitative sources ensures a comprehensive view of the policy process and outcomes.

VI. Key Themes and Analytical Framework

The analysis is structured around several core themes:

Human rights and protection: Turkey is a party to the 1951 Refugee Convention (with a geographical limitation) and the European Convention on Human Rights. It has implemented its own framework, including the Temporary Protection regime for Syrians. This theme examines how these international commitments translate into practice, given Turkey's large refugee population and the differentiated legal statuses of migrants.

Securitization: Scholars note that Turkish policy discourse often portrays migration as a security issue. This theme explores how national security concerns (such as counter-terrorism and border control) influence migration policies, and how they coexist or conflict with humanitarian principles in official rhetoric.

Europeanization and policy harmonization: Turkey's post-2000 reforms (such as the 2013 asylum law and institutional modernization) were explicitly aimed at aligning with EU and international standards. This theme investigates the extent of legislative and administrative convergence with European models, and how EU conditionality and technical cooperation have shaped domestic policymaking.

Governance and administrative reform: This theme highlights organizational changes in migration management, including the creation of new agencies (like the Presidency of Migration Management) and inter-ministerial coordination mechanisms. It examines the shift from ad hoc migration control to structured governance and the roles of different state and non-state actors.

VII. Comparative Analysis with EU Policy

A comparative perspective situates Turkey's migration policy within the broader European context. The EU's Common European Asylum System (CEAS) provides benchmarks for asylum procedures, reception conditions, and responsibility-sharing. Turkish policy has partially converged with EU norms – for example, by enacting an asylum law that incorporates international principles – but notable divergences remain. For instance, Turkey still maintains the geographical limitation on refugee status, meaning full refugee rights apply only to persons fleeing Europe.

Strategic interactions also define the Turkey–EU comparison. The 2016 EU–Turkey Statement exemplifies how Turkey became an essential actor in Europe's migration management: the EU

provided funding and political incentives (such as accelerated visa liberalization prospects) in exchange for Turkey's containment of irregular migrants. Scholars note that while Turkey largely cooperated as a "gatekeeper," it has also leveraged migration flows for diplomatic aims. For example, in early 2020 Turkey effectively declared an open border policy, underscoring its strategic leverage.

Thus, comparing Turkey's policy with the EU framework highlights both convergence (shared objectives of orderly migration, cooperation on returns and resettlement, partial legal harmonization) and divergence (differences in legal scope, implementation capacity, and political context). This comparative analysis underscores Turkey's unique role as a non-EU state that nonetheless participates in Europe's migration regime, shaping and being shaped by EU policy. Understanding this dynamic clarifies Turkey's position in the multilevel governance of migration.

FIRST CHAPTER

1.THE CONCEPT OF MIGRATION IN GENERAL

Many studies have been carried out by different researchers at different times, which are considered to be a sociologically important movement (Peterson, 1978) to explain the concept of migration which is thought to have arisen from many reasons such as security need (terror, escape from war, etc.), which is stated to be caused by inequality in the geographical distribution of labor and capital (Joaquín, 2000). In some of these studies, a classification of migration has been made and the distinction between internal and external migration has been emphasized. For example, according to the International Organization for Migration (IOM), internal migration; the movement of individuals from one region to another for any purpose or to establish a new place of residence. This movement can be temporary or permanent. Therefore, even if individuals migrate, they remain in their own countries. On the other hand, international migration is that individuals leave their country of residence and live in another country temporarily or permanently (IOM, 2019, pp. 32-33).

According to Ballyn, immigration is that a person lives temporarily or permanently in another place. (Ballyn, 2011, s. 6-15) According to Everett Lee who made a similar explanation to Ballyn, immigration is generally a permanent or semi-permanent displacement. With this definition, Lee has not made a distinction between the distance of the movement, whether it is voluntary or involuntary, or internal and external migration. Lee also touched upon the factors affecting the migration decision; factors related to origin, factors related to destination, intervening obstacles and personal factors. (Lee, 1966).

After the literature review on the concept of migration, it is important to consider the theories put forward about migration, in order to fully understand the approach to this issue.

Özcan defined migration as; “People leave where they live and go somewhere else where they will live permanently”. He stated that this phenomenon actually includes two concepts as place and time, and then he dealt with the concepts of immigration, place of residence, time and working situation one by one and touched upon the problems within each of them. (Özcan, 1997)

In fact, it is necessary to classify migration according to certain measures. The classification according to these measures is given in Table 1.

In order to provide some guidelines for the development of the conceptual framework, a migration model developed by Beaumont et al. is presented below:

Figure 1: Framework for migration study (Beaumont, Herrington, & Wheatley, 1997)

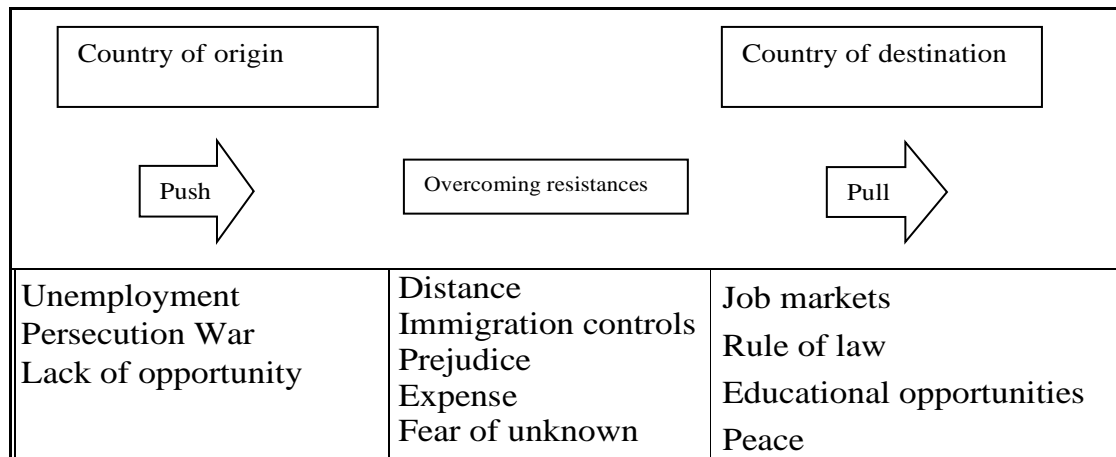


Table 1: Migration Classifications (Yalçın, 2004)

Immigration on the Basis of will	Voluntary Migrations	Compulsory Migrations
Based on Intensity of Migration	Mass Migrations	Individual Migrations
Migration by Country Boundaries	Internal Migrations	International Migrations
Migration by Settlement Period	Temporary Migrations	Permanent Migrations

Migration is an important phenomenon that affects countries from past to present. Defining the phenomenon of migration, especially its causes and types, is essential for our study. The causes of migration, which is referred to as moving from place to place, can generally be geographical, cultural, economic, political and social events. In this section, a conceptual framework is tried to be drawn about the phenomenon of migration, its causes, types and the development of migration in the historical process.

1.1. DEFINITION OF MIGRATION

People have migrated from one place to another for various reasons in almost every period of history. Migrations can sometimes occur within the borders of only one state, or sometimes cross the borders of a country from one country to another. However, for whatever reason and in whatever form, migration continues to increase day by day.

The phenomenon of migration is not a situation that only concerns or affects migrants. Actually, migrations affect immigrants as well as the society in the places of immigration and

most importantly, the states deeply. For this reason, governments create public policies and implement many legal regulations in order to cope with the phenomenon of immigration that affects them significantly and to manage this process in a much better way. Otherwise, they are likely to face a severe problem that negatively affects the whole society. Also, mass movements have occurred on a large scale from the past to the present. These movements have sometimes had local effects, sometimes they have had global effects. Therefore, migration is one of the most important issues in the world today.

There are various definitions regarding the concept of immigration. According to the Immigration Terms Dictionary compiled by the International Organization for Migration, migration is the crossing of an international border or displacement of one person or group of people within a state. Regardless of the duration, nature and reason, they are population movements in which people move. This includes the migration of refugees, displaced persons, economic migrants, people acting for different purposes such as family reunification (IOM, 2019)

According to Cambridge dictionary, migration is the process of individuals travelling to a replacement place to live, usually in large numbers. (MIGRATION | Meaning in the Cambridge English Dictionary, n.d.) For dictionary of Merriam-Webster; it is the act, process, or an instance of migrating. (Migration | Definition of Migration by Merriam-Webster, n.d.)

1.2. MIGRATION TERMINOLOGY

It is the well-known fact that there is conceptual confusion regarding migration. This conceptual confusion manifests itself in many areas from state administrators to media tools. The definitions of the terms that should be known within the scope of the study were examined by scanning various sources and benefiting from the dictionary of migration terms compiled by the International Organization for Migration (IOM).

Some concepts and definitions related to migration are as follows:

Discrimination: Not treating everyone equally in a situation where no reasonable distinction can be made between what is favoured and what is against. Discrimination is based on "race, sex, language or religion" (Article 1 (3), 1945 UN Charter) or "*any form of discrimination, for example, race, colour, sex, language, religion, political or another opinion, national or social origin, property or another status* "(Art. 2, 1948 Universal Declaration of Human Rights) (IOM, 2019)

Diaspora: In general, diaspora refers to individuals and members or networks, associations and communities who have left their country of origin but maintain ties with their homeland.

This concept rather covers communities temporarily residing abroad, immigrant workers who are temporarily abroad, foreign workers with the citizenship of host country, dual citizenships and second/third-generation immigrants (IOM, 2019)

The Dublin Convention: An agreement between the EU States that determines which European Union member state is responsible for examining the application when an asylum application is made to one of the EU members (adopted in 1990 and entered into force in 1997). (European Commission - Dublin Regulation, n.d.). The convention prevents the same applicant's application from being simultaneously reviewed by several EU member states. Also, it prevents the asylum seeker from being re-directed from one country to another when no one wants to take responsibility for the file (IOM, 2019).

International Protection: The actions by the international community on the basis of international law, aimed at protecting the fundamental rights of a specific category of persons outside their countries of origin, who lack the national protection of their own countries (UNHCR, 1951).

Migrants (Economic): Persons who leave their countries of origin purely for economic reasons not in any way related to the refugee definition, or in order to seek material improvements in their livelihood. Economic migrants do not fall within the criteria for refugee status and are therefore not entitled to benefit from international protection as refugees (UNHCR, 1951).

Regular migration: It is migration by using legal channels that are recognized, permitted (IOM, 2019).

Irregular migration: Movements that take place outside the regulatory norms of sending, transit and receiving countries. There is no exact or generally accepted definition of irregular migration. In terms of target countries, it means illegally entering a country or staying or working in a country illegally. In other words, the migrant does not have the permits or documents required under immigration regulations to enter, reside or work in a particular country. In terms of the sending country, there are irregularities in cases such as when a person crosses an international border without a valid passport or travel document or does not fulfil the administrative conditions to leave the country (IOM, 2019).

Irregular migrant: A person without legal status in the transit or host country due to illegal entry or expiration of the visa. This term applies to refugees who violate entry rules and others who are not permitted to stay in the host country. This term is also referred to as hidden / illegal/unregistered migrant or immigrant in an irregular situation (IOM, 2019).

Migration management: It is the term that defines the administration of various state institutions within a national system to manage cross-border migration in an orderly and humane manner, specifically to manage both the entry and presence of foreigners within State borders and the protection provided to refugees and other persons in need of protection. Migration management means a planned approach to the development of policies, legal and administrative regulations to address key issues related to migration (IOM, 2019).

Non-refoulement: According to this principle set forth in the 1951 Geneva Convention Relating to the Status of Refugees: "No State Party shall in any way expel or return a person to the frontiers of territories where his life and freedom would be endangered because of his race, religion, nationality, membership of a particular social group or political opinion. This principle cannot be operated by "persons who have reasonable grounds showing that they pose a danger to the security of the country they are in or who have a final court decision due to committing a serious crime and pose a danger to the country concerned." (1951 Geneva Convention Relating to the Status of Refugees, Articles 33 (1) and (2)).

Safe country: A safe country is a country where the asylum seeker finds or can find the protection, depending on the receiving country. The concept of a safe country (protection elsewhere / first asylum principle) is frequently used as an acceptance criterion for refugee status determination procedures (IOM, 2019).

Country of origin: The country that is the source of immigration flows (regular or irregular) (IOM, 2019).

Sending country: It is the country where people left for permanent or temporary residence abroad (IOM, 2019).

Asylum: A type of protection granted by a state based on the principle of non-refoulement and refugee rights recognized internationally or nationally. It is given to a person who cannot be protected in the country where he is a citizen or resident and who is afraid of persecution, especially because of his race, nationality, religion, membership of a certain social group or political opinion (IOM, 2019).

Asylum seeker: A person who seeks security in a country other than his own country in order to be protected from persecution or serious harm and waits for the result of his application regarding refugee status within the framework of relevant national or international documents (IOM, 2019). An individual who is seeking international protection. In countries with individualized procedures, an asylum-seeker is someone whose claim has not yet been finally decided on by the country in which the claim is submitted. Not every asylum-seeker will

ultimately be recognized as a refugee, but every refugee was initially an asylum-seeker (UNHCR, 1951).

Refugee: A person who meets the eligibility criteria under the applicable refugee definition, as provided for in international or regional refugee instruments, under UNHCR's mandate, and/or in national legislation (UNHCR, 1951). A person who has a just fear of being persecuted because of his race, religion, nationality, affiliation with a certain social group or political opinions, and therefore leaves his country and cannot or does not want to return because of his fear (UNHCR, 1951).

Nationality: It is the legal bond between the individual and the state. The International Court of Justice defined nationality as follows: *"it establishes a closer link than any other state between the person who has been given nationality and the human community of the State that grants him nationality."* According to Article 1 of the 1930 Hague Convention on Specific Questions Regarding Conflict of Nationality Laws: *"Each State determines according to its own laws who are its citizens. These laws will be recognized by other States as long as they comply with international conventions, international customs and generally accepted legal principles adopted on nationality."* (IOM, 2019).

The most confused terms on immigration terminology; are the concepts of immigrant, asylum seeker and refugee. Definitions obtained from different sources are as follows:

The United Nations defines an immigrant as an individual residing in a foreign country for more than one year, regardless of whether he is voluntary for reasons, regular or irregular in terms of migration pattern. Nevertheless, in the 5543 Settlement Law of Turkey, "immigrants are connected to the descendants of Turkish and Turkish culture, come alone or in a group to Turkey in order to settle those be adopted in accordance with the law".

According to the frequently confused concepts article on the terms of migration and asylum published by the German publication Deutsche Welle (DW) on September 26, 2018, asylum seekers are defined as persons seeking for international protection, whose application has not yet been finalized by the competent authorities in the country where they applied, that is, their refugee status has not yet been defined (DW, 2018). The Glossary on migration prepared by IOM defines the concept of asylum in a similar way and is defined as a person waiting for the result of his application regarding refugee status within the framework of relevant national or international documents (IOM, 2019).

Refugee "A person who is outside the country of his / her country of citizenship due to his rightful fear of being persecuted due to his race, religion, nationality, membership of a certain social group and political views, and who cannot or does not want to benefit from the protection

of his country due to the fear in question” (Regarding the Legal Status of Refugees with the 1967 Protocol) 1951 Convention, Article 1A (2)). By making additions to the refugee definition in Article 1 (2) of the 1951 Geneva Convention, the 1969 Organization of African Unity (OAU) Convention introduced the concept of the refugee as "people who are forced to leave their country because of foreign attacks, occupation, foreign sovereignty or events that seriously disrupt public order in their country of origin or in part or all of the country of their citizenship." The 1984 Cartagena Declaration likewise defined the refugee as (IOM, 2019) ;

“people who left their country because of widespread violence, external assault, internal conflicts, widespread human rights violations or serious disruption to public order, and threatened their lives, security or freedoms”

Considering all these definitions, it would not be wrong to deduce that not every migrant is a refugee, and not every asylum seeker is a refugee.

1.3. FACTORS AFFECTING MIGRATION

Today, the number of people who leave their country or place of residence voluntarily or compulsorily is increasing day by day. Looking at the recent history, it is seen that these migrations have intensified and formed a route systematically. The connection between these routes is the route between the country of origin and the country of destination. This connection can be established directly as well as through the countries that need to be passed called transit country to reach the destination country.

In order to determine the factors affecting international migration movements, it is necessary to focus primarily on migration models. Migration models focus mostly on economic variables and summarize the factors that determine migration routes. There are three basic migration models defined in the literature. In three models, income differences of individuals living in rural and urban areas are emphasized.

The earliest and first determined model basically reveals the economic dimension of migration and addresses the salary differences between the two countries. Rural-to-urban migration forms the basis of this model (Lewis, 1954), and analysed the wage differences between individuals living in cities and those living in villages through economic theories. Massey et al. (1993) formed a model by examining the theory of international migration in terms of salary differences and labour force situation in different countries, economic developments in the country of immigration, social security programs and the future of the capital market (Massey et al., 1993).

The first model of migration is based on the theory that when labour markets are not regulated, there is an excess of labour supply in rural areas, despite the predominant urban sector wages. As people migrate to cities, urban labour supply increases, rural labour force decreases; thus, urban labour wages decrease and increase in rural areas (Lilleor & Broeck, 2011).

The second migration model was developed by Todaro, and they examined the effects of economic variables on the labour market in less developed countries. He also handled the unemployment rate in his analysis. Differences in unemployment rates and the rate of decrease in income are seen as the main reason for migration (Todaro, 1969).

The third model, identified as the new economy of labour migration, focuses on the risk of collective entry to cities rather than individual migration, which is defined as households. In this model, it shows family strategies aiming to reduce the maximum expected income and consumption risk (Massey et al., 1993).

Apart from migration models, factors affecting migration movements in the literature are summarised in different ways by different authors. However, international migration movements generally consist of social, economic, political, demographic and environmental factors.

Hear et al. (2012), divided factors affecting international migration into four groups as; predisposing, bringing closer, triggering and intermediary factors. The factors that predispose to migration focus on the macro-political structural inequalities between the origin country and the destination country. Globalisation, environmental change and demographic transformation are the leading factors that are converging. Affiliating factors are related to areas of study other than those that predispose to migration and include factors directly linked to migration. In the country of origin and the country of destination, there has been a period of economic or business regression, a situation that has deteriorated in security or human rights, and a negative environmental change may occur in the market, including climate change. The financial collapse in the economic field, the increase in unemployment rates, the failure in health, education and other services are the leading triggering factors. Besides, in the areas of political and security, human persecution, controversial citizenship, epidemic or warfare are among the main triggers affecting immigration. Intermediary factors facilitate, limit, accelerate, reduce, consolidate and enable migration. Communication, information and other resources, lack of infrastructure and lack of information required during the migration journey and transition periods are the leading instrumental factors Hear et al. (2012).

Black et al. (2011), has been divided factors affecting international migration into five parts; economic, political, demographic, social and environmental factors. These variables affect the

volume, direction and frequency of migration. All these factors directly affect the migration decisions of individuals (Black et al., 2011).

Factors Affecting Migration	Reasons for migration from the Country of Origin	Reasons Determining the Country of Migration	Its proponents:
Demographic	<ul style="list-style-type: none"> • Population growth • Population structure • High fertility rates • The frequency of recurrence of diseases 		<ul style="list-style-type: none"> • Praussello, 2011; • Black vd., 2011; • Haas, 2011;
Social, historical and cultural	<ul style="list-style-type: none"> • Human rights violations • Ethnic, religious and gender-based discrimination 	<ul style="list-style-type: none"> • Family union • Collective of minority groups • migration • Non-discrimination • A common language • Colonial links • Education opportunities 	<ul style="list-style-type: none"> • Praussello, 2011; • Black vd., 2011; • Hear et al., 2011; • Schmeidl, 1997;
Economic	<ul style="list-style-type: none"> • Poverty • Unemployment • Low fees • Absence of basic health and education services • Working opportunities • Producer prices • Consumer price 	<ul style="list-style-type: none"> • High fees • Employment opportunities • Higher living standards • Personal or professional development opportunities 	<ul style="list-style-type: none"> • Praussello, 2011; • Black vd., 2011; • Hear et al., 2011; • Haas, 2011; • Clemens, 2011;
Political	<ul style="list-style-type: none"> • Conflict, violence • Lack of security • Poor governance • Political instability • Discrimination • Conflict areas • Direct prints 	<ul style="list-style-type: none"> • Security • Political freedom • Political incentives 	<ul style="list-style-type: none"> • Praussello, 2011; • Black vd., 2011; • Hear et al., 2011; • Haas, 2011; • Schmeidl, 1997; • Moore and Shellman, 2004;
Environmental	<ul style="list-style-type: none"> • Exposure to disasters and natural events • Food, energy and water security 	<ul style="list-style-type: none"> • Soil fertility • Liveability • Food, energy and water security 	<ul style="list-style-type: none"> • Hear et al., 2012; • Black et al., 2011; • Haas, 2011;

Table 2. Factors Affecting International Migration, own edition

The factors affecting international migration movements are summarized briefly in Table 1. In the table, it is stated why the individuals who migrated from the country of origin migrate and what are the attractive factors in the country of destination.

1.3.1. Economic Factors

Economic factors directly affect both domestic and international migration movements. It focuses on working conditions and wage differences between the country of origin and the country of immigration (Black et al., 2011). Net income factors such as wage differences and income distribution and poverty are among the main factors that directly affect international migration movements (de Haas, 2010). Income differences alone are not enough to explain economic factors. State policies play a fundamental role in stimulating economic developments affecting migration flows. The direction and volume of migration movements vary depending on the individual conditions that cause migration, such as class, ethnicity, religion, language, education level and communication with the citizens of the country of immigration (Black et al., 2011). In addition, high-scale poverty and low-skilled labour are seen as the most important determinants of migration to European countries (Prilleltensky, 2008)

According to Clemens, who conducted a study to measure the determinants of migration, the differences between workers' salaries and economic and demographic variables are important indicators in determining the rate of refugees. Claiming that there are gains from labour mobility, he argues that including immigrants in the system in line with their productivity and abilities will make a positive contribution to the economy (Clemens, 2011).

1.3.2. Political Factors

Political factors are affected not only by variables such as conflict, security, discrimination, and persecution, but also by public and institutional policies such as forced migration or land ownership (Black et al., 2011). According to Raleigh (2010), conflict is the primary factor affecting migration. Conflict and poverty are factors affecting international migration movements directly, livelihood fragility and political instability indirectly. Moreover, civil war is the source of conflict in developing countries (Raleigh, 2010). In her model, Raleigh demonstrated that conflict and poverty directly affect individual migration movements in developing countries. In countries experiencing environmental disasters and conflict, the death rate due to the disaster determines the migration routes. In low-income countries, environmental disasters and poverty are the main determinants. In her model, Raleigh demonstrated that conflict and poverty directly affect individual migration movements in

developing countries. In low-income countries, environmental disasters and poverty are the main determinants. In countries experiencing environmental disasters and conflict, the death rate due to the disaster determines the migration routes.

Examining the process between 1971-1990, Schmeidl evaluated the structural factors that affect the occurrence of forced migration. The findings revealed as a result of this evaluation, firstly, that human rights violations have a stronger effect among the factors that trigger migration than violence. The second finding is that military intervention from outside has more impact on the number of refugees than civil war. The third finding is that economic factors have little effect on the number of refugees (Schmeidl, 1997).

Moore and Shellman justify the violent behaviour of both the government and the opposition that people must leave their place of residence. People living in that country perceive such actions of the administration as a danger to their lives, freedom and physical existence. As the threat posed by the administration and the behaviour of opponents increases, the number of forced migrants a country will produce increases (Moore & Shellman, 2004).

1.3.3. Demographic Factors

In a progressing economy, the population and the characteristics of the community affect the distribution among economic sectors, the growth rate of the economy, the level of employment, the increase in sectoral manufacturing and imports.

Demographic factors are related to the structure and size of the population in the country of origin. The impact of demographic factors on migration varies depending on other factors, especially economic factors. The desire to migrate is mostly seen in the young population, and the demographic characteristics of the source country affect how quickly the community can respond to economic factors. Moreover, these demographic variables are not only related to birth and death rates, but also illness and health concerns. The average age of the population can affect job and labour opportunities, which are shown as economic factors (Black et al., 2011).

The most obvious one of the demographic characteristics of the least developed countries is the constant and high population growth. Birth level, mortality and emigration rates determine the size and rate of increase of the population. The insufficiency of the working population in advanced countries causes an increase in worker wages, and the failure to reflect this increase in wages to prices due to global competition causes a decrease in company profits. For this reason, the labour deficit is tried to be compensated by foreign workers (Massey, 1988).

1.3.4. Social Factors

Individuals often make a decision to immigrate for reasons such as providing their children with better education opportunities, being close to their relatives, and exercising their religious freedom, as well as economic factors. In addition to all these reasons, individuals can decide to migrate due to psychological reasons, with the idea that they cannot increase the living standards in their region.

Another socio-cultural reason causing migration is education. Some regions have better educational opportunities than others, causing migration. Persons who want to receive education in better conditions sometimes migrate from a village to a city, sometimes from a city to a more developed city or even to a different country. These migrations, which are defined as brain drain, are not only made for a certain period of time, but also make them permanent in order to continue the rest of their life here.

Social factors include familial and cultural expectations, educational opportunities, and cultural elements such as heritage or marriage. The most important influence of social factors is related to the destination of immigrants. Social factors occur linearly with population size and inversely proportional to distance (Black et al., 2011).

1.3.5. Environmental Factors

Historically, it is known that people migrated due to adverse natural events such as volcanic eruptions, storms, floods, earthquakes and landslides. When we look at today, spatial problems such as climate changes and global warming lead to human migration. Many studies are emphasising that migration due to climate change, which is generally called ecological migration, will continue to increase in the coming years.

Environmental factors are related to exposure to disasters and other environmental events and ecosystem services. Environmental events such as floods, landslides, earthquakes, forest fires, and volcanic eruptions are well-known causes (Black et al., 2011).

According to Muratoğlu and Muratoğlu (2014), whether the decision of immigration is an individual or a collective family decision, reaching a higher income level from a lower income level is the primary motivation and countries with relatively high income are preferred. While

countries with a high population and high population growth rate are generally countries of immigration, countries with relatively low population, more importantly, with low or stable population growth rates are usually immigration receiving countries. As the distance between countries increases, the number of migrants decreases inversely. This may explain the concentration of immigration from Turkey to European countries. (Muratoğlu & Muratoğlu, 2016)

Bhagwati (2003), Castles (2004), Cornelius and (2004) and Düvell (2005) argued that the main trigger of international migration stems from imbalances between labour markets, wealth inequality, and political conflicts in the country of origin, and over the past decade, scientists stated that governments made an effort to solve it but failed.

Haas (2010) focused on the possible future of Mediterranean migration by evaluating past, present and future migration factors in the Mediterranean. He has argued that since 1950, the Mediterranean migration map has fundamentally changed due to the change in the political and political structure of the region and the enlargement of the EU.

He also stated that the main reasons for these changes were economic and political. He argued that, contrary to traditional beliefs, the role of environmental as well as demographic factors is relatively limited and indirect, they may affect future climate change and environmental internal movement but unlikely to result in mass international migration.

In the study, it was argued that structural social, economic and political factors are the ways that affect migration the most. It has been argued that the development and levels of migration are complex and essentially non-linear, with a country of origin perspective, economic and human development in low-income societies initially tended to increase both domestic and international migration. It was stated that improvements in transportation, travel and communication had increased people's ability and desire to migrate. Besides, it has been argued that policies followed in areas such as labour market structures, income levels, infrastructure, education, social security and health affect migration. (Haas et al., 2019)

1.4. THEORIES OF INTERNATIONAL MIGRATION

The existence of many theories aiming at explaining the phenomenon of migration, which is of interest in different disciplines such as anthropology, economics, geography, history, law, political science, sociology and international relations (Brettell & Hollifield, 2000), has brought some questions about whether there is a comprehensive theory about migration. (Portes, 1997). However, it is unlikely to agree on a single model or theory on migration, which

is almost as old as human history. For this reason, some theories have been developed to explain the migration process.

1.4.1. Early Migration Theories

Until the emergence of contemporary migration theories, a lot of research has been done about population and migration movements. In order to evaluate contemporary migration theories, these studies, which constitute the basis of migration field, should be briefly mentioned. Thomas R. Malthus, William Farr and Earnst G. Ravenstein were the first scientists to make significant contributions to early theories and analyzes. However, it was Ravenstein who, in his own words, began to work for the antithesis of William Farr's idea that immigration could not be a definite law (Yalçın, 2004).

Ravenstein's article "The Laws of Migration", published in 1885, provides the starting point for migration studies (Lee, 1966) The seven laws that Ravenstein put forward in his article "The Laws of Migration" are summarized below (Ravenstein, 1885):

1. The majority of immigrants prefer only short-distance migrations. The direction of the population movement is directed towards the major centers of trade and industry.
2. As a natural consequence of this migration movement, the gaps that emerge in rural areas with the increase of migration from regions close to fast-growing cities are filled by migrants in more remote regions.
3. This propagation process is the opposite of the migration process, but shows similar characteristics.
4. Each major migration stream produces a countercurrent that balances itself.
5. Migrants, moving towards long distances, prefer one of the centers where trade or industry is concentrated.
6. Those living in urban areas migrate less than those living in rural areas of the country.
7. Women have a higher tendency to migrate than men.

This analysis of Ravenstein formed the basis of subsequent research on migration (Grigg, 1977). Everett Lee is one of those who tried to form a theory based on Ravenstein's analysis. Lee, in his 1966 study on the theory of migration, focused on the push-pull factors that were effective in the migration decision and migration process. factors related to origin, factors related to destination, intervening obstacles and personal factors (Lee, 1966).

Ravenstein's work was regarded as the first comprehensive theoretical study on migration and pioneered, or paved the way for the subsequent migration theories. Although he has put forward propositions that are correct and valid in the following century, his model, which is based solely on the developments in production technologies and the increasing importance of cities in this

process, is not sufficient to understand the immigration phenomenon which is a very complex structure today.

Another researcher who has made extensive assessments of migration is W. Peterson. Peterson stated that the reasons that pushed individuals to the migration decision were not only caused by push-pull factors, but also by individual and social factors (Petersen, 1958). In general, Peterson explored the underlying causes of push-pull factors. Peterson argues that the theoretical frameworks in which limited data are embedded are also quite simple, as migration studies often tend to be descriptive rather than analyzing. In his study, he states that, as a step towards producing a general theory of migration, he seeks to bring together more distinct analyzes of both internal and external migration into a single classification. (Petersen, 1958). The basis of Peterson migration classification, push-pull polarity it has been shaped by separating the migration movement according to whether it is innovative or conservative and including individuals' desire to migrate. In this framework, based on individual and class differences, he defined five types of migration which have a very important place in sociology of migration (Petersen, 1958):

1. **Primitive migration:** Migrations caused by the pushing effect of ecological pressures. Migrations considered within this class are mass migration due to drought, bad weather and similar reasons.
2. **Forced migration and Impelled migration:** Forced migration is a migration that is created by the repulsion effect of a state or equivalent social institution. Impelled migrations are those in which migrants have the power to decide whether to go or stay.
3. **Free migration:** The type of migration in which the will of the immigrants is decisive. The immigration will is relatively less important in the types of migration described previously. In this type of migration, the immigrant takes the decision of the migration itself.
4. **Mass migration:** A type of migration that refers to the migration of a large number of people from one country or region to another. These migrations emerged as a result of technological advances and development in transportation networks. It refers to situations in which migration has ceased to be an individual, a form, an established pattern and an example of collective behavior.

In his study, Peterson stated that the previous classifications of modern migrations are based on inference from the collected statistics regardless of whether they are related to theoretical propositions and that the main purpose of their classification is to contribute to the possible development of the theory by providing conceptual migration types. In fact, he said that even the basic statistical distinctions between internal and external migration do not express theoretical significance, and, referring to Ravenstein's work, emphasized that the most general

expressions that can be used for migration can only be put forward in the form of typing rather than a law. (Petersen, 1958).

1.4.2. Modern Migration Theories

With the analysis of early migration theories, a number of recent theories have been developed. In their study, Robert Bach and Alejandro Portes suggested that the current migration theories could be divided into four different categories. These; the origins of migration, the direction and continuity of migration flows, the use of migrant labor and the socio-cultural adaptation of migrants (Portes, 1997). Although each of these categories can be addressed from a narrow and broad perspective, developing a theory that can explain these four different aspects of migration is the ultimate goal of migration theories. Various classification methods have been developed in order to make different theoretical contributions about migration. In this direction, the most basic distinction is made on the duration of migration and the concepts of permanent, semi-permanent and temporary migration are emphasized (Szczepanikova, 2013).

In this part of the study, the theories that developed after the early migration theories and considered as modern migration theories will be examined according to their emergence times.

1.4.2.1. Neoclassical Migration Theories

The first and perhaps the most emphasized theory of migration; is a theory of neoclassical migration based on a number of principles such as benefit maximization, expected net return, rational expectations, factor mobility and wage differences (Arango, 2000). It is seen that neoclassical theory, which is seen as the starting point of contemporary migration theories, approaches the phenomenon of migration both in a macro and micro framework. According to the macro approach, international migration is due to geographical differences in labor supply and demand. Countries with limited labor market compared to capital have high wage levels; wage levels of the countries with surplus labor are low. The resulting wage gap causes workers in low-wage countries to migrate to high-wage countries (Massey, et al., 1993)

As can be seen, neoclassical theory, immigrants; individuals tend to see it as aimed at maximum benefit. It also ignores other factors that cause migration, such as households, families and communities.

1.4.2.2. Migration Systems Theory

The “system approach” was first introduced in Akin Mabogunje's work on rural-urban migration and migration-regional development(Mabogunje, 2010). This approach, which was suggested to be built on weak empirical foundations in those years and was later developed by

Kritz and Zlotnik (1922), provides a comprehensive framework for migration research (Arango, 2000). According to the theory, at the center of the international migration system is a core receiving region, usually composed of a country or a group of countries, and around this region, there are immigrant flows of unusual size and the countries that emigrate to it. Although many studies have been conducted on the system approach, there has not been full unity as to what the migration systems approach covers. However, although there is no separate theory with different generalizations as well as previous theories, the migration systems approach has developed some hypotheses. These hypotheses can be listed as (Massey, et al., 1993):

1. Since the political and economic relations are in the forefront rather than physical factors, it is not so important whether countries are geographically close or not.
2. A country can be involved in more than one migration system. However, this situation is more common for the countries receiving immigration.
3. As political and economic conditions change, systems develop. Therefore, stability does not have a fixed structure. Countries can become members of or withdraw from a system in response to social change, economic fluctuations or political turmoil.

1.4.2.3. Network Theory

Migrant networks; It is an interpersonal approach that connects existing immigrants with former immigrants through sharing such as kinship and friendship. Therefore, this connection can be considered as a social capital for the people who will migrate. This relationship can increase the likelihood of international migration mobility by reducing movement costs and risks. For first-time immigrants with no connections to the destination, migration is costly. After the first immigrants, the possible costs of migration are reduced for friends and relatives of these immigrants. Because as a requirement of kinship and friendship structures, each new immigrant creates a group of people with social ties with the country of destination (Massey, et al., 1993).

1.4.2.4. World Systems Theory

This theory, based on Wallerstein's work, which deals with the issue of migration in a historical-structuralist approach, has linked the origins of international migration to the structure of the developing and expanding world market since the 16th century, not to the dual structure of the labor market in certain national economies. According to this theory, the penetration of capitalist economies into non-capitalist societies creates a moving population wishing to emigrate (Massey, et al., 1993).

According to the theory of world systems, migration is a natural consequence of the inevitable deterioration and displacement of the capitalist development process. Capitalism; as it expands

from its core in Western Europe, North America, Oceania and Japan, larger regions and increasing shares of the human population are included in the world market economy from all over the world. Since land, raw materials and labor existing in neighboring countries are under the influence of the world market as a result of the expansion of capitalist countries, migration is inevitable (Massey, et al., 1993).

1.5. DEVELOPMENT OF INTERNATIONAL MIGRATION AND REFUGEE LAW

Refugee crises experienced internationally as a result of migration, which became a major problem, especially after the Second World War, showed the need for international organisations. The problem was tried to be overcome with the help of institutions and organisations established for this purpose, as well as bilateral and multilateral agreements. Although the first studies in Europe came to mind as the refugee crisis was mainly experienced in Europe as a result of the Second World War, some regional studies were carried out in America and Africa.

When the development of immigration law is examined, it can be said that it is divided into two main parts. It is observed that action was taken globally for the first time and also the first part of the immigration law regulated after the First World War, due to migration and refugee crisis. The second part consisted of the migrations and studies that have been carried out until today after the Second World War.

The first attempt to solve the refugee problem, which was intensely experienced as a result of the First World War, was the application made by the Red Cross Organization to the League of Nations regarding the problems of Russian refugees in 1921. The League of Nations, which took action upon this application, appointed Norwegian Nansen as High Commissioner to resolve the problems of Russian refugees and to define their legal status. Nansen was also interested in the refugee problems after the Turkish-Greek war in the same years. American McDonald was elected as High Commissioner in order to find solutions to the problems of Jewish refugees who had to leave Germany as a result of the policy followed by the Nazi administration in Germany after Nansen. ((Özcan, 2005). McDonald is also the first person to emphasise that global political breakthroughs are required in order to solve the problems causing refugee movements to occur (UNHCR, 2000).

As a result of these two refugee crises, the League of Nations carried out some studies in order to solve the problems of Russian refugees in 1926 and German refugees in 1936. As a result of

these studies, the League of Nations has determined the following criteria for immigrants to benefit from refugee status;

- i. Being outside their country of citizenship and
- ii. It is not to enjoy the protection of any state or government.

In line with this regulation, regulations are also governed by the Convention on the Situation of Refugees from Germany, signed in 1938.

- i. Persons who, although currently or previously holding German citizenship, are not citizens of any other state and cannot be demonstrated to benefit from the protection of the German Government, either in law or in practice
- ii. A person who was not covered by the conventions and regulations made before, who was born and raised in German territory but left this country and cannot be proven to benefit from the protection of the German Government in law or in practice. (Özcan, 2005)

As it will be noted, both regulations focused on two criteria. While the first of these criteria is citizenship or nationality, the other criteria are to leave the country where they live and not to be protected by either their own state or another state. The League of Nations has accepted these two conditions as criteria determining whether the immigrant is a refugee or not. Examining the legislative arrangements and institutions put forward as a result of the work carried out in order to solve the problem and bring the refugee issue to a legal basis will be useful in understanding the subject.

1.5.1. United Nations Relief and Rehabilitation Administration, UNRRA

When the Second World War that took place between 1939-1945 is examined, it would be appropriate to interpret the process leading to the war as the reckoning of the First World War (Armaoğlu, 2018). The Second World War, which is one of the most brutal wars that human history has ever seen on earth, is also a war in which war crimes were committed, such as the trial of new weapons against the law of war, and human rights violations that reached the highest level of genocide. It can be seen that the universal declaration of human rights as well as the United Nations are among the results of this war. In other words, the studies put forward in the international arena as a result of the Second World War did not only concern the warring states but all the world states. From a legal point of view, it can be said that the Second World War contributed positively to the development of international law.

During and after the war, millions of people had to leave their homeland and migrated to different countries. The refugee problem, which emerged as a result of these migrations, has

occupied the world agenda at least as much as the other consequences of the war. During the war, an international refugee crisis was experienced both because of the war and the persecution and pressures of the Nazi administration, which was in power at that time in Germany. The United Nations Relief and Rehabilitation Administration was established in 1943 to overcome this crisis. This organisation did not only deal with the refugee problem but also with the problems of all people affected by the war and aimed to help. The United States supported this institution economically with a rate of 70%. As a result of the war, the United States stopped its aid for economic and political reasons and the refugees were sent back to the country they abandoned, and the organisation became inoperable since 1947. (Özcan,2005).

1.5.2. International Refugee organization (IRO)

The International Refugee Organization is one of the temporary specialised organizations within the United Nations, operating from 1946 to January 1952. This organisation was established for three years when it was founded. However, it remained in operation until 1952. During its years of operation, the organisation has worked on the problems of refugees and stateless persons who cannot return to their countries or do not want to return for political reasons in Europe and Asia. The organisation, which compiled and collected the definition of refugee for the first time, defined the refugee as follows;

"Basically, people who are persecuted because of their race, nationality, political opinion and religious beliefs or who are not able to protect them by the state they belong to." (Özcan, 2005)

In the ongoing process, this definition has been arranged in the same direction in both the United Nations High Commissioner for Refugees Statute, the 1951 United Nations Geneva Convention on the Legal Status of Refugees and the 1967 Protocol of the United Nations on the Legal Status of Refugees. The oppressive Nazi administration, which was in power in Germany between 1933-1945, committed many repressive events. With increasing Nazi repression and German citizens fleeing Germany to escape significant pressure, the Intergovernmental Refugee Commission (IGCR / ICR) was established under the leadership of US President Franklin D. Roosevelt in 1938 to deal with the problems faced by refugees from this persecution. Looking at the purpose of the commission's establishment, at first, it only dealt with the issues of refugees from Germany. However, the working area of the commission grew to include all refugees living in Europe by 1943.

The international refugee organisation started to operate on 1 July 1947. He assumed the responsibilities of the United Nations Relief and Rehabilitation Administration (UNRRA), which ceased work for economic and political reasons and was active between 1943 and 1947. When we look at the field of activity of the IRO, it is seen that they play an active role in improving the camp runs where refugees are held together. It has supported refugees in issues such as adequate nutrition, education, health, employment, finding missing family members, and ensuring the safety of life and property. It also undertook the duties of the Intergovernmental Refugee Commission (IGCR / ICR) to protect the legal rights of refugees and to settle them in a third country (International Refugee Organization (IRO), 1946). On the other hand, the organisation declared its aim to encourage refugees to return to the countries where they previously lived or to their own countries. Besides, it has adopted the principle that no refugees can be forced to return to their country of origin. In line with this principle, approximately one million refugees have been resettled in third countries. The United Nations High Commissioner for Refugees (UNHCR) has taken its place in the field of activities of the IRO. (Özcan, 2005)

1.5.3. International Organization for Migration (IOM)

The traces left by the Second World War in the historical memory of human beings are indelible. In addition to its destructive and negative effects, it is also important in terms of contributing to the development of immigration and refugee law. The wave of immigration created by millions of people displaced as a result of the war has affected the world order in all respects. With the acceptance that the states should solve this problem, international initiatives have been made.

In this respect, with the initiatives of Belgium and the United States of America, an International Migration Conference was held in Brussels to assist people who migrated as a result of the second world war. As a result of this conference, the Provisional Intergovernmental Committee for the Movements of Migrants from Europe (PICMME) was established.

PICMME soon became the Intergovernmental Committee on European Migration (ICEM)¹. It was established in 1951 in Geneva, Switzerland with the participation of 132 states. IOM, the most important intergovernmental organisation in the field of migration, has agreed to become an organisation affiliated to the UN with an agreement signed on 8 July 2016 with the United

¹ <https://acronyms.thefreedictionary.com/PICMME>

Nations.² Between 1956 and 1957, the ICEM took responsibility for the resettlement of around 180,000 Hungarian refugees who fled to Austria and Yugoslavia. This activity was one of the first works of the organisation.³

The International Organization for Migration states the purpose of the organisation as;

"to help ensure regular and humanitarian migration management, to encourage international cooperation on migration issues, to support the search for practical solutions to migration problems, and to provide humanitarian assistance to migrants in need, including refugees and internally displaced people."

There are 173 states and eight observer states that are members of the international migration organisation. The organisation, which has over 100 offices around the world, has concentrated its efforts on the realisation of regular migration.

IOM opened its first office in Turkey after the first Gulf War in 1991, to deal with Iraqi refugees and thus began its activities in Turkey. Although Turkey was eligible to participate to the IOM in accordance with Law No.5260 dated 25 November 2004, however, it could be put into effect by the Council of Ministers on 19 July 2010 (Republic of Turkey, 2010). It is formalised that Turkey's membership to IOM in 2004 and collaboration between Turkey and IOM from this date onwards, such as the creation of the Foreigners and International Protection Draft Law including the establishment of the Ministry of Interior General Directorate of Migration Management in 2013. After the earthquake in Van, IOM began its emergency intervention programs in Turkey. With its role in the Mediterranean refugee crisis experienced in 2015 after the civil war in Syria, IOM has continued to pursue its activities in Turkey. The organisation, which has a head office in Ankara and sub-offices in Istanbul and Gaziantep, has approximately 350 employees in 15 different regions across the country.

1.5.4. United Nations High Commissioner for Refugees, UNHCR

Refugee crises experienced at the end of the second world war and during the war, which is one of the most critical turning points of the refugee problem, have become inevitable. The refugee problem in the world was seen not only in Europe but also in all geographies involved in the Second World War. Although there have been attempts to deal with refugee problems

² <https://www.iom.int/iom-history>

³ <https://www.iom.int/1950s>

before, the size of the organisations established so far has been insufficient at the level where the refugee problems have reached or their working period has expired.

At the current stage, there has never been a need for an organisation that will deal with the refugee crisis worldwide, carry out studies and make arrangements in this field. As a result of this need, it was decided by the UN General Assembly to establish the United Nations High Commissioner for Refugees (UNHCR) in December 1949. According to the decision, it was envisaged that the headquarters of the commissioner would be Geneva, Switzerland, that it would enter into force on January 1, 1951, and that it would have a working period of three years.

After its establishment, it started its activities by dealing with the problems of more than a million refugees. All of these have been refugees living in the European continent. Due to both the successful work of the commissioner and the ongoing refugee problems, the commission was not dissolved at the end of the prescribed three-year period, and it was decided to continue the work of the commissioner for five-year periods. So much so that, as a result of the successful outcome of the commissioner, he was awarded the Nobel Peace Prize in 1954. In 2003, with the decision of the UN General Assembly, it was decided that the term of office of the commissioner should be removed and its activities should continue continuously.

The Charter of the Commissioner was approved by the UN General Assembly on 14 December 1950. This statute is a bedside book as well as creating the road map of the commissariat. According to the regulation, the aims and fields of activity of the commissariat are regulated. Therefore, the commission's primary purpose is to provide international legal protection to refugees and to persuade refugees to return to their own country or resettlement in a safe third country. The second purpose is to ensure that the refugees falling into its field of activity are identified.

If we take a look at the first purpose of the commissioner; it is empowered to provide international protection for refugees, to work with governments to find durable solutions to refugee problems, to unite and manage global initiatives to protect refugees around the world, and to resolve refugee problems. The primary purpose of UNHCR is to defend the rights of refugees they are trying to achieve and to enable them to continue their lives at a certain level. UNHCR works to ensure these rights, recognising that everyone has the right to shelter safely, with asylum claims and options for voluntary return in another state, local integration and resettlement. It aims to reduce cases of forced displacement by supporting governments and other institutions to create conditions that are instrumental in the protection of human rights and peaceful resolution of disputes. Accordingly, UNHCR seeks to strengthen the reintegration

of refugees returning to their countries and tries to prevent recurrence of refugee-generating events. UNHCR endeavours to provide protection and assistance to refugees and other people in line with their needs, without discrimination of race, religion, political opinion or gender. Among all these activities, UNHCR strives to meet the needs of children and promote women's rights.

Determining the fields of activity, which is the second purpose of the Commissioner's Office, is as follows:

- i. Persons included in the refugee agreement,
- ii. Persons who left due to civil war or internal disturbances
- iii. Persons returning to their country
- iv. Stateless persons
- v. Within the scope of international regulations accepted before the war.
- vi. individuals
- vii. Internally displaced individuals.

The individuals mentioned above are referred to as "persons within the scope of interest or patronage" of the commissioner. (Özcan, 2005)

As of 2019, the organisation, located in 138 countries, has approximately 17,000 employees. While its budget was about 300,000 USD in the years, it was founded, by 2019 its budget was around 7 billion USD. In 2019, 69. celebrating its anniversary, UNHCR has led to the re-establishment of roughly 50 million refugees since the day it started its activities.

Refugees are not the only persons under UNHCR's responsibility. Stateless persons and some of the displaced persons who are returning to their country, numbering 26 million, often referred to as internally displaced persons, are among the other groups of interest to UNHCR.

1.5.5. 1951 United Nations Geneva Convention Relating to the Status of Refugees

The 1951 United Nations Geneva Convention on the Legal Status of Refugees was signed in the period when the United Nations High Commissioner for Refugees was established in order to solve the refugee crisis and to deal with refugee problems during the process of the Second World War with all its cruelty and after the war. Although this contract was signed on July 28, 1951, it entered into force on April 22, 1954. Turkey has signed the agreement on 24 August 1951.

Since the contract will be internationally binding if signed, the process of making this contract has been quite controversial. The basis of the discussions is how to define the concept of a

refugee. Because the definition of the term refugee directly determines the area of responsibility. Therefore, states did not want migrants from all over the world to be considered as refugees as a result of the definition made. In line with this view, an agreement was reached on the fear of persecution based on a just cause.

In this context, a consensus was reached on the issue of sharing the burden of refugees by reducing the number of people to be included in the concept of refugee and sharing the burden of refugees by ensuring that more countries take responsibility while signing the contract. The date limitation stipulated in the contract is regulated in the A clause of Article 1 as follows (OHCHR, 1954):

“A. For the purposes of the present Convention, the term “refugee” shall apply to any person who:

(1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;

(2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term “the country of his nationality” shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-

founded fear, he has not availed himself of the protection of one of the countries of which he is a national.”

When the elements of the article are examined, there are some conditions to be defined as a refugee. The first of these conditions is a justified fear that he will be persecuted. This fear must be due to his affiliation with a certain race, society or religion or his political opinion.

In the continuation of the article in which the conditions of being a refugee are determined, there is the condition of being abroad and not being able to benefit from the protection of this country or not wanting to benefit because of the fear in question. Here, first of all, it is stated as an injustice for people who meet all the conditions for being a refugee but cannot leave their country. (Özkan, 2017) In other words, to apply for asylum and become a refugee, it is necessary to be outside the country of priority. The regulation foreseen for stateless persons is that stateless persons are outside the country they live in, not being able to return or not willing to return because of fear.

The contract has also made a regulation for people with more than one nationality. The phrase "country of citizenship" about those with more than one citizenship refers to all of the countries of which they are citizens. Suppose there is a country where the asylum seeker belongs to the nationality and does not benefit from protection without a justified reason. In that case, this asylum seeker cannot be considered not benefiting from protection. In other words, a person cannot be a refugee if he/she has a current state under its protection without arbitrarily benefiting from the protection of this state.

A geographical limitation is included in subparagraph B of the same article of the contract (OHCHR, 1954);

“(1) For the purposes of this Convention, the words "events occurring before 1 January 1951" in article 1, section A, shall be understood to mean either (a) "events occurring in Europe before 1 January 1951"; or (b) "events occurring in Europe or elsewhere before 1 January 1951"; and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.”

The Convention also, any State Party that accepts (a) may at any time extend its obligations by announcing acceptance of (b) by a note to the Secretary-General of the United Nations.

As can be seen, the contracting states have an optional right in this regard. The signatory states will be able to accept people coming from anywhere outside of Europe as refugees, even if they only want people from Europe.

Turkey, any provision of the Geneva Convention on refugees, has argued that the reservation cannot be more recognition of the rights granted to Turkish citizens. The date stipulated in the contract, in the context of the geographical limitation that depends on it, a regulation on this issue is included in Approval Law No. 359. Accordingly, it has been declared that the phrase "events that occurred before January 1, 1951" will be applied as "events that occurred in Europe before January 1, 1951". Besides, Turkey has agreed to geographical limitations. As a result, Turkey considers only as a refugee from Europe.

1.5.6. United Nations Protocol on the Legal Status of Refugees 1967 (New York Protocol)

In the 1951 United Nations Geneva Convention on the Legal Status of Refugees, the concept of refugee was defined in a broader perspective, considering the previous conventions and started to be applied internationally. However, due to the geographical and historical restrictions stipulated in the contract, the desired level of efficiency could not be achieved due to the fact that it was addressed to a very narrow audience. Since the date 1951 was taken as a date limitation, the rights granted to refugees were not granted to those who were found as asylum seekers after this date. Considering the general situation of the world after the Second World War, it is seen that the refugee problem was experienced not only in Europe but in all geographies where the Second World War took place. The refugee problem continued to grow due to the collapse of communist regimes, the end of the colonial period, the establishment of new states and political turmoil. The refugee population at that time was relatively high in Asia and Africa.

Nevertheless, it has been observed that the 1951 Geneva convention did not fulfil its purpose and did not contribute to the solution of the refugee problem in practice. Upon this development, the 1967 protocol was prepared with the initiative of the United Nations High Commissioner for Refugees. The protocol was signed at the UN General Assembly on 16 December 1966 and entered into force on 2 October 1967. The reason for the protocol was to remove the geographical and historical limitation in the 1951 Geneva convention and to enable the broader mass of refugees to attain refugee status. In this direction, some changes were made

in the 1951 Geneva Convention with the protocol. These changes are arranged in the 1st article of the protocol as follows (OHCHR, 1967):

“For the purpose of the present Protocol, the term "refugee" shall except as regards the application of paragraph 3 of this article, mean any person within the definition of article I of the Convention as if the words "As a result of events occurring before 1 January 1951 and..." and the words "...as a result of such events", in article 1 A (2) were omitted. The present Protocol shall be applied by the States Parties hereto without any geographic limitation, save that existing declarations made by States already Parties to the Convention in accordance with article I B (1) (a) of the Convention, shall, unless extended under article I B (2) thereof, apply also under the present Protocol.”

As can be seen, with the protocol, historical and geographical restrictions have been removed. The sole purpose of the protocol is not only to increase the number of persons who will become refugees through the lifting of restrictions but also to increase the number of states involved in the solution of the refugee problem. However, it should be noted that while the date limitation has been lifted, the geographical limitation has been foreseen by the states that signed the 1951 Geneva convention that they might continue the geographical limitation application if they wish. Apart from this, all other countries that signed the protocol will not be able to benefit from both geographical limitation and historical limitation.

Turkey approved the protocol, on July 1, 1968, by the Council of Ministers No. 6/10266. The decision of the Council of Ministers was published in the Official Gazette dated 5 August 1968 and numbered 12968. Also, the date and September 25, 1968, Cabinet decision No. 6/10733, in terms of the Protocol of Turkey since July 31, 1968, will maintain the validity of the decision to be valid and geographical limitations are given. (Official Gazette, 1968)

1.5.7. Organization of African Unity (OAU) Convention 1969

In addition to the cyclical developments in the world, as a result of the independence struggles, there have been great conflicts in the African continent. These conflicts caused great immigration waves. The waves of immigration, affected by the conflicts within the continent, manifested themselves both by relocating within the country they live in and by taking shelter in other countries. In order to find a solution to the refugee problem as a result of the migration wave across the continent, the "African Union Organization Agreement Regulating Special

Aspects of Refugee Problems in Africa" has been accepted by the African Union Organization. This contract, which consists of 15 articles, was signed in Addis Ababa on September 10, 1969, and entered into force on June 20, 1974 (UNHCR, 1969).

The 1969 Convention emerged at the same time as decolonisation, racial segregation, political and military upheavals in South Africa. Built on the 1951 Geneva Convention and the 1969 Protocol, it influenced the 1984 Cartagena Expert and the 2009 Kampala Convention. Currently, 45 of the 54 African Union countries are parties to the agreement, which was signed by 41 countries at the time of its emergence. It differs from the fact that it is the only regional treaty on refugees, which is legally binding, and it is the regional complement of the 1951 Geneva Convention. Although the Convention contains exactly the definition of the concept of refugee in the 1951 Geneva Convention, it also regulates additional legal protection provisions. The geographical and historical limitation adopted in the 1951 Geneva Convention was omitted. The main purpose of this is to ensure that all states in Africa contribute to the solution to the refugee problem in the African continent.

Considering the foreword of the convention, African states acknowledge that the refugee issue causes serious problems between states. By declaring that they are willing to solve the problem with a humanistic approach, it has been recorded that refugees will benefit from the fundamental rights and freedoms accepted in the European Universal Declaration of Human Rights. He agrees that all problems on the continent must be resolved in the African context and accordance with the spirit of the Treaty of the Organization of African Unity.

As stated in the first paragraph of Article 1 of the African Union Organization Convention Regulating Special Aspects of Refugee Problems in Africa, it has accepted the refugee definition made in the 1951 Geneva Convention as it is. The second paragraph of the article contains the following regulation different from the 1951 Geneva Convention and in more detail (Rankin, 2005):

"very person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality."

Due to this definition made in the second paragraph, unlike the Geneva Convention, justified fear of persecution was not sought here, and the right to asylum was regulated. There are also important regulations on asylum. First of all, the prohibition of refoulement has been clearly

stated in line with the regulations in Article 2. The OAU Member States have indicated that they will do their best to ensure the settlement of refugees, in line with their respective laws. In the same direction, asylum countries will place refugees in a reasonable place as far as possible from the border of their country of origin for security reasons. The granting of asylum was recognised as a peaceful and humanitarian act, and it was stated that it could not be accepted as a hostile act by any member state. It requires appropriate measures to ease the burden on the granting member state where a member state has difficulty in continuing to grant asylum to refugees, in the spirit of African solidarity and international cooperation with other member states.

1.5.8. Cartagena Declaration on Refugees, 1984

Due to the civil wars that took place in the 1980s in Central America, approximately two million people had to migrate from their places of residence, causing population movements to occur. The refugee problem that emerged as a result of this immigration wave occupied the agenda of Central American countries, and a series of conferences have been held to find a solution to the refugee problem.

The Cartagena Declaration was documented as a result of the seminar series titled "International Conference Series on Protection of Refugees in Central America, Mexico and Panama from Legal and Humanitarian Problems" held in Colombia between 19-22 November 1984. It is a non-binding regional document signed in order to determine the legal status of refugees and to ensure that they enjoy their rights. It was accepted in 1984 with the participation of representatives from 10 Latin American countries (Belize, Colombia, El Salvador, Costa Rica, Honduras, Mexico, Guatemala, Nicaragua, Panama and Venezuela). With the acceptance of the declaration, it has found a place in the laws and practices of 14 countries (Arboleda, 1995).

The declaration emphasises the importance of the right to asylum and permanent solutions, as stipulated in the Convention of the Organization of African Unity Regulating Special Aspects of Refugee Problems in Africa, and strongly opposes the return of refugees to their country in line with the principle of non-refoulement.

Compared to the 1951 Convention and the 1967 Protocol, the Cartagena Declaration expressed the concept of refugee more broadly. According to the statement, refugees (Arboleda, 1995):

"persons who have fled their country for their lives, security or freedom because of widespread violence, external aggression, internal conflict,

major human rights violations, or other situations that seriously disrupt public order."

This statement shows that there is a tendency to broaden the definition of the problems that refugees may face. States that do not accept the 1951 Geneva Convention and the United Nations 1967 Protocol on the Legal Status of Refugees agree to become a party to this convention and protocol by making the necessary legal arrangements. At the same time, the declaration does not give any geographical and historical reservation to the states that will be a party. It declared that the countries which made a geographical or historical reservation between the conditions that were included in the declaration and became a party to the 1951 Geneva Convention and the 1967 Protocol before this declaration should withdraw their reservations.

It will be possible to collect some critical items in the paper as follows. It was decided to establish a consultation mechanism, to support UNHCR's work, to accept the returns of refugees as entirely voluntary, and to cooperate with UNHCR on the possibility of a conflict between the Central American states on asylum. In this direction; training of those responsible for dealing with refugees, determination of third countries, and assistance to refugees for bureaucracy in voluntary returns were accepted.

The borders of the Cartagena declaration have been extended to include the Caribbean countries. The parties that have signed the declaration have continued to meet every ten years since 1984. Three more declarations were made in San Jose in 1994, Mexico in 2004 and Brazil in 2014. The Brazilian declaration includes 28 countries and three autonomous regions (Castillo, 2015).

SECOND CHAPTER

2. THE EUROPEAN UNION'S INTERNATIONAL MIGRATION POLICIES AND LEGISLATION

In order to understand how the EU's international migration policies reached the present stage, it is necessary to examine the migration movements towards Europe from the past to the present and the reasons that led to the formation of a common immigration policy. For this purpose, after examining the history of European migration in this part of the thesis, the EU's efforts to form a common migration policy and the EU migration and asylum acquis that emerged as a result of these efforts will be discussed.

2.1. EUROPEAN MIGRATION HISTORY

Considering the European Migration History, it commenced by emigrating with the start of colonial movements from the 1800s. While Europe was emigrating until the Second World War, it came to a position that received immigration after the war. Under this heading, the migration movements that emerged after the Second World War, which led to the formation and development of the European Union's migration policies, will be analysed.

After the Second World War, migration to Europe has been classified periodically due to the different types of migration waves, but some studies reveal differences in these classifications. Messina (2007) has been classified the migrations experienced as three periods between 1945-1979, between 1973-2007 and after 1989. He calls these periods as labour migration, family reunification, irregular/forced migration periods, respectively. In his classification, Messina draws attention that periods are intertwined and named with the immigration wave that left its mark on each period. Messina has been criticized for the emergence of different migration types in these periods in his classification and for presenting a generalizing approach. When we look at the history of European migration, there are indeed migrations not included in Messina's classification nomenclature. The asylum movements from Eastern Europe to Western Europe after 1945 can be given as an example (Messina, 2007).

Zimmerman (2005) analysed the migration events to Europe with a classification of four periods. In chronological order, these periods have been classified as the post-war period of arrangements and decolonisation, the labour migration period, the restricted migration period and the post-Cold War period (Zimmermann, 2005).

In this section, migration movements to Europe will be examined under three subheadings, covering specific years.

2.1.1. Guest Worker (Open Door) Period (1945-1970)

Reverse migration from the colonial regions, asylum movements, and guest worker migrations constitutes the migration waves between 1945 and 1970.

Colonialism has been an important factor in European migration flows. For many years, there have been intense immigration movements from Europe to the colonial countries. After 1945, a reverse migration movement from the colonial regions to Europe began. People who migrated from France, England, Portugal, Spain and the Netherlands to the exploitation colonies began to return to their countries. Besides, with these returns, there was a labour migration from exploitation countries to these countries (Castles & Miller, 1998).

The asylum movement of millions of people displaced from Poland, Czechoslovakia and Yugoslavia in Central and Eastern Europe due to the Second World War towards Western Europe is another important migration movement of this period. Asylum movements especially took place towards Germany, and in the mid-1950s, asylum movements started to decrease. (Fassmann & Munz, 1994).

After the Second World War, Western European countries entered the process of restructuring and economic development. However, the biggest problem of Western European countries in this process was the lack of a workforce. Western European countries have initiated guest worker programs to address this problem and encouraged migration from third countries for employment purposes. The guest worker migration, which started in the early 1960s, continued until the 1970s, constituting the most important migration movement. Western European countries brought in guest workers to meet the need for workforce, mainly from Spain, Italy, Turkey, Portugal, Yugoslavia and North African countries (Gençler, 2010).

With guest worker policies, Western European states have met their labour force needs and made great contributions to economic restructuring processes. Western European states initially thought that the arrival of guest workers would not be a problem; they could be stopped at any time and that immigrants would return to their countries after a while. Along with the economic recessions in the 1970s, unemployment rates increased, and programs for returning guest workers to their countries were initiated. However, they understood the fact that the workers who came as guests did not return as easily as they thought and that the migrant workers who came as guests were permanent (Samur, 2008).

2.1.2 Family Reunification (Restricted Migration) Period (1970-1990)

Economic problems arose in all countries of the world with the oil crisis in the 1970s. European countries were also affected by this crisis, ended their labour migration policies and tried to implement zero migration policies. With the economic crisis, countries that accept migrant workers have started to see migrant workers as a problem and have developed policies that encourage the return of migrant workers. In the two years following the 1973 Oil Crisis, the UN stated that about 10% of migrant workers returned to their countries (Gençler, 2010).

Even though attempts were made to prevent migration movements during this period, it was not successful. Governments have attempted in order to avoid family reunification of migrant workers but have not achieved the desired result. National courts have stated that family reunification is a human right. As a result of family reunification, the number of immigrants in Western European countries has increased despite the prevention policies applied. For example, the number of immigrants legally residing in Germany in the early 1970s increased from 4 million to 4.5 million in the early 1980s (Castles & Miller, 1998).

Table 3: The Number of Asylum Applications Made to EU Countries Between 1980-1989

COUNTRY	1980-1989
Austria	127.677
Belgium	46.585
Denmark	47.769
Finland	401
France	285.005
Germany	704.901
Greece	30.423
Ireland	-
Italy	42.783
Luxemburg	-
Netherlands	55.131
Portugal	5.607
Spain	21.089
Sweden	139.070
England	46.016
TOTAL	1.552.477

Source: UNHCR, Asylum Applications in Industrialized Countries: 1980-1999, Geneva 2001, p. 2, www.unhcr.org/statistics/STATISTICS/3c3eb40f4.pdf

As can be seen in Table 1, another migration movement towards Europe is the asylum movement. States have developed control-oriented policies; they have tried to restrict immigration in all aspects by visa policies, deterrent measures for asylum, border controls, and by signing bilateral agreements with other countries (Özerim, 2014).

2.1.3. Period Of Post-Cold War And Intense Migration From Out Of The Continent (After 1990)

The end of the Cold War has been the most important event affecting the post-1990 migration movements. With the collapse of the Soviet Union, Europe faced the biggest migration movement after the Second World War (Özerim, 2014).

Table 4: The Number of Asylum Applications Made to EU Countries Between 1990-1999

COUNTRY	1980-1999
Austria	129.690
Belgium	180.404
Denmark	112.486
Finland	18.289
France	296.850
Germany	2.123.569
Greece	24.616
Ireland	21.729
Italy	89.525
Luxemburg	5.796
Netherlands	321.529
Portugal	5.561
Spain	83.542
Sweden	245.549
England	374.115
TOTAL	4.028.453

Source: UNHCR, Asylum Applications in Industrialized Countries: 1980-1999, Geneva 2001, s. 53,90. www.unhcr.org/statistics/STATISTICS/3c3eb40f4.pdf

The conflicts in North Africa and the Middle East have also led to an intense refugee movement. After 1990, there was a considerable increase in the number of refugees in the world. The global number of refugees rose from 2.4 million in 1975 to 10.5 million in 1985, 14.9 million in 1990, and 18.2 million after the cold war. As shown in Table 2, the number of asylum applications made to European Union countries has increased. With the rise of far-right parties in Europe, refugees have been shown as the reason for the increase in terrorism, unemployment and crime rates. At this level, governments have made legislative changes to force the transition to refugee status (Castles & Miller, 1998).

Another migration movement experienced after 1990 has developed as a result of second-generation guest worker programs. Guest workers from Central and Eastern Europe have been brought in through second-generation guest worker programs. This time the number of guest workers was kept very low (Castles & Miller, 1998).

Migration movements towards the EU have continued increasingly after the 2000s. Especially after the increase in border security, the number of irregular migrants has increased, and many migrants have started to die in the Mediterranean with irregular migration. In the final report of the Clandestino Project, it was stated that as of 2008, the number of irregular migrants in Europe was between 1.9 and 3.8 million (European Commission, 2009).

Another significant development that emerged during this period is that countries such as Spain, Italy, Ireland, Greece and Portugal, categorised as traditional immigration countries, became target countries for immigrants (Gençler, 2010).

2.2. HISTORICAL DEVELOPMENT OF THE EU COMMON MIGRATION POLICIES

The European Union's foundations were laid in 1951 when France, Germany, the Netherlands, Belgium, Italy and Luxembourg signed the European Coal and Steel Community Treaty. The countries forming the ECSC signed the Treaty of Rome in 1957 in order to increase the cooperation between them. With the treaty, the ECSC turned into the European Economic Community (Mor, 2010).

One of the most important objectives of the Treaty of Rome that established the EEC was to ensure free movement within the Community borders. However, the treaty did not contain any regulations regarding visa policies, border crossings and immigration (Bigo, 2009).

In the European Union, migration policies have mainly been carried out by member states. Common migration policies across the Union developed with the Maastricht Agreement signed

in 1993. However, before the Maastricht Treaty, important treaties have signed that form the basis of the common immigration policies that the EU will develop in the future.

2.2.1. First Steps In The European Union Immigration Policies: The Period Until The Amsterdam Treaty

When the first steps towards the European Union's common immigration policy are examined, it is necessary to go back to the 1980s by going further than the Tampere Summit. It can be said that the policy-making efforts are intensified, and the Schengen Agreement and the European Single Act have a significant share in the increase of common policy-making tendency. Regarding migration policies in the European Union, it is possible to talk about two developments. Firstly; The Schengen Agreement, which was signed in 1985 but entered into force in 1995, and the opening of the borders afterwards; The Amsterdam Agreement (1997) and the 1999 Tampere Summit. After the Maastricht Treaty, the Amsterdam Treaty came to the fore in order to meet the EU needs. Migration policies have been moved from the third column, the "Common Foreign and Security Policy", to the first column, the "Freedom and Justice Area", to the 4th heading. The terrorist incidents that increased in the 2000s after the Amsterdam Treaty brought a different dimension to immigration policies. Europe has begun to take a different attitude towards Muslim immigrants. Europe has been even more sensitive about the securitisation of migration, so it brought the Hague Program to the agenda after the Tampere Summit. Another important regulation is the Lisbon Treaty. In the Lisbon Treaty, critical steps have been taken regarding the free movement of workers and the integration of third-country nationals within the EU borders.

2.2.1.1. The Trevi Group

Since 1976, Trevi Group have been established outside of Community law, developing in the form of intergovernmental cooperation and initiating cooperation between member countries in the field of internal security. Trevi concept derived from the abbreviation of Terrorism, Radicalism, Extremism, Violence and International. Trevi aimed to strengthen information sharing and was made up of the ministers of justice, interior affairs and police directors of the respective countries. While the primary purpose of the Trevi group was to combat terrorism and internal security, it became one of the group's agenda items in illegal immigration in 1985. A Temporary Group for Migration, consisting of the EEC member states' interior ministers, affiliated to the Trevi group, has been established. The most important output of this group was the Dublin Agreement signed in 1990 (Bunyan, 1993).

The Dublin agreement stipulated that the aggregation's economic and social burdens in some of the member countries against the increasing refugee flow were to be shared among the member countries fairly. According to the convention, the responsibility for the evaluation of the asylum seeker is primarily the member country where the family members of the asylum seekers live, if there is no such situation, the country that granted the asylum seeker a residence permit or visa, and in the absence of such a situation, the country where the asylum seeker entered the borders of the first asylum seeker was held responsible (European Parliament, 2020). Besides, a structure called CIREA (Besides, a structure called CIREA (Centre for Information, Discussion and Exchange on Asylum) was established in 1992 to collect asylum applications in a single centre in order to implement the contract (Commission Of The European Communities, 2000).

The Dublin Convention tried to determine a common policy regarding asylum seekers and prevent the abuse of asylum applications. The Convention includes that if an application to a member country is not accepted, the right to asylum will not be granted in case of an application to other member states. The Convention shows that in order to keep the provisions of the Geneva Treaty, adopted in 1951, concerning asylum seekers, the Community decided to set its own rules. The Dublin Convention included issues related to visas, border controls and immigration as well as asylum policies (European Council, 1990).

2.2.1.2. Free Movement of Workers: The Single European Act (SEA)

In the mid-1980s, some stagnating problems arose in Europe. The funds and some aids needed by the newly joining countries at that time and the rapid reforms in Eastern Europe that led to the unification of Germany made the orientation to the single market inevitable, especially for Germany. For this reason, the Single European Act, the first major treaty reform in EC history, was created in order to put the single market program into practice (Dinan, 2010).

The Single European Act's primary aim, signed in 1986, was to create an area where there were no internal border controls, allowing the free movement of persons, goods and services. With the Single European Act, which entered into force in 1987, it was ensured that the community member states legally assume the responsibility to form and implement a European foreign policy (The European Union, 2018).

The Act has made significant progress in free movement within the community and has brought the necessity of intergovernmental cooperation against migration movements towards the community. Along with persons' free movement, the abolition or reduction of internal border controls brought new needs. With the dissolution of internal border controls, the possibility of

security problems in the future has arisen. This possibility required the community to increase its external border controls, introduce new regulations in this area, redefine asylum and immigration policies and collaborate.

Another important point of the Single European Act is that Europe has been trying to produce some internal and external security policies due to the integration and harmonisation studies. When it comes to internal and external security policies, migration and asylum policies also come to mind. A two-sided procedure is followed in the European Union. The first is the part related to the immigration and work rights of the citizens of the member countries with the citizens of other countries. The rights of member state citizens are broadly defined and framed. The second is the EU member states' rights regarding immigration and asylum with non-member state citizens, which is equally ambiguous and blurred in contrast to the first area. The fact that the boundaries of the second area, which created the main problem, could not be determined well and could not gather around common policies posed a great obstacle to the integration. For this reason, these obstacles have been tried to be removed with certain agreements and treaties established.

The Single European Act envisaged the abolition of the controls applied to EU migrants when crossing national borders. Until 1990, limits were set on how the asylum applications of citizens of member states should be framed. However, although the migration policies that are formed separately by the countries in practice were influenced by each other, the common policy formulation process failed in this period due to the different attitudes of the policies. Several studies were carried out for the Member States to make changes in their national laws, and this situation has gained a dimension extending to the Amsterdam Treaty in 1997.

After the Single European Act was ratified in 1987, in 1992, among the member states in three areas, "Single Market", which envisages the free movement of goods, persons and services, was established. In the single market, member countries could take the necessary measures to prevent migration flows within their jurisdiction. However, again within the framework of the Single European Act, it was stated in another declaration that the movement of third-country citizens and their residence rights would be dealt with by intergovernmental cooperation without ignoring the Community's powers. The situation of third-country citizens in residence matters has been tried to be determined through intergovernmental cooperation. This topic to be explained below will discuss this issue and its impact on migration policy.

2.2.1.3. Legal expression of the European Single Act: Schengen Agreement

The Schengen Agreement was signed on 14 June 1985 by the EC members Germany, France and Belgium, the Netherlands and Luxembourg, which had previously removed the borders. The treaty and convention, initially signed by five countries, were later signed by EU countries other than Britain and Ireland. Although Norway and Iceland are not members of the EU, they are within the Schengen area due to their membership in the Scandinavian Passport Union. The Treaty was arranged to have an international structure, apart from the EC's legal regulations, and was included in the EU acquis by the Amsterdam Treaty.

The Schengen Agreement aims to abolish the border controls between the signatory states and strengthen the external border controls. The establishment of the Schengen area is seen as an attempt to strengthen borders and restrictions against immigration. With the signing of the Schengen Agreement, the foundations for a common immigration policy have been laid. Although countries did not want to give up the transactions arising from the sovereign rights in the early days, it is seen that the authorities were transferred to the Community institutions in time.

As mentioned above, in the Treaty of Rome, an agreement was already reached between the member states for the free movement of persons. However, this agreement is limited to working people only. While the Single European Act defines a system without internal borders, the Schengen Agreement has emerged as a legal expression of the Single European Act and even the Treaty of Rome. Schengen, a small town in Luxembourg, was chosen due to its borders with France and Germany. This agreement was first signed with the inclusion of the Netherlands and Belgium in these three countries, and then all member countries signed Schengen.

According to Pinder and Usherwood, Schengen had two main goals. First, the part related to border controls; establishing mechanisms to control external borders by excluding Schengen countries and combating immigration and asylum by passing some laws. The second is to fight crime and unite under common policies (Pinder & Usherwood, 2013).

With Schengen, border controls between member countries have been abolished, external border controls have been strengthened, and a free movement zone has been established. Besides, systems have been developed for police, customs and judicial cooperation and information exchange. The Schengen Information System was created, and a database containing information exchange from non-member countries, security service and information about people suspected of committing a crime or who are highly likely to commit a crime were

included in the system. A common visa list has also been prepared with the treaty. This list has been designed for the visa policy to be applied to 127 countries (European Commission, n.d.). The period in which the Schengen Agreement was developed and the period when criticisms of "Castle Europe" started to emerge coincide. Because the Schengen agreement, beyond providing free movement by removing internal borders, has definitely drawn external borders against non-EU countries and created a "Schengenland" (Walters, 2002).

2.2.1.4. Efforts to Form a Common Immigration Policy through the third column: Maastricht Treaty

The structure, which was established as the European Coal and Steel Community and later aimed at harmonisation and cooperation in its economic policies as the European Economic Community, took the European Union's name with the Maastricht Treaty signed in 1992.

The free movement of people in the Single Market Program and the large flow of immigrants expected from Central and Eastern Europe after the Cold War pushed Western Europe to adopt common policies. While Germany had many problems against economic immigrants who have become permanent, the flow of immigrants to it again disturbed Germany. Due to these concerns, issues such as immigrants, asylum seekers, and international crime control have become Maastricht's important topics. This agreement covered the rights of guest workers, especially from Turkey to Western Europe, who gained permanent status issues as an economic migrant. During the Maastricht Treaty period, two decisions were taken regarding the situation of third-country nationals. These decisions were to accept the entry of third-country nationals, who will contribute to the economy of the host member country, and to admit immigrants to the country for educational purposes.

The Maastricht Treaty established the EU on a three-column structure. The first column includes the European Community, the second column the Common Foreign and Security Policy, and the third column, Justice and Home Affairs (Sokolska, 2021).

The Treaty stated that the EC bodies are competent in the first column's matters and that these bodies have international power. In other words, regulations, directives and decisions issued by EC bodies have binding power for all countries. There is a formalized intergovernmental cooperation on the issues in the Second and Third Pillars.

With the Maastricht Treaty, asylum policy, controls on external borders, immigration policy and policies for third-country nationals were determined as common interests, and the initiative was shared between member states and the Commission. In areas where the intergovernmental approach is adopted, the decision-making mechanism is based on unanimity. With its

Maastricht content, it can also be seen as the period when European cooperation on migration began to be institutionalised.

The subject of migration is included in the third column, Justice and Home Affairs. The treaty referred to many immigration policies, such as asylum seekers, crossing external borders, irregular immigration, drugs and fraud, customs and police cooperation. Besides, the agreement stipulated the establishment of the European Police Organization (EUROPOL) and the development of a system in which information exchange will be ensured through this organisation.

With the entry into force of the Treaty, the K4 Committee, consisting of senior officials of administrative nature, was established in order to ensure integration in Justice and Home Affairs and monitor the practices (Bunyan, 2013).

TREVI and Ad Hoc Immigration Group, CIREA (Centre for Information, Discussion and Exchange on Asylum) and CIREFI (Information, Discussion and Exchange Centre on Border Crossings and Migration) which are tasked with coordinating police activities within the community, sharing information systems on migration flow, making proposals on hidden migration networks and early warning systems were attached to the K4 Committee (Poulain et al., 2006).

To summarise, the Maastricht Treaty, which entered into force in 1992, brought the Community, founded on economic values until that day, to rising values in justice and internal affairs and common foreign and security policies. The most significant importance of this situation in terms of asylum and immigration is that great steps have been taken in the Treaty. In the treaty, cooperation in almost every issue, from the integration of third countries, movement and conditions within the scope of asylum and immigration, to family reunification and residence conditions, is stipulated within a common policy framework. Besides, the fight against unregistered migration falls under the responsibility of all member states.

2.2.2. Developments In Immigration Policies With The Amsterdam Treaty And After

Although the authority of the EU to formulate migration policy was not possible until the Amsterdam Treaty, until this period, member states made decisions regarding immigrants, third-country citizens and asylum seekers within the framework of their powers. It is challenging to see a joint arrangement within the community when countries create laws and regulations for immigrants and asylum seekers. Although there are regulations on the free

movement of workers in the Treaty of Rome, this situation was due to the gathering of the community for economic purposes.

Again, even though there are some regulations in Maastricht and Schengen, there is no common regulation regarding the rights and integration of third-country citizens and economic migrants within the Union. For this reason, the Amsterdam Treaty has been accepted as a turning point in the process of creating migration policy, as it is the treaty that empowers the community.

2.2.2.1. Amsterdam Treaty

The Amsterdam Treaty was signed on 2 October 1997 and entered into force on 1 May 1999. The Amsterdam Treaty made some changes in the treaties establishing the European Communities and the Maastricht Treaty without changing the roof structure created by the Maastricht Treaty. (European Parliament, 1992)

In the Treaty, immigration issues were included under the Title IV, as “Visas, asylum, immigration and other policies related to the free movement of persons” and 61-69. items are devoted to these topics (European Union, 2009).

The Amsterdam Treaty has included the Schengen Treaty in the *acquis communautaire* to lift border controls between member states. With the Treaty, issues such as immigration, asylum and management of external borders, which the governments previously owned, were transferred to the first column under the Community jurisdiction. In other words, the issue of immigration and asylum, which was included in the Third Pillar with the Maastricht Treaty, which was handled only at the level of intergovernmental cooperation, reached the Community level by passing to the First Pillar. Thus, the decisions, regulations, and directives taken by the Community bodies to serve the common immigration policy have become binding on all states. The Council's goal of establishing an area of freedom, security and justice is clearly seen in Article 61 of the Amsterdam Treaty. In Articles 62 and 63, it is stated that the Council is authorised to take measures and set standards in migration, visa and asylum policies. A period of 5 years has been granted for the countries to adapt and transition to the steps to be taken and the standards to be determined (Bolayir, 2007).

The UK, Ireland and Denmark are not, like other countries, committed to Title IV. Denmark does not participate in Title IV, and the provisions under this heading are not binding for Denmark. Britain and Ireland have been part of the judicial cooperation but have been left out of the agreement by refusing to apply for the visa and lifting border controls.

The Amsterdam Treaty applied the "community method" in the decision-making process and in adopting a common immigration policy with the changes it made in the field of legal control.

One of the most important changes is adding a title on "free movement of persons, asylum seekers and immigrants" to the Treaty on European Union. Thus, this issue has been moved from the third column to the community law framework. After the Amsterdam Treaty came into force, the commission and member states shared their proposals during the five-year transition period. This situation also contributed to the character of common legal regulation in immigration policy.

Following the implementation of the Amsterdam Treaty, the five-year transition period has continued, especially in the direction of closing the legal gaps and based on cooperation with third countries. It has been attempted to clearly state which countries will be held responsible for asylum applications and set it legally. As a result of all these efforts, the Vienna Action Program was formed in 1998. The primary goal of the program is the fight against unregistered migration, and the protection and integration of the rights of third-country citizens in EU countries are other objectives. In addition, it is among the main goals to develop some measures for the protection of third-country members who have been expelled from their homes and to ensure that the responsibility is shared among the member countries.

On the other hand, in the Amsterdam Treaty, decisions were taken regarding the legislative procedure. Under heading IV, it is stated that the decisions in the process of immigration policy-making will be taken unanimously by the Council in the 5-year transition period, upon the proposal of the Commission or at the request of one of the member states, in consultation with the Parliament.

It is helpful to mention the Schengen Protocol within the subject. Discussions among member states over the scope of immigration policy and the possibility of global transformation have brought many positive developments towards establishing a common immigration policy. Issues such as visa policies, removal of internal borders, common information transfer and sharing, computer systems, cooperation in drug trafficking are among these positive developments. In the Amsterdam Treaty, within the European Union framework, the Schengen Protocol was harmonised with the Schengen Agreement. The step taken is one of the important achievements of the Amsterdam Treaty. Britain and Ireland, which did not sign the Schengen Agreement, stated that they would participate in some or all parts of the Schengen acquis in the Schengen Protocol.

2.2.2.2. Cooperation with Third Countries: Tampere Summit

After the Amsterdam Treaty came into force, the Tampere Summit was brought to the agenda for the purpose of “the integration of third-country citizens who have immigrated to the member states into the society”.

At this summit, an action plan was prepared for the best implementation of the provisions of the Amsterdam Treaty to create an area of freedom, security and justice. The action plan aimed to cooperate between countries of origin and transit countries in illegal immigration, combat irregular migration, and realise common policies within the EU regarding the return of irregular migrants (Akçadağ, 2012).

The summit is also a reflection of the member states' approach to joint policymaking. In the conclusion of the Tampere Summit, it was also made clear that third-country nationals living within the EU borders should be treated fairly and equally. It was emphasised that by creating a fresh integration policy, all obligations and responsibilities of immigrants should be adopted jointly with EU citizens. In other words, the purpose of the Tampere Summit is to bring the legal status of third-country citizens living in EU countries closer to the citizens of the member states and to ensure that long-term immigrants benefit from legal rights.

The decisions taken at the Tampere Summit regarding the EU common immigration and asylum policies were included in the 10-27 articles of the final declaration. The following conclusions were taken at the summit:

1. The phenomenon of migration should be approached comprehensively, including the political, human rights and development of source and transit countries. This requires fighting poverty in these countries, improving living standards, increasing job opportunities, preventing political conflicts and ensuring respect for human rights. For these policies to be successful, cooperation with third countries plays a key role.
2. It has been decided to work towards establishing a common European Asylum System based on the complete and comprehensive implementation of the obligations of the Geneva Refugee Convention. In the short term, Community rules should be determined for the determination of common asylum standards, the precise definition of the responsible state in asylum applications, the establishment of an asylum-seeker database, and for the common asylum procedure in the long term.

3. Third-country nationals legally residing in the Union member states should be treated fairly, given equal rights as much as possible, and integration efforts should be made. Measures should be taken against racism and discrimination.
4. Migration flows must be managed more effectively at all stages. For the legal development of immigration, cooperation with third countries should be developed, and a common and effective policy on visas and forged documents should be developed. It aims to enact a law that imposes severe sanctions against human trafficking, ensures compliance of candidate countries with the Schengen acquis, and implements RAS well.

At this summit, the main focus of the EU is how to manage migrant flows more effectively. The control of borders and illegal immigration management are all discussed even more intensely at this summit. For the first time, the EU has come up prominently on the agenda regarding migration and asylum. Germany, Austria and Italy have pressed for the visa applications of refugees and immigrants to be linked to common practices. On the other hand, Britain declared that it would accept the policies implemented by other EU member countries as "mutual recognition". However, some countries have stated that the common policy to be established in terms of immigration and asylum is unnecessary, and the EU is under an undue burden to cope with migration and asylum. Because some countries within the union stated that immigration policies should be an optional political movement. UNHCR has announced some official rates: In September 1999, there was a 12% decrease in asylum applications in Germany compared to the previous month. In 1998, around 290,000 foreigners applied to the EU. According to EU statistics, 17.6% of the EU is foreign when 15 member states are taken as a base. Half of the foreigners come from developing countries, primarily residing in Germany, France and England (Migration News, 1999).

2.2.2.3. Seville Summit and Nice Treaty

At the Seville Summit held on 21-22 June 2002, a wide area was allocated to migration and asylum issues, and various suggestions were made for the development of common policies. The decisions taken at the Seville Summit are vital as they are aimed at determining concrete tools in achieving the goals set in the Amsterdam Treaty and Tampere Summit.

At the Seville and Tampere Summit, the importance of the compliance of legal residents in the member countries of the Union, the implementation of an asylum policy following the 1951 Geneva Refugee Convention, and the decisions to combat irregular migration and human trafficking were emphasised. At the summit, it was also decided to take measures for the abuse of the asylum system and to quickly send those whose asylum applications were rejected to their countries of origin, to sign RAS to combat irregular migration, to establish closer relations with countries that created asylum seekers, and to establish a joint unit to protect external borders (Asylum and Migration Legislation, 2005).

With the Seville Summit, a timetable was presented to the Council of Europe and the Commission to complete the legal regulations on the common immigration and asylum policy and to realise the standards and measures in this field, and the European Commission has also done some work in these areas. Besides, after the summit, aid programs for third countries have been put into effect on migration management. Most of the cooperation and assistance programs defined to increase the capacity of third countries in migration management were implemented between 2002-2004 (Commission of The European Communities, 2002).

The Nice Treaty, which was agreed at the Nice summit in December 2000, was signed in 2001 and entered into force in 2003, brought some changes regarding the decision-making process in the migration and asylum policies of the union. According to the treaty, issues related to border controls, asylum and immigration policies were included in the scope of a joint decision (Sokolska, 2020).

2.2.2.4. Removing Barriers to Integration: The Hague Program

The Hague Program was a continuation of the program in which the targets set at the Tampere Summit were drawn, and it determined the EU's goals between 2005-2010. The Hague Program complies with the 1951 Geneva Refugee Convention and other international conventions, aimed at ensuring fundamental rights, minimum procedural safeguards, and access to justice for those seeking protection, regulating migration flows, and controlling external borders combating transnational organised crime and suppressing the threat of terrorism (Ultan, 2016). The program aimed to take the following measures:

1. Establishing a common asylum procedure, granting uniform status to those granted asylum or additional protection, and establishing the new European Refugee Fund for 2005-2010,

2. Making legal arrangements for legal foreigners who will work within the borders of the EU in line with the needs of the labour market by reducing illegal employment,
3. Removal of obstacles to the integration of foreigners legally residing within the borders of the EU,
4. Cooperating and supporting third countries in their migration management, increasing their refugee protection capacities and combating irregular migration,
5. Developing policies for the driving factors that cause migration in the source countries,
6. Developing policies for the repatriation of irregular migrants to their countries of origin and the establishment of the European Return Fund in 2007,
7. Schengen Information System (SIS II) and Visa Information System (VIS) to be implemented as soon as possible,
8. The gradual introduction of integrated border management for external borders and surveillance at external borders, strengthening of inspections and establishment of the Community border management fund by the end of 2006,
9. Introducing common visa rules, including biometric records in the Common Visa System and establishing joint visa offices (Council of the European Union, 2004).

Summarising the EU's action program in the field of freedom, security and justice between 2005 and 2010, the program emphasised the priority of the external dimension of migration and asylum policy. The program symbolises the developing role of the EU in the unification and collective action of regional borders. The program has tried to prevent undesirable migration flows and to be a deterrent at this point.

In this program, the Council has created a character that does not make countries binding as in other conventions and summits. This situation is contrary to the relevant heading of third countries and their families, especially family reunification and long-term resident third-country nationals included in the fourth chapter of the third part of the EU Treaty. Within all this problem, three perspectives on immigration law and the integration of immigrants have been established;

1. A protected legal status will enhance the integration of immigrants. Establishing a strictly defined resident status and equal treatment is a suitable tool for the integration of immigrants.
2. Naturalization or permanent residence of immigrants is an essential factor in completing the integration process.
3. Countries that lack integration or do not have sufficient opportunities to integrate immigrants may refuse to enter the country on the grounds of this.

As can be seen, there is a very incompatible difference between the first view and the third view. While in the first perspective, there was great support for the Hague program (both legally and with the consent of the member states), the third perspective was more restrictive, and the internal laws and proposals of the member states were taken as the benchmark (Barnard, 2010).

It aimed to adopt a global approach to migration in 2005 and advance the Union's immigration policy in 2006 within the framework of solidarity, mutual trust and shared responsibilities. The European Union and the member states have recorded their immigration policies in their agenda to move in this direction. With the program, unwanted third-country citizens have now gained a different perspective. It aims to include third countries in migration policies through cooperation and mutual dialogue with third countries.

In summary, the Hague Program called for a common asylum policy by 2009. These calls have been in terms of legal immigration measures, integration of immigrants and cooperation with third countries. It is envisaged that a fund will be established to manage external borders and encourage the return of illegal immigrants to their countries. Finally, the Schengen Information System (SIS) will be operational in 2007, and the common visa rules will be applied.

2.2.3. Developments In The Field Of Security Under Eu Immigration And Asylum Policy: The Dublin Convention

In parallel with the work on Common Immigration Policies, in 1990, in Dublin, the capital of Ireland, the "Dublin Convention" was signed by 12 member states. The agreement entered into force in 1997. The convention specifies explicitly how to combat asylum crimes and the areas of responsibility of states. Besides, it was stated in the convention that a person who applied for asylum in an EU country could not apply for asylum in another EU country. Instead, the asylum exchange has been deemed appropriate between member states. Another purpose of

the convention is to minimise the problems arising from the application and to produce solutions. EURODAC (European Dactyloscopy System) was created in response to the search for answers. The system is based on fingerprints, and the aim is to ensure exchange between member countries by uniting individuals seeking asylum in a common information system (Bacaian, 2011).

The convention has laid down several criteria, such as where the asylum application was made and family connections. It was emphasised how to make asylum applications, how the process will work, and why the application should be determined. The convention also aims to facilitate the refugees' finding a place and speed up the lengthy bureaucratic processes. As in the EURODAC system, the reduction of asylum applications has been achieved by creating a shared pool by reducing the chance of applications in different member countries. There are many systems for immigration policies. Western European neighbouring countries, in particular, have taken many steps regarding asylum movements through bilateral agreements. However, the system determined jointly as EURODAC (Huysmans, 2000).

As mentioned above, a mechanism was needed to check whether a person applied for asylum in one country and applied to more than one country at the same time. In order to eliminate the difficulties in implementation, the EURODAC system is a system structured within the commission to fully identify the identities and enables the transmission of fingerprints with central databases. When individuals seeking asylum in a member state apply to another member state in the future, identification can be made by the fingerprint kept. However, it may not be possible to keep the fingerprint for a long time in some cases. Besides, fingerprints are deleted immediately after the individual becomes a citizen of the country in which he or she is accepted as a refugee. However, on the other hand, it was thought that collecting personal data in a system could harm the privacy of private life. Thus, the protection of the confidentiality of private life has also been taken into account within the system.

Common regulations in immigration policies in Western Europe have been aimed at limiting population flows. The Dublin Convention aims to reduce asylum applications by producing guidelines. The origins of the convention, in which border security is also tried to be protected, are based on Maastricht Amsterdam and Tampere.

2.2.3.1. Border Management in Europe: EUROPOL and FRONTEX

Members of the Union thought that setting high standards for external borders would significantly reduce illegal immigration. The purpose of border controls is to prevent the entry of criminals and dangerous goods (such as drugs) who try to enter the union's borders and avoid

immigration from outside. Within this, EUROPOL has been established by the Commission for European Border Protection. Member states have provided support for the establishment of the system. Considering all factors, a unified strategy has been determined and put into practice. The ODYSSEUS Program has economically funded the politically supported border guard system (Commission of the European Communities, 2001) .

In order to strengthen these studies, even more, a border guard school was established. In this school, individuals who will work at the borders have been informed about specific issues with several pieces of training. A closer security system was also called for in Articles 47 and 7 of the Schengen Protocol. In particular, technical support and cooperation of liaison offices were needed to operate the border security system.

The most advanced feature of EUROPOL is very effective in finding and uncovering criminal networks. Because the most important and primary factor in the fight against illegal immigration is criminal networks. The fight against this can only be carried out in cooperation with the border police, that is, thanks to the EUROPOL system. In March 2001, the EU Operational Police Task Force stated that in order to be more effective on human trafficking, it is necessary to work with national authorities and to develop more effective systems. Thus, EUROPOL's role was further strengthened.

Looking back a few years, it can be said that the reason for the birth of EUROPOL is actually Maastricht and Amsterdam. The member states that moved the third column from Maastricht to the first column in Amsterdam to transnational form were determined not to include the Commission, Parliament and the Court in the remaining third column issues. This decision led to the establishment of the convention that establishes the EU's cross-border cooperation EUROPOL. Due to controversy, the convention remained at a limited level. However, in June 1996, the Court settled the issue regarding EUROPOL. Another reason for creating EUROPOL is that Germany wants to share the costs and responsibilities with other member states as it hosts more refugees than all member states. As a result, the European Union Common Asylum Policy has been established. Thus, the management and control of migrant and refugee flows have been made more systematic.

FRONTEX is a system formed by states that think that illegal immigration should be prevented and coordinated with a common policy to protect the member states' external borders. Because, on the one hand, the union facilitated traveling and obtaining visas, on the other hand, it was foreseen to protect the external borders, especially in six areas determined. First, the main activity is guarding the borders with patrols and operators. Secondly, certain points are determined by making particular risk analyses. Member states avoided excessive or weak

protection at the borders and tried to achieve balanced protection of the borders. Thirdly, within the scope of FRONTEX, national border training is provided to the persons to be assigned at the borders; within this scope, a common training scope is envisaged. Fourthly, it is aimed to inform the employees about the latest technologies, especially within the area of security. Fifth, measures have been taken to send personnel and reinforcements in every sense to border countries in need in an emergency. Finally, FRONTEX ensures that the migrants to be sent back are equipped with the highest human rights standards (Frontex, 2010).

At the Tampere Summit, the Council of Europe proposed developing a common policy on migration and asylum. At this point, in order to prevent illegal immigration, especially the effective operation of external borders, as well as economic and technical support, were requested. Border controls organised by treaties and collaborations guarantee the protection of human rights at the highest level. Also, in the protection of borders and integration of immigrants, it is envisaged to include political parties, commercial groups, and institutions engaged in industrial and economic activities in this process in civil society.

As can be seen in all agreements and programs, solutions have been sought for specific problems that have arisen from the very beginning. As a result, issues related to immigration and asylum policies have been included in almost all-important treaties and agreements in the history of the EU. Major problems; the integration of immigrants, illegal immigration, and efforts to prevent human trafficking through common systems and collaborations within the union are accepted as the member countries' economic contributions and the inadequacy of policies for the integration of existing immigrants.

2.2.3.2. Nice Treaty: From Unanimity to Qualified Majority of Votes

The Nice Treaty was signed on February 26, 2001. The treaty entered into force on 1 February 2003. After the enlargement of the European Union, some institutional problems arose. Because while the EU was prepared for 12 member states, it has become an extremely troublesome institution for 27 member states. As explained in the Amsterdam Treaty, decisions were taken unanimously in making decisions in the policy-making process. However, with the Union members, a qualified majority of votes came to the fore to prevent institutional crises and paralysis in the decision process. There have also been changes regarding the commission. Since 2005, each member state has had one deputy on the commission.

With the Nice Treaty, with the inclusion of the 27th member into the Union, it was decided that the total number of members in the Commission should be less than the number of members of the Union. Besides, the Nice Treaty has been a continuation of the reform and

harmonisation works that could not be done in the Amsterdam Treaty. In this respect, according to Phinnemore, the Treaty of Nice has become a remnant of the Treaty of Amsterdam. The issues that could not be realised in the Amsterdam Treaty were tried to be discovered in Nice. According to Phinnemore, the Nice Treaty was the civil and informal side of the common foreign and security policy of closer and enhanced cooperation between member states (Cini & Pérez-Solórzano Borragán, 2016).

Before moving on to the Lisbon Treaty, it is necessary to touch upon another significant development in the area of immigration and asylum in 2008. The Immigration and Asylum Pact, adopted at the Brussels Summit in September 2008, was addressed at the meeting of the Justice and Home Affairs Council on 3 June 2010. The pact also tried to make the labour migration within the EU attractive within the scope of the migration capacities of the member countries. More effective regulation of family immigration and the admission of economic migrants to EU countries in a non-discriminatory framework have come to the fore. It has been emphasised that the Council determines common principles regarding the situation of third-country nationals in line with the purposes mentioned above.

2.2.3.3. Lisbon Treaty

The Lisbon Treaty was signed in 2007 and entered into force in 2009. The Lisbon Treaty was a copy of the common constitutional text, which was not accepted in 2005 due to the refusal of France and the Netherlands in referendums, with some minor changes. The Lisbon treaty included articles amending the Treaty of European Union and the treaty establishing the European Community, uniting the three-pillar structure of the EU (Yanıkdağ, 2010).

77-80 of the Lisbon Treaty. Policies to be followed on border checks, asylum and immigration were determined with the articles between the articles. In Article 77 of the Treaty, it is stated that regardless of their nationality, the lack of control at internal border crossings, the control of persons at external border crossings, the gradual transition to integrated management at external borders, and a common policy in visa and short-term residence permits (The European Union, 2016).

Article 78 of the treaty includes the policies to be followed regarding the asylum policy. It emphasised a common policy for granting uniform asylum status across the Union, uniform subsidiary protection status for third-country nationals in need of international protection but unable to obtain asylum in Europe, and temporary protection status for displaced persons in high immigration situations.

The 79th article of the treaty is the subject of the common immigration policy. It recommended that the Council of Europe and the Parliament act together to develop a common policy in the management of migration movements at the Union level, the fair treatment of third-country nationals legally residing in the member states, and the prevention and combat of irregular migration and human trafficking. Also, Article 79 states that the Union must sign RAS with third countries for the return of irregular migrants.

The decision-making procedure in the Lisbon Treaty has changed. As in the Amsterdam Treaty, decisions on immigration and asylum were taken unanimously by the Council on the member states' proposal in consultation with the parliament. In the Lisbon Treaty, it is stated that decisions will be made under the ordinary legislative procedure to take them. Thus, it was decided that decisions are taken by the majority of votes in the Council.

The most important feature that distinguishes the Lisbon Treaty from other treaties in the EU is that it is the first Treaty to introduce regulation to integrate third-country citizens. While it was emphasised in the previous treaties that the decisions regarding the integration of third-country citizens belong to the member country, Lisbon also belongs to the member states. At the same time, the Union can take measures to support the activities of the member countries. This issue is clearly defined in Article 79/4 of the Lisbon Treaty.⁴ (The European Union, 2016)

2.2.3.4. Stockholm Program

With the end of The Hague Program in 2009, the Stockholm Program, covering the years 2010-2014, was adopted in 2009. The Stockholm Program has been ratified as "A More Open and Safe Europe That Serves and Protects Its Citizens." (Council of the European Union, 2009).

In the Stockholm Program, targets on immigration and asylum are set in line with the provisions of the Lisbon Treaty. Within the program;

1. Development of VIS in the common visa policy,
2. Making external border controls more effective,
3. A universal approach to migration in cooperation with other countries' development,
4. Accelerating the fight against irregular migration and ensuring that irregular migrants are sent back to countries of origin and transit,

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL&from=EN>

5. Ensuring the rights of third country citizens who are within the borders of the Union and implementing a stricter integration policy,
6. Developing the common asylum system and implementing fair and effective procedures in the Common European Asylum System (CEAS), based on high standards of protection,
7. Sharing responsibilities and ensuring solidarity among member countries,
8. Supporting third countries hosting large numbers of refugees,
9. Effective management of FRONTEX by increasing its capacity against migration flows,
10. Creating a common policy under the supervision of member countries in line with the needs of the labour market,
11. Taking protective measures for young orphans is aimed (Council of the European Union, 2009).

The Stockholm Program has been criticised by human rights organisations, who believe that by increasing the role of FRONTEX, the borders will be armed, and an oppressive control mechanism will be created, which will restrict democratic rights and freedoms and the right to asylum (Mike Berry et al., 2016).

The Stockholm Program was put forward to achieve the objectives of the Lisbon Treaty between 2010-2014 in the field of "justice, freedom and security". As a result of the labour market and labour need in the EU on economic migration, the program has been enacted to establish a framework for migration intake and a common migration policy. Also, the creation and adoption of the Immigration Code have come to the fore in order to give third-country nationals rights at the level of EU citizens. In 2010-2014, the Commission proposed two directives. One is the directive on the admission and residence of third-country nationals and the other on the amendment of the directive on family reunification in 2012. The program's target for 2013 is to make legislative arrangements on legal migration and create the Migration Code. Another goal of the program is to update the handbook on integration, which was previously published, and publish it again in 2010.

2.2.4. Readmission Agreements

Readmission agreements (RAS) regulate the procedures for sending people who entered a country irregularly and entered the country from places not counted from the points determined by law or fulfilled these conditions at the time of entry to the countries of their citizenship due to the expiry of the visa period (Özsöz, 2014).

RAS have long been an important tool for EU member states to manage migration flows effectively. RAS, which are seen as an integral part of the mobility partnerships at the centre of the Global Approach and considered as one of the critical elements, actually have an important place in the foreign policymaking of the Union since long ago. Especially the relatively prosperous structure of the European Union makes European lands a centre of attraction for many people in the region, especially the neighbourhood, while the problem of migration and immigration becomes one of the priority areas of security policies within the scope of combating issues such as uncontrolled immigration and migrant smuggling, increasing cooperation between member countries. In addition to its need, it has made the third countries one of the important actors of this cooperation in many respects. Readmission, which is defined in the literature as "the parties under the obligation to readmit their citizens residing illegally in each other's territories and/or third-country citizens who have passed through their territory illegally to the other", has been evaluated as an effective tool of the strategy of combating illegal/irregular immigration; In this context, it is considered essential to reach an agreement with third countries (Özcan et al., 2010). Besides, this cooperation can be considered as "part of the externalisation strategy of immigration control"; because protecting the borders beyond the EU and managing the return of immigrants to the countries of origin in terms of transit countries is left to the responsibility of third countries.

Moreover, the increasing cooperation process within the EU shaped by the securitisation of migration approach inevitably brings about forming a new outer periphery around the European continent. However, as pointed out in many studies, the effects of 'exclusion' and 'marginalisation' of intra-Union measures that build a 'Fortress Europe' in the cooperation process also put the EU at risk of instability. In this context, RAS, as one of the incentive-based tools that vary according to the strategic and geographical priorities of the EU, such as operational and financial support, visa facilitation/liberalisation or mobility partnerships, come to the fore as an effort to balance internal security concerns with the need to provide external stability in the neighbourhood region (Özcan et al., 2010).

The first examples of RAS were found in Europe between "German states and Prussia in the 19th century, Germany and the Netherlands in the 20th century", were also seen as a strategic foreign policy tool for the EU (Kıyıcı & Kaygısız, 2018). RAS signed by the EU to date can be grouped into three generations. The first-generation RASs in the 1950s and 60s were signed between Western European countries before the Schengen area and aimed at placing the communities displaced as a result of the changing borders after World War II. Second generation RASs were signed with Central and Eastern European countries in the 1990s. Third generation RASs was signed between the EU and various third countries in the post-2000 period and include non-citizens. The matching strategy established between visa convenience/exemption and RAS has mainly started to be implemented with third-generation RASs (Akkaraca-Köse, 2016).

The RAS signed in the EU through bilateral agreements in the period until 1999 started to be made on behalf of the Community after this date with the entry into force of the Amsterdam Treaty, which gave the Commission the authority to negotiate on behalf of the Union. In its "Common Policy Report on Illegal Immigration" published in 2001, the Commission called for the development of RAS under the heading "Readmission and Return Conditions". (European Commission, 2001).

In the final declaration of the Seville Summit (2002), where the EU made a sharp turn to security-oriented immigration policies after the Tampere Summit (1999), it was stated that RAS could be imposed on third countries that do not cooperate. With the European Parliament and Council Directive No. 2008/115 / EC published in 2008, the EU has determined common standards and procedures that member states must comply with for the return of third-country nationals illegally found within the borders of the Union (Eur-Lex, 2008). Introduced by the Lisbon Treaty, "qualified majority requirement" has been accelerated through the completion of the process of RAS.

While emphasising the importance of cooperating with source and transit countries in combating irregular migration, it is observed that the necessity of RAS is frequently mentioned in various declarations, plans and programs published by the Council. However, the countries with which the EU wants to make a readmission agreement are generally reluctant to the issue, especially on the grounds that "it will create a serious economic burden". Therefore, the EU tries to persuade its counterparts to sign RAS with incentives such as development support, technical assistance and visa facilitation/exemption. Since the expectations of each country from the EU are different, the process of signing these agreements also differs, and the addressee country can gain according to its bargaining power.

Among the incentives used by the EU to sign RAS with countries that are the source of migration or transit, "visa convenience/exemption application" comes first. The application mentioned above comes into play after the addressee country completes the preparations specified in the agreement and succeeds in preventing immigration to the EU. In other words, there are time differences between the signature date of the readmission agreement and the implementation of the visa convenience/exemption application. For example, RAS signed with Serbia, Montenegro, Macedonia, Bosnia-Herzegovina and Moldova entered into force on January 1, 2008. However, visa liberalisation was given to Serbia, Montenegro and Macedonia in 2009, to Bosnia-Herzegovina in 2010, and it was recognised in Moldova in 2014 (Kıyıcı and Kaygısız, 2018).

Using the incentives mentioned above, the EU has negotiated with many countries to make RAS and has signed RAS with 17 countries with varying dates of entry so far. These countries; Hong Kong, Macao Autonomous Region (China), Sri Lanka, Albania, Russia, Ukraine, Macedonia, Bosnia and Herzegovina, Montenegro, Serbia, Moldova, Pakistan, Georgia, Armenia, Azerbaijan, Turkey and the Republic of Cabo Verde.

However, the Union could not come to the signing stage with all the countries it negotiated with. Negotiations are ongoing for RAS with Morocco, Algeria, Tunisia, China, Belarus and Nigeria (European Commission, 2016). These results from the counterparty countries, which find the terms of the agreement heavy, not seeing the result in their favour when they make a profit and loss account.

Approximately 400 thousand foreign nationals are identified every year because they are illegal within the borders of the EU. The EU can send approximately 40% of this number to source or transit countries through RAS it has put into effect (European Commission, 2016). According to FRONTEX data, 155.945 of 282.075 people who were given a return decision in 2017 could be sent back; 148,121 out of 286,875 people whose return decision was made in 2018 could be returned (Frontex, 2019a: 9). This difference between those who have been given a return decision and those who have been returned is mainly due to the problems experienced during identifying the documents requested by third countries for return. When we look at the distribution of those sent back by the EU by country in 2018, Ukraine ranks first with 27,318 people. Albania (19.274), Morocco (10.893), Georgia (5.077), Algeria (5.057), Iraq (4.893) and Pakistan (4.311) are also listed as other prominent countries in this field (European Border and Coast Guard Agency, 2019).

The return of the migrants in question to the source or transit countries takes place through FRONTEX "at the end of a process determined according to RAS". Accordingly, the party or

third-country citizens who are found to be illegally located in the territory of the Union are notified to the party country and if the persons detained in the removal centre are citizens of the party country, the return is made. However, if the person has used the party country for transit passage, the EU must prove this to be returned. While the Union covers the expenses of the people who are returned to the party country through FRONTEX or the European Return Fund, the party country covers the expenses of those sent to another country from the party country (Kıyıcı and Kaygısız, 2018). During the repatriation process, which is usually completed by air, FRONTEX officers accompany the recipient.

The RAS, which the EU sees as critical for the solution of the refugee problem and tries to spread it as much as possible, are criticised that victimise migrants who are turned into bargaining material. It has been stated that the way the agreements are implemented is detrimental to human dignity, and this situation contradicts the values claimed by the EU.

RAS provide for the return of irregular migrants in two different categories to signatory third countries in the context of combating irregular migration. (1) Primarily, the RAS between the EU and the signatory third-country regulates the return of its citizens who have entered EU member states illegally and reside in the Union's territory. (2) Under the RAS, signatory third-countries are also obliged to readmit third-country nationals and stateless persons passing through them. The most critical and controversial pillar of the RAs in the context of combating irregular immigration is the inclusion of third-country citizens within the scope of these agreements. Therefore, with a comprehensive readmission profile, RASs, which include both source and transit countries, are considered effective ways to resolve the return dilemma of illegal immigrants and stateless persons in the territories of EU member states.

İçduygu and Aksel explain that the expulsion of irregular migrants outside the Union's territory is the central element of the EU immigration policy, based on various reasons. First of all, the European Commission sees an effective extradition policy as a deterrent to potential migrants from travelling irregularly and undermines the actions of criminal networks dealing with human trafficking or migrant smuggling. It is also assumed that returns prevent immigration by sending a deterrent message to third-country nationals that it is difficult to obtain permanent residence in the EU. Moreover, for the Commission, returns under readmission are deemed a prerequisite to ensure the credibility and integrity of migration and asylum policies. For the EU member states that make up the Council, the control over illegal immigrants and an adequate return policy in this context are seen as a prerequisite for enabling more worker migration (İçduygu & Aksel, 2014).

In the RAS relationship, the parties do not necessarily share the same interests in carrying out the cooperation, nor do they encounter similar local, regional and international consequences. For this reason, although the framework is drawn in the context of "reciprocity", RAS are considered as agreements where the parties do not have equal obligations in practice due to the asymmetric effect of the procedures and the different structural, institutional and legal capacities of the signatory countries. Cassarino calls the nature of readmission agreements "unbalanced reciprocity" in this context (Cassarino, 2010). Therefore, readmission agreements, which are seen as an essential part of immigration policy, are the scene of negotiations that are not easy in practice and take a long time except for exceptions. Because most of the third countries consider readmission agreements as costly agreements in political, economic and even social terms.

THIRD CHAPTER

3.AS THE SOURCE OF THE IMMIGRATION ISSUE: ARAB SPRING

The term "Arab Spring" refers to the revolutionary uprisings, riots, instability, disputes, and protests that began in and swept the Arab world in 2010 (Kamal Eldin Osman Salih, 2013).

These movements were sometimes referred to as revolutions, as well as other times as "revolution waves," "democracy waves," or "protest waves." Although the term "revolution" was applied to these public uprisings, certain groups commented on this scenario as insufficient, and these uprisings were mainly regarded as the initiators of the "revolutionary condition." There are undoubtedly some economic and societal factors that will precipitate or facilitate its implementation. Furthermore, a similar situation applies to the Arab Spring. However, the term "Arab Spring" is a suitable notion because it will broadly depict the Arab world's transition. This, on the other hand, is more generic and widely recognised.

These Arab uprisings began in response to continuous political, economic, and social challenges such as oppressive regimes, corrupt governments, corruption, a terrible economy, and unemployment (Kamal Eldin Osman Salih, 2013). While socioeconomic complaints were significant in many of these uprisings, the intention was also to bring down regimes in some of these countries and replace them with more representative regimes (Brandes and Engels, 2011). The global financial crisis is at the top of the list of economic factors. While some of these countries, which have diverse economic systems, come to the fore in terms of tourism, others are essential because they are oil-exporting countries. The economic challenges that occurred in non-oil-exporting countries, particularly after the 1979 oil crisis and the subsequent financial crises had a profound impact on the region's countries on a variety of issues, including unemployment, corruption, inequity in income distribution, and poverty (Giusti & Mirkina, 2019). Although North African countries, where economic motives predominate, implemented some economic reforms with the assistance of the World Bank and the IMF after the 1990s, the decline in oil prices related to the 2008-2009 financial crisis has severely impacted the region's economies (Aly & Strazicich, 2012). Food price variations, inflation, poverty, a decline in productivity, and a rise in unemployment, as a result, particularly the low proportion of women in production in comparison to other countries, sparked each other and opened the door to revolts across the Arab world (Bowen, 2012).

In addition to the increasing challenges in the population, where economic concerns have caused significant damage, the Arab people have also participated in a political struggle for freedom. Because there have always been authoritarian governments in politics for many years

(UNDP, 2011). When this is the case, the people have demanded rights on a variety of subjects, including freedom of expression, democracy, administrative reform, justice, and stability, in order to have a greater voice in politics. In addition to these factors, poor education conditions, unemployment, gender discrimination, and inequities against minorities hastened the process that led to the Arab Spring. Aside from this, there are several international and historical factors. However, the major considerations are long-standing economic and political issue (UNDP, 2011).

Following Tunisia and Egypt, the protests spread to Libya and Yemen (Rabiei, 2020). Civil wars arose in nations such as Syria. While more remarkable demonstrations took place in Jordan, Morocco, Sudan, Iraq, and Kuwait, smaller-scale demonstrations took place in Saudi Arabia and Oman (Mamadouh, 2013).

The use of social media to organize, communicate, raise awareness, and issue danger alerts among thousands of protestors in the face of state repression, internet censorship, crowd control, and even physical attack to the point of protestors being beaten or shot point blank has also been vital to the protest process (Kamal Eldin Osman Salih, 2013). It can even be stated that it influenced the formation of riots. Social media platforms such as Facebook and Twitter played a significant role in spreading the protests (Lim, 2018). The impact of social media networks cannot be overstated, particularly in the uprisings against the regimes in Tunisia and Egypt.

After the protests in the Arab geography, Zeynel Abidin Ben Ali left Tunisia, resigning the presidency. After the increased events in Tahrir Square, Egypt's 30-year Mubarak regime came to an end. The acts of several tribes in Libya that revolted against the Gaddafi administration developed and led to the country's civil war. As a result, a foreign intervention led by NATO was required to protect the civilian population in the country from violent conflicts. Having followed the operation, the Gaddafi dictatorship was deposed, and the country was placed under the control of the Transitional Council Forces. Following the uprisings in Yemen, President Saleh resigned from office. Protests in Bahrain were put down before they became widespread, mainly to Peninsula Force's assistance (Talani, 2014).

Syria was the country most affected by the Arab Spring (Aman, 2017). The uprisings against the Assad administration grew in intensity, and the country was plunged into civil war. The Assad regime's disproportionate use of force against the groups that even fought each other has given the Syrian Civil War a different dimension (Olanrewaju & Joshua, 2015). The emergence of terrorist organisations has elevated the Syrian Civil War to the level of an international disaster. The establishment of Al-Nusra and DAESH terrorist organisations within the country,

their plans, and DAES strikes in other countries, in particular, have elevated the issue to an international level. In this setting, regional and global actors like as Turkey, Iran, Iraq, Saudi Arabia, Russia, China, the United States, England, and France have been active in the issue in order to protect their own interests as well as the region's humanitarian crisis.

While the internal conflicts in Syria between the regime and the opposition grew more intense with the participation of regional and global powers; the establishment of terrorist organizations within the country, the rise of radical organizations, the escalation of conflicts, and the deaths of thousands of civilians in regime-led attacks have created complete chaos in Syria. This increasingly deadly situation has resulted in the migration of many people as a result of the region's humanitarian catastrophe and the problem of Syrian refugees. More than ten million Syrians have been displaced and forced to flee their homes. Peripheral countries like Turkey, Lebanon, Iraq, and Jordan, on the other hand, have been the most affected by this crisis, while making the necessary measures to assist refugees (Deardorff Miller, 2020).

Following the beginnings of popular revolutions in Tunisia and Libya, these countries became the starting point for many immigrants attempting to enter Italy in illegal ways. Due to its geographical location, Tunisia, one of the Mediterranean neighbours with which the EU has the most intense contact, immigrate to many nations, particularly EU countries. The transnational migrant movements that erupted following the Arab Spring demonstrated the importance of changing the EU's migration policies.

3.1.THE TREND OF MASS MIGRATION TO EUROPEAN UNION COUNTRIES FOLLOWING THE ARAB SPRING

Today, international migration is a major issue for both European countries and the rest of the world. At this moment, mass migration to EU countries from practically all Arab Spring countries, but particularly Northern Africa and Syria, poses a severe concern. Immigrants fleeing the chaotic political environment and civil war in their countries have led to a massive refugee crisis. This refugee crisis has been a turning point for the EU in terms of migration policies.

It is well known that the twenty-seven EU member states have various immigration policies. When we look at these regulations, we can observe that the integration process (particularly for asylum seekers) and appropriate collaboration areas in other fields are examples (such as border management). However, immigrants are categorised according to the countries to which they have migrated, and EU member states do not have a common understanding of these immigrants.

Disagreements and conflicts of interest among EU countries have resulted in a distinct crisis. The EU's inability to reach a single foreign policy decision on immigrants, as well as the countries' implementation of their autonomous policies, was widely disliked both within the union and by the international community.

Individual and mass migrations sparked by the Arab Spring had a significant impact on the global public opinion. It brought with it two major refugee crises. As the protests in Syria and Libya devolved into civil war, the number of people seeking sanctuary in large numbers reached million; displaced 1.1 million including 422,000 Libyans were seeking temporary refuge abroad, and 706,000 migrant workers who left the country (IOM,2012). Particularly in the early of the revolutions in Tunisia, Egypt, and Libya, people from these countries began to travel to Italy in large numbers illegally. Individual and mass migration to Europe has increased dramatically due to the Arab Spring event.

3.1.1. The Migration Policy Of The European Union In The Arab Spring Process

The Arab Spring uprisings, which began in 2011, recently become popular in almost all of the region's countries, including North Africa and the Middle East, in a relatively short period of time. However, in terms of consequences, its impact was not restricted to these regions, and it had a wide range of repercussions on the worldwide system, either directly or indirectly. It has had a particularly negative impact on the EU, which has extensive economic and political ties with this region. The EU was caught off guard in the face of massive migration flows during the Arab Spring, struggled to develop effective policies, and was delayed. The EU had to make drastic reforms to all of its Middle East policies, particularly its immigration laws. The EU's response to major migration flows, and the refugee crisis can be divided into two stages: waiting (silencing) and country differences.

Some of the EU countries preferred to remain silent in the face of migration flows that did not directly affect them. However, it has been observed that the countries that are the first to meet the migration flows and see them as a direct threat to their borders have given extreme reactions based on border security. Serious divergences among member states on the problem of mass migration based on their borders have caused the EU to produce unsuccessful policies in the face of this global crisis.

The EU, which previously carried out an intensive cooperation policy towards immigration with the Arab Spring countries, started to follow a security-oriented policy by increasing the control mechanisms at its external borders in the face of mass migration influxes against it as

a result of the popular uprisings. With the onset of the 'Arab Spring' process, differences of opinion emerged in the common migration policies. The EU did not take any steps against the influx of immigration that Italy was exposed to, and left Italy alone in the face of mass migrations. Italy gave residence permits to 20 thousand asylum seekers in response to this policy of the EU.

In general, the Arab Spring process has created serious changes in the EU's immigration policies. Individual attitudes of EU member states on immigration and immigrants have brought about differences of opinion within the Union. The fact that the EU exhibits practices that are far from concepts such as human rights and democracy, which are among its founding purposes, caused the EU to be heavily criticized in the international arena.

3.1.2.Change And Transformation In European Union Migration Policies Following The Arab Spring

People who wanted to escape from the internal turmoil and civil war that started with the Arab Spring and continued afterwards left their countries in masses, especially to neighbouring countries, and started mass migration movements. After the immigrants fleeing the civil war left their countries, some of them migrated to the border countries, while most of them began to migrate to European countries. While the popular uprisings that emerged in the Arab geography seriously affected the balances in the region and the world, it also caught the EU, which has common policies with the region, unprepared. When the events began, the EU, which is expected to take a stand in the context of human rights, freedom, and democracy, couldn't decide what to do. Individually, EU countries like as France, England, and Italy attempted to respond to the events. There was no statement from the EU until March 2011.

With the quick expansion of the Arab Spring and the commencement of mass migrations, the EU's response to circumstances prompted it to abandon the discourse of democracy and freedom in favour of a more security-oriented strategy. Different attitudes have evolved among EU member states in response to the Arab Spring. In these divergences, decisions are made in accordance with individual interests, moving away from the concept of unity. In order to avoid the pressures on border nations such as EU member Greece and Italy, as well as the boat disasters that occurred during the refugee crisis, EU decision-making organisations have made several new measures concerning mass migration and refugees, some of which are notable.

On June 26, 2013, the EU adopted the Dublin 3 Regulation, which established criteria for holding member states accountable. It was created to select which member country will handle the refugee and asylum applications. This rule aims to establish a single decision-making

framework in EU member states' immigration and asylum policies. By reducing internal border control, unrestricted mobility was ensured, and security was ensured by preventing external border crossings. The overarching goal of all of these initiatives and agreements is to establish the Common European Asylum System (CEAS). Prior to this agreement, the practice of reviewing the asylum application of the first country of entry put the Union's external border countries in a difficult position and highlighted an uneven burden distribution. Prior to this Agreement, border countries who intended to eliminate the inequity of this burden sharing allowed unrestricted movement of asylum seekers within the union's boundaries without registering them.

With these measures, the European Commission attempted to find a quick solution to the irregular movements that have a socioeconomic and cultural impact on EU nations in the Mediterranean. Some member states were dissatisfied with the European Commission's conclusions. The placement of immigrants from Italy and Greece into EU member states within two years, as well as the decision to admit 20,000 persons from outside the EU in need of urgent protection into EU countries, elicited objections from EU member states. The EU member states were unable to reach an agreement on the number of asylum seekers to be allowed to their respective nations. In this scenario, national interests have always taken precedence over Union interests.

This massive irregular migration has not hit all EU member states equally. The EU's border countries, Italy and Greece, were clearly the most affected by this process. In a short period of time, Italy and Greece have been subjected to a huge number of mass irregular migration crossing their borders. Because the borderless EU members were less affected by the migration movement, a uniform migration strategy could not be developed. This condition has resulted in disagreements and conflicts of interest among EU member states. The international world has branded illegal migrant boat disasters on the borders of Italy and Greece, as well as in the Mediterranean, as human rights breaches, with dead bodies, washed up on the shore.

3.2. CHALLENGING THE EU: SYRIAN CIVIL WAR AND REFUGEE CRISIS

Syria is an important country for the Middle East and the Arab world since it borders Iraq, Turkey, Jordan, Israel, Lebanon, and the Eastern Mediterranean. Furthermore, the fact that it is located in a territory where sectarian and ethnic divides are intertwined and struggling increases to its current significance. Syria, which is vital in many ways due to its location in

the region, is also immensely influential on the security and foreign policy agendas of its surrounding countries.

The popular movement known as the "Arab Spring" that occurred in Arab countries was not only a threat that the Assad administration ignored, but it had officially spread to the entire country of Syria as of March 2011. The Baath Party, which was requested to retire by most of the people, reacted harshly to the peaceful demonstrations, viewing it as a security issue. The Assad regime's engagement in the protests with the army, as well as several mass executions, escalated the situation into a civil war.

Various organisations emerged in the places where the old Baath regime was implemented, and armed conflicts took place between these organisations. The extent of the chaos created by these conflicts can be explained by the active participation of states such as the Syrian regime and the opposition, Russia, the USA, Iran, and Turkey. All these have not only made the continuation of civil life difficult but also impossible. For this reason, there have been 12 millions of civilians fleeing from Syria since 2011.

The future concerns and tragedies of the civilians fleeing Syria have not only become a problem for them but also a problem affecting the geography of thousands of kilometres. The reason why Syrian refugees flee their countries in the hope of finding a better future for themselves and their efforts to reach Europe, where they believe they can find this future, is shown as the reason why it affects the geography of thousands of kilometres.

Since the presence of refugees has the potential to have significant effects on the political, social and economic structures of European countries, the attitudes of Germany and France have affected Europe's attitude towards the issue. One of the leading destinations for refugees who will flee from Syria and go to Europe for a better future is Germany, but they have to pass through Turkey to go to Germany. In Turkey, refugees are divided into two main groups. The first of these are middle-class refugees from Damascus and other big cities who view Turkey as a transit country; the second is the less educated refugees who left their country in the early hours of the war from rural areas and chose countries such as Turkey and Lebanon that could be culturally close to them.

The Syrian refugee crisis has not gone beyond being a crisis in which the problem is not examined and evaluated superficially in the international arena. Especially western states are very reluctant to host refugees because they consider the issue as a security problem in many respects. In addition, Western states' hardening of their current immigration policies and increasing their efforts on border security cause refugees who want to reach Europe to resort to illegal immigration methods.

With the Syrian refugee crisis, the European Union's migration policies, which now analyse refugee and asylum seeker status under common regulations, have begun to dispute with the policies of Union member states. As a result of this circumstance, member states have directed their union policies in accordance with the path they take when their own interests are at stake. Although the current functioning asserts that its fundamental principles are human rights and promotes them as a source of pride, the fact that the European Union advances on a different path when it comes to refugee reception explains its approach to the issue. In particular, the fact that member states' perspectives on the subject are based on national interests rather than the framework of common policies, which appears perfect in theory; nonetheless, it demonstrates that union policies, which can never be implemented in practice, contradict themselves.

According to the EU Commission, the situation in Syria is one of the worst humanitarian crises the world has faced since World War II, and the disastrous and tragic consequences of the Syrian war continue for the Syrian people. Furthermore, the Commission emphasises that the war has had a destabilising effect on more significant regions, driving people to flee, exacerbating political and sectarian divisions, and spreading terrorism. Although the EU shares the same concerns about the persecuted Syrian people, the EU, which was also grappling with the Euro Debt Crisis in 2011, initially had limited engagement in the developments in Syria and was unable to implement an effective, shared policy for the Syrian civil war.

In the midst of an economic crisis, the EU first settled for backing political and diplomatic solutions to Syria (Abdi, 2016). With the effects of the Syrian civil war spreading to the EU, security became a priority, and the EU was compelled to shift its focus to Syria and spend time on the Syrian crisis due to the immigration issue and IS assaults. The EU first criticized Syria's ongoing repression in 2011, citing the reprehensible brutality employed by the military and security forces on peaceful protesters, resulting in hundreds of fatalities and numerous injuries (European Council, 10440/11).

Russia, Iran, and China's support for the Syrian regime, as well as their efficacy in this geography, have limited the effectiveness of the EU, which has relied on NATO and the United States for military power. While the EU, a normative soft power, has agreed on economic sanctions, they have taken a different strategy for arming dissidents.

Despite the fact that the EU's arms embargo ended in 2013; unlike Germany, which favours humanitarian aid, it was not possible to extend the arms embargo due to the objections of England and France, who wanted to provide weapons to the dissidents (European Council Decision, (CFSP) 2018/778).

The point where the EU has a common stance is that it draws attention to the humanitarian dimensions of the crisis, together with the humanitarian approach to the Syrian crisis. Although the understanding that the Syrian people need help is dominant in the EU, there is an emphasis on a democratic, inclusive, safe and stable Syria. The EU, which was ineffective in the solution of the Syrian crisis, has moved on to take measures for the consequences of the crisis, has moved on from security, handled the Syrian refugee crisis through the perception of danger in the context of the migration crisis and terrorist attacks, and instead of solving the Syrian crisis, it has implemented policies to stop the migration flows that are the result of the Syrian crisis. According to the report prepared by the British-based Syrian Observatory for Human Rights, as of 2022, at least 610,000 people have died in the 11 years since the start of the civil war. 160,681 of the dead are civilians, mostly women and children. 2.1 million people were permanently disabled. 13 million people lost their homes (SOHR, 2022).

The fact that thousands of people have died while crossing the Mediterranean is one of the most evident signs that the EU prioritises border security over human rights. While protecting the rule of law, the EU has enhanced border security in order to prohibit one of the most fundamental rights, the right to refuge. However, as the deaths of Syrians looking for a safe destination to take refuge in began to dominate public opinion, apart from EU member states, Turkey as a candidate were forced to develop a roadmap for the protection of immigrants as well as their own border security.

3.3. MIGRATION AGENDA OF THE EUROPEAN UNION INSTITUTIONS

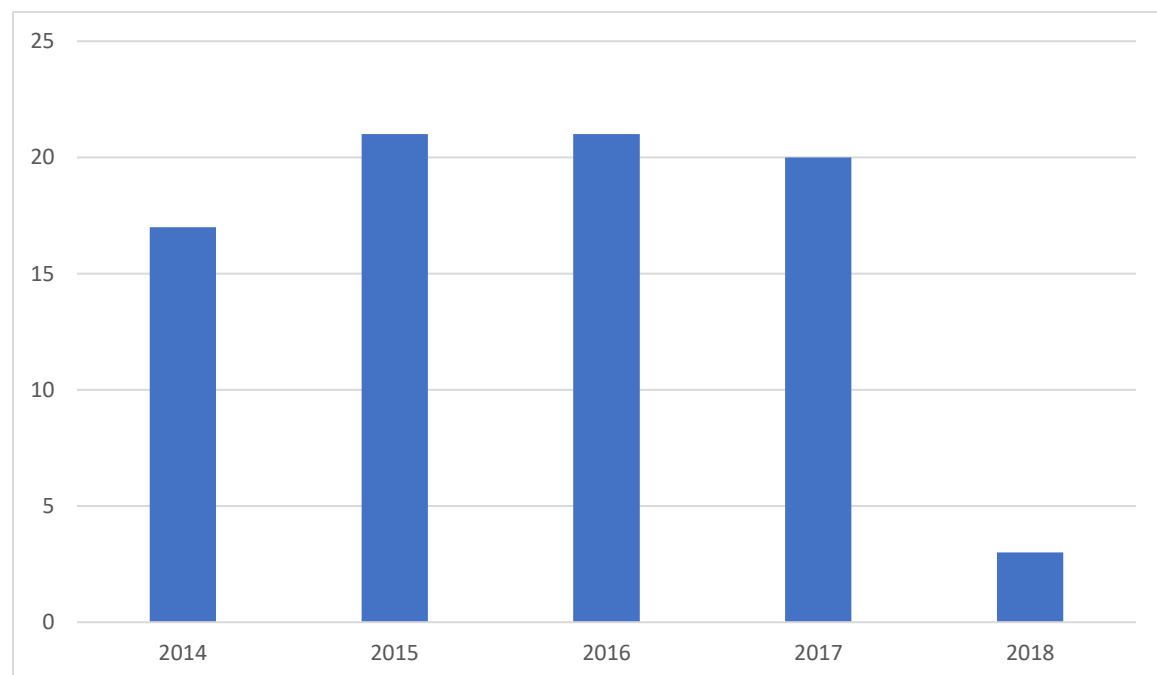
Along with the refugee crisis during Syria's civil war, the EU's major institutions, the European Commission, the European Council, and the European Parliament, have prioritised migration on their agendas. The three methodologies used by these institutions to examine migration are as follows (Schilde, 2017):

- i. Establishing new policies regarding regular migration,*
- ii. Prevention of irregular migration,*
- iii. Internalization of the common migration policy by the states.*

Migration has gained importance within the European Commission, especially after 2015. It can be seen at various conferences that the Commission has addressed the refugee crisis as a security issue. In the conferences in question, it was stated that along with migration, security was among the important agenda items for Europe (Geddes & Hadj-Abdou, 2018).

In the Council of Europe, the issue of migration was put on its agenda during the periods when the Syrian refugee crisis was experienced intensely. One of the most important of these is the Varna Summit held in 2018. In 2018, the EU-Turkey leaders meeting was held in Varna (Bulgaria) and topics such as cooperation on migration, cooperation in the fight against terrorism, partnership with Turkey in his fight with illegal migration in the Eastern Mediterranean and Aegean Sea, and Turkey's intervention in Syria. has been put on the agenda (Cianciara & Szymański, 2020).

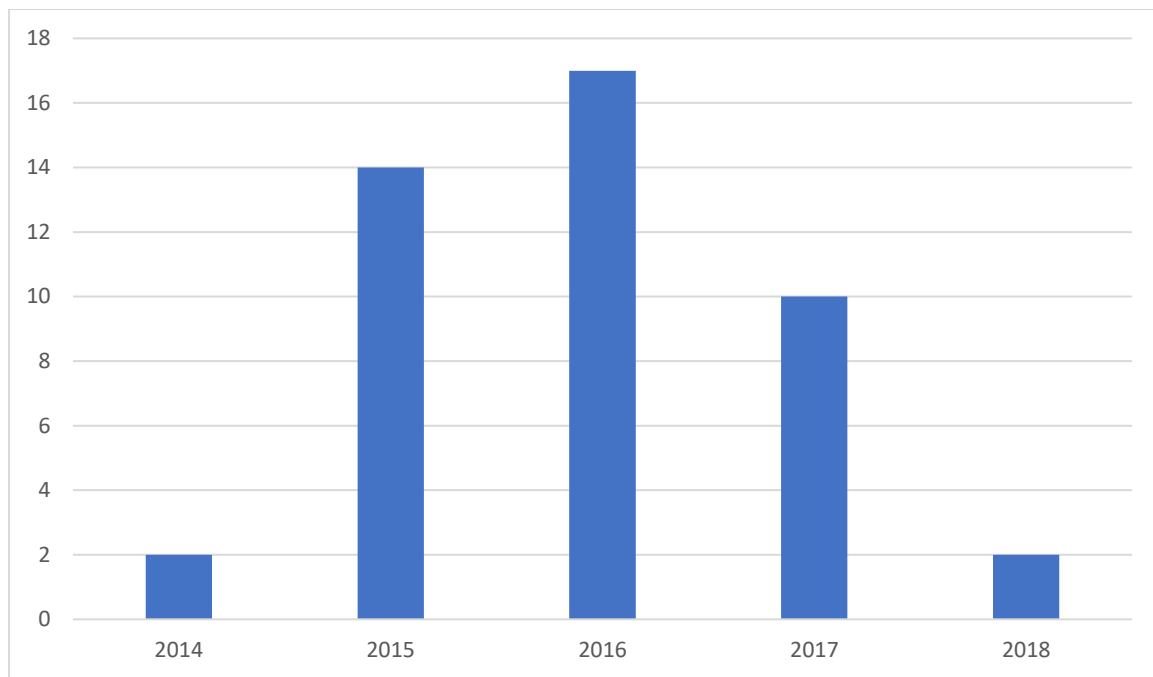
Table.5. Total Number of International and European Summits Held by Years



Source: Own edition according to the European Council (EC)

The Council of Europe dealt with the Syrian refugee crisis, mainly through irregular migration cooperation, and related the process with terrorism, illegal migration, and criminality.

Table.6: Number of Documents Included in International and European Council Summit Documents



Source: Own edition according to the European Council (EC)

When we evaluate the European Parliament's putting the Syrian refugee crisis on the agenda between 2011 and 2018, it seems to be the year in which it was put on the agenda the most between 2015 and 2017, although it varies. These periods coincided with the periods when the Syrian refugee crisis in Europe affected Europe the most. Along with the Syrian Civil War, the emergence of terrorist organizations in the war zone in 2013 has led to an increase in security discourses on migration (Watzlawik & Brescó de Luna, 2017).

In a speech delivered on July 16, 2014, the President of the European Parliament stated that they had evaluated reports on refugees who had capsized in the Mediterranean, that Europe had to face this reality, and that it was a scandal that people brutally are drowned in search of a better life on their shores. Similarly, he argued that by implementing a legitimate immigration system in Europe, they could avoid problems. He also noted that if this procedure is carried out in a systematic manner, they will be able to eliminate the economic model of illegal people traffickers, adding that a humanitarian migration policy based on solidarity should be one of the key goals of the legislative term (European Parliament, 2015).

There have been sessions in Parliament that have dealt with immigration in a security-oriented manner. As a result, migration may constitute a security risk. On 13 November 2018, the High Representative of the European Union responsible for Foreign Affairs and Security Policy stated that cooperation is essential in order to solve international migration in a more systematic, secure, and orderly manner within the framework of the "Global Migration Consensus" (Seeberg, 2019).

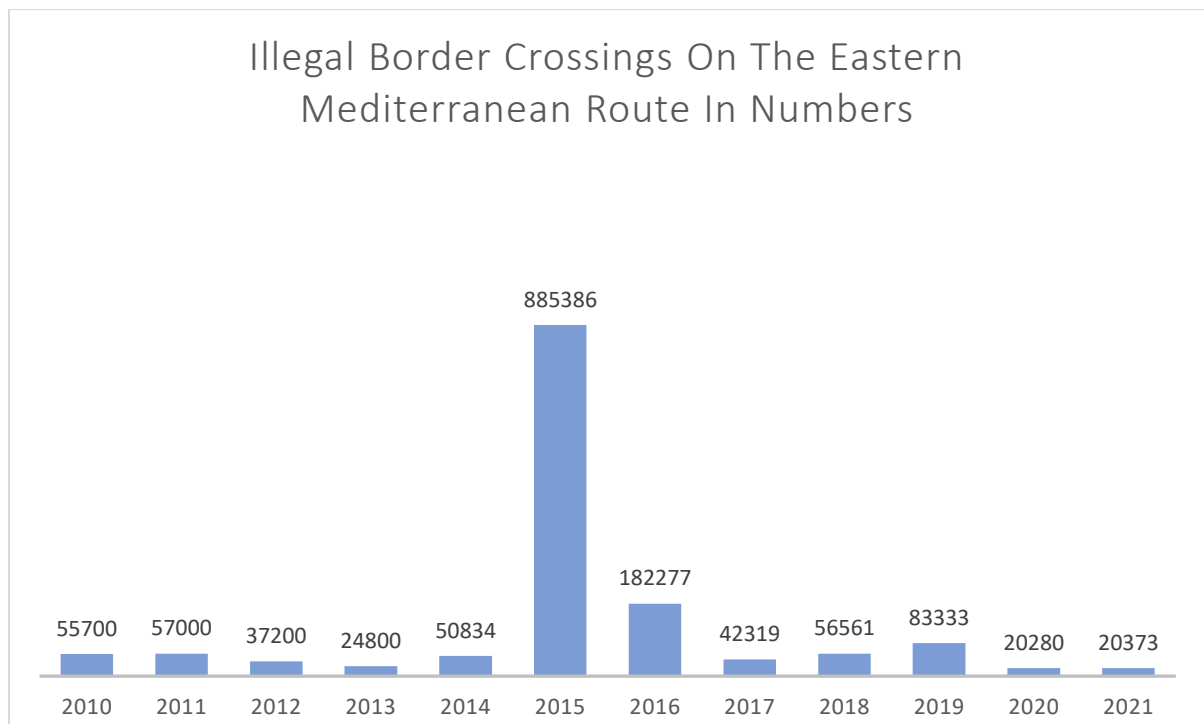
After assessing the discourses of the European Commission, the European Council, and the European Parliament, it is proceeded to work with a security focus while attempting to build a unified migration policy (European Commission, 2015).

3.4.THE CURRENT MIGRATION ROUTES AND THE ORIENTATION OF MASS MIGRATION TO EUROPEAN UNION COUNTRIES FOLLOWING THE ARAB SPRING AND THE SYRIAN CIVIL WAR

Europe has been a region that has regularly received immigrants, particularly since World War II. The EU's characteristics, such as a free-market economy, human rights, and democracy, as well as free movement of people, services, and capital, have directed a significant portion of worldwide migration to EU countries. However, international migration is becoming a major issue for European countries as well as the rest of the world. Mass migration to EU countries from practically all Arab Spring countries, particularly Northern Africa and Syria, poses a severe concern (Stephen Castles et al., 2015).

During the Arab Spring, millions of people were displaced and compelled to flee as a result of protests, riots, and popular movements across the region's countries. As the protests developed into civil war in Syria, one of the countries where the Arab Spring had a devastating impact, many people died, and millions of people were displaced and forced to move within or outside the country (Feldman, 2020). Considering the nature of the enormous migrations that happened as a result of the Arab Spring, it is clear that there is a forced, irregular, and mass movement. The individual and mass migrations that started with the Arab Spring had a great impact on the world public opinion. It has brought with it two important refugee crises. As the demonstrations in Syria and Libya turned into civil war, the number of people who sought asylum in mass reached millions. Migrants and refugees use three main routes to reach the European region.

Table.7: Illegal border crossings on the Eastern Mediterranean route in numbers since Frontex operates



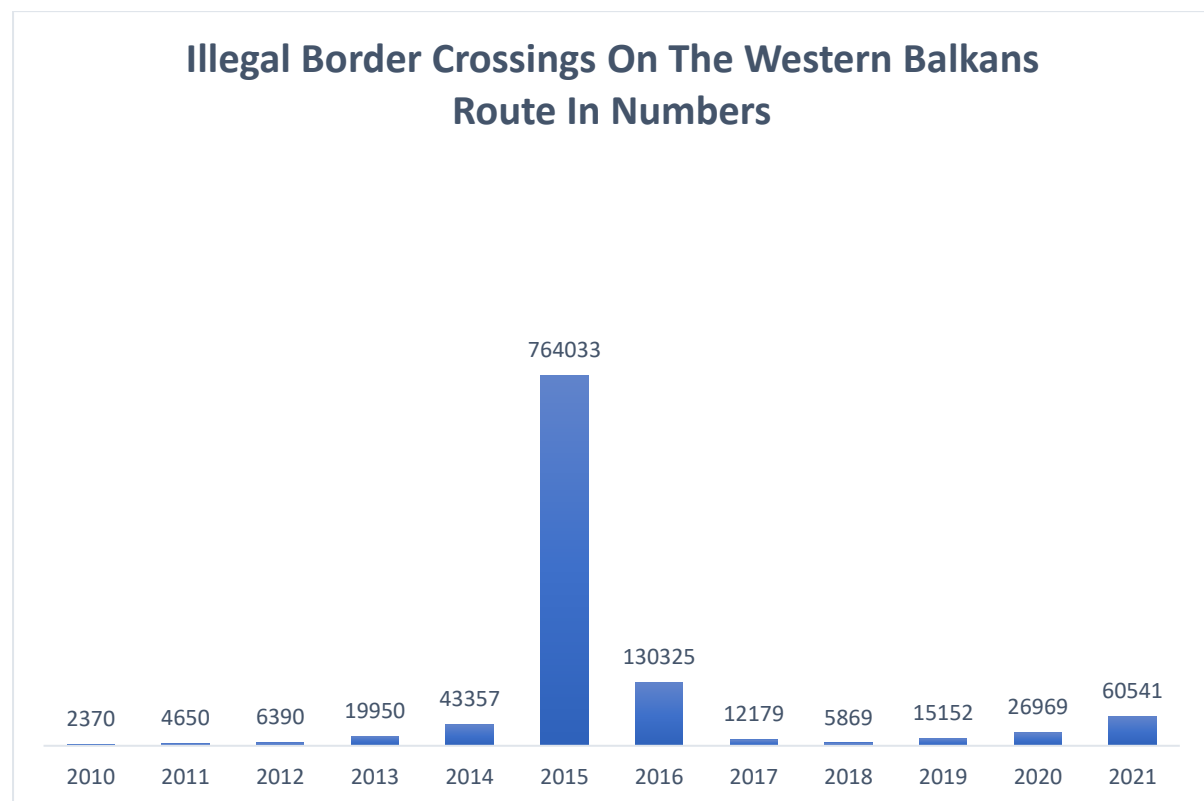
Source: Own edition according to data from Frontex

The Eastern Mediterranean Route was the most used route by sea in 2015. In this route, immigrants passed from the coasts on the Turkish border to Greek islands such as Kos and Lesbos, which are close to Turkey. The shift of the migration movement by sea to the Eastern Mediterranean in 2015 is due to the fact that Syrian immigrants find this route more accessible and safer. Immigrants from Afghanistan and Pakistan use this route extensively. Through this route, immigrants and refugees use Turkey as a transit country and pass not only to Greece but also to Southern Cyprus or Bulgaria, which are other European Union countries. Since 2008, this route has been the second most used route.

Considering Turkey is the main transit country for migratory routes to the EU, the EU has encouraged Turkey to strengthen its assistance in combating illicit migration and border protection. Turkey, according to Frontex, is a transit nation on the two main migrant routes to the EU (Eastern Mediterranean and Western Balkans). The Eastern Mediterranean route connects Greece, Bulgaria, and Cyprus via Turkey. According to Frontex, this route was the second most common among migration routes to the EU, with 52,300 migrants coming in 2010, 57,000 in 2011, 50,830 in 2014, and 885,000 in 2015. Because of the frequent illegal crossings along the Turkish-Greek border near the Meriç River, Greek and EU officials took additional steps at this location (Nas & Özer, 2021). In response to Greece's request for help, Frontex launched Rapid Border Intervention Teams (RABIT) to the border in November 2010 (McDonough & Tsourdi, 2012). Greece also intensified border controls by coordinating with

Turkey, and construction of a new 12.5-kilometer fence in the north-eastern city of Orestiada has begun (Nas & Özer, 2021).. Meanwhile, migrants began to use alternate migratory routes, such as the Aegean islands and the Turkey-Bulgaria highway (Nas & Özer, 2021).. In 2014 and 2015, Rhodes, Kos, Samos, Lesbos, and Chios became more and more popular transit sites for migrants heading to EU countries, primarily to flee the civil conflict in Syria, and this situation strained the islands' refugee hosting capacities to a large extent. The goals of EU-Turkey migration relations were to prevent migrant deaths in the Mediterranean Sea, to develop legal entry points into Europe, and to improve living circumstances for refugees in Turkey (Engler, 2019).

Table.8: Illegal border crossings on the Western Balkans route in numbers

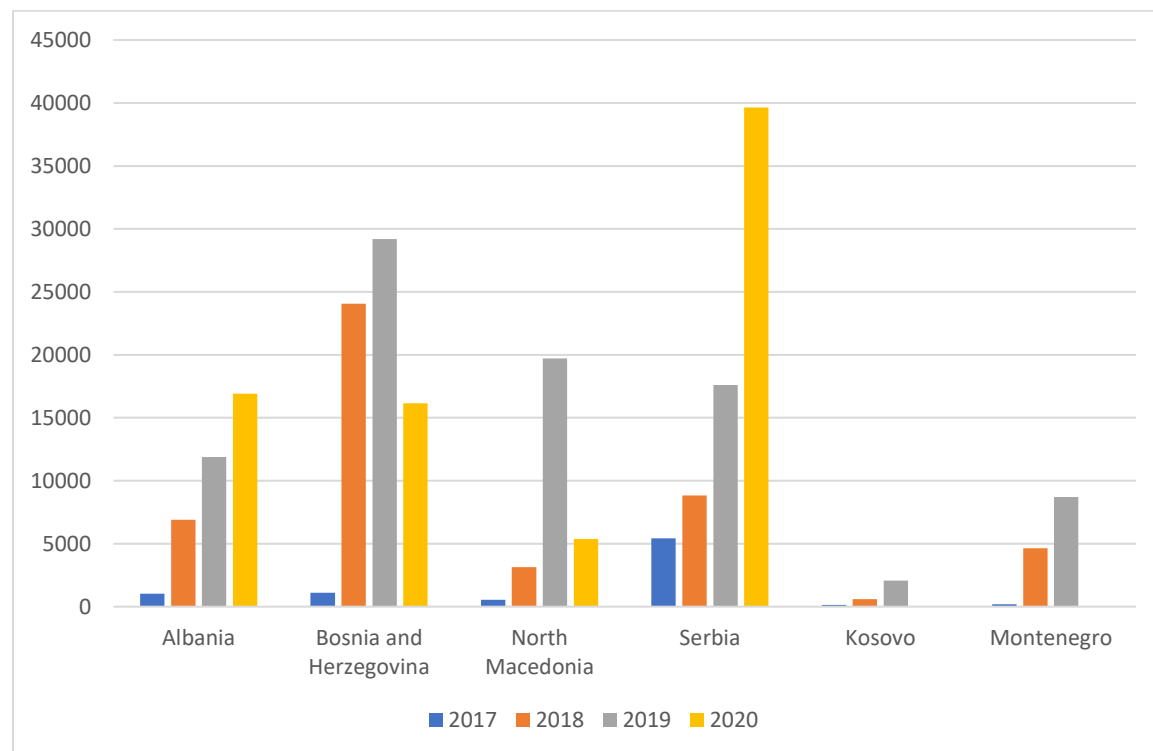


Source: Own edition according to data from Frontex

On the Western Balkan Route, thousands of people passed through Serbia and reached Hungary in 2015. Refugees and immigrants from the Western Balkan countries of Kosovo, Albania, Serbia, Bosnia-Herzegovina and Macedonia have used this route to migrate to EU countries. They aim to reach Hungary and Romania by passing through the Western Balkans (Milic & Svilanovic, 2006). They use Greece as a transit country in order to pass to other European Union countries. As the migration movement in Greece increases, the migration mobility in the Balkans and later on the Hungarian border increases in direct proportion. Hungary has constructed a controversial 175 kilometres of barbed wire along the Serbian border in order to

prevent mass migrations. This attitude of Hungary caused it to be subjected to harsh criticism by the world public opinion (Milic & Svilanovic, 2006).

Table 9: Registered migrant and refugee arrivals in the Western Balkans 2017–2020



Source: IOM, Flow monitoring, Europe, 2020

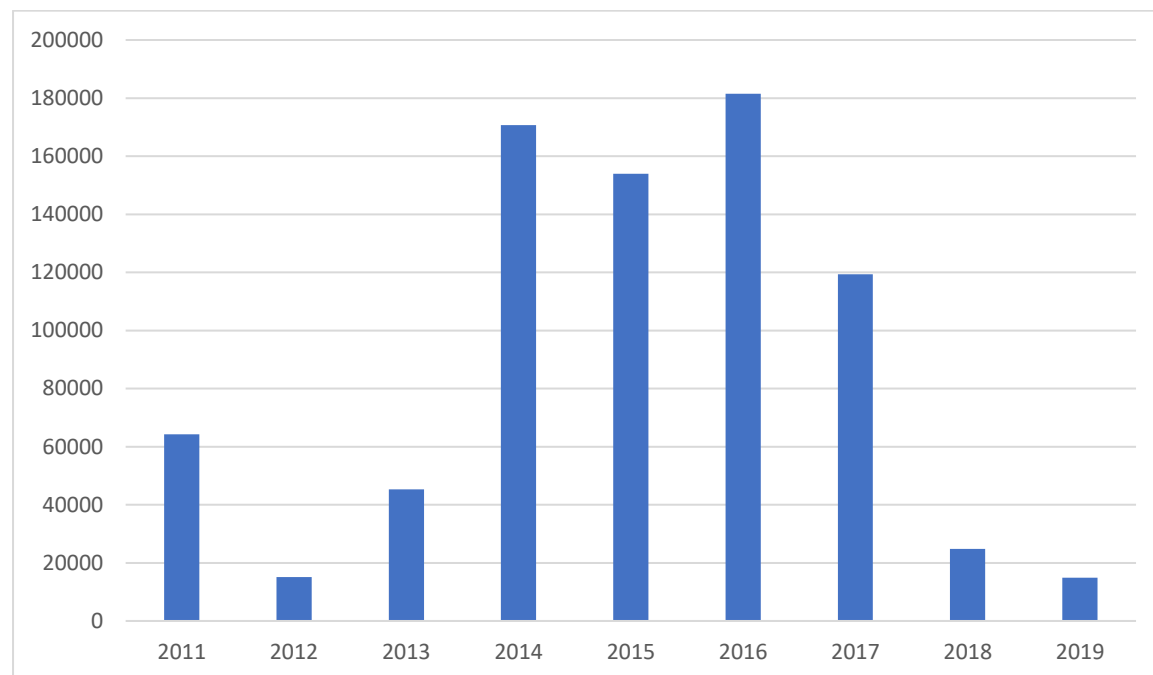
The Western Balkans remained a transit corridor for mixed migration flows en route to final destinations in European countries in 2020. Despite Covid-19 preventive measures, the region's registered migrants and refugees have surged dramatically in recent years (ICMPD, 2021).

Each Western Balkan country had a significant increase in the number of newly registered migrants and refugees, particularly in 2019 when compared to 2018 (Kilibarda, 2017). Even in 2020, the number of registered migrants and refugees remained high, with Serbia receiving around 40,000 new immigrants. Other countries reported a drop in numbers compared to 2019, most likely due to Covid-19-related actions and changes in migration patterns in the Western Balkans. When the number of arrivals documented by the IOM is compared, the trajectory declines in the second quarter of 2020 before increasing in the following period again (Kilibarda, 2017).

The Western Balkan route, on the other hand, is a significant migratory route that extends from Turkey's sea and land borders with Greece and Bulgaria via Macedonia and the Western Balkans to Hungary. According to Frontex data, the number of individuals utilising this road climbed from 3090 immigrants in 2009 to 764,000 in 2015. Immigrants who use this route are provided with an opportunity of applying for asylum after arriving in Hungary and are directed

to open centres following this application. Data indicate, however, that many refugees depart these centres for Western Europe (Frontex, 2015).

Table.10: Illegal border crossings on the Central Mediterranean route in numbers



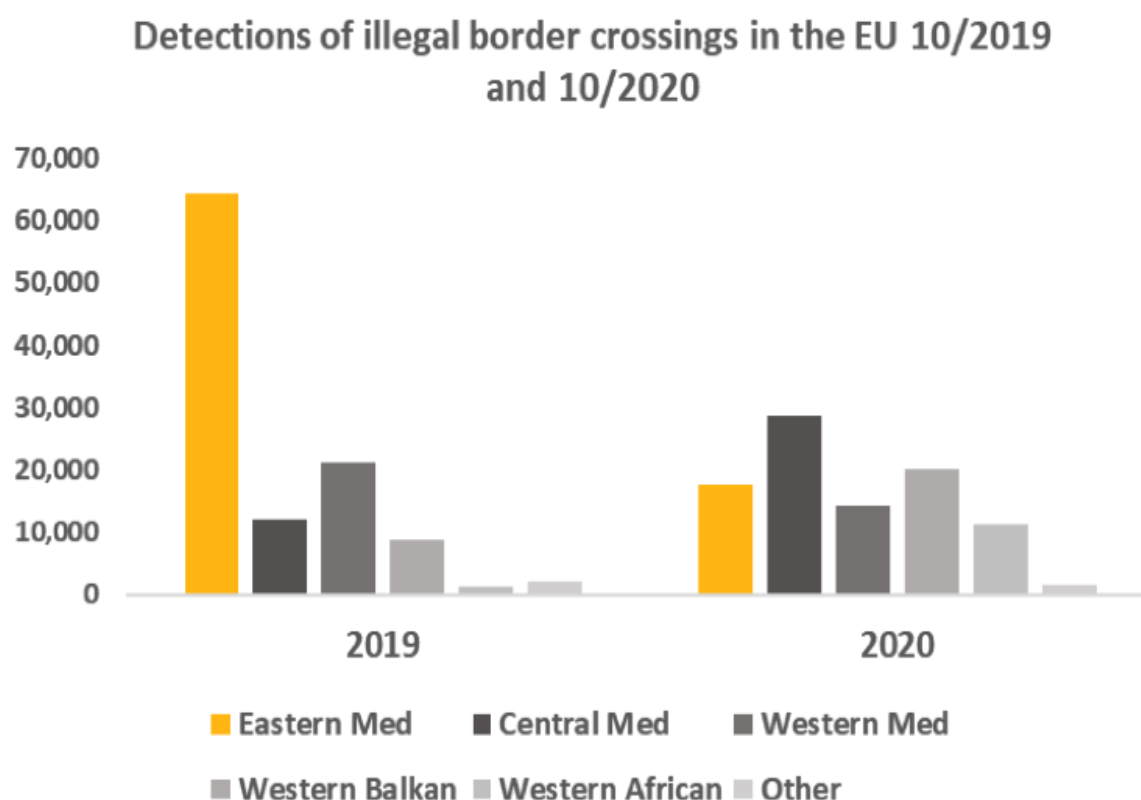
Source: Own edition according to Frontex data

The Central Mediterranean Route is a route to EU countries by boats carrying irregular, forced migrants and human smugglers, departing from Libya, Tunisia, and Egypt and crossing via the borders of Italy and Malta. This risky migratory route was the most popular between 2014 and 2015, resulting in the deaths of millions of people through drowning in the Mediterranean (Lutterbeck, 2021). As a result of the major catastrophes that occurred in these years, the EU took immediate action and adopted new policies. African immigrants and refugees who wish to travel to EU countries take this path, attempting to reach Malta and, in particular, Italy. This is the most popular migratory route among others, and it is exploited in the illegal refugee trade (Lutterbeck, 2021).

For the second year in a row, the Central Mediterranean stayed the most common route to Europe in 2021, with 67 724 migrants caught on this route. This is a 90% increase over the previous year and accounts for 23% (or about one-quarter) of all recorded illicit border crossings at external borders. The increasing migratory pressure on this route was exacerbated by a higher rate of arrivals from Libya, as well as increased departures from Tunisian and Turkish coastlines (FRONTEX, 2021).

Tunisian migrants were the most often detected in this location, but in 2021, increasing numbers of Egyptian migrants returned, nearly sevenfold more than the previous year. Bangladeshis were some of the most often identified nationalities (FRONTEX, 2021).

Table.11: Detections of illegal border crossings 2019–2020



Source: Own edition according to Frontex Annual Risk Analysis 2021.

This development was mostly impacted by events on the Greece–Turkey border in early 2020. For the first time since the EU–Turkey migration deal was reached in 2016, a major influx of refugees from Turkey began to migrate toward Greece. Greece retaliated by sealing its borders and stopping the admission of refugee applicants. As a result, arrivals to the Greek islands have reduced dramatically. According to UNHCR figures, the total number of arrivals declined from around 60,000 in 2019 to around 9,300 in the first 10 months of 2020. Even nevertheless, the Greek asylum and reception system is still under great strain. According to the UNHCR, roughly 120,000 refugees and migrants already are sheltering on Greek territory (FRONTEX, 2021)..

3.5.SECURITIZING MIGRATION TO EUROPE FOLLOWING THE ARAB SPRING AND THE SYRIAN CRISIS

While the uprisings in Syria began with local protests in March 2011, it quickly escalated into a civil war, a proxy war involving regional and global powers, and a terrorism problem with the addition of new non-state actors, one of the most significant consequences in the international system was the "refugee crisis." With the deployment of the Islamic State of Iraq and Syria (ISIS) terrorist organisation in the region in 2013, and the involvement of global and regional powers such as the United States, Russia, Iran, and Turkey, the process has achieved multilateral dimensions and become complicated (Chatterjee, 2016). This process has resulted in the displacement of about 12 million of Syria's 22 million population, of which more than 6 million are within the country and more than 5 million to other countries, more than 400,000 people have died, the extreme poverty rate has reached 69%, the unemployment rate has reached 53%. First of all, it caused a humanitarian crisis (SOHR, 2022).

With the transition of more than one million people to the European Union (EU) in 2015, the Syrian crisis, in which millions of Syrians initially sought refuge in countries such as Turkey, Lebanon, Jordan, Iraq, and Egypt, found an important place on the Union's agenda, particularly in terms of migration (Akar & Erdoğan, 2019). In this framework, the Syria Strategy, which was endorsed at the April 2017 Council meeting, continues to serve as a guidance. It exemplifies the approaches of the EU. Furthermore, the crisis has reinvigorated the Turkey-EU Readmission Agreement (GKA) process, which is an example of carrot and stick diplomacy that began with accession negotiations with Turkey in 2005 but failed for years (Akar & Erdoğan, 2019).

The European Commission, which among these three institutions as securitizing actors in the EU due to their essential roles and obligations, initiates the legislative process, holds executive power, and controls the EU budget, policies, and programs. The Council of Europe, which represents high-level political cooperation through its meetings at the level of government and heads of state, is another important institution that deals with the Union's interests, draws the EU's political direction, and shapes the common migration policy through summits (McCormick, 2020).

The European Parliament, on the other hand, shares legislative power with the Council of Ministers (EU Council or Council). Examining the discourses of three different institutions with the method of security themes provides the opportunity to discuss whether the EU's so-

called common migration policy is shaped by a common discourse by institutions with different functions (McCormick, 2020).

In his study, Huysmans argued that the EU's migration policy develops intertwined with its security policy, and stated that migration is handled within the framework of "economic, cultural and internal security" themes (O'Neill, 2006). In this direction, in the economic security discourse, migration is related to the access of immigrants to the employment market, youth unemployment, changes in wages and the use of the country's resources for citizens. In the cultural security discourse, it is stated with the view that European society will disappear in terms of language, religion, liberal values (such as gender equality, freedom of dress) and other cultural values under the threat of immigration. Therefore, this approach is related to the discourse of belonging to a group and identity (O'Neill, 2006).

Securitization is a situation that legitimizes the transfer of an issue to the political arena as a threat and the taking of emergency and extraordinary measures. The issue presented as a threat has priority over other issues. Therefore, securitization actually refers to a process. In this process, threats are presented with urgent measures and the audience is expected to accept this threat and support urgent measures. In this process, it is determined by the securitizing actor whether the element will be carried to the threat dimension.

The success of securitization is also connected to the availability of enabling conditions. Examples of facilitating conditions include the securitizing actor's sociopolitical position, the duration of the securitization, and the quality and quantity of the issue to be projected as a threat (Balzacq, 2005). However, McDonald also mentioned the necessity of examining factors such as the social, cultural, political or economic environment in which the discourses are formed, the historical background and the identity information of the securitizer (McDonald, 2008). According to McDonald, the fact that the elements that will be presented as threats vary in different countries or that the same element threatens different security sectors in different countries affects the success of threat construction (McDonald, 2008). Balzacq, on the other hand, argues that for successful securitization, the characteristics, feelings, beliefs and interests of the target audience should be analysed correctly and the discourse should be evaluated in this direction (Balzacq, 2005).

In his study examining the migration-security relationship, Huysmans focuses on the question of "how it is presented" and shows that since the 1980s, European immigration policy and the European integration process have developed intertwined and that Europe has built immigrants as a security theme in three main areas (O'Neill, 2006).. The first of these themes, economic security, aims to protect national economies. Economic securitization is based on the

understanding that immigrants are a burden on the labour market, drawing attention to the fact that one of the aims of the immigrants is to achieve better living conditions. Therefore, economic securitization is demonstrated by discourses on employability, inclusion of illegal immigrants in the labour market, education and health expenses of immigrants, social dumping due to cheap labour and the budget allocated to immigrants. Huysmans defines welfare chauvinism as the acceptance of immigrants as unlawful socioeconomic claimants and the backing of the country's citizens to benefit from state amenities (O'Neill, 2006).

The official texts on the official websites of the institutions were analysed for the examination of the discourses between 2011 and 2018, which is the scope of the study. In this framework, the Commission's discourses are evaluated within the context of the Union addresses of the Commission President, held in September each year, migration evaluations in 10 priority areas as of 2014, and numerous additional speeches. With the Council of Europe Summits, the European Council, which represents the highest level of political collaboration, determines the EU's strategic direction. In this regard, the Council of Europe's discourses were evaluated in the context of the Brussels Summits and other international summits that influence the common migration strategy.

Because of their roles, responsibilities, and positions inside the EU, the European Commission, European Council, and European Parliament promote their emergence as securitizing actors. The Commission can initiate the legislative process, set policy guidelines (such as the Global Approach to Migration Mobility and the EU Agenda on Migration), and conclude political agreements, such as readmission agreements, on behalf of member states in order to advance European integration and represent the EU's interests.

The securitization of immigration on the basis of internal security is a formalized policymaking process that allows the transfer of security challenges like as terrorism, drug trafficking, and money laundering to the immigration field. The Council of Europe additionally institutionalizes the distinction between regular and irregular migration using terms like "illegal migration" and "immigrant smuggling," emphasizing the illegality of immigrants by using the word illegal rather than irregular.

The migration-crime relationship has also been supported by the discourse of terrorism as of 2015. After the terrorist attacks on Europe, the Council of Europe evaluated the issue of managing migration and protecting borders under the heading of "Security" together with protecting citizens against terrorist attacks (Violakis, 2019). It shows that the support of the Syrian Arab Republic is directed towards preventing irregular migration rather than solving the

Syrian crisis. Within the framework of changing international security problems, the Council of Europe has started to present the "threat" dimension of migration (Violakis, 2019).

The classification of immigrants by the Council of Europe as those who have the right to enter the EU through the migration-crime link and those who are not is another case in the theme of internal security. As a matter of fact, the definition of right here is not clarified. Within the framework of this discourse, those who do not have rights are highlighted as a security problem and illegality for European citizens (O'Neill, 2006).

The Parliament, which gained joint decision-making power with the transfer of migration issues to the supranational field in 2009, has the potential to significantly affect the balance of power between different EU institutions and the development of EU migration policy (Kaunert & Leonard, 2012). In the face of the massive migration flow after these developments, Speaker of the Parliament Schulz made various speeches, such as at the special migration summit in April 2015, and approved the establishment of the European Border and Coast Guard Agency together with the Council. In addition, although the Parliament supported the EU to use the words irregular/undocumented migration instead of illegal migration in January 2009, it did not implement this in its own discourse. The discourses of the Parliament in this framework have been examined in a variety of speeches, particularly at Council of Europe Summits. The immigration debate in the European Parliament, which heated up after 2015, set the stage for a choice to be made between immigrants and Europeans to be regarded as Europeans (Kaunert & Leonard, 2012).

With the severity of the migration flow into Europe, the Parliament, which developed the rhetoric of urgency in securitisation construction with the discourses of dealing with the issue fast, reinforced this discourse.

The emphasis on the continuity of the Schengen system was also used in the theme of internal security. The facilitation of migration flows by permeable borders has been one of the priority issues addressed by anti-immigration countries. In this context, associating the protection of Schengen with the prevention of irregular migration constitutes the theme of internal security. In addition to the emphasis on irregular migration in Schengen, the relationship between migration and crime is also indicated by the problem of terrorism. Therefore, the management of migration mentioned here has been aimed at managing irregular migration and ensuring border security against the problem of terrorism.

Finally, the Parliament, which also distinguishes between immigrants, has moved away from the focus of human security. On the one hand, it was stated that the migration problem related to demographic difficulties, climate change, terrorism, wars, hunger and poverty should be

tackled from the root, and on the other hand, he made a distinction between those who fled war and persecution and those who came to Europe for other reasons (Kaunert & Leonard, 2012). Therefore, the Parliament has classified the existing immigrants within the framework of categories under the discourse of “ensuring immigrant security”: economic and political migrations; asylum and economic migration; legal-illegal immigration; victims of war and those who have left their country for other reasons not covered by the right to asylum. The return of immigrants has been seen as a necessary step in the separation of those who do not have the right to stay in the EU. In this context, the Parliament claimed that only a common legal immigration policy would be able to get rid of the scenario in which the EU failed, and that the incapacity to regulate immigration posed a threat. (Kaunert & Leonard, 2012).

FOURTH CHAPTER

4. MIGRATION POLICY OF TURKEY SINCE 2000

Migration is a critical issue in Turkey's EU candidacy process. Because of its geographical location, Turkey serves as a gateway to Europe for countries in the Caucasus, the Middle East, and some African countries. Irregular migrants attempting to reach EU countries use Turkey as a stopover and attempt to pass through Turkey.

Turkey's immigration policies after 2000 have been shaped within the framework of the expectations of the European Union expressed in the Regular Progress Reports Series⁵. In this regard, Turkey is primarily concerned with meeting the expectations of the European Union, and existing or growing irregular migration events pose significant challenges. The agreements signed as a result of the masses migrating to European countries via Turkey and the people who are wanted to be sent to their countries through Turkey after being apprehended have imposed new responsibilities on Turkey.

The period following 2000 is when Turkey's EU accession process had a direct impact on irregular migration policies. The "Participation Partnership Document" signed in 2000 and the "National Program" announced in 2001 have made the irregular migration policies one of the important steps of Turkey-EU relations and Turkey's accession process. The "Justice and Home Affairs" section in the Regular Reports Series of the EU Commission also shows that there are high expectations on the subject. Turkey has prepared a national action plan in accordance with the European Union Acquis. The Ministries of Justice and Interior have agreed to collaborate with the European Union countries on the development of border controls, cooperation against irregular migration, visa and asylum system. In terms of the development process of Turkey's immigration policies, Turkey's acceptance as a candidate country by the EU in 1999 and the start of full membership negotiations since 2005 is a breaking point. In this process, which was the beginning of major changes in migration policies, the unsystematic, flexible and temporary regulations implemented by Turkey were replaced by the process of creating migration policies and practices that developed under the influence of the European Union harmonization process and started to institutionalize with the cooperation and pressure of supranational and intergovernmental organizations. Turkey, which wants to harmonize with the EU's acquis in the field of migration, has tried to implement concrete, inclusive and solution-oriented regulations for the areas where it has problems in the field of migration. With the start of the EU candidacy process, besides the regulations made in this context; "national programmes",

⁵ https://www.ab.gov.tr/46224_en.html

“development programs”, “progress reports”, “migration strategy document”, “asylum strategy document” and “asylum migration action plan” and in periodic conditions were influential in the formation of these policies. Being a part of the international system, working in coordination with the United Nations and some changes required by the European Union candidacy process play an important role in shaping the process. In this chapter, Turkey’s migration policy and its change throughout the process will be explained.

4.1. ARRANGEMENTS REGARDING MIGRATION MANAGEMENT IN TURKEY WITHIN THE FRAMEWORK OF MEMBERSHIP NEGOTIATIONS WITH THE EU

With the first Accession Partnership Document signed with the EU in 2001, it is seen that Turkey's dependence on EU Policies has emerged in the formation of the management model regarding the migration-related process. As a candidate country, Turkey's obligation to draw a framework in line with the EU acquis on issues such as regular migration, irregular migration and asylum emerges as a result of the candidacy process (ORSAM, 2012).

Regarding migration management in the objectives and targets part of the Accession Partnership Document⁶;

- *“Improve the capacity of public administration to adopt, implement and administer the acquis, through appropriate coordination between ministries, in particular education and including the development of effective border controls to prevent illegal immigration and illegal human and drug trafficking.”*
- *“Negotiating a readmission agreement with the European Commission,”*
- *“Adoption of the EU acquis in the field of data protection in order to join the Schengen Information System and Europol,”*

⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32001D0235&from=FR>

- *“Starting the alignment of visa legislation and practices with those of the EU,”*
- *“Starting the strengthening of border management and preparing for the full implementation of the Schengen Agreement,”*
- *“Removal of the geographical reserve for the 1951 Geneva Convention in the field of asylum and the development of residence and social support units for refugees”*

Together with the Accession Partnership Document, strategy documents were created showing what to do. In this context, the Strategy Document on the Protection of External Borders in Turkey in April 2003, the Strategy Paper on the Projected Work in the Field of Asylum in the Process of Turkey's Accession to the European Union (Asylum Strategy Document) in October 2003 and Strategy Paper which will Contribute to the Migration Management Action Plan in Turkey (Migration Strategy Paper) was prepared in October 2003. (Özçürümez and Türkay, 2011).

With the European Union membership process, it is seen that the regulations implemented by Turkey have begun to be replaced by the immigration policies and practices developed under the influence of the European Union harmonization process.

In this context, the “New Accession Partnership Document” adopted on 19 May 2003, The National Program published on 24 July 2003 and the “National Action Plan for Asylum and Migration” adopted on 25 March 2005, have been the documents that prioritize the adoption and implementation of the EU acquis regulates Turkey's acceptance, readmission and deportation practices for the prevention of illegal migration.

With the Asylum Migration National Action Plan;

- *“Creating a specialized unit in the field of immigration and asylum, strengthening the structure to be created in terms of content,”*
- *“Employment and training of personnel who will work in the field of asylum and migration,”*

- *“The realization of new investment and twinning projects in the field of asylum and migration,”*
- *“Establishment of country of origin and asylum information system,”*
- *“The establishment of reception and accommodation and removal centres be made,”*
- *“Review of asylum and immigration policies,”*

a more concrete roadmap was published by setting targets.

In 2004, the EU started to implement the “TR02JH-03 Asylum-Migration Twinning” Project with the Denmark-England Consortium within the scope of the 2002 Financial Cooperation programming. The general goal of this project is; “While Turkey's asylum and migration strategy is harmonized with the EU Legislation, its aim is to develop the technical and administrative capacity of the institutions responsible for migration and asylum, which will enable them to benefit more from EU funds.” (UNHCR and Ministry of Interior, 2005).

As a result of these studies, at the end of 2004; "Turkey's National Action Plan for the Adoption of the European Union Acquis in the Field of Asylum and Migration" was prepared, and the plan was accepted by the Prime Ministry on 25 March 2005. The “Ministry of Interior Implementation Instruction” was published on 22 June 2006.

The second basic regulation of Turkey's domestic law in the field of asylum and migration, after the 1994 Regulation, "Ministry of Internal Affairs Implementation Instruction No. 57" included regulations regarding the rights and obligations of refugees and asylum seekers, along with asylum procedures. Following the implementation instruction, the "National Program" was updated in 2008 and published in the Official Gazette.

Two offices were established in 2008 under the name of “Asylum-Migration and Integrated Border Management” in the Ministry of Interior. In addition, the "Combating Illegal Migration Coordination Board" was established under the coordination of the office in order to determine the measures to be taken in the fight against illegal migration, to increase cooperation and coordination between institutions, and to monitor operational activities at the highest level (ORSAM, 2012). In order to prevent illegal migration with the EU, it is important to align with the acquis. At this point, it is seen that technical support is provided by the EU in addition to providing financial support for Turkey to increase its capacity on migration.

On 22 June 2006; “The Implementation Instruction of the Ministry of Interior, which includes the regulations regarding the asylum procedures, the rights and obligations of refugees and asylum seekers” has been published.

In addition to all these arrangements, the “National Program” was renewed and entered into force after being published in the Official Gazette on 31.12.2008. Continuing the efforts, including the adoption of a roadmap for the implementation of Turkey's National Action Plan for Asylum and Migration, preparations for the adoption of a comprehensive asylum law, including the establishment of an asylum authority in line with the EU acquis, and dealing with illegal immigration, are stated in the new National Programme. Priorities such as “increasing capacity in compliance with international standards in the fight against conflict” were repeated.⁷

4.2. THE LEGAL FRAMEWORK FOR PROTECTING ASYLUMS

Millions of people fled their native lands in search of safety. Governments responded by developing a series of international treaties to grant these people, who were the first 20th century immigrants, travel permits (Ineli-Ciger, 2018). During WWII, their populations grew rapidly, with millions more forcibly evacuated, expelled, or relocated. Throughout the twentieth century, the global community has consistently built a collection of rules, regulations, and treaties to ensure that refugees receive proper care and that their human rights are protected (Cupolo, 2017). The procedure began in 1921 under the auspices of the League of Nations, with Turkey being one of the countries to offer assistance.

The 1951 Convention on the Status of Refugees was approved by the Geneva Diplomatic Conference, and it was later modified by the 1951 Protocol to the Convention. The document describes the refugees and how asylum is granted in terms of legal safety, additional aid, and social rights. It also outlines a refugee's obligations to host countries and establishes some rights for people who may not be eligible for political asylums, such as war criminals. After the Second World War, the 1951 Convention was somewhat confined to protect European refugees; however, the 1967 Protocol broadened its scope as the issue of relocation spread throughout the world (Ozturk, 2017). Currently, the 1951 Convention and the 1967 Protocol remain the foundation of refugee protection, and their rules are just as important today as they were when they were established.

⁷ <https://www.ab.gov.tr/42260.html>

4.2.1. EU Transforming The Turkish Asylum System

The impact and timing of the EU's participation in this transition process are extremely difficult to assess. This is because the EU began during a "paradigm shift" among Turkish authorities, due mainly to UNHCR's long and consistent commitment in Turkey (Clayton and Holland, 2015). It transformed from a worldview that defined the asylum policy problem in terms of "national security" to one that emphasized the growing importance of human rights and international refugee laws (OSCEPA, 2017).

The EU's involvement in developing a clear plan has become visible. Turkey has been a safe place for migrants since the Ottoman era. As a result of the current political and economic instability in and around its borders, it now receives thousands of asylum applications each year. And, as we've seen in recent years, a large influx of refugees into Turkey is now a possibility. Turkey has long lacked a functional asylum system and associated regulations. Despite the fact that the 1951 Convention on Refugees and its procedures have been ratified and have a territorial applicability constraint, it has enacted a Regulation in 1994 alone in response to a massive influx of Iraqi refugees (Xhaferi, 2021). Furthermore, no asylum legislation is in place. As an EU candidate, Turkey must align its asylum process with that of the EU by promising to accept the protocols in this sector at the same time.

Turkey has a long history of migration and refuge dating back to the Ottoman period, including Jewish migration across Europe to the Ottoman Empire. Nonetheless, the migration of Muslims from other ethnic regions, particularly Turks, marked Turkey's immigration throughout the 19th and 20th centuries (Kale, 2005). It arose as a result of the Ottoman withdrawal from the Caucasus and the Balkans, as well as the agony of thousands, if not millions, of Turks in the nationalism movement and the formation of member governments in the territory relinquished (Sari and Dincer, 2017). Between 1923 and 1997, the total population was well over 1.6 million. Turkey is on a major migratory path, with an increasing number of illegal migrants attempting to enter its borders from its economically and politically unstable east and south towards Europe.

In 2005, Turkey began talks on full membership in the European Union (EU). Foreign investment has increased significantly as a result of the country's status as an EU candidate. Turkey serves as a bridge between the West and the East, Europe and Asia. Migrants from Asia and Africa use Turkey as a transit country to Europe. Turkey attracts not only Asian and African immigrants, but also Russians, Ukrainians, Moldovans, and EU members such as Romania and Bulgaria. In addition to the immigrant labour of these countries, Turkey has

become a retirement destination for moderately affluent Western Europeans (Ineli-Ciger, 2018). Turkey's integration with the rest of the world improves as well. Ten million visitors came to Turkey in 2000, and the figure had more than doubled in six years.

In general, Turkey appears to have largely adapted to EU immigration policies. However, it is undeniable that Turkey's approach to the phenomenon of migration is more humanitarian than the EU's. The EU must adapt to Turkey in this regard.

4.2.2. Law On Foreigners And International Protection

Turkey has made a wide variety of regulations regarding foreigners and immigration law. Since this situation has led to the emergence of a dispersed legislation and problems in the field of implementation, it is seen that intense work has been carried out with the EU until 2013 in order to create a single legislation on this issue. (Kara and Öykü,2015)

In this regard, the Law on Foreigners and International Protection went into effect on April 11, 2013, after being published in the Official Gazette. With the new law, it is seen that the works and transactions previously carried out by the General Directorate of Security are intended to be carried out by the newly established General Directorate of Migration Management.

The law consists of 6 parts. The first part consists of Purpose, Scope and Definitions. Purpose of this Law in Article 1 of the Law; “To regulate the procedures and principles regarding the entry of foreigners into Turkey, their stay in Turkey and their exit from Turkey, and the scope and implementation of the protection to be provided to foreigners who request protection from Turkey, and the establishment, duties, powers and responsibilities of the General Directorate of Migration Management under the Ministry of Interior” is expressed as.

The second part is about the visa and residence permit process. Article 4: “No one under this Law shall be sent to a place where he will be subjected to torture, inhuman or degrading punishment or treatment, or where his life or freedom will be threatened because of his race, religion, nationality, membership of a particular social group or political opinion.” statement is included.

It is seen that the law also defines conditional refugee, secondary protection and temporary protection in addition to the definition of refugee.

- *Article 61: “Refugee: A person who as a result of events occurring in European countries and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of*

a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it shall be recognized as a refugee following the refugee status determination procedures.”

- *Article 62 – “Conditional refugee: A person who as a result of events occurring outside European countries and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it shall be recognized as a conditional refugee following the status determination procedures. A conditional refugee shall be allowed to reside in Turkey until he or she is resettled to a third country.”*
- *Article 63 – “Secondary protection: A foreigner or a stateless person who could neither be qualified as a refugee nor a conditional refugee, yet who is unable or, due to the threat concerned, is unwilling to avail himself or herself of the protection of his or her country of origin or the country of habitual residence, shall be granted subsidiary*

protection status following the status determination procedures if he or she will face;

a) the death penalty or execution,

b) torture or inhuman or degrading treatment or punishment,

c) a serious threat to his or her person by reason of indiscriminate violence in situations of international or internal armed conflict, upon return to his or her country of origin or country of habitual residence.

- *Article 91 – “Temporary protection: (1) Temporary protection may be provided to foreigners who, having been forced to leave their country and cannot return to the country they left, have arrived at or crossed the borders of Turkey in masses seeking emergency and temporary protection. (2) Proceedings to be followed on reception into, stay in, rights and obligations in, exit from Turkey of such persons, along with measures to be taken against mass movements as well as cooperation and coordination among national and international institutions and organizations, designation of powers and duties of institutions and organizations that will function at the central or provincial level, shall be governed by a regulation to be issued by the Council of Ministers.”⁸*

One of the most important changes made with the law is the definition of "conditional refugee" status instead of the concept of asylum seeker (Kaya and Eren, 2015). Conditional refugee status is the procedure for people coming from outside Europe, who meet the conditions of refugee status, but who are not granted refugee status in Turkey due to geographical limitations

⁸https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/law_on_foreigners_and_international_protection.pdf

(Vatandas, 2016). Until the Law on Foreigners and International Protection (YUKK), those who came to Turkey from Europe for asylum are refugees; those who came from outside of Europe were accepted as asylum seekers (Akbas-Demirel, 2015). According to the law, conditional refugees have the right to stay in Turkey until they are resettled in a third country (Kaya and Eren, 2015). It is a status that covers people who may be exposed to torture, death and threat (Vatandas, 2016).

This law; along with the Provisions on Temporary Protection and International Protection, it defined the duties and authorities of the Migration Policies Board, as well as the establishment and functioning of the General Directorate of Migration Management.

4.3. INSTITUTIONAL STRUCTURE IN MIGRATION POLICY IMPLEMENTATION

An institutional structure in the field of migration management in Turkey cannot be mentioned until the Law on Foreigners, and International Protection of 2013 is enacted. Prior to this date, migration-related duties and responsibilities were dispersed among various institutions.

The Department of Foreigners, Border, and Asylum, which is part of the Ministry of Interior, was a prominent institution in migration management prior to 2013. The institution is in charge of border management, combating irregular migration, residence permits, visa and passport procedures, particularly asylum and immigration procedures (İcduygu and Aksel, 2012). With the regulation dated 5 September 2019, "Department of Combating Immigrant Smuggling and Human Trafficking" and "Department of Border Gates" were restructured under the names of "Department of Combating Immigrant Smuggling and Border Gates" and started to operate as of December 23, 2019 (EGM, 2020).

Other ministries that are somehow related to migration are also involved in the implementation of Turkey's migration policies. The Ministry of Foreign Affairs carries out migration-related processes such as the signing of international agreements, the implementation of the current visa regime, the preparation of cooperation protocols and the harmonisation with the Schengen acquis by negotiating with the EU. The Ministry of Justice is responsible for the development of national and international immigration legislation; the Ministry of Family, Labour, and Social Services also contributes to Turkey's migration management by regulating the working conditions of immigrants. Furthermore, the Ministry of Interior and law enforcement officers affiliated with the Ministry of Defence make significant contributions, particularly in the areas of irregular migration and border management. The Red Crescent, which operates under the auspices of the Disaster and Emergency Management Presidency (AFAD) under the Ministry

of Interior and the Presidency, actively supports the process with humanitarian activities, particularly for refugees, both at home and abroad.

The creation of the General Directorate of Migration Management within the Ministry of Internal Affairs in accordance with the Law on Foreigners and International Protection No. 6458 is a significant step forward in Turkey's institutionalization of migration management. Turkey has gained a more holistic structure in the field of immigration policies, particularly irregular migration, asylum, and asylum, success can be attributed to the institution organized at home and abroad within the framework of the "Regulation on Establishment, Duties, and Working of the Provincial Organization of the General Directorate of Migration Management" published on 14 November 2013.

Articles 103 and 104 of the Law on Foreigners and International Protection No. 6458 govern the establishment, duties, and authorities of the General Directorate of Migration Management. The Directorate General's mission is "to implement migration policies and strategies, to ensure coordination between institutions and organisations dealing with these issues, to ensure foreigners' entry and stay in Turkey, their departure from Turkey and deportation, international protection, temporary protection, and human trafficking, and to carry out works and procedures related to victim protection" (Article 103/1). The law also calls for the formation of a "Migration Policy Board" (Article 105) as well as permanent committees and commissions and temporary commissions within the General Directorate (Articles 113-117) to "determine Turkey's migration policies and strategies and monitor their implementation." Permanent boards and commissions were established under the General Directorate, including the "Migration Advisory Board," the "International Protection Evaluation Commission," and the "Combating Irregular Migration Coordination Board."

4.4. FROM JOINT ACTION PLAN TO TURKEY-EU RECONCILIATION

Turkey is an important player in the EU's border security and migration management due to its geographic proximity. The EU's strategic expansion of migration management and border security with Turkey in 2015 marked a new watershed moment in Turkey-EU relations (Akbas-Demirel, 2015).

Although relations remained strained due to the trust issue until this point, the European Union-Turkey Joint Action Plan of 15 October 2015 and the Turkey-EU reconciliation of 18 March 2016 helped to create a more positive cooperation environment. In this context, the impact of the refugee crisis worsening on the restoration of deteriorated relations with the EU is

undeniable. However, this positive atmosphere was disrupted again in the following period. (Nas, 2016)

Agreements reached over migration management carry the risk of both disrupting Turkey-EU relations and preventing Turkey's EU membership. According to Benvenuti, this contrast has revealed the "migration paradox" in Turkey-EU relations. The reason for the emergence of this situation is the fact that the interests of Turkey and the European Union in migration management do not exactly match. While Turkey is interested in visa liberalization and full membership perspective, the main thing for the EU is the management of migration (Benvenuti, 2017).

The European Union has assigned the task of hosting refugees in the country and preventing their irregular transit through the Turkey-EU Joint Action Plan, using the European Union's financial aid and visa liberalization process as a carrot (Yilmaz-Elmas, 2016). In 2015, the EU launched initiatives to resolve disputes among member states over refugee acceptance and resettlement, as well as to halt migration flows by collaborating with buffer zones in the surrounding region, such as Turkey. This has made it critical to establish a dialogue with Turkey in order to improve cooperation in all areas (Ruhrmann and Fitzgerald, 2016)

The current crisis is addressed in three ways by the action plan. First, it is intended to investigate the underlying causes of the massive influx of Syrians; second, it is intended to develop cooperation to support Syrians under temporary protection in Turkey; and finally, it is intended to prevent irregular migration to the EU. The parties made some mutual commitments, emphasizing the importance of overcoming the problem identified in the Joint Action Plan through collaborative efforts and actions. These commitments are divided into two categories: assisting Syrians in Turkey and preventing irregular migration to Europe.⁹

Turkey will ensure that all immigrants are appropriately registered and have the necessary documents. Policies that promote Syrian integration in Turkey, such as education, work, and employment, will be maintained during their stay. The identification and care of vulnerable people will continue indefinitely. On the other hand, the European Union will establish non-EU Financial Instrument for Pre-Accession (IPA) funds to assist Syrians; it will continue aid organisations run by humanitarian organisations and support existing Syrian resettlement programs in Turkey within the EU member states (Yilmaz-Elmas, 2016).

The EU commitments to prevent irregular migration in the EU-Turkey Joint Action Plan of 15 October 2015 are to support Turkish surveillance and patrols, ensure EU-Turkey cooperation

⁹⁹ https://www.ab.gov.tr/files/AB_Iliskileri/15_ekim_2015_turkiye_ab_ortak_eylem_plani_.pdf

in the repatriation of irregular migrants, and develop dialogue collaboration between institutions and organisations related to combating irregular migration between countries. It is listed as financial assistance to Turkey in order to appoint a Frontex officer in Turkey and, finally, to meet the conditions outlined in the visa liberalisation roadmap. Turkey, on the other hand, primarily strengthens the Coast Guard by developing necessary equipment and new methods, increasing cooperation with Bulgarian and Greek authorities, accelerating readmissions, further harmonization of Turkey's visa policies with the EU within the scope of the visa exemption roadmap, and collaboration with EU counterparts in the fight against migrant smuggling. and to strengthen cooperation with EU institutions, Frontex, and Europol, as well as to appoint an official at Europol.¹⁰

On November 29, 2015, the EU-Turkey summit launched the Joint Action Plan. The Final Declaration stated the goals of accelerating visa liberalization, completing the readmission agreement by June 2016, and resuming accession talks with Turkey (Ruhrmann and Fitzgerald, 2016).

The EU's financial and institutional commitments, particularly for refugees to stay in Turkey in the medium and long term, can be cited as an example of the EU's migration remote control strategy within the framework of the Action Plan. Along with the visa regime, it is regarded as a manifestation of cooperation with transit and source countries, which is another tool for migration externalization. Along with the visa regime, it is considered as a manifestation of cooperation with transit and source countries, which is another tool of externalization of migration. In addition, with this plan, the European Union has been criticised for once again putting its responsibilities on refugees and asylum seekers on neighbouring states (Yilmaz-Elmas, 2016).

With the signing of the consensus document on March 18, 2016, Turkey and the EU agreed to implement the Joint Action Plan to prevent irregular migration crossings along the Eastern Mediterranean. According to the agreement, the following points were scheduled to be implemented as of March 20, 2016:

- *Repatriation of illegal migrants who have crossed from Turkey to the Greek islands; for every returned Syrian irregular migrant, one Syrian will be resettled in Europe,*

¹⁰ https://www.ab.gov.tr/files/AB_Iliskileri/15_ekim_2015_turkiye_ab_ortak_eylem_plani_.pdf

- *Turkey is taking steps to prevent the use of irregular migration routes to Europe from its sea and land borders,*
- *The Voluntary Humanitarian Admissions Plan has been activated, resulting in a significant reduction in irregular crossings,*
- *Accelerating the implementation of the Visa Liberalization Roadmap in order to eliminate visa requirements for Turkish citizens by the end of June 2016, and Turkey taking the necessary steps to meet the remaining obligations,*
- *If the EU provides three million Euros in refugee aid to Turkey, and these resources are depleted, the EU should take action to provide an additional three million Euros by the end of 2018,*
- *Development of Turkey's ongoing Customs Union with the EU,*
- *With the opening of Chapter 33 in the negotiations, Turkey's EU accession process is being revitalized,*
- *Turkey and the EU are working together to improve humanitarian conditions for Syrians.*

According to the fifth progress report evaluating the implementation of the Turkey-EU reconciliation published by the EU Commission on March 2, 2017, despite the difficult conditions, concrete results were obtained with the Turkey-EU reconciliation.¹¹ In the words of Minister for EU Affairs Ömer Çelik, as a result of the "1 to 1" formula, a total of 1093 Syrians were returned to Turkey as of May 2, 2017, and a total of 5986 Syrians were sent to the EU according to the European Commission progress report on 13 June 2017.¹² However,

¹¹ <https://www.refworld.org/docid/58b98ba54.html>

¹² https://ec.europa.eu/neighbourhood-enlargement/system/files/2017-09/20170906_seventh_report_on_the_progress_in_the_implementation_of_the_eu-turkey_statement_en.pdf

the total number of refugees to be resettled in EU countries was limited to 72,000 under this agreement. As a result, if this limit is reached, the mechanism will be halted or re-evaluated (Ruhrmann and FitzGerald, 2016).

4.5. TURKEY'S MIGRATION MANAGEMENT IN THE PROGRESS REPORTS OF THE EUROPEAN UNION

EU Progress Reports are reports that outline the responsibilities, deficiencies, and issues that must be addressed within one-year time frames during Turkey's EU membership process since 1998. Turkey's responsibilities in the field of migration and asylum have been included in the reports as part of the process of harmonisation with the EU acquis. Progress Reports since 2000 will be examined in this section.

According to the Progress Report for 2000, the Turkish visa list is incompatible with the EU. The fact that different institutions carry out border controls has been criticised, and the importance of a single civilian institution in charge of border controls has been emphasised. It was stated that serious efforts should be made to reduce the number of people attempting to enter Europe illegally. It was noted that serious efforts should be made to remove the geographical restriction and provide shelter for asylum seekers, as well as to make reception and shelter centres more efficient and healthy. The Ministry of Interior and UNHCR prepared a project for the period October 2000-October 2003, covering issues such as personnel training, technical assistance, and national and international exchanges on asylum.¹³

According to the 2001 Progress Report, Turkey changed its visa policy for some countries, but no progress was made toward harmonization with the Schengen Agreement. Cooperation and coordination between various Ministries and institutions to strengthen border controls was stated, and border controls were strengthened. It has also been stated that Turkey has begun studies to sign bilateral readmission agreements with some countries in order to return irregular migrants. It has been noted that Turkey is both a transit and a destination country for human smuggling and that there is no specific legislation regarding the crime of human trafficking. Concerning asylum, it was stated that the geographical restriction could be lifted if Turkey's capacity to handle the refugee influx and Community support are provided.¹⁴

Turkey was welcomed in the 2002 Progress report for bringing visas to Bahrain, Qatar, the United Arab Emirates, Kuwait, Saudi Arabia, and Oman, and it was stated that it made progress in adapting to the EU visa regime. The start of readmissions was welcomed as a result of the

¹³ https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2000.pdf

¹⁴ https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2001.pdf

implementation of Article 8 of the 2001 protocol between Turkey and Greece on combating crime, terrorism, drug trafficking, and illegal immigration. Turkey is also working to sign readmission treaties with other countries, according to reports. It has been reported that the number of law enforcement personnel stationed at the border has been increased in order to combat irregular migration. According to reports, refugees were given green cards to cover their medical expenses. According to the report, Turkey has signed international conventions on illegal migration and human trafficking, including the United Nations Convention on Combating Transnational Organized Crime and its three 2000 protocols, but has yet to ratify them.¹⁵

According to the 2003 Progress Report, Turkey has made significant progress in adapting to the EU negative visa list, and the gap between the EU visa requirements list and Turkey's has reduced to seven countries. According to the report, the Law on Work Permits for Foreigners was passed, allowing foreigners to work as domestic workers. Furthermore, it was stated that amendments to the Turkish Citizenship Law were made in order to prevent marriages for profit. According to the report, the tendency of irregular migration through Turkey has decreased, and irregular migration routes have shifted to other directions due to Turkey's intense efforts and efforts to combat irregular migration. Another topic covered in the report was readmission treaties with third countries. It has been stated that Turkey signed a readmission agreement with Kyrgyzstan in 2003, that the readmission agreement signed with Syria in 2001 was signed in 2003, and that negotiations on the readmission agreement with Uzbekistan are still ongoing. It has also been stated that the EU has requested that negotiations on a readmission agreement between the EU and Turkey begin, but Turkey has yet to respond officially. According to the report, legal changes regarding human trafficking were made in 2002, and more people were arrested due to criminalising human trafficking and imposing harsh penalties.¹⁶

The difference between Turkey and the EU visa list was reduced to six with the visa obligation for Azerbaijan, and there was an effort to introduce mutual visa exemption with Brazil on the positive visa list, according to the 2004 Progress Report. It was stated that preparations for the national action plan for implementing the migration strategy adopted in 2003 had been made. Furthermore, it was stated that Turkey agreed to begin readmission negotiations with the EU, that readmission agreements were signed with some third countries, and that negotiations with some countries are ongoing. Turkey signed the UN Convention on the Rights of All Migrant

¹⁵ https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2002.pdf

¹⁶ https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2003.pdf

Workers and Their Family Members in 1999, again in June 2004, and the Treaty in October 2003, which will facilitate the International Organization for Migration's legal recognition and activities in Turkey. The report includes the statement that efforts to combat irregular migration are being stepped up and that irregular migration flows are moving away from Turkey. The report stated that the preparatory work for a National Action Plan on Asylum had begun, and that the Ministry of Interior had published a communiqué on the evaluation of asylum applications, which was welcomed. Furthermore, it was stated that there was a slight decrease in asylum applications and an increase in asylum applications from Africa.¹⁷

Despite the fact that the Law on Foreign Work Permits was enacted in the 2005 Progress Report, it was stated that there are practices that limit foreigners' ability to set up shop. It was stated that the 2005 National Action Plan for Asylum and Migration should be implemented. Issues covered by the Action Plan, such as the establishment of an asylum and immigration administration, family reunification, long-term residence, and student residence, must be clarified. The fact that Turkey has begun negotiations with the EU on a readmission agreement has been welcomed. It was emphasized that removing geographical restrictions on asylum seekers is a critical issue. The National Task Force to Combat Human Trafficking met on a regular basis. Turkey signed protocols of cooperation in the fight against human trafficking with Georgia and Ukraine. In the report, it was stated that efforts should be continued with determination in the fight against human trafficking.¹⁸

The adoption of a National Program for the Implementation of the Integrated Border Management Strategy by Turkey was recognized in the 2006 Progress Report as a step toward harmonization with EU standards. While it is determined that progress has been made in accordance with the positive visa list, no progress has been determined in accordance with the negative visa list. With the implementation of the National Plan for Asylum and Migration, it has been stated that there has been progressing in the field of migration. It was emphasized that the negotiations for a readmission agreement with the EU were moving slowly and that Turkey should step up its efforts. The geographical restrictions imposed by Turkey in the field of asylum are expected to be lifted in 2012. In the fight against human trafficking, the report includes statements that Turkey is making progress, cooperating with the International Organization for Migration (IOM), establishing a free emergency helpline for victims of human

¹⁷ https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2004.pdf

¹⁸ https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2005.pdf

trafficking, opening a shelter for victims in Ankara, and aligning Turkey's human trafficking legislation with the EU acquis.¹⁹

It was emphasised in the 2007 Progress Report that Turkey took additional steps to the National Action Plan on Asylum and Migration adopted in 2005 and that legal arrangements must be made in a timely manner in order to comply with the EU acquis in the field of asylum and migration. In the case of asylum, it has been stated that new legislation is required to ensure consistency. Visas have made some progress. It was emphasised that Turkey should abolish the border visa issuance procedure. Progress in the fight against human trafficking has been completed. Legislation has been amended to improve the efficiency of judicial practice in cases involving human trafficking. Protocols of cooperation and information exchange were signed in the fight against human trafficking with Moldova and Kyrgyzstan.²⁰

According to the 2008 Progress Report, there has been some progress in the field of migration. The Asylum and Migration Task Force has established a high-level study that brings together the border units in charge of irregular migration. It was stated that Turkey offered to sign a readmission agreement with Afghanistan, that the first round of talks with Pakistan had begun, and that talks with the EU had been suspended since December 2006. It was emphasized that the rights of arrested irregular migrants should be expanded and that unaccompanied minors should be accommodated outside of detention facilities. It was stated in the field of asylum that pieces of training were organized with the UNHCR in order to ensure decentralization in the finalization of asylum seekers and that intensive work was carried out to increase administrative capacity and modernize the asylum procedures. According to the report, with the implementation of the Witness Protection Law in the fight against human trafficking, those who will testify against human traffickers will be protected.²¹

The establishment of the Asylum and Migration Legislation and Administrative Capacity Development and Implementation Office under the Ministry of Interior was recognized in the 2009 Progress Report. It has been stated that despite the opening of two new guesthouses for irregular migrants, there will be insufficient space. It has been reported that asylum applications have more than doubled since 2007, and that research into the country of origin data and asylum file systems is ongoing. According to reports, the massive number of migration puts Turkey's asylum and migration system under pressure. In the visa field, it has been stated that Turkey continues to apply different practices to EU member countries, and stamp and banderol visa

¹⁹ https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2006.pdf

²⁰ https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/turkey_progress_report_2007.pdf

²¹ https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/turkey_progress_report_2008.pdf

application at the border continues. The National Action Plan for Integrated Border Management has made only a small amount of progress. On combating human trafficking, Turkey signed the Council of Europe Convention Against Trafficking in Human Beings in March 2009.²²

According to the 2010 Progress Report, some progress has been made on migration. The penalties for smuggling immigrants have been increased as a result of an amendment to the Turkish Penal Code. A circular on combating irregular migration was also issued. According to the report, studies are ongoing to raise removal centres to international standards, and new removal centres have opened in Ankara and Erzurum. The competent authorities of both countries signed a statement on the evolution of the current readmission agreement between Turkey and Greece. Furthermore, readmission agreement negotiations with Pakistan were completed, and negotiations with a few other countries are still ongoing. Some progress has been made in the area of asylum. According to reports, the regulation on the Implementation of the Law on Work Permits for Foreigners has been amended, making it easier for asylum seekers to apply for work permits. In terms of visas, Turkey has adopted a policy similar to that of the EU, allowing for a 90-day stay within a 180-day period. However, it has been stated that the visa system used by EU member states is not yet uniform. The Prime Ministry Circular on Border Protection, issued in 2010, and the establishment of the Integrated Border Management Coordination Board were both introduced. It was stated that efforts were made to transfer border control responsibilities to a new border security agency.²³

According to the 2011 Progress Report, efforts to increase the capacity of detention centres and legislation in the fields of irregular migration, asylum, and migration continue. Negotiations between Turkey and the EU on a readmission agreement have concluded but have not yet been signed. Turkey also signed readmission treaties with Russia and Nigeria during the reporting period. The number of satellite cities in the asylum area, where asylum seekers are required to live, has been increased from 31 to 51. During the reporting period, little progress was made on visa policy. Passports with biometric security features first became available in 2010. Furthermore, it was stated that the Central Bank of Turkey has begun to print Turkish visa stamps with high-security features. There has been very little progress in terms of external borders. The Integrated Border Management Coordination Board was formed, and the

²² https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/turkey_progress_report_2009.pdf

²³ https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/turkey_progress_report_2010.pdf

Integrated Border Management Roadmap and Inter-Agency Cooperation Protocol were formed.²⁴

According to the 2012 Progress Report, the Draft Law on Foreigners and International Protection was submitted to Turkey's Grand National Assembly but has yet to be adopted, and that the draft law will play a key role in securing immigrant and refugee rights in accordance with EU and international standards. There has been no significant progress in terms of irregular migrants while the Law on Foreigners and International Protection is still in the works. It was stated that a similar situation occurred in the field of asylum. According to reports, Turkish authorities demonstrated a high level of technical and operational capacity in dealing with the migrant crisis that began in Syria. The Turkish Ministry of Foreign Affairs and Frontex signed a memorandum of understanding. According to the agreement, the Memorandum of Understanding will allow Turkey and Frontex to establish a framework for enhanced operational cooperation.²⁵

According to the 2013 Progress Report, significant progress was made with the adoption of the Law on Foreigners and International Protection. According to the report, the new law provides a comprehensive legal and institutional framework for the legal situation of immigrants in the EU and international standards, regulates the procedures and guarantees to be observed within the scope of the detention and deportation of irregular migrants, and protects vulnerable immigrant groups such as children. The establishment of the General Directorate of Migration Management is said to have changed the security-oriented approach. During the reporting period, Turkey signed readmission treaties with Yemen, Belarus, and Montenegro. Agreements signed with Pakistan and Belarus have not yet been ratified. On asylum, it was stated that the Law on Foreigners and International Protection provided significant safeguards for all persons in need of international protection, including respect for the principle of nonrefoulement and access to refugee status determination procedures. It has been stated that all Syrian refugees benefit from the temporary protection regime that includes an open door policy, protection and non-refoulment, and registered Syrians are given the right to access medical and other financial aid. Within the framework of the memorandum of understanding signed in 2012, it was also stated in the report that the data exchange between Turkey and Frontex started. The Law on Foreigners and International Protection provides for the granting of residence permits to victims of human trafficking or to persons suspected of being victims. However, the fact that

²⁴ https://www.ab.gov.tr/files/AB_Iliskileri/AdaylikSureci/IlerlemeRaporlari/tr_rapport_2011_en.pdf

²⁵ https://www.ab.gov.tr/files/tr_rapport_2012_en.pdf

the framework law on combating human trafficking has not yet been adopted is seen as an important shortcoming.²⁶

According to the 2014 Progress Report, the General Directorate of Migration Management was established alongside the Law on Foreigners and International Protection, and the new structure represents an important step toward harmonization with EU standards. On December 16, 2013, Turkey and the EU signed a Readmission Agreement, and the Visa Liberalization Dialogue with Turkey began. In terms of asylum, the new law maintained the geographical restriction. The Law on Foreigners and International Protection envisaged the granting of “conditional refugee” status to non-European persons. Thus, persons with this status will receive a high level of protection, albeit lower than refugees from Europe. It has been criticized that the definitions of the “secondary protection” and “temporary protection” statuses introduced by the new law are insufficient. Turkey's support to the Syrians was seen as invaluable and deserved praise. However, no statement was made that the EU would take any responsibility in this regard. On the visa issue, it has been stated that Turkey's harmonization with the EU has not yet been achieved. It is stated that Turkey signed a cooperation plan covering the years 2014-2016 with Frontex in 2014 and that the plan worked smoothly. It has been criticized that Turkey is not a party to the Council of Europe Convention on Action against Trafficking in Human Beings and that there is no legislation compatible with EU standards in the fight against human trafficking.²⁷

In the 2015 Progress Report, Turkey's humanitarian opening of its doors to millions of refugees from Iraq and Syria and its intense efforts were welcomed. The Turkey-EU Joint Action Plan on refugees and migration was another included issue. It has been stated that, with the implementation of the Law on Foreigners and International Protection, an asylum system in line with the EU acquis has been achieved despite the geographical restriction in the asylum system. It has been stated that high-security visas have started to be used in the visa field, but the procedure for issuing visas at the door continues. The e-visa application also began in this reporting period. It has been criticised that the e-visa application is not in line with the EU acquis since it is not an effective tool for detecting and preventing the entry of irregular migrants into Turkey. Another criticism brought against Turkey is that no steps have been taken to establish a single civilian unit for the protection of external borders. The lack of legislation on combating human trafficking was also criticised.²⁸

²⁶ https://www.ab.gov.tr/files/2013%20ilerleme%20raporu/tr_rapport_2013_en.pdf

²⁷ https://www.ab.gov.tr/files/IlerlemeRaporlari/2014_progress_report.pdf

²⁸ https://www.ab.gov.tr/files/5%20Ekim/2015_turkey_report.pdf

According to the 2016 Progress Report, Turkey has made good progress in a difficult environment in the field of migration and asylum. During this time, Turkey conducted research on developing legislation and gaining access to the labour market for people on temporary protection. The report also stated that Turkey implemented reforms in order to meet all of its obligations regarding visa liberalization. The report emphasised that, despite Turkey's continuing reservations about geographical restrictions on asylum, the General Directorate of Migration Management fulfils its responsibilities for all asylum seekers, regardless of country of origin. According to reports, Turkey enacted legislation in April 2016 to ensure that all international protection applicants and people with protection status have access to labour markets. It has been stated that Turkey has not reached an agreement with the EU on visa issues and should make efforts for this. According to the report, progress has been made on external borders and Schengen. In 2016, the Regulation on Inter-Agency Cooperation and Coordination in the Field of Border Management was adopted, and it was well-received. In March 2016, the Regulation on Combating Human Trafficking and Victim Protection went into effect. The regulation established an authorised Anti-Trafficking Coordination Commission to conduct studies on the prevention of human trafficking crime, develop policies and strategies for combating this crime, prepare an action plan, and ensure coordination between public institutions and international organisations and non-governmental organisations. It has been stated that the created regulation and commission are insufficient for full compliance with the EU acquis.²⁹

It has been stated in 2018 report that Turkey has made significant progress in migration and asylum policy, and it remains committed to implementing the March 2016 EU-Turkey Statement on effective migration management along the Eastern Mediterranean route. In terms of implementing the Visa Liberalization Roadmap, Turkey submitted a work plan to the European Commission in early February, outlining how it intends to meet the seven major visa liberalization criteria. The Commission is considering Turkey's proposals and will consult with its Turkish counterparts further. It is stated that the implementation of the March 2016 EU-Turkey Statement on visas, migration, and asylum has continued to yield tangible results in reducing irregular and dangerous crossings and saving lives in the Aegean Sea. Reports on implementation were released in December 2016, March, June, September, and November 2017, and March 2018. Turkey has maintained its extraordinary efforts to provide massive and unprecedented humanitarian aid and support to over 3.5 million refugees, including nearly

²⁹ https://www.ab.gov.tr/files/pub/2016_progress_report_en.pdf

365,000 Syrian refugees. Regarding the Visa Liberalization Dialogue with other countries, Turkey presented a work plan in February 2018 outlining how Turkey intends to meet 7 of the 72 criteria listed in the visa roadmap. Under the Facility for Refugees in Turkey, Turkey and the EU have expanded their fruitful cooperation.³⁰

According to the 2019 report, Turkey has made good progress in migration and asylum policy and remains committed to the effective implementation of the March 2016 EU-Turkey statement. Since the declaration went into effect, there has been a downward trend in irregular transits from Turkey to the Aegean islands, which has been aided by the intensive efforts of Turkey's law enforcement agencies. Turkey has continued its extraordinary efforts to provide massive and unprecedented humanitarian aid and support to over 3.6 million registered Syrian refugees and nearly 370,000 registered refugees from other countries, hosting the world's largest refugee community. Turkey has formed seven working groups to conduct technical research on the key criteria of the visa liberalization dialogue. However, there has been no progress in aligning Turkey's visa policy with the EU's common visa policy.³¹

In the report of 2020, it is stated that throughout 2019, Turkey continue to stay committed to implementing the March 2016 EU-Turkey Statement and will play a critical role in ensuring that migration flows along the Eastern Mediterranean route are effectively managed. Turkey has hosted the world's largest refugee community, and it is continuing its extraordinary efforts to provide unprecedented humanitarian aid and support to over 3.6 million registered Syrian refugees and nearly 370,000 registered refugees from other countries. In March 2020, Turkey, on the other hand, actively encouraged migrants and refugees to use the land route to Europe via Greece. This resulted in the establishment of an unofficial camp near one of the Greek-Turkish border crossing points in Pazarkule, which housed nearly 60,000 migrants and refugees in deplorable conditions. Due to the outbreak of the COVID-19 pandemic, Turkish authorities closed the borders of Greece and Bulgaria except for commercial traffic in March, removing migrants and refugees from the border area. However, Turkey's Interior Minister stated that this action does not represent a change in Turkey's policy of allowing irregular migrants to exit through its borders and that the government does not intend to prevent anyone from leaving the country. While acknowledging the growing burden and risks of migration on Turkish territory, as well as Turkey's significant efforts to host refugees, the EU strongly opposed Turkey's use of migration pressure for political purposes. Overall, the number of illegal border

³⁰ <https://www.ab.gov.tr/siteimages/kapbtblolar/20180417-turkey-report.pdf>

³¹ [https://www.ab.gov.tr/siteimages/resimler/20190529-turkey-report\(1\).pdf](https://www.ab.gov.tr/siteimages/resimler/20190529-turkey-report(1).pdf)

crossings between Turkey and Greece remains significantly lower than before the EU-Turkey Statement was adopted. To avoid social tensions, the country's long presence of refugees necessitates effective integration measures. Authorities should improve access to public health services for the country's migrants and refugees. In 2019, a comprehensive amendment to the Law on Foreigners and International Protection was passed. Turkey has yet to implement the provisions of the EU-Turkey Readmission Agreement for all Member States or third-country nationals. Although work on visa liberalization has been announced to speed up, the extraordinary visa liberalization criteria have yet to be met, and amendments to the anti-terror law and data protection law remain unfinished. In terms of visa policy, Turkey still needs to align its legislation with the *acquis*.³²

According to report of 2021, Turkey has continued to make enormous efforts to house the world's largest refugee population, with approximately 3.7 million Syrians under temporary protection and more than 320,000 non-Syrians, including those holding or applying for international protection status. The EU Facility for Refugees in Turkey aided these efforts, with the Convention's full operational budget of €6 billion by the end of 2020 and over €4.2 billion in disbursements by August 2021. In addition to the €6 billion already mobilized through the EU Facility for Refugees, €585 million from the EU budget has been set aside in 2020 and 2021 to sustain two key cash assistance programs for refugees and humanitarian aid. The Commission proposed allocating an additional €3 billion in aid to Syrian refugees and host communities in Turkey in June 2021. Despite repeated calls from Turkey to update the Statement, the March 2016 EU-Turkey Statement has continued to yield results and remains the main framework governing migration cooperation. Also stated that the problems arose in the Declaration's implementation as a result of Turkey's unilateral suspension of the return of irregular migrants and asylum seekers from Greek islands beginning in March 2020, as well as the emergence of alternative smuggling routes to Cyprus and Italy. The situation finally deteriorated after the events of March 2020, when Turkey actively encouraged migrants and refugees to use the land route to Europe via Greece. Some progress has been made in strengthening the eastern land border's surveillance and protection capacity. The March 2016 EU-Turkey Statement continued to produce results, and Turkey continued to play a critical role in ensuring the effective management of migration flows along the eastern Mediterranean route. Turkey has suspended the return of irregular migrants from Greek islands under the EU-Turkey Statement due to COVID-19 restrictions. Despite the restrictions, resettlement from

³² https://www.ab.gov.tr/siteimages/trkiye_raporstrateji_belgesi_2020/turkey_report_2020.pdf

Turkey to the EU continued in July 2020. Smuggling routes to Italy and government-controlled areas of Cyprus became more popular, while the number of irregular arrivals in Greece decreased. Despite the fact that Turkey entered into force in October 2017, it has yet to implement the provisions in the EU-Turkey readmission agreement concerning third-country nationals. Overall, the number of illegal border crossings between Turkey and Greece is still significantly lower than it was previously. Adoption of the EU-Turkey Declaration. Furthermore, it is stated that Turkey has continued to make significant efforts to host and meet the needs of the world's largest refugee community. The Facility for Refugees' full operational budget of €6 billion has been contracted by the end of 2020, with over €4.2 billion disbursed by August 2021. To address the country's growing refugee presence, effective integration measures are required. Access to public health for migrants and refugees should be expanded. There were no extraordinary visa liberalization criteria met. In terms of visa policy, Turkey still needs to align its legislation with the acquis.³³

4.6.BORDER SECURITY AND BORDER MANAGEMENT OF TURKEY IN THE FIGHT AGAINST ILLEGAL MIGRATION

Turkey, which had previously been a transit and source nation for migration, has turned out a destination due to its economic growth. Irregular migration is a worldwide issue with global consequences, especially the recent clashes experienced in Afghanistan. The remedies are beyond a single country's capabilities, necessitating worldwide burden-sharing. All nations should work together to avoid and solve the difficulties caused by irregular migration. Turkey's migration strategy is complicated by economic and political instability in its surrounding areas. While Turkey focuses on effective migration management, it also takes every measure to avoid irregular migration.

Turkey believes that preventing "push causes" like conflicts and wars, human rights abuses, and economic hardship in many origin countries is the only way to provide a long-term solution to irregular migration. Destination nations must embrace peace processes, encourage the peaceful resolution of conflicts in regions affected by conflict, and increase humanitarian assistance and investments supporting development in transit and origin nations. Turkey thinks that comprehensive, consistent, and human rights-based migration policies are essential, as are legal pathways for migrants and asylum seekers to enter and remain in destination countries and integrate initiatives (Pallister-Wilkins 2015). There is also a need for regulations in border

³³ <https://www.ab.gov.tr/siteimages/birimler/kpb/turkey-report-2021-v2.pdf>

management in Turkey. It's also critical to enhance border security within the country. Thus, this paper aims to analyse border security and border management to fight illegal migrations in Turkey.

A nation must comprehend its border management operations as a system to successfully manage its borders' security or control. The phrase "border management system" is a new word that refers to all procedures related to border enforcement, border control, and border security. Borders are drawn to demarcate a region that is bound together by a shared political and legal system. Its borders define a country's citizenship and sovereignty (Dagi, 2017). They establish the boundaries of economic control, such as currency, tariffs, and taxes. Although large-scale geopolitical maps seem to show clear political borders between nations, it is essential to remember that borders are primarily virtual in most cases.

Controlling and managing Turkey's borders is a tough job for many reasons. First, the country's hilly terrain and severe winter environment make practical control activities difficult, particularly along its eastern and south-eastern borders. Second, these boundaries retain historical and economic cross-border family connections, which need distinct management approaches (Ozcurumez, & Şenses, 2011). Third, security personnel stationed at these borders are responsible for several duties at once, including fighting smuggling and irregular migration and combating terrorism and stopping terrorist groups from entering the country (Dimitriadi et al., 2018). Furthermore, due to internal instability, limited resources, and geographical obstacles, Turkey's non-European neighbours cannot give border security significant priority, increasing Turkey's duty and burden in this regard. Turkey's boundaries are different from those of the EU in all of these ways.

Improving border management is critical for any nation, but Turkey needs to join the European Union. Candidate nations are required to have the ability to apply the Schengen Agreement before becoming a member of the EU to be able to carry out the Agreement's requirements following a potential membership, according to Article 8 of the Additional Protocol to the Amsterdam Agreement. As a result, Turkey must implement the Schengen Agreement's requirements throughout its membership process and take the appropriate measures to defend and secure its borders. Turkey is establishing an integrated border management system that incorporates intra-institutional, inter-institutional, and international changes to ease commerce and travel.

Currently, the Ministry of Interior is in charge of border management in Turkey, which governors and district governors carry out. However, none of these agencies has direct control over the army's or the coast guard's border security troops. Several distinct domestic entities

are in charge of various aspects of border control. To begin with, while the Turkish National Police, and thus the Ministry of Interior, are responsible for the entry and exit of individuals at border gates, the Ministry of Customs and Trade has been in charge of the control and management of the entry and exit of goods and vehicles at border gates since its establishment in 2011 (Icduygu, 2011). Turkish nationals and foreign subjects must show valid passports or a passport replacement document to enter and leave Turkey, according to Article 2 of the 5682 Passport Law. Police officers must perform individuals' entry and departure processes to comply with customs and other activities.

4.6.1. Security Measures On Borders Of Turkey To Stop Illegal Migration

The EU's border management strategy calls for specialized and professional personnel to handle borders within integrated border management (IBM) system, among other things. IBM is critical for border efficiency in easing the movement of goods, including the people, while maintaining security. IBM emphasizes intra-agency and inter-agency cooperation. Nearly 20 authorities and institutions in Turkey are currently in charge of lots of areas in management issues (primarily the DG for Migration Management, the Coast Guard for sea borders, Police and Land Forces Command for land borders, and Customs Enforcement for border crossing points.), causing challenging coordination and cooperation (Aniszewski, 2019).

Since 2002, Turkey has been dedicated to a comprehensive reform effort in this sector, which has received significant assistance from the EU. As per the EU Schengen Borders, guidelines, and Code specified in the Schengen Catalogue of Recommendations, the IBM strategy and subsequent action plan established in 2003 and 2006 aim to create a single, non-military border security body. Border management is an essential component of EU-Turkey migratory cooperation as well. The EU has been assisting Turkey in improving its ability to control migrant flows and create a functional border management system. Border management is a high-cost sector in financial support, requiring expenditures in excellent infrastructure and advanced high-tech equipment (Neuberger, 2017). The EU has been assisting with the capacity development of existing institutions while also creating the future structure. The Turkish government is upgrading the border control infrastructure by executing numerous significant projects — both in terms of scale and money – with EU co-funding.

EU initiatives promote humanitarian and contemporary border management measures, as well as border personnel capacity development. For example, the EU assists Turkey in demining its eastern borders and strengthening mobile and fixed monitoring capability at all land crossings by providing training and cutting-edge equipment (Isleyen, 2018). Furthermore, the EU

finances the Turkish Coast Guard's equipment to improve maritime surveillance and promote border management cooperation between Turkey, Greece, and Bulgaria. The EU has also aided in the development of police and customs capabilities to fight illicit border crossings. Another critical area is inter-agency collaboration to establish organized coordination and cooperation procedures among the border agencies (Karadag, 2019). Furthermore, the EU collaborates with Turkey on the development of a new generation of electronic passports.

Again, according to the EU, Turkey is expected to take some steps to improve border control and administration. Both the 2001 and 2003 Accession Partnerships emphasized the need to improve border control and prepare for full implementation of the Schengen Convention. The EU, above all, wants to see the existing border control and administration system replaced with an integrated civilian-professional unit (Marenin, 2010). This has been emphasized in particular by the most current AP from January 2006, which stresses the necessity to create a "professional non-military border guard" shortly. The first NPAA, published in 2002, did not provide a comprehensive plan. The NPAA made no specific promises, just that border management would be improved, and those preparations would be undertaken to implement the Schengen acquis (Karadağ, 2019). The NPAA of 2020 was much more ambitious, promising to "fulfill the legislative, administrative, and infrastructural requirements for creating a non-military and professional border guard institution," with a 2017-2020 implementation timeframe. This is similar to the Task Force on Asylum, Immigration, and External Borders, established in 2020 (Strasser & Tibet, 2020). The Task Force, which was in charge of preparing the overall strategy for border management alignment with the EU acquis, completed its work in April 2003.

CHAPTER FIVE

5. TURKEY'S MIGRATION MANAGEMENT SINCE 2020: A COMPARATIVE PERSPECTIVE WITH EU AND MENA

Turkey has emerged in the 21st century as a pivotal country in global migration, transitioning from a source and transit country to one of the world's largest hosts of refugees. By 2020, Turkey was home to approximately 3.6–3.7 million Syrian refugees – the largest refugee population of any country – alongside hundreds of thousands of asylum seekers from Afghanistan, Iraq, Iran, and beyond (UNHCR, 2025). Managing this influx has required Turkey to develop complex migration and asylum policies, institutions, and border controls. Since 2020, new challenges – from the COVID-19 pandemic to shifting regional geopolitics and the fallout from conflicts in Syria and Afghanistan – have tested Turkey's migration management framework. At the same time, domestic economic strains and rising public scrutiny have put pressure on Ankara to tighten controls and encourage refugee returns (HRW, 2022).

This chapter examines Turkey's migration management in the post-2020 period with a strong comparative lens, drawing parallels and contrasts with European Union (EU) approaches and practices in the Middle East and North Africa (MENA) region. Key facets of migration governance – border control, irregular migration, asylum systems, refugee reception, integration policies, legal frameworks, and overall governance – are analyzed in sub-sections. We explore how Turkey's policies have evolved and how they measure against EU standards and the practices of neighboring host countries like Jordan and Lebanon. The chapter draws on recent developments, scholarly analyses, and international reports to evaluate Turkey's achievements and remaining policy gaps. The comparative perspective highlights lessons learned, policy innovations, and the influence of international cooperation on Turkey's migration governance.

5.1. TURKEY'S BORDER MANAGEMENT AND IRREGULAR MIGRATION: COMPARATIVE PRACTICES AND POLICY CHALLENGES

Turkey's geographical position makes it a key transit route for migrants and asylum seekers moving from Asia and the Middle East toward Europe. Controlling irregular migration across its lengthy land and sea borders has therefore been a top policy priority. Since 2020, Turkey has further tightened its border management through a mix of physical barriers, surveillance technology, and bilateral cooperation, even as it copes with continued inflows of people fleeing

conflict and hardship. Irregular migration refers here to unauthorized border crossings and residence; in Turkey's context this includes not only would-be asylum seekers in transit to Europe but also economic migrants and others without legal papers.

5.1.1. Scale Of The Challenge

In the years just before 2020, irregular migration in Turkey had reached very high levels. Turkish authorities apprehended 454,662 irregular migrants in 2019, a record number, before the COVID-19 pandemic led to a sharp drop in 2020 (ICMPD, 2021). In 2020, amid lockdowns and border closures, apprehensions fell to about 122,300 (ICMPD, 2021) – a 74% decrease from the previous year (Ineli-Ciger & Yigit, 2020). However, irregular crossings surged again as pandemic restrictions eased: in 2021 Turkey intercepted roughly 454,000 irregular migrants (over 200,000 of them Afghans) (Mencutek, 2022). The trend has continued, with the Interior Ministry reporting over 1 million irregular migrants intercepted in Türkiye since 2020 (as of early 2025) (UNHCR, 2025). These figures underscore that Turkey remains on the frontlines of regional migration flows, facing a scale of irregular entry that outstrips any EU member state. Migrants apprehended include not only neighboring nationals (Syrians, Iraqis, Iranians) but also people from South Asia and Africa who traverse Iran or arrive by sea (HRW, 2022).

5.1.2. Border Security Measures

To manage this pressure, Turkey has invested heavily in securing its borders. A signature project has been the construction of long border walls and fences on its eastern and southern frontiers. Since 2015, Turkey has erected a concrete wall along 837 km of its 1,295 km southern border with Syria and Iraq, creating a physical barrier against unauthorized crossings (Daily Sabah, 2021). On the eastern frontier with Iran – a key entry point for Afghan migrants – a similar wall was initiated in 2017; by late 2021 about 168 km of the 1,182 km Turkey-Iran border was walled (Daily Sabah, 2021), and the effort has continued with a planned total of 560 km of wall and additional barbed wire fortifications. These walls, among the longest border barriers in the world, are complemented by advanced surveillance systems. Turkish border authorities deploy integrated security systems with cameras, drones, armored vehicles, and motion sensors to monitor remote border regions in real time (Daily Sabah, 2021). For example, along the new Iran border wall, an integrated system can instantly detect and track individuals approaching the fence, allowing border units to intercept them before entry. Round-

the-clock patrols by the Turkish Land Forces and Gendarmerie are tasked with apprehending irregular crossers and handing them to migration authorities (Daily Sabah, 2021).

These measures have yielded some success in stemming flows. In one month in late 2021, security forces in eastern Turkey detected and prevented 1,693 irregular migrants from entering at the Iran border, thanks to the new wall and surveillance tech. Turkish officials emphasize that such precautions aim not only to curb illegal migration but also to stop smuggling and infiltration by terrorist groups across porous borders. Indeed, Turkey's border security is intertwined with its national security concerns (e.g. preventing ISIS fighters or PKK militants from crossing). This dual focus sometimes blurs the line between migration control and military objectives – a dynamic also seen in other MENA states that host refugees from neighboring conflicts (Daily Sabah, 2021).

5.1.3. Comparative Practices

Turkey's approach to irregular migration control shows both similarities and contrasts with EU and MENA practices. Like the EU, Turkey has embraced hard border security ("fortress" style measures) in recent years, such as walls and high-tech surveillance, to physically deter crossings. The European Union's external border states have constructed an expanding network of fences and barriers in response to migrant flows since 2015. Notably, the total length of border fences on EU external frontiers grew from only 315 km in 2014 to over 2,000 km by 2022, reflecting a trend toward a "walled" Europe (Walker, 2023). Hungary's razor-wire fence on the Serbian border, Greece's fence along the Evros River bordering Turkey, and fences in Bulgaria, Spain (enclaves in Morocco), Lithuania, and others exemplify this fortress mentality. Turkey's massive Syria and Iran border walls mirror this EU practice of external border fortification, making Turkey in effect an extension of "Fortress Europe" on its Asian side. On the other hand, Turkey's position as a *host* country to millions of refugees means it cannot rely on barricades alone. Turkish policy has combined enforcement with containment – allowing large refugee populations to stay (under temporary protection) while trying to prevent further irregular entries. This is a more nuanced role than many transit countries play. MENA states like Jordan and Lebanon, which also host huge refugee populations, generally do not face the same scale of third-country transit migration as Turkey. Instead, their border management has focused on blocking new refugee influxes at times of crisis (for instance, Jordan sealing its Syrian border in 2016 after a terror incident). Unlike Turkey, Lebanon and Jordan did not build walls, but they have used strict border closures or selective admissions to control refugee

inflows. Jordan periodically closed its Syrian border during the civil war citing security concerns, stranding would-be refugees in desolate border zones, while Lebanon imposed tight visa restrictions on Syrians from 2015 onward, effectively curbing new entries. In comparison, Turkey's geographic span (bordering eight countries and the Aegean Sea) and its role as a crossroads necessitate a broader strategy with significant infrastructure and manpower devoted to border policing (Walker, 2023).

5.1.4. Policy Challenges

Despite extensive measures, Turkey faces ongoing challenges in managing irregular migration. One challenge is the sheer length and terrain of its frontiers – over 2,949 km of land borders (from mountainous Kurdish regions in the east to river boundaries in the west) plus a long coastline (Daily Sabah, 2021). Completely sealing these borders is impractical; determined migrants and smugglers find alternative routes or exploit gaps. For instance, as land routes are fenced, more migrants attempt dangerous sea crossings from Turkey's coast. The Aegean Sea route to Greece saw reduced arrivals after the 2016 EU-Turkey deal, but reports of *pushbacks* (Greek authorities intercepting boats and forcing migrants back) have increased, complicating Turkey's management. Turkish coast guards continue to rescue migrant boats in distress or stopped by Greek pushbacks, meaning Turkey must take back people who tried to exit irregularly (Ulusoy, 2025). Another challenge is smuggling networks: Turkey's borders with Iran and Syria are prone to human smuggling by organized groups who adapt tactics to bypass security (e.g. using tunnels, or sending larger groups to overwhelm patrols). Combating these requires international cooperation (with Iran, with EU agencies) that is not always forthcoming or effective.

A further complexity is political bargaining tied to border control. Turkey has at times used the “gatekeeping” function as leverage in negotiations with the EU. In February-March 2020, reacting to a military escalation in Syria and feeling the EU's support was insufficient, Turkey abruptly announced it would no longer stop migrants from reaching Europe (Ergin, 2020). Consequently, tens of thousands of migrants gathered at Turkey's western land border (Edirne) attempting to cross into Greece. This “opening of the gates” led to a standoff, with Greek forces sealing the frontier and using force to push back entrants (Ergin, 2020). The episode highlighted Turkey's unique position: it can either act as a buffer preventing irregular migration into the EU, or as a gateway facilitating it, depending on its policy choices. This dual capability is a bargaining chip vis-à-vis Europe (as discussed in the next section). The 2020

border crisis also underscored the humanitarian and legal dilemmas of Turkey's role – effectively, refugees were caught between Turkish authorities encouraging them to move on and Greek/EU authorities determined to keep them out, resulting in violent pushbacks and suspended asylum processing at the EU border (McKernan & Boffey, 2024). Managing irregular migration is thus not only a technical border security issue for Turkey, but a geopolitical and ethical one, entangled with its foreign relations and obligations under international law.

In sum, Turkey's post-2020 border management has become increasingly robust in physical enforcement, echoing trends in the EU, yet the country remains a major transit corridor under constant migratory pressure. The practices Turkey employs – walls, patrols, deals – reflect a convergence with European approaches to deter irregular migration. However, the policy challenges Turkey faces are magnified by its simultaneous role as host to millions of refugees who entered irregularly but whom Turkey then had to accommodate. This sets Turkey apart from most EU states (which host far fewer asylum seekers) and from MENA states (which, aside from Jordan and Lebanon, are more transit than destination). The next sections explore in greater depth this “fortress or gateway” dichotomy and how Turkey's border control policies compare with those of its neighbors and partners.

5.2. FORTRESS OR GATEWAY? BORDER CONTROL POLICIES IN TURKEY AND REGIONAL COMPARISONS

Turkey's approach to border control since 2020 oscillates between two paradigms: that of a “fortress” determined to shut its borders to irregular migration, and that of a “gateway” or transit zone that allows migrants to pass through toward other destinations. This dual character is reflective of Turkey's strategic situation and has been leveraged in its relations with the EU. In this section, we compare Turkey's border control posture with regional examples, examining when Turkey and other countries emphasize fortification versus when they act as gateways (intentionally or inadvertently). We also discuss how external actors (especially the EU) influence these choices through policies of externalization – essentially outsourcing migration control to transit countries.

5.2.1. Turkey As Europe's Gatekeeper

Under the March 2016 EU-Turkey Statement (the “Refugee Deal”), Turkey agreed to significantly bolster its role in preventing irregular departures to Europe, in exchange for EU

financial aid and political concessions. From 2016 onward, Turkey largely adhered to a *de facto* “fortress Europe” outpost strategy – its border forces, often funded and trained with EU assistance, worked to interdict migrants heading for Greece and Bulgaria, and to accept the return of those who made it across (Ulusoy, 2025). This helped reduce Aegean Sea crossings dramatically by 2017–2019 compared to the 2015 crisis levels. In EU policy terms, this is known as externalization of border control: shifting the burden of stopping migrants to a non-EU country (Turkey), thereby containing migration before it reaches EU territory. European leaders hailed the EU-Turkey arrangement as a “game-changer” in controlling migration, and indeed irregular arrivals to the Greek islands dropped, indicating Turkey’s gateway had, for a time, transformed into a closed gate (Ulusoy, 2025).

However, Turkey was never a passive gatekeeper. Ankara saw the deal as transactional and retained agency over the “on/off” switch of migrant flows (Ulusoy, 2025). The early 2020 border episode vividly illustrated this: President Erdoğan declared Turkey would open its borders and not stop refugees from crossing to Europe, leading thousands to rush to the Greek frontier within days (Ergin, 2020). Greece’s reaction was to double down on the fortress approach – closing border gates and deploying riot police and military units to repel the would-be entrants (Ergin, 2020). The result was a humanitarian crisis in the border zone and a diplomatic showdown. For three weeks, Turkey essentially suspended its gatekeeping, signaling that it would no longer play Europe’s border guard without greater support. Greece, backed by EU states, held firm and prevented almost all crossings, even suspending asylum and engaging in violent pushbacks (McKernan & Boffey, 2024). Eventually, Turkey relented and removed the migrants, especially as COVID-19 began spreading in March 2020. This incident demonstrated that Turkey can pivot from fortress to gateway if it suits its interests. It used the threat of a mass migrant influx into the EU as leverage for geopolitical aims (seeking more help in Syria and acceleration of promised EU aid).

5.2.2. Comparative Regional Cases

Turkey is not alone in this tactical use of migration. Other transit countries in the region have similarly toggled their border control strictness depending on political circumstances. A notable parallel is Morocco’s handling of migration to Spain. In May 2021, amid a diplomatic spat with Spain (over Western Sahara politics), Moroccan authorities appeared to loosen their border controls around the Spanish enclave of Ceuta. This resulted in an *unprecedented surge* – about 8,000 migrants crossed into Ceuta in a couple of days, many swimming around border

fences. Spain accused Morocco of “blackmail” for intentionally engineering the mass crossing to pressure Madrid. Moroccan border forces, normally cooperative in preventing such crossings, essentially turned a blind eye (Cassarino, 2022). Once Spain and the EU responded with outrage and Morocco achieved its diplomatic aims, Rabat re-tightened the border and the flow stopped. This mirrors Turkey’s strategy: the controlled relaxing of border enforcement as a political tool. In both cases, the transit country signaled displeasure by becoming a “gateway,” and when concessions were received or the point made, it reverted to a “fortress” stance (Cassarino, 2022).

In contrast, when transit countries have strong incentive to maintain good relations with destination countries, they adopt lasting fortress policies. An example is Libya’s coast guard (backed by Italy and the EU) which interdicts migrants in the central Mediterranean. While Libya’s domestic situation is chaotic, its authorities have been equipped and financed by the EU to stop migrant boats, effectively acting as Europe’s southern gatekeeper in recent years. The Western Balkans route countries (e.g. Serbia, North Macedonia) also increased border policing under EU pressure, even though they are transit points. These cases, like Turkey, illustrate externalization: the EU extending its migration control regime beyond its borders by partnering with transit states (Ulusoy, 2025).

5.2.3. Fortress Europe Vs. Humanitarian Obligations

One core tension for Turkey (and others) is balancing stringent border control with respect for refugee rights. International law (the 1951 Refugee Convention, which Turkey is party to with a geographic limitation) prohibits *refoulement* – sending refugees back to danger. When Turkey is in “fortress” mode, it faces accusations of possible *refoulement* at its own borders. There have been reports of Turkish border guards pushing back or even shooting at Syrians trying to cross from Syria in recent years, as the border is effectively sealed by the wall. Similarly, Greece’s fortress stance at the EU external border often violates refugee protection norms (e.g. summary expulsions on the Aegean Sea). In February–March 2020, Greek forces at Pazarkule not only blocked entry but allegedly shot tear gas and live ammunition over the heads of migrants, leading to casualties (McKernan & Boffey, 2020). Thus, the fortress approach frequently clashes with humanitarian principles, raising ethical and legal concerns. Turkey’s brief gateway opening in 2020, arguably, was also ethically problematic – refugees were encouraged to risk a dangerous attempt into Greece, only to be met with violence and no

asylum prospects. Amnesty International and others criticized both Turkey and Greece for treating migrants as political pawns during that crisis (McKernan & Boffey, 2024).

5.2.4. Influence Of The EU And Burden-Shifting:

The EU's stance has heavily influenced Turkey's border policy post-2016. European funding and diplomacy encouraged Turkey's fortress role. The EU provided €6 billion under the Facility for Refugees in Turkey (FRIT) precisely to support refugee care in Turkey and discourage onward movement (Ulusoy, 2025). Part of this funding went to strengthening Turkey's border infrastructure and coast guard operations (Ulusoy, 2025). Essentially, the EU has paid Turkey (as well as countries like Libya, Niger, and Morocco) to act as a buffer zone, keeping migrants on their soil. This has been effective in reducing arrivals to Europe, but it places enormous strain on the transit countries. In Turkey's case, it contributed to a sense that Turkey was bearing four times the refugee burden of the entire EU (as of 2022, Turkey hosted four times as many refugees as the EU) (HRW, 2022). That imbalance fed resentment and drove Turkey's leadership to occasionally remind Europe of the "gateway" option if Turkey's needs are not met.

Comparatively, Jordan has also leveraged its position to secure aid: the 2016 Jordan Compact was an agreement whereby Jordan would host Syrians (and even let some work) in exchange for international aid and trade concessions. Jordan did not threaten to expel refugees, but it made clear that without burden-sharing, it could not continue its open-door policy. Lebanon, facing an economic meltdown, has similarly warned that it cannot sustain the refugee presence and has tightened exits and pressured refugees to leave – effectively hinting that if the international community doesn't help, a chaotic mass outflow could ensue (which could indirectly affect Europe if refugees moved on).

5.2.5. Turkey's Internal Calculus

The fortress vs. gateway dynamic is also shaped by Turkey's domestic politics and economy. When Turkey's economy was stronger (in the early 2010s), it was more willing to tolerate being a gateway and hosting many refugees for humanitarian reasons. But as economic hardships grew (post-2018 currency crisis, high unemployment) and public opinion turned more negative toward refugees, the government adopted a tougher "fortress" posture to appease domestic critics. By 2022, Turkish officials openly discussed plans to resettle refugees back in Syria and ramped up deportations of Syrians deemed to be in Turkey without proper status.

(HRW, 2022). In other words, Turkey itself began seeking to *externalize* pressure, by relocating refugees to a “safe zone” in Syria – a controversial move seen as Turkey trying to shed part of its gateway burden. This echoes how some EU states externalize to Turkey; now Turkey was attempting to shift the load further down the line.

In summary, Turkey’s border control policies oscillate between closing the gates and opening them strategically. In the late 2010s and into 2020–2021, Turkey largely functioned as a fortress on behalf of the EU, sharply curtailing irregular outflows and tightening its own borders to new inflows (from Syria, Afghanistan, etc.). Yet Turkey has proven willing to become a gateway when it needs leverage or when overwhelmed. This is comparable to tactics used by Morocco and to a lesser extent other transit states. The regional comparison shows a pattern: migration management can become a bargaining chip, and strict border control is not merely a technical matter but a political one. Ultimately, the “fortress or gateway” question underscores the interdependence between Turkey and the EU in managing migration – and raises the issue of shared responsibility. If Turkey is expected to be a permanent fortress containing migration, it demands sustained support; otherwise, the gateway may reopen, with impacts felt across the region. The next section looks more concretely at how Turkey and its neighbors secure their borderlands and what measures have been implemented to maintain control in these sensitive frontier zones.

5.3. SECURING THE BORDERLANDS: TURKEY’S APPROACH TO MIGRATION CONTROL IN A COMPARATIVE CONTEXT

The physical and logistical task of securing borderlands is central to migration control. For Turkey, “securing the borderlands” means not only preventing unauthorized crossings but also managing the border regions where refugees and migrants might congregate and ensuring these areas are stable. This section delves into Turkey’s on-the-ground border security approach and compares it to methods used in the EU and MENA. We focus on border control infrastructure, patrol and surveillance practices, and the role of security forces, highlighting how Turkey’s border security has evolved since 2020 and the challenges in a comparative perspective.

Militarization and technology at Turkey’s borders: Turkey’s borders have increasingly taken on a militarized character, reflecting the government’s heavy investment in border security infrastructure. The long concrete walls on the Syrian and Iranian borders (discussed earlier) are accompanied by watchtowers, lighting systems, motion detectors, thermal cameras, and

drones. Turkey's use of drones for border surveillance has grown since 2020, benefiting from the country's burgeoning drone industry. High-resolution cameras and aerial drones feed live data to command centers, enabling rapid dispatch of border troops to intercept migrants. Turkish security forces, including specialized units of the Gendarmerie and army border brigades, have been deployed in greater numbers to frontier provinces like Hatay, Şanlıurfa, Van, and Edirne. On the Aegean Sea, the Turkish Coast Guard has received new boats and radars (some provided through EU funds) to patrol maritime borders intensively (Ulusoy, 2025).

The integration of technology with traditional border guards is a hallmark of Turkey's current approach. For example, along the Iran border in Ağrı/Iğdır, an Integrated Security System links concrete wall segments with fiber-optic sensors and a network of watchtower cameras. This system reportedly can detect a would-be crosser *before* they even breach the Turkish boundary, allowing security personnel to respond pre-emptively (Daily Sabah, 2021). Armored vehicles patrol the length of the border wall on internal service roads, responding to sensor alarms (Daily Sabah, 2021). This level of high-tech surveillance is comparable to the EU's surveillance along certain external borders – such as Spain's monitoring of the Morocco enclaves, or the sophisticated fence Hungary built (which is equipped with thermal cameras and alarms). It also parallels the U.S. approach on the Mexican border, underlining that Turkey's border control in 2025 is at a technologically advanced stage.

Construction of border barriers has been a key part of “securing the borderlands.” To recap specifics: By mid-2021 Turkey had completed a 145 km stretch of wall on the eastern border (Ağrı-Iğdır section) which officials credited with drastically reducing illegal crossings there (Daily Sabah, 2021). Overall, about 837 km of Turkey's southern border with Syria has been walled (essentially the entire length except for segments in very rough terrain or river areas) (Daily Sabah, 2021). As of April 2021, seven large refugee camps existed near the Syrian border, but as the wall went up and crossings fell, Turkey actually consolidated and closed some camps, reducing the number of border camps to prevent a permanent migrant presence in the immediate border zone (ECRE, 2020). This illustrates how physical border security measures can go hand-in-hand with controlling the spatial distribution of refugees – moving them away from sensitive border areas into the interior.

5.3.1. European Contrasts

The EU likewise has militarized certain border areas but not uniformly. On the Greece-Turkey land border along the Evros (Meriç) River, Greece has installed a steel fence (40 km long and now being extended) and uses a network of cameras and sensors much like Turkey (Walker, 2023). Frontex (the EU Border and Coast Guard Agency) supports Greek patrols with personnel and aerial surveillance. In the Baltic states facing Belarus (which engineered a migrant influx in 2021), barbed-wire fences and military units were deployed. However, within the EU, border security practices differ: some countries, like Germany or France, have internal Schengen open borders and are removed from the frontline, so the “securing” falls to periphery states. In Turkey’s case, as a single nation covering a huge external border, it had to implement a unified strategy across thousands of kilometers.

One point of comparison is the scale of fencing: Europe’s ~2,000 km of fences by 2022 was actually on par with Turkey’s ~1,000 km of walls, considering Turkey’s single effort on two fronts (Walker, 2023). The mindset is also similar – treating mixed migrant flows as a security issue requiring quasi-military responses. The difference lies in capacity and context: The EU has far greater resources to pour into border tech, but faces legal and normative constraints (EU law and courts sometimes limit extreme enforcement). Turkey, under a state-centric governance model, can act more unilaterally. For instance, any migrants caught at Turkey’s borders can be quickly sent to Removal Centers inland and ultimately deported if no protection claim is successful (European Commission, 2020), with fewer legal hurdles than in an EU country. Turkey has expanded its network of removal (detention) centers since 2020, indicating an emphasis on swiftly processing and removing irregular entrants. This mirrors, in a sense, Australia’s offshore detention approach or EU’s proposals for border procedures, but implemented in Turkey’s own way (European Commission, 2020).

5.3.2. MENA Security Approaches

Many MENA countries also view border control through a security prism, often led by the military. Jordan, for example, heavily militarized its northern border with Syria during the war, deploying troops and drones, and after a 2016 suicide bombing at the border, Jordan declared the border a closed “military zone,” refusing entry to refugees amassed on the Syrian side. This approach is akin to Turkey’s firm closure of the Syria border post-2016. Israel, though not dealing with Syrian refugees directly, built extensive border fences (e.g. along Sinai) to stop

African migrants, showing that in the region, high-tech fences are not uncommon. Saudi Arabia constructed a sophisticated fence on its Iraq border and began one on the Yemen border, largely for security but also affecting migrants. In this light, Turkey's borderland security measures fit a regional pattern where state security and migration management merge.

A unique challenge for Turkey is the conflict nexus at its borders. Its southern borderlands adjoin active conflict zones in Syria. Securing those borderlands has meant not only stopping civilian refugees but also dealing with armed groups, weapons smuggling, and volatile spillover. Turkey's border security operations thus sometimes resemble counter-insurgency or counter-terrorism operations (e.g. preventing ISIS cells crossing, or clashes with smugglers). The presence of Turkish military incursions into Syria (maintaining buffer zones inside northern Syria) also extends Turkey's "security perimeter" outward. This external buffer in Syria (areas like Idlib and parts of Aleppo under Turkish influence) has been used to contain displaced Syrians on the Syrian side of the border, reducing pressure on Turkey's actual border. In effect, Turkey secures its borderland by trying to stabilize a zone beyond it, something most countries cannot or do not do. The EU parallels are limited – perhaps the way Spain cooperates with Morocco to police just south of its enclave borders, or how Italy works with Libya in Libyan waters, but Turkey's direct military role in Syria is a distinct aspect of its border strategy.

5.3.3. Coordination And Agreements

Securing borderlands also involves cross-border coordination. Turkey has engaged in dialogue and agreements with neighbors to manage crossings. The Turkey-Iran border wall project was done with Iran's tacit approval (Iran even "welcomed" Turkey's plan to build the wall, viewing it as helping manage the porous frontier). Information sharing with Iran helps intercept smugglers on either side. With Greece and Bulgaria (EU members), Turkey historically had security cooperation, though since 2020 this has been strained by political tensions. Nonetheless, operational communication continues to prevent incidents (for example, when groups of migrants mass at the border, liaison officers sometimes coordinate to handle them). The EU-Turkey Statement itself is a form of cooperation that, while political, had technical aspects of coordinating coastal patrols and return of migrants from Greek islands to Turkey.

5.3.4. Outcomes and ongoing issues

The effectiveness of Turkey's borderland security can be seen in the relatively low number of successful irregular exits to Europe in recent years (compared to 2015). However, one unintended outcome is the rerouting of migration. As Turkey sealed the direct pathways to Greece, some migrants looked for new routes: for instance, there has been an uptick in migrants taking boats from Turkey's Mediterranean coast *directly to Italy*, a much longer and riskier voyage that bypasses the Aegean and Greek patrols. NGOs and Italian authorities noted in 2021–2022 an increase in boats departing from Turkey carrying South Asian and Middle Eastern migrants to southern Italy (Calabria) – a response to the heavily secured Aegean route. This shows that when one borderland is secured, pressure may shift elsewhere (a classic “balloon effect”). Similarly, with the Iran land route becoming harder due to the wall, more Afghans might attempt to fly to countries like Belarus (as happened in 2021's Belarus-EU migration crisis) or take maritime routes from Iran/Pakistan.

Another issue is the humanitarian situation at borderlands. When borders are tightly sealed, migrants often accumulate just beyond them in desperate conditions (e.g. thousands of Syrians stranded in northern Syria by the closed Turkish border; or, in 2021, migrants stranded in freezing forests on the Belarus-Poland border). Turkey's border security has meant that large refugee camps emerged inside Syria (with Turkish support) for those who could not legally enter Turkey. Turkey has tried to assist these (sending aid to Idlib camps), partly to discourage mass attempts to breach the border. In effect, the humanitarian buffer moved outward.

In conclusion, Turkey's strategy for securing its borderlands since 2020 has been characterized by intensive militarization, infrastructure build-up, and technological surveillance, comparable to or exceeding the efforts of many EU states on their own borders. The comparative context shows that such measures are now standard in many regions (Europe, Middle East) facing irregular migration. Turkey's distinct challenges – neighboring active conflict and handling both inbound and outbound flows – have led to an especially securitized border regime. While successful in reducing unauthorized crossings, this approach carries high costs (financial, human rights, diplomatic) and is not foolproof. It underlines a broader trend: migration is increasingly managed as a security issue globally, yet security measures alone do not resolve the pressures that drive migration. Subsequent sections will shift focus from the borders to what happens after migrants enter a country – examining how Turkey and others handle

refugee reception and protection, which is the next critical component of migration management.

5.4. REFUGEE RECEPTION AND PROTECTION IN TURKEY: REGIONAL MODELS AND POLICY GAPS

Once migrants or asylum seekers are inside a country, the challenge shifts to reception and protection: how to shelter them, assess their claims, and meet their basic needs in line with humanitarian obligations. Turkey, the EU, and MENA countries have developed different models for refugee reception and varying degrees of protection for asylum seekers. This section explores Turkey's system for receiving and protecting refugees since 2020, and compares it with European and regional models. We also identify policy gaps – areas where the reception and protection regime falls short of standards or needs improvement.

5.4.1. Turkey's Reception System

Turkey's contemporary refugee reception infrastructure was shaped largely by the Syrian refugee crisis. In the early years of the crisis (2012–2015), Turkey established numerous Temporary Accommodation Centers (refugee camps) in provinces near the Syrian border to host the influx of Syrians. At the peak, around 2014–2015, over 25 camps sheltered about 250,000 Syrian refugees, while the majority of Syrians already lived outside camps in towns and cities. By the end of 2020, Turkey had markedly reduced its reliance on camps – only 1.6% of Syrians (around 57,000 people) were still living in camps (ECRE, 2020). The government closed many camps (e.g. in Gaziantep, Şanlıurfa, Kilis) and relocated residents to urban areas or consolidated them into remaining camps (ECRE, 2020). As of 2021, only 7 large camps remained with about 56,970 residents in total (ECRE, 2020). This reflects a deliberate policy shift: Turkey moved from a camp-based reception model to an urban integration model for refugees. Today, over 98% of refugees in Turkey (the vast majority Syrian under temporary protection) live among the host population in cities and towns, renting housing or staying with relatives, rather than in isolated camps (ECRE, 2020).

Reception in Turkey now primarily means registration and initial assistance rather than housing in camps. New arrivals (if identified by authorities) are registered by the Presidency of Migration Management (PMM) at provincial offices, where they undergo background checks and are issued a Temporary Protection Identification Card (for Syrians) or an International Protection applicant document (for other nationalities). This registration gives

access to some services: notably, registered refugees and asylum seekers have the right to access emergency healthcare and basic education for children, and to receive humanitarian aid (often via a debit-card cash assistance program funded by the EU) (Ulusoy, 2025). However, there are policy gaps in this reception system. One gap is capacity and resources: as refugee numbers remain high, not all newcomers are effectively registered or assisted. Some migrants (especially non-Syrians or those entering irregularly) may avoid registration or face delays, leaving them without legal status or support – effectively an *informal population* at risk of destitution or exploitation. NGOs have reported that tens of thousands of Afghans who arrived after the Taliban takeover in 2021, for example, lived in makeshift conditions or overcrowded housing because Turkey did not open formal camps or shelters for them, and many were not given protection status quickly. Turkey does run Reception and Accommodation Centers for vulnerable asylum seekers (outside the camps), but spaces are limited.

5.4.2. Protection Under Temporary Status

The cornerstone of Turkey's refugee protection is the Temporary Protection (TP) regime for Syrians, instituted by a 2014 regulation. Under TP, Syrians in Turkey are protected from forcible return to Syria (non-refoulement) and granted a range of rights: access to healthcare, schooling, social services, and (since 2016) eligibility for work permits (Ulusoy, 2025). TP is temporary by design – it does not offer a direct path to permanent residency or citizenship, positing that refugees will stay until it is safe to go home or until another solution is found. This model allowed Turkey to host 3.7 million Syrians on a *prima facie* group-basis (without individual asylum adjudications) relatively quickly and with administrative simplicity. In a comparative sense, Turkey's TP is similar to the EU's Temporary Protection Directive, which the EU famously activated in 2022 for Ukrainian refugees (granting them immediate protection and rights in EU countries). In fact, Turkey's successful use of a TP framework for Syrians since 2014 can be seen as a precursor that informed the EU's approach to Ukrainians in 2022, demonstrating the value of group-based protection in mass influx situations.

However, policy gaps exist in Turkey's TP regime. One gap is the uncertainty and temporariness itself. After more than a decade, it's clear many Syrians will not be able to return soon, yet TP does not easily transition to a long-term legal status. Syrians remain classified as "guests" rather than permanent residents, which affects their ability to fully integrate (e.g. difficulty in long-term employment, property ownership, etc., except for the relatively few who obtained citizenship). As of March 2022, about 200,950 Syrians had been granted Turkish

citizenship (often via investment, marriage, or special talent/national interest channels) (Refugees Association, 2023). This is only around 5% of the Syrian population in Turkey. The rest remain under TP with no clear future status, a situation critics say creates a policy gap in durable solutions – Turkey has not offered local integration or long-term residency to the majority (mirroring the Lebanese and Jordanian approach of viewing Syrians as temporary). The APA durable solutions (voluntary return, resettlement, local integration) have not fully materialized: resettlement numbers from Turkey to third countries have been modest (a few tens of thousands per year at best), and Turkey has resisted local integration as a formal policy (beyond naturalizing a limited number) (Refugees Association, 2023).

Another gap has been uneven protection for non-Syrians. Turkey maintains a geographical limitation to the 1951 Refugee Convention, meaning only refugees from Europe can get full refugee status. Non-Syrians (Afghans, Iraqis, Iranians, etc.) must apply for “international protection” and may receive a status of “conditional refugee” or “subsidiary protection” under the 2013 Law (LFIP) (ECRE, 2020). These statuses still assume eventual resettlement to a third country rather than permanent stay in Turkey. In practice, many non-Syrians wait years in a legal limbo with temporary documents. They often do not have the same level of assistance as Syrians under the EU-funded programs. This two-tier system (privileging Syrians under TP) has been noted as a gap. For instance, Afghans and others often struggle more to access services or language classes, and there have been periods where registration of new asylum claims was suspended in some cities, leaving people unprotected. The AIDA Country Report on Turkey has documented instances where non-Syrian asylum seekers faced bureaucratic obstacles and risk of deportation due to these gaps, especially during periods of political tension (HRW, 2022).

5.4.3. European Reception Model

In the EU, refugee reception is governed by the Reception Conditions Directive, which sets standards (e.g. material support, housing, healthcare) for asylum seekers. In practice, reception in the EU varies greatly. Some countries provide organized accommodation centers (e.g. Germany houses asylum seekers in reception centers then community housing; Sweden provides housing and stipend). EU “hotspot” states like Greece and Italy have had more ad hoc reception due to sudden arrivals. A stark example of model vs. reality is the Greek island camps: legally, Greece had to provide humane reception for asylum applicants, but facilities like Moria camp on Lesbos became notoriously overcrowded and inadequate. By late 2019,

Moria held nearly 16,800 people in a space meant for 3,000 (HRW, 2022) – a humanitarian failure and policy gap in EU reception. Basic services like sanitation, healthcare, and security in these camps were extremely poor, prompting criticism that EU reception conditions were violating refugees' rights.

Compared to Turkey, which (after initial years) avoided extreme camp overcrowding by not confining most Syrians to camps, the EU's frontline had a paradox: far fewer refugees than Turkey, yet often worse reception conditions due to political bottlenecks. Europe's eventual response was to reduce those island populations (via transfers and the 2016 deal) and, in 2021–22, to start replacing camps with new, EU-funded “Multi-Purpose Reception and Identification Centres” – essentially more controlled, closed camps with better facilities. Still, the contrast stands: Turkey's refugees largely live integrated in communities with access to public services (schools, hospitals), whereas EU hotspots created quasi-detention camp environments that were widely criticized.

5.4.4. MENA Reception Models

In the Middle East, refugee reception has often been managed by international agencies and host communities rather than formal state-run systems. Jordan and Lebanon present two different models:

- *Jordan*: Early in the Syria crisis, Jordan established official refugee camps (Zaatari in 2012, Azraq in 2014, and others). These camps, managed with UNHCR, at one point hosted a considerable share of refugees (around 120,000 in camps at peak). As of 2021, about 19.5% of Jordan's 673,000 registered Syrian refugees lived in camps (approximately 131,000 people, mostly in Zaatari and Azraq) (Karasapan, 2022). The majority (80%) live in cities and villages, but the existence of large camps means Jordan maintained a parallel reception track: camp residents receive shelter, food, medical care largely through aid agencies, while urban refugees fend more for themselves with cash aid and accessing public services if available. Jordan's model thus mixes camp-based care with urban self-reliance. Notably, Jordan and humanitarian partners put significant resources into making camps semi-permanent cities (Zaatari even has markets, clinics, schools run by UNICEF, etc.). But Jordan did not offer formal integration; refugees in cities have to renew permits and face restrictions (like work permit requirements).

- *Lebanon*: The Lebanese government adopted a strict no-camp policy – it officially prohibited the establishment of formal camps for Syrian refugees (ICMPD, 2021). As a result, refugees in Lebanon (1–1.5 million at peak, now around 830,000 registered) reside entirely in host communities or informal tented settlements. Many rent rooms or apartments; hundreds of thousands live in about 1,500 informal tent clusters scattered mainly in the Bekaa and north Lebanon (Faten Kikano et al., 2021). These makeshift camps are not officially recognized or managed by the government; they are often just collections of tarpaulin tents on private land. Conditions in these informal sites are frequently dire – poor sanitation, flooding in winter, limited access to clean water. Aid agencies provide some services, but Lebanon’s economic crisis since 2019 has exacerbated hardship. Lebanon’s rationale was that formal camps might encourage permanent settlement (as happened with Palestinian refugees historically), so they avoided it. The downside is chaotic reception conditions: no organized shelter for new arrivals, and refugees dispersed, making service delivery harder. Protection is also weaker; many Syrians in Lebanon lack legal residency (since Lebanon imposed fees and paperwork that many couldn’t manage), leaving them vulnerable to exploitation or arrest (Faten Kikano et al., 2021).

5.4.5. Protection Frameworks

Legal protection for refugees also varies. The EU countries (all party to the 1951 Convention without geographic limits) have formal asylum procedures: an asylum seeker is supposed to get a fair hearing and, if recognized, refugee status or subsidiary protection with rights akin to residents. The EU also has the Temporary Protection mechanism, as recently used for Ukrainians, granting immediate collective protection (residency, right to work, etc.) without individual RSD (refugee status determination). For MENA, few countries are signatories to the Refugee Convention (only Iran, Israel, Egypt, Yemen among Middle Eastern; neither Jordan nor Lebanon nor most Gulf states are signatories) (Janmyr, 2021). Instead, protection is often via Memoranda of Understanding with UNHCR. For example, Jordan, though not a signatory in 2011, allowed UNHCR to register and process refugees; Jordanian law calls them “guests” and they are regulated by the Ministry of Interior, but in practice UNHCR documentation is what affords them protection from refoulement. Lebanon similarly permits UNHCR to register Syrians (though for a period Lebanon asked UNHCR to pause registrations), and Lebanese authorities have generally *not* deported Syrians back to danger en masse (until recent push for

returns, which is controversial). Turkey stands out in that it enacted a domestic asylum framework (the LFIP 2013 and TP Regulation 2014) and took on the legal responsibility for protection, rather than leaving it wholly to UNHCR (UNHCR, n.d.). This is a more institutionalized protection regime than Lebanon's or Jordan's, aligning Turkey somewhat closer to European practice (with the caveat of the geographic limit).

5.4.6. Policy Gaps In Turkey's Reception/Protection

Despite Turkey's commendable hosting efforts, a number of gaps can be identified:

- *Accommodation and poverty:* With most refugees living in urban areas, many face poverty and housing insecurity. By 2021, over 90% of Syrian families in Turkey were estimated to be living below the poverty line (a figure similar to Lebanon's dire statistic of over 70% of Syrians in poverty) (UNHCR, 2025). Turkey's social support systems (like the EU-funded ESSN cash assistance) have helped, but not all families receive enough aid. Rising rents and inflation in Turkey have led to crowded living conditions, sometimes substandard informal camps emerging on city outskirts or agricultural areas for seasonal work (ECRE, 2020). While Turkey avoided giant formal camps, the flip side is that some refugees end up in unofficial camps or slums with little oversight.
- *Reception of new asylum seekers:* Turkey's focus has been Syrians, but as new crises occur (e.g. Afghanistan 2021), its system has been stretched. There have been reports since 2020 of Afghans being kept in prolonged detention or encouraged to "voluntarily" return due to lack of capacity to host them, raising questions about refoulement. Human Rights Watch in 2022 documented cases of Syrian refugees being arbitrarily detained and deported back to northern Syria under pressure – a clear protection breach (HRW, 2022). These incidents – hundreds of Syrians allegedly forced across the border – indicate that Turkey's generosity has limits and that when political pressure mounts, protection can erode.
- *Asylum processing:* For non-Syrians, Turkey's adjudication of asylum claims (by PMM) has been slow, resulting in large backlogs. Many Afghans and others wait years for a decision, some not receiving any answer or only a conditional status that still requires eventual resettlement. This lengthy limbo is a gap compared to, say, some EU countries where asylum cases are decided (even if negatively) in a matter of months (though some EU states also have backlogs).

5.4.7. Comparative Lessons And Improvements

Comparing models, each system has its gaps. The EU has far more resources per refugee but suffered from political division that led to poor reception in frontline states like Greece. Turkey mobilized significant national effort and international aid to assist millions, arguably outperforming some EU states in basic outcomes like preventing mass homelessness or disease outbreaks among refugees; yet Turkey's model leaves refugees in a protracted temporary state with growing vulnerability over time, and recent moves (deportations, tighter controls on refugees' movement between provinces) have hurt its protection record. Jordan provided extensive aid particularly in camps, but those in host communities still face poverty and the legal right to work was limited until the Jordan Compact tried to improve it. Lebanon's laissez-faire approach avoided camps but produced precarious living conditions and rising xenophobia.

One important policy gap across all contexts is long-term integration and burden sharing – a theme explored in later sections. From a reception standpoint, a gap in Turkey is the lack of a long-term vision for those who cannot return quickly. This has begun to be addressed by shifting rhetoric toward integration (Turkey uses the term “harmonization”), but tangible changes (like offering permanent residence or significantly expanding citizenship for refugees) have been limited due to political sensitivities (Gokcekuyu, 2024). The EU's gap has been the failure to distribute asylum seekers equitably, leaving a few entry countries overwhelmed; steps toward an EU pact could alleviate that, but it remains contentious (Walker, 2023). MENA countries' gap is formal legal status – refugees often remain as “guests” or even illegal in the eyes of local law, reliant on temporary hospitality that can be withdrawn any time.

In conclusion, Turkey's reception and protection regime since 2020 represents a hybrid model: initially camp-based for emergency shelter, now overwhelmingly community-based with a temporary protection legal umbrella. It offers refugees safety from conflict and access to basic rights, which is a substantial achievement (Turkey saved countless lives by hosting those who might otherwise have nowhere to go). But significant policy gaps persist in providing sustainable, dignified living conditions and clarity about the future. The comparative perspective shows that this is not unique to Turkey – *no host country or region has fully cracked the challenge* of converting short-term refugee care into long-term solutions. The next section will delve into asylum governance, examining how Turkey administers its asylum system and what lessons it draws from EU and MENA practices in managing asylum procedures and refugee status determination.

5.5. ASYLUM GOVERNANCE IN TURKEY: LESSONS FROM EU AND MENA PRACTICES

The term asylum governance refers to the structures, laws, and procedures through which states manage asylum seekers and refugees – from application and status determination to the administration of refugee protection. Turkey's asylum governance underwent a major overhaul with the Law on Foreigners and International Protection (LFIP) in 2013, which created a dedicated civilian authority (now the Presidency of Migration Management, PMM) and set out procedures for asylum. Since 2020, Turkey's asylum system has been truly tested by both the protracted Syrian refugee situation and new influxes (like Afghans). In this section, we examine how Turkey's asylum governance functions, and we compare it with the EU's Common European Asylum System (CEAS) and asylum practices in MENA. We highlight lessons learned and areas where Turkey's system aligns with or diverges from international norms and regional practices.

5.5.1. Institutional Framework In Turkey

One of Turkey's significant achievements, influenced by EU norms, was establishing a centralized migration authority. The LFIP 2013 set up the Directorate General of Migration Management (DGMM) – which in 2022 was elevated to the Presidency of Migration Management (PMM) under the Interior Ministry – to handle all tasks related to foreigners, asylum, and migration (UNHCR, n.d.). This civilian agency took over responsibilities that were previously under the police. By doing so, Turkey mirrored the institutional setups in many EU countries where specialized asylum agencies exist (for example, Germany's BAMF or Sweden's Migration Agency). The PMM (and its provincial directorates) is in charge of registering asylum applications, assessing claims (with specialized status determination staff), operating reception centers, managing temporary protection, and enforcing deportations for those not in need of protection.

This professionalization and centralization of asylum governance was a key lesson Turkey drew from EU practice (often referred to as the Europeanization of its migration policy) (Ulusoy, 2025). The EU, in its accession talks, had encouraged Turkey to adopt EU-aligned policies and build capacity – indeed, the law and PMM's creation were partly motivated by Turkey's now-stalled EU accession process (Ulusoy, 2025). The result is that on paper, Turkey has a comprehensive asylum system with structured procedures: registration, interview, examination of eligibility for refugee status, conditional refugee, or subsidiary protection,

appeal avenues, and so forth. This is in stark contrast to most MENA countries (like Lebanon or Iraq) which lack any domestic legal framework for asylum and leave refugee matters largely to UNHCR. Even Jordan, which now has a Memorandum with UNHCR, doesn't have a codified asylum law – whereas Turkey does. Thus, one lesson for the region from Turkey is the value of codifying refugee law and building state institutions to manage it, which can increase efficiency and accountability.

5.5.2. Procedures And Standards

How does Turkey's asylum procedure compare to EU standards? Under LFIP, non-European asylum seekers can apply for "international protection." Their claims are examined by PMM officials. Turkey's definitions of refugee, conditional refugee, and subsidiary protection in the law closely follow the 1951 Convention and EU directives (UNHCR, n.d.). However, due to the geographic limitation, non-Europeans cannot be *full* refugees in Turkey – instead, if they meet the Convention criteria, they get "conditional refugee" status (meaning they have protection in Turkey until resettled to a third country) (UNHCR, n.d.). If they don't meet refugee criteria but would face serious harm at home, they get "subsidiary protection" (similar to EU's subsidiary protection status). This structure is somewhat analogous to the EU's two-tier protection (refugee status and subsidiary protection), except for the twist of "conditional" status tied to third-country resettlement.

A lesson from EU practice that Turkey implemented is having individualized RSD (Refugee Status Determination) procedures and an appeal mechanism. Applicants in Turkey have the right to appeal negative decisions in court. In practice though, there are concerns about the quality of RSD and independence of appeals. EU countries, for all their issues, have relatively robust judicial review – asylum seekers can often appeal rejections up to high courts which sometimes overturn government decisions. In Turkey, appeals go to administrative courts, but observers note that judges may be deferential to the migration authority and that fair access to legal aid is limited (Ulusoy, 2025). This can be a gap in asylum governance where Turkey might learn from EU best practices on ensuring independent review and legal assistance.

Another EU lesson is standardization and training: Turkey worked with UNHCR and EU experts to train its asylum caseworkers, aiming to apply criteria consistently. Nonetheless, the volume of cases is overwhelming. As of 2022, Turkey had hundreds of thousands of pending asylum applications from non-Syrians (for instance, Iranians, Iraqis, Afghans).

The backlog means wait times are long – something EU countries also struggle with when applications surge (for example, Germany had huge backlogs in 2015-2017). One emerging EU practice is digitalization of asylum processes and better case-management systems; Turkey has been adopting an electronic case system (with biometric registration etc.), again showing cross-learning.

5.5.3. UNHCR's Changing Role

A notable development in Turkey's asylum governance is the handover of refugee status determination from UNHCR to Turkish authorities. Until 2018, UNHCR was conducting RSD interviews and making recommendations on non-Syrian asylum claims (because Turkey was focused on Syrians under TP). But as of September 2018, PMM assumed full responsibility for processing all new asylum claims, with UNHCR shifting to an advisory and support role (UNHCR, n.d.). This “nationalization” of asylum procedures is something that many MENA states have not done (most still rely on UNHCR for RSD). The lesson here is that a state-driven system can increase sovereignty and control– Turkey now directly decides who can stay or must go, rather than deferring to UNHCR decisions. It also potentially allows for more accountability to Turkish law and courts. However, it puts the onus on Turkey to ensure its procedures meet international standards. UNHCR still monitors and provides training, but it no longer is the decision-maker. The EU experience suggests that political pressures can influence domestic asylum adjudications (e.g. recognition rates may fluctuate based on policy). There is evidence of this in Turkey: certain nationalities have low recognition rates, possibly reflecting political considerations (for example, Afghan applicants have faced low odds of getting protection in Turkey, which could be due to the assumption many should be in safe third countries, or Turkey's desire not to encourage more arrivals).

5.5.4. Comparative Efficiency And Fairness

The EU's CEAS has faced its own governance crisis – asylum rules differ by country (some are lenient, others strict), leading to “asylum shopping” and unequal burdens. Efforts to harmonize (like the proposed Asylum Procedures Regulation) are ongoing. One lesson for Turkey is the importance of consistency; being a single country, Turkey has an advantage that it can apply one policy nationwide. However, there have been reports that implementation varies by province (some local PMM offices are more efficient or generous than others). This echoes how in some federal EU states (like Germany) different states had different recognition

rates. Uniform training and guidelines are needed – something the EU and UNHCR have been supporting in Turkey's case.

From MENA practices, Turkey actually provides lessons rather than the reverse, since Turkey's system is far more developed legally. Countries like Lebanon and Jordan could take a page from Turkey by formalizing refugees' status in law, which Turkey did. However, one might argue Turkey also learned from neighbors in terms of caution: like Jordan, Turkey kept the idea of temporary protection without permanent settlement, likely influenced by observing the political and demographic sensitivities in the region (e.g., Jordan's complex experience with Palestinian refugees informed their stance with Syrians, and similarly Turkey, mindful of its own demographics and politics, maintained the temporary approach).

5.5.5. Regional Cooperation And Lessons

Turkey has participated in international processes (the Global Compact on Refugees, for instance) and has often been cited as a model for large-scale refugee hosting. One lesson drawn by international experts is the benefit of embedding refugees in national systems (health, education) rather than parallel systems. Turkey did this – Syrian children attend Turkish public schools (with support classes), and refugees can go to Turkish hospitals. By contrast, in some other host countries, refugees rely on NGO-run schools or clinics. The integration of services in Turkey's governance model is a positive that aligns with EU practices (in the EU, recognized refugees generally access public services on par with citizens).

Nonetheless, Turkey's asylum governance shows tensions between security and protection. Post-2016, under a state of emergency and the rise of security concerns, Turkey's migration authority was put under the Ministry of Interior (security apparatus) and policies became more security-driven. For example, starting 2017–2018, Turkey imposed residence restrictions on Syrians (they must stay in the province they are registered in), aiming to prevent unregulated secondary movement internally. While administratively understandable, it reduced freedom of movement, contrasting with the EU where recognized refugees generally can move freely within a country (though asylum seekers in EU might also be assigned to certain regions).

5.5.6. Lessons From Eu Externalization

Another facet of asylum governance is how external factors shape it. The EU-Turkey deal effectively made Turkey a buffer, and some argue it “de-Europeanised” Turkey's asylum

policy by pushing it to prioritize containment over full integration of EU norms (Ulusoy, 2025). A lesson here is that international agreements can cause a country to adjust its governance priorities. Turkey post-2016 focused heavily on preventing onward movement (fulfilling its deal obligations) – some critics say this led to more arbitrary detention and less focus on improving RSD, since many asylum seekers would be expected to stay in Turkey or be resettled, not go to Europe. The Europeanisation vs. externalization debate is evident: early 2010s, Turkey Europeanised (built an EU-like asylum system); late 2010s, EU externalized to Turkey (making Turkey sort of a long-term host with EU funding) (Ulusoy, 2025). The lesson for other regions is that large host countries benefit from international support but must guard against policies that undermine refugee rights. For instance, Kenya and Ethiopia (outside MENA) have looked at Turkey’s example as they create their own refugee laws, trying to balance international cooperation with sovereignty.

5.5.7. Key Challenges And Needed Lessons

As of 2025, Turkey’s asylum governance still faces key challenges that both EU and MENA experiences can shed light on:

- **Backlog management:** The EU has experimented with accelerated procedures for manifestly unfounded cases and temporary protection for mass influx (like Ukrainians) to avoid overwhelming the asylum system. Turkey has done TP for Syrians; perhaps a lesson is to consider similar facilitated pathways for certain groups (for example, some have suggested temporary protection for Afghans rather than full individual RSD, given the scale).
- **Integration of those likely to stay:** European practice (notably in countries like Canada or Sweden) shows that early integration activities (language courses, skills training) improve outcomes, even during the asylum process. Turkey historically hesitated to label such programs as “integration,” but by 2018 it adopted a “Harmonization Strategy” focusing on social cohesion (Yukseker & Celer, 2024). The lesson from EU is that recognizing reality – many refugees become de facto long-term residents – and adjusting governance to facilitate their self-reliance is crucial. Turkey has begun doing this (e.g. allowing work permits, encouraging Turkish language learning), but can further learn from EU integration policies (this will be covered more in Section 8).

- **International burden-sharing:** A final lesson is that good asylum governance in a host country must be complemented by international solidarity – funding, resettlement, etc. The EU’s funding to Turkey (FRIT) was an acknowledgement of this (Ulusoy, 2025). However, resettlement from Turkey has never been near the scale needed (with millions in Turkey, resettlement offers in EU and elsewhere have been in the tens of thousands annually). EU states did not fulfill all promised resettlements under the 2016 deal. The takeaway is that lacking robust burden-sharing, even a well-run asylum system will face political strain domestically. This is exactly what has happened in Turkey – by 2022, with little prospect of either EU membership or large resettlement flows, Turkey’s public grew weary, influencing the government to harden its stance.

In conclusion, Turkey’s asylum governance stands as one of the most developed in the non-Western world, incorporating many lessons from EU norms (a legal framework, a dedicated migration agency, procedural rules) and providing an instructive example in a region where many states have no formal asylum system at all. The implementation, however, has revealed gaps and areas needing improvement – some of which mirror the EU’s own struggles (like backlogs and politicization) and some unique to Turkey’s context (the geographic limitation and overwhelming scale). Lessons go both ways: Turkey has learned from Europe, and Europe has also learned from Turkey’s experience managing a mass refugee situation. The next section will examine how Turkey navigates the pressures of providing protection amid these strains – essentially, how its asylum system holds up under political and social pressure, in comparison with international experiences.

5.6. NAVIGATING PROTECTION AND PRESSURE: TURKEY’S ASYLUM SYSTEM IN INTERNATIONAL COMPARISON

Turkey’s asylum and refugee protection system does not operate in a vacuum – it is continually navigating between the commitment to protect those fleeing persecution and the pressure exerted by social, economic, and political forces. Since 2020, these pressures in Turkey have intensified: the protracted stay of millions of refugees, economic downturns, and rising anti-immigrant sentiment have tested the resilience of Turkey’s protection regime. In this section, we analyze how Turkey balances (or struggles to balance) protection and pressure, and we compare this with how the EU and MENA countries handle similar dilemmas. The focus is on issues like public opinion and politics, economic capacity, and international expectations, and how they influence asylum policies.

5.6.1. Domestic Pressures In Turkey

Over time, Turkish public attitudes toward Syrian refugees have shifted from initial empathy to fatigue and frictions. By 2022–2023, opinion polls showed a majority of Turks favoring the return of Syrians to their homeland, reflecting concerns about competition for jobs, cultural differences, and strain on public services. Politicians, including opposition parties and even the government, responded by hardening rhetoric on refugees. For instance, in the 2023 election campaign, promises were made by various candidates to send Syrians back within a couple of years. This political pressure has tangible effects: Turkish authorities have become more proactive in encouraging or forcing returns. President Erdoğan announced a plan to resettle 1 million Syrians in northern Syria (in Turkish-controlled zones) by building housing and infrastructure there (HRW, 2022). Starting in 2022, interior ministry officials reported hundreds of thousands of Syrians had *voluntarily* returned (though the voluntariness is contested) (The Danish Immigration Service, 2023). Human Rights Watch exposed cases of coerced returns, where Syrians were detained and made to sign return forms under duress (HRW, 2022).

This illustrates a general pattern: as pressure rises, adherence to protection principles can wane. Non-refoulement, the bedrock of asylum, came under threat in Turkey due to internal pressures. The HRW report (2022) described that in mid-2022 Turkish authorities rounded up Syrian refugees (even registered ones), abused some in custody, and deported them to war-torn northern Syria at gunpoint, in violation of international law (HRW, 2022). These are serious allegations showing the strain on Turkey's commitments. The government denies "forced" returns, insisting those who went back did so voluntarily, but evidence suggests otherwise (HRW, 2022).

Comparatively, Lebanon has exhibited a similar trajectory. Lebanese politicians increasingly scapegoated Syrian refugees for economic woes, and by 2023 Lebanese security forces too began conducting raids and summarily deporting Syrians across the border, with reports of hundreds expelled without due process (Jesse Marks, 2023). In both Turkey and Lebanon, we see that severe economic crises (Turkey's inflation and unemployment spike; Lebanon's financial collapse) made refugees an easy target and led to breaches of the principle of safe refuge. Jordan has been somewhat different: public pressure exists but the monarchy has kept a tighter lid on explicit anti-refugee policies, in part thanks to substantial international aid that helps buffer economic strains. But even in Jordan, talk of facilitating refugee returns grew

louder after 2018 when the Syrian war waned, and Jordan has not naturalized or permanently integrated Syrians, showing a limit to protection as circumstances evolve.

5.6.2. Economic Pressures And Aid

Hosting a large refugee population for years is costly. Turkey has spent billions from its budget (supplemented by the EU's €6 billion, UN aid, etc.) on refugee health, education, and humanitarian support (Ulusoy, 2025). As Turkey's economy entered a rough patch (the lira's sharp depreciation in 2018 and again 2021, plus pandemic shocks), resentment grew that "we are taking care of others when our own people struggle." This is a classic pressure also observed in EU countries during economic downturns: e.g., in Italy and Greece during the euro crisis, anti-migrant sentiment surged. The EU's own response to pressure in 2015 was to externalize (as discussed) and also internally some states reinstated border controls, or like Hungary, simply refused to accept asylum seekers and built a fence.

One metric is that Turkey's refugees equate to about 4% of its population (roughly 1 in 25 people in Turkey is a Syrian under TP). The EU as a whole, by contrast, had about 2.7 million refugees and asylum seekers among 447 million people (~0.6%) in 2022 – so Turkey's per capita load is vastly higher (UNHCR, 2025). Even Germany, the largest EU host, has around 1.2–1.3 million refugees/asylum-seekers in a population of 83 million (~1.5%) (Bosen, 2024). Lebanon's case is extreme: at one point refugees were over 20% of the population, fueling enormous pressure (Rainey, 2015). The lesson is that scale matters – beyond certain thresholds, any society will feel anxious. Turkey has handled 3.6 million Syrians with arguably more social stability than might be expected (thanks to strong government management and international aid), but the pressure has mounted with time.

5.6.3. Political Discourse And Policy Tightening

By 2022, Turkey implemented more restrictive measures internally: limits on refugee concentration (e.g. a rule that in any neighborhood, refugees cannot exceed 25% of the population, and if they do, that area is closed to new registrations (ICMPD, 2021)), greater enforcement against unregistered migrants (raids in Istanbul and other cities to send unregistered Syrians to camps or removal centers), and stricter issuance of travel permits for Syrians moving between provinces. These are ways Turkey's asylum system bent under pressure to assert more control and reassure the public that refugees are monitored. Some of these steps have parallels in Europe: many EU countries have policies dispersing asylum

seekers to avoid high concentrations in one area; and several have tightened movement or residency rules (for example, in Germany, asylum seekers are assigned to a state and supposed to stay there initially). The difference is Turkey's moves came after years of relatively more freedom (Syrians could initially choose where to live), representing a contraction of freedoms in response to public pressure.

5.6.4. International Comparison Of Enduring Presence

Turkey's situation as of 2025 – large long-term refugee population with no immediate prospect of return – is reminiscent of other protracted refugee situations historically. For example, Pakistan hosting millions of Afghan refugees for decades saw similar dynamics: welcoming in the 1980s, fatigue and push for repatriation by the 2010s. Iran with Afghans, and Tanzania with Burundians, likewise experienced cycles of hospitality and pressure leading to pushbacks. A key lesson from those is that host countries often eventually push for returns once they perceive the conflict is “old news” and donor interest wanes. Turkey appears to be in that phase; even though Syria is not fully safe, Turkish leaders emphasize building homes in parts of Syria to send people back, showing a policy shift toward return as the favored solution (where earlier it was more about accommodating and integrating services).

5.6.5. Protection Vs. Deterrence In The EU

The EU has faced its own test of balancing protection and pressure, notably with asylum seeker surges in 2015 and again increased numbers in 2022-2023 (with many coming from countries like Syria, Afghanistan, etc.). In 2023, asylum applications in the EU hit a 7-year high (over 1.1 million applications in the year) (European Union Agency for Asylum, 2024), renewing political pressure in Europe. Even rich EU states have seen asylum systems under strain – for instance, in 2023 the Netherlands ran out of reception space, leaving hundreds of asylum seekers sleeping outdoors; Belgium faced a “reception crisis” where it couldn't house new arrivals, leading to court rulings against the state (Walker, 2023). These pressures have led the EU to consider more hardline measures (like funding border fences, fast-tracking deportations, or sending asylum seekers to third countries). The UK, though not EU, is trying extreme measures (offshore processing in Rwanda) which echo how some pressured states just want to remove the burden entirely.

The principle of solidarity is often invoked but hard to implement. Turkey has frequently pointed out that it has done far more than any EU country in hosting refugees, implicitly asking

for greater solidarity (either by taking people or funding). The Global Compact on Refugees (2018) stressed more equitable sharing, but in reality countries like Turkey and Lebanon still host outsized numbers. The EU did provide funding which has been crucial – a lesson that sustained financial support can help a host country maintain protection (the FRIT funds arguably helped Turkey keep social services for refugees running, which might have prevented worse societal backlash earlier). However, funding alone does not solve political issues of social cohesion.

5.6.6. Social Cohesion And Integration Pressure

An area where pressure and protection intersect is integration. The longer refugees stay, the more integration measures are needed to maintain social cohesion, yet deeper integration (like offering citizenship or permanent status) can spark political backlash from locals who fear permanence. Turkey has started some integration initiatives (language courses, community support projects) and as noted has given citizenship to a small fraction of Syrians (often those educated or with investments). This is similar to how European countries operate: granting citizenship selectively (in Europe, many refugees can naturalize after years, but uptake varies; in Germany about 20% of Syrians who arrived 2014-2016 had become citizens by 2021 under an expedited process). Interestingly, Germany's experience shows that a degree of integration and acceptance is possible: by around 2020, German public opinion toward the 2015 refugees had improved compared to the initial hysteria, partly because many learned German, found jobs, and the feared societal collapse didn't happen. That suggests a lesson for Turkey: integration efforts can reduce pressure over time by turning refugees into self-reliant contributors. However, Turkey's economic woes complicate this – jobs are scarce even for citizens, so refugees seen working can be resented. Similarly in Jordan, giving Syrians work permits was initially unpopular among Jordanians worried about unemployment.

5.6.7. Global Perceptions And Responsibilities

Turkey has also navigated international expectations regarding protection. As a respected player in the refugee arena (regularly noted as the top host country), Turkey has sought to maintain an image of a responsible host. This sometimes conflicts with domestic moves like deportations. International agencies and partners quietly (and sometimes vocally) remind Turkey of its obligations. For example, the EU, while appreciating Turkey's containment role, also criticized reported refoulement: the European Commission responded to HRW's findings

by querying Turkey about those deportations, and emphasized that EU funding must not contribute to involuntary returns (Walker, 2023). Balancing these external pressures (to uphold protection standards) with internal pressures (to appease public frustration) is tricky. In the EU, states also face this: e.g., Italy's government faces pressure from EU law and courts to not push back boats to Libya (as it violates rights), even as domestic politics pushes for blocking migrants.

5.6.8. Outcome For Protection In Turkey

So far, Turkey has not dismantled its asylum framework – the laws and institutions remain. But the practical space for protection has shrunk under pressure. Fewer refugees feel safe in Turkey now compared to a few years ago, given the uptick in hostile rhetoric and incidents of violence against Syrian businesses or homes (there have been sporadic riots targeting Syrians in Ankara and elsewhere in recent years). Turkey's ability to navigate this will determine the future of its asylum model. If pressure leads to significantly more refoulement or coercion, Turkey's hard-won reputation for hospitality could suffer. Conversely, if Turkey (with international help) can find ways to relieve pressure – through development programs that benefit both refugees and host communities, for instance, or through diplomatic efforts to enable safe voluntary returns gradually – it may preserve its protection commitments.

5.6.9. Comparison In A Nutshell

In summary, Turkey, the EU, and MENA hosts all face the fundamental tension of sustaining refugee protection amid social-economic strains. Turkey's current situation is perhaps most analogous to that of some EU peripheral states and Lebanon/Jordan: a feeling of having done more than a fair share and a desire to reduce the load. The EU's strategy has been to harden external borders (less arrivals eases pressure internally) and selectively support external hosts. Turkey's strategy is veering toward encouraging exits (returns) and restricting new entries, aligning somewhat with EU approaches of deterrence. The risk is that refugee rights get eroded in the process, as seen with forced returns – a path both Turkey and some EU states (via pushbacks) have taken contrary to international law (HRW, 2022).

The critical lesson is that pressure needs structural solutions: either better sharing of responsibility or integrating refugees to become self-reliant and accepted. Without that, any country's asylum system can buckle. As we proceed, the next section (7) will situate Turkey's migration governance in a broader global context, considering how Turkey's role has shifted

from being known mainly as a transit country to being a major host (integration context), and what that means for its policies on the international stage.

5.7. FROM TRANSIT TO INTEGRATION: TURKEY'S MIGRATION GOVERNANCE IN A GLOBAL CONTEXT

Turkey's identity in global migration has transformed significantly over the past two decades. Historically considered a transit country – a bridge for migrants moving from Asia or the Middle East toward Europe – Turkey is now undeniably also a destination and host country for millions. This shift “from transit to integration” reflects changes in migration patterns (especially the protracted displacement of Syrians) and in Turkey's own policies. In this section, we examine how Turkey's migration governance has adapted to this new reality and how it is viewed in a global context. We also discuss how Turkey's experiences compare with global trends and what role international frameworks play. The theme centers on how Turkey, once reluctant to accept it was an “immigration country,” is increasingly working on integrating long-term migrants and refugees into Turkish society (Gokcekuyu, 2024).

5.7.1. Turkey As A Transit Country

Throughout the late 20th century and early 2000s, Turkey was known primarily as a source of emigrants (Turkish workers going to Europe) and a transit corridor for irregular migration. Migrants from countries like Iran, Iraq, Afghanistan, and countries in South Asia and Africa used Turkey's territory to attempt entry into Europe. Turkey's migration policy for years was reactive – focusing on border control and signing a EU-Turkey Readmission Agreement in 2013 to take back migrants who transited to Europe (Ulusoy, 2025). The assumption underlying many policies was that Turkey was not the final stop; either migrants would move on to Europe or, if they stayed, it was temporary until resettled or returned. Even Turkey's geographical limitation (only recognizing European refugees) underscored this transit mindset – non-Europeans were supposed to be passed on (resettled) elsewhere for permanent protection (UNHCR, n.d.).

5.7.2. Turning Point – Mass Influx And Prolonged Stay

The Syrian war's refugee crisis (after 2011) was the game-changer. Suddenly Turkey had millions of people on its soil who were not transiting through but staying for the foreseeable future. The EU's closed borders after 2016 further ensured that most Syrian refugees could not

easily move onward beyond Turkey. At the same time, geopolitical factors (strict EU visa regimes, NATO patrols in the Aegean, etc.) reduced transit possibilities for other nationalities too, meaning many Afghans, Iraqis, etc., ended up spending years in Turkey, some integrating into local communities or labor markets unofficially.

This compelled Turkey to shift from a pure transit-oriented policy to one that incorporates aspects of integration and long-term management. For example, recognizing that many Syrian children were born and raised in Turkey, the government in 2016 closed the temporary refugee education centers and integrated Syrian students into Turkish public schools – an integration move acknowledging they might grow up in Turkey (Sanduvac, 2016). Similarly, the introduction of a work permit regulation for Syrians in 2016 signaled that Turkey accepted many would work and live in Turkey for years. These are hallmarks of a destination country policy rather than just a transit approach (Kirdar et al., 2022).

5.7.3. Policy Evolution And Integration Strategy

A key document underscoring Turkey's shift is the "Harmonization Strategy and National Action Plan (2018–2023)" released by the migration authority (Yukseker & Celer, 2024). The use of the word "harmonization" (Uyum, essentially integration) was significant – it laid out steps to promote social cohesion between refugees and host communities, including language education, vocational training, and civic orientation. This strategy was effectively Turkey's admission that it needed to foster integration, marking a conceptual shift from earlier years when officials avoided the term "integration" to not imply permanence. Scholars note that Turkey's policy framework had long viewed immigration as temporary, but the realities forced a partial reframing (Gokcekuyu, 2024). By comparing with Europe: European countries that received "guest workers" in the 20th century (like Germany with Turks, or Switzerland with Italians) initially also considered them temporary, but over time had to implement integration as it became clear many stayed. Turkey is now experiencing a similar trajectory vis-à-vis its refugee population – a point made explicit by Gokcekuyu (2024) comparing Turkey's situation to the historical Swiss and German experiences of eventually acknowledging being immigration countries (Gokcekuyu, 2024).

5.7.4. Global Context – Compacts And Initiatives

Internationally, Turkey has engaged with the Global Compact for Migration (GCM) and the Global Compact on Refugees (GCR), both endorsed in 2018. These compacts emphasize

principles like integrating migration into development planning, ensuring migrants' rights, and sharing responsibility for refugees. Turkey was supportive of the GCR – President Erdoğan co-chaired a roundtable at the first Global Refugee Forum in 2019, highlighting Turkey's contributions and urging more global action. Turkey's narrative in global fora is that it has done an outsized part and that others (especially developed countries) should step up, either by taking more refugees or providing more support (HRW, 2022). This aligns with GCR's spirit of burden-sharing. At the same time, Turkey showcases some best practices: for instance, the Emergency Social Safety Net (ESSN) program in Turkey (an EU-funded cash assistance scheme for refugees) is often cited internationally as an innovative way to empower refugees through direct cash aid rather than aid-in-kind. The ESSN, implemented with UN agencies, has been the largest humanitarian cash program in the world, helping over 1.5 million refugees in Turkey meet basic needs. The success of such programs in Turkey has informed humanitarian approaches in other contexts (cash-based interventions are now more widely adopted globally due to positive results in places like Turkey) (HRW, 2022).

5.7.5. Diplomacy And South–South Exchange

Turkey has increasingly taken a role in international migration diplomacy. It's a member of forums like the Budapest Process, the Bali Process, the Global Forum on Migration and Development, etc., often sharing its experiences as both a sending country (of Turkish diaspora) and a host country (Presidency of Migration Management, 2025). Turkey also provides training and support to other countries' migration agencies through bilateral ties (e.g. helping build capacity in countries like Libya or Pakistan). This is part of Turkey's broader aspiration to be a leader in its region.

One interesting global comparison is how Turkey's stance as a host compares to others with similar demographics. Pakistan hosting ~3 million Afghans and Uganda hosting ~1.5 million refugees (mainly South Sudanese, Congolese) are sometimes likened to Turkey. Uganda is often praised for progressive policies (allowing refugees to work and move freely, giving them land to farm) – Turkey similarly has relatively liberal policies (e.g. freedom of movement inside province, work permits, inclusion in public services) (Presidency of Migration Management, 2025). Pakistan historically was less formal – Afghans lived freely but with uncertain status, somewhat akin to how Syrians in Lebanon live. But Pakistan eventually started pushing returns when it felt burdened (it expelled many Afghans in different periods).

Turkey likely learned from these that permanence will happen even if unwanted, and thus it is better to manage it (ICMPD, 2021).

5.7.6. Changing Self-Image

For decades, Turkish migration policy was centered on emigration (diaspora) and immigration of kin (ethnic Turks from Balkans, etc.). The presence of millions of non-Turkish refugees and migrants is a newer phenomenon shaping Turkey's self-image. There's an ongoing internal debate: *Is Turkey a country of immigration?* Some policymakers and academics argue that Turkey must accept this new identity and plan accordingly (for instance, incorporate migration into long-term demographic and labor strategies) (Gokcekuyu, 2024). Others resist, fearing that accepting it means giving up hope that refugees will leave. The comparative perspective can be seen with countries like Spain or Italy, which historically were sources of emigrants but in recent decades became net immigration countries and had to adapt laws and society. Turkey is at a similar crossroads. Lesson from Southern Europe: those countries eventually reformed their laws to integrate immigrants (e.g. Spain regularized many migrants in the 2000s, Italy passed integration measures), albeit amid some social friction. Turkey has so far not done a one-time mass regularization beyond the temporary protection scheme – but it has incrementally integrated many Syrians by default (issuing IDs, etc., which is a form of regularization) (Gokcekuyu, 2024).

5.7.7. Transit Continues But Less Acknowledged

Even as Turkey focuses on integration of those who stayed, it remains a transit route for many who still attempt to move on. For instance, some refugees who feel stuck in Turkey and see no future have in recent years embarked on secondary migration – whether through smugglers to Europe (some Syrians, Afghans attempt boat crossings to Italy or clandestine land crossings) or further afield (there have been reports of Syrians from Turkey migrating to northern Iraq for work or trying for Canada's private sponsorship program) (Daily Sabah, 2021). Turkey's dual role means it must manage outgoing flows too. After the Taliban took Kabul in 2021, Turkey feared a wave of Afghans not only staying in Turkey but using it to try reaching Europe; Turkey fortified its Iran border partly to stop that (which European countries tacitly supported). So Turkey still coordinates on preventing being a transit corridor (the “gateway” function) even as it integrates others – a complex juggling act (Daily Sabah, 2021).

5.7.8. Global Praise And Critique

In the global context, Turkey is often praised as a model for hosting refugees generously and integrating them into national services (UNHCR, n.d.). UNHCR and others highlight Turkey's policy of allowing Syrian refugees to access health care and schooling as something some other countries have not done as comprehensively. The fact that over 700,000 Syrian children are enrolled in Turkish schools is a significant positive outcome (Kirdar et al., 2022). On the other hand, human rights groups critique aspects like Turkey not granting full refugee status or citizenship pathways, and the recent deportations. Thus, globally Turkey's governance is seen as ahead of many Global South countries in formal structure, but not as liberal as Western refugee policies in terms of offering permanence (though many Western countries also avoid giving refugees immediate permanence, preferring temporary statuses initially) (Sanduvac, 2016).

5.7.9. Inspiration For Policy Innovation

Turkey's experiences have led to some policy innovations that travel globally. One is the idea of linking humanitarian and development assistance – often called the “humanitarian-development nexus.” Because Turkey's refugee situation is protracted, international actors like UNDP, World Bank, etc., started developmental programs (for example, municipal infrastructure support in towns heavily populated by refugees, job creation programs for both Turks and Syrians, etc.). The Jordan Compact was similar in concept. These models are now held up as examples in the Global Compact on Refugees of how to handle long-term displacement by Continuing from the previous analysis:

These models are now held up as examples in the Global Compact on Refugees of how to handle long-term displacement by bridging humanitarian and development efforts – something Turkey's experience embodies. In global forums, Turkey frequently emphasizes that supporting refugees also means investing in host communities and infrastructure, a perspective that has informed programs from the Middle East to East Africa.

5.7.10. Concluding Perspective

In a global context, Turkey's migration governance illustrates the complex journey of a nation transitioning from transit country to major immigrant-hosting country. Turkey has increasingly integrated into global migration governance as a key stakeholder, sharing both its challenges

and innovations. The country's policies reflect a hybrid of lessons from Europe (legal frameworks, institutional development) and adaptation to regional realities (temporary protection, cautious integration). The world has watched Turkey's management of the Syrian refugee crisis closely, and many acknowledge that Turkey prevented a far worse humanitarian catastrophe by absorbing so many displaced people. Now, as Turkey moves toward more integration-focused policies, its experience offers valuable insights on how a middle-income, non-traditional immigrant country can evolve its policies when faced with large-scale migration.

Yet, as Turkey embraces this new role, it must reconcile it with domestic constraints. The next section will delve deeper into Turkey's integration policies in comparative perspective, examining how Turkey is moving from a framework of temporary protection toward one of social inclusion, and how this compares with approaches in the EU and neighboring states.

5.8. TURKEY'S INTEGRATION POLICIES IN COMPARATIVE PERSPECTIVE: FROM TEMPORARY PROTECTION TO SOCIAL INCLUSION

As the presence of refugees and migrants in Turkey has transitioned from a short-term emergency to a long-term reality, integration policies have become increasingly critical. "Integration" in Turkey is often termed "harmonization" (Uyum) to stress mutual adaptation between migrants and host society. In this section, we explore Turkey's evolving integration policies for refugees and other migrants, and compare them with strategies employed in the EU and MENA. We look at areas such as education, employment, social cohesion, language acquisition, and pathways to permanence, highlighting achievements and gaps. The journey is essentially one of moving from a mindset of temporary protection to one of social inclusion.

5.8.1. Education Integration

One of the most significant integration efforts in Turkey has been in the realm of education. By integrating refugee children into the national education system, Turkey has facilitated both their development and their interaction with Turkish peers. As of the 2019–2020 school year, about 684,000 Syrian children under temporary protection were enrolled in Turkish schools (public schools and temporary education centers combined (Sanduvac, 2016). This number has likely grown with continuing efforts to reach all school-age children. Turkey achieved this by hiring additional Arabic-speaking teaching assistants, providing Turkish

language classes for refugee children, and allowing NGOs and UNICEF to support schools in refugee-dense areas. The EU also funded programs (like PICTES – Promoting Integration of Syrian Kids into Turkish Education System) (Kirdar et al., 2022).

Comparatively, EU countries also integrate refugee children into their schools, though some initially use separate “welcome classes” for language before mainstreaming. The scale Turkey handled is far larger than any single EU state; Germany, which took in many Syrian families, enrolled roughly 400,000 refugee children in schools by 2018 (with intensive German language support) – a smaller absolute number than Turkey, reflecting Turkey’s greater burden (Sanduvac, 2016). Lebanon and Jordan, by contrast, struggled with education for Syrian refugees: Jordan ran double shifts in public schools to accommodate about 130,000 Syrian students (out of ~233,000 school-age Syrians), and Lebanon, with its no-camp policy, also did double-shift schooling but still had over 40% of Syrian children out of school as of 2021. In Turkey, around 400,000 Syrian children (about 35% of school-age) remain out of school – a concerning gap often due to child labor or families moving. But Turkey’s integrative approach (as opposed to keeping refugee kids in separate camp schools indefinitely) aligns with best practices for social inclusion. A challenge ahead is quality and retention: ensuring refugee teens attend and complete secondary education, which in Turkey and elsewhere tends to drop off as adolescents enter work (Kirdar et al., 2022).

5.8.2. Language And Cultural Integration

Language acquisition is fundamental for integration. Turkey offers Turkish language courses to adult refugees through public education centers (Halk Eğitimi) and with NGO support. Mastery of Turkish greatly improves refugees’ employment prospects and daily life integration. By contrast, some MENA hosts (Lebanon, Jordan) did not invest in teaching refugees the local language (which in those cases was often the same Arabic dialect for Syrians, so less an issue). In Europe, host-language instruction for adult refugees is standard (e.g., Germany’s integration courses mandate 600 hours of German classes). Turkey’s efforts in this area have ramped up over time – initially many Syrians got by with Arabic in Turkish border provinces, but as dispersion increased, Turkish language ability became more critical. One study noted that lack of language proficiency was a major barrier for Syrian women’s employment in Turkey (ECRE, 2024). The 2018 Harmonization Strategy explicitly included expanding language training. Still, coverage remains incomplete and many Syrians, especially

older adults or isolated women, have limited Turkish fluency even after years, hampering deeper integration.

Cultural integration initiatives – such as community events, orientation programs explaining Turkish laws and norms, and intercultural dialogue platforms – have been part of Turkey’s approach. For instance, the PMM organizes “harmonization meetings” and has produced multi-language materials on living in Turkey. EU countries similarly run cultural orientation for newcomers (Sweden’s civic orientation courses, for example). Lessons: Integration is not only about refugees adapting; host communities also need to adjust to diversity. Turkey’s civil society and municipalities have played a role here, promoting social cohesion projects (e.g., Turkish and Syrian youths doing sports or arts together). This is somewhat parallel to EU-funded cohesion projects in European cities.

5.8.3. Employment And Economic Integration

Gaining livelihoods is a core part of social inclusion. Turkey made an important policy move by allowing Syrians under temporary protection to apply for work permits after 6 months of registration (ECRE, 2024). By 2023, a cumulative 108,520 work permits had been issued to Syrians. However, this number is modest relative to the working-age Syrian population; well over 1 million Syrians were estimated to be working, mostly in the informal sector without legal protection. Challenges include a quota that a workplace’s Syrian employees cannot exceed 10% of staff (unless an exception is granted, employer hesitance to go through bureaucratic processes and pay social security for refugee workers, and concentration of Syrians in sectors like agriculture and construction where informal labor is common. As a result, while Turkey’s policy is progressive on paper, only roughly 5%–10% of Syrian workers have formal jobs, and the rest work informally, often for low wage. This situation creates exploitation risks and also fuels host resentment (“they take jobs for cheap”) (ECRE, 2024).

In comparison, EU integration typically emphasizes getting refugees into the formal labor market quickly, with language as the first step then job counseling, recognition of qualifications, etc. The outcomes vary widely: some countries (Germany, Sweden) have seen improving employment rates among recent refugees after a few years (though initially low), whereas others (like Greece) have very high refugee unemployment due to weak economies. Turkey’s labor market absorption of refugees has been surprisingly high in raw numbers (with so many working informally), showing refugees are economically active, but the formalization

is the challenge. Jordan similarly introduced work permits for Syrians in certain sectors (manufacturing, agriculture) as part of the Jordan Compact, issuing around 250,000 permits by 2021, yet many Syrians still worked informally. Lebanon until recently forbade most job categories for Syrians, pushing nearly all into informal work. Thus, Turkey's situation is actually better than Lebanon's in terms of giving a legal avenue, but comparable to Jordan's in terms of limited uptake due to structural constraints.

For long-term integration, entrepreneurship is another facet: Over 10,000 Syrian-owned businesses have been established in Turkey since 2011, from restaurants to factories (ILO, 2020). These create jobs for Syrians and Turks alike and help Syrians become self-reliant. The government has generally allowed this, and even facilitated via chambers of commerce cooperation. The presence of a Syrian business community is a sign of deeper integration and something that in Europe is also seen (refugees starting enterprises, though in smaller scale).

5.8.4.Social Inclusion And Legal Status

Perhaps the most defining aspect of integration is the legal pathway to permanence or citizenship. On this front, Turkey has been cautious. As noted, around 200–220 thousand Syrians (mostly highly educated or investors) were naturalized by end of 2022 (ECRE, 2024). For the vast majority, citizenship is not an available option under current policy. They remain with Temporary Protection IDs renewed yearly. This means they cannot vote, and their status, while durable in practice, is legally temporary. By contrast, in the EU, a refugee recognized under the 1951 Convention typically gets a renewable residence permit (often leading to permanent residence after 5 years) and can apply for citizenship after a certain period (varies by country, e.g. 6–8 years in many places).

MENA countries historically *do not* grant citizenship to refugees (Jordan and Lebanon never gave Palestinians citizenship en masse, for example, due to political sensitivities). Turkey is somewhere in between EU and MENA: it has given citizenship to a select few and could expand that if political winds change, but currently integration stops short of full membership in the polity for most refugees. This is a gap in Turkey's integration approach if one considers full integration as including naturalization and equal rights. However, given domestic opposition, Turkey's incremental approach (citizenship only for select profiles) is understandable in context.

5.8.5. Integration Outcomes And Public Perceptions

Integration policies' success can often be gauged by social outcomes – are refugees participating in society, and how are relations with host communities? In Turkey, there have been positive developments: many Syrian youths speak fluent Turkish, friendships and even intermarriages occur (by 2019, over 6,000 Syrian-Turkish mixed marriages had been recorded, and Syrian-run shops are part of the urban landscape (ILO, 2020). At the same time, strains exist: residential segregation in poor neighborhoods, some social tensions and misinformation (e.g., rumors about Syrians receiving lavish benefits), and political scapegoating of refugees. The effectiveness of integration policies can mitigate these tensions by correcting misinformation and demonstrating refugees' contributions. Turkey's government has at times highlighted that Syrians have opened businesses, or that international aid to Turkey for refugees also benefits Turks (for instance, new hospitals built with EU funds serve everyone).

Comparatively, European societies have their own integration debates – some facing backlash against refugee influx (like the rise of anti-immigrant parties in many countries), others more accepting. Generally, evidence suggests that where integration support is robust (language, jobs, community engagement), refugees integrate better and public perception improves. Turkey's integration support, while existent, has been limited by resources and the imperative of maintaining the “temporary” narrative. Notably, a comparative analysis by sociologist Susan Rottmann (2020) finds that Turkish integration policies still lag behind in comprehensiveness; for example, Turkey did not initially plan for integration in its 2013 law (which had no chapter on integration, and it wasn't until the mass refugee situation proved protracted that integration measures were formulated. In contrast, EU countries (even reluctantly) had integration frameworks from prior immigrant experiences. Turkey is essentially catching up on integration policy under pressure of circumstance (Gokcekuyu, 2024).

One striking comparative point is that Turkey avoided the long-term encampment that can hinder integration. In countries with long-standing camps (like Kenya's Dadaab for Somalis, or Jordan's Zaatari), refugees often become socially and economically isolated. Turkey by moving refugees into cities has challenges but also better integration potential – refugees interact with locals, participate in the economy, and learn the language faster out of necessity. This urban integration model is increasingly recommended globally, and Turkey provides a

case study of its feasibility at scale (albeit requiring significant international aid to bolster Turkish public services).

5.8.6. Toward Social Inclusion

As Turkey moves forward, there are calls from experts and some policymakers for more permanent integration steps: perhaps a status change from Temporary Protection to a longer-term residency after, say, 10 years in country, or expanding citizenship to those born and raised in Turkey. These are politically sensitive but align with what European policy would usually entail (e.g. in Europe, children born to refugees on the soil might often eventually naturalize or get citizenship by descent if one parent naturalizes). Without such steps, a generation of refugees could remain marginalized. On the other hand, full inclusion might provoke nationalist backlash in Turkey's current climate. The country thus navigates a careful path – implementing *practical integration* (education, work, social services) while postponing *formal integration* (permanent status, citizenship) for most.

In comparative perspective, Turkey's integration policies have progressed from an initial ad-hoc response to a more structured approach resembling European practices in many ways (schooling, work rights, community cohesion programs), but some gaps remain more akin to regional neighbors (not offering refugees a formal path to permanence, similar to Jordan/Lebanon). Whether Turkey will converge further with the Western integration model (by granting more permanent rights) is an open question dependent on political developments. Regardless, the steps taken so far mark a shift “from temporary protection to social inclusion,” acknowledging that many refugees are, for all intents and purposes, members of Turkish society now.

Next, we will examine how migration governance in Turkey has involved policy innovation, influenced by international factors and shaped by local realities, tying together many of the themes discussed thus far.

5.9. MIGRATION GOVERNANCE AND POLICY INNOVATION IN TURKEY: INTERNATIONAL INFLUENCES AND LOCAL REALITIES

Turkey's migration governance has not only been about crisis response but also about **policy innovation** – finding new ways to manage migration effectively in a complex environment. This section looks at some of the notable innovations or unique approaches in Turkey's

migration policy in recent years, and analyzes how international influences (such as EU policies, global norms) and local realities (domestic politics, economic conditions, social factors) have interacted in shaping these policies. We explore examples including the EU-Turkey deal and funding, Turkey's use of technology and administrative reforms, and the dynamic between centralized policy and local implementation.

5.9.1. The EU Influence And External Funding As Policy Drivers

Perhaps the most significant international influence on Turkey's migration governance has been the European Union. The relationship has been characterized by both cooperation and tension, but it undoubtedly spurred policy developments. A prime example is how EU financial instruments have shaped Turkish policy. The EU's Facility for Refugees in Turkey (FRIT), a €6 billion package, has been instrumental in supporting Turkey's refugee hosting, funding everything from emergency humanitarian aid to longer-term programs (education, municipal infrastructure, health services)(Ulusoy, 2025). This infusion of resources enabled policy innovation in Turkey – for instance, the rollout of the ESSN cash assistance program(mentioned earlier) was a new approach, implemented by Turkey's Red Crescent with EU funds, that used electronic debit cards to provide monthly cash to refugees. The success of ESSN (reaching over 1.5 million refugees and injecting money into local economies) is a policy innovation that gained global attention.

However, scholars have noted a double-edged effect of such funding. One analysis suggests that the availability of large EU funds through FRIT slowed the development of Turkey's own long-term migration policies, by creating a reliance on external project (Ulusoy, 2025). In other words, as long as EU money was addressing immediate needs, Turkish authorities may have felt less pressure to institutionalize certain solutions. For example, rather than reforming social assistance law to include refugees, Turkey could use an externally funded parallel program (ESSN) to cover them. This phenomenon – external funding leading to a “*projectization*” of refugee response – is an interesting policy dynamic. It reflects how international influence can shape not only *what* policies are pursued (e.g., cash-based aid) but also *how* (outside the regular system or within it).

Another EU influence was normative: through accession talks and the migration deal, the EU promoted the idea of upgrading Turkey's asylum system (which Turkey did with the 2013 law, partly to align with EU standards (Ulusoy, 2025). The EU's push for readmission

agreements and tighter border control also led to innovation in border management (like establishing better Coast Guard coordination, signing bilateral migration compacts with neighbors). At times, EU influence met local resistance – for instance, visa liberalization negotiations prompted calls for Turkey to loosen its terrorism laws as one benchmark, which Turkey refused, stalling that process. This shows local politics can check international demands.

5.9.2. Innovative Governance Structures

Turkey's creation of the DGMM/PMM itself was a governance innovation influenced by EU practice, as discussed. Additionally, Turkey has innovated by setting up specialized coordination bodies, such as the Migration Board (Göç Kurulu) which brings together different ministries and agencies to formulate migration strategy (Presidency of Migration Management, 2025). This whole-of-government approach is akin to practices in some EU states that have inter-ministerial committees on integration or migration. Turkey also established provincial migration boards in high-refugee provinces to coordinate local responses (including municipalities, local directorates of education/health, etc.). Such multi-level governance innovations are critical given Turkey's vast size and the uneven distribution of refugees (some provinces like Gaziantep, Hatay host refugees equal to 20-25% of their population, requiring tailored local policies) (Presidency of Migration Management, 2025).

Another area of policy innovation is Turkey's use of technology in migration management. Turkey developed an integrated "GöçNet" data system that tracks foreigners' registration, addresses, and service usage across the country. Each refugee or migrant has a Foreigners ID number linked to this system (ECRE, 2024). This has enabled relatively efficient mass registrations (Turkey registered millions of Syrians within a short span, issuing biometric IDs) and underpins programs like ESSN (which uses the ID data to verify eligibility). Few developing countries have such a comprehensive migration database. The innovation here was partly driven by necessity and partly facilitated by international support (EU funded some of the registration and biometric kits). The benefit is better governance – for instance, Turkey can produce up-to-date statistics (how many Syrians live in each province, how many have work permits, etc.) with relative ease (UNHCR, 2025). The system also helps enforce policies (such as limiting refugees' inter-provincial movement – the IDs are checked when accessing services or at police checks to ensure a person resides in their registered province). Of course, this raises

privacy and freedom concerns, but purely as governance infrastructure, it's an innovation that many countries hosting refugees lack (UNHCR, 2025).

5.9.3. Municipal Innovations

Locally, some Turkish municipalities have been quite proactive and creative, going beyond what national policy provides. For example, the city of Gaziantep – with one of the largest Syrian populations – established a dedicated Migration Affairs Unit in the municipality, set up “social cohesion centers” in various neighborhoods, and launched livelihood projects partnering Syrian and Turkish artisans. Gaziantep’s mayor became known for embracing refugee integration as a development opportunity, not just a burden. This kind of municipal-level policy innovation often arises from necessity (local governments are the first responders to social issues), and it has been supported by international networks (Gaziantep participates in the UCLG taskforce on migration, shares experiences with European cities like Frankfurt, etc.). Another example is Sultanbeyli district in Istanbul, which created a one-stop “Refugee Services Center” consolidating various NGO and government services under one roof – a model now being replicated elsewhere. These local innovations show how local realities (high refugee presence, need to maintain social harmony) spur practical solutions that sometimes outpace national policy.

5.9.4. Policy Experimentation Under Pressure

The interplay of local reality and policy is perhaps most evident in Turkey’s handling of voluntary return programs. Locally, as public pressure to reduce refugee numbers grew, authorities began facilitating returns to Syria for those who wanted (or could be persuaded to want) to go. Turkey innovated by building housing in Syrian border areas it controls (with support from Turkish NGOs and some funding from Qatar, reportedly), and then promoting these to refugees as an option. While this is controversial from a protection standpoint, it is a novel approach to create conditions to encourage *supposedly* voluntary returns – effectively Turkey invested in infrastructure outside its borders for this purpose. This blurs humanitarian and political motives, but it’s an example of policy driven by local political reality (the push to show refugees leaving) combined with Turkey’s unique cross-border role. EU countries have also tried incentivizing returns (like funding reintegration packages for returnees), but Turkey’s scale – planning to resettle up to 1 million in Northern Syria – is unprecedented (HRW, 2022).

5.9.5. Domestic Politics And Innovation Constraints

Domestic politics is a crucial local reality. Innovative policies can flourish in technocratic settings but may be curtailed or reversed by political shifts. In Turkey, the ruling government initially had a fairly open approach to Syrians (e.g., encouraging cultural acceptance, like offering Arabic classes in schools, or high-level discourse of Muslim solidarity). But as opposition parties weaponized the refugee issue, the government's stance changed to emphasize return and stricter control. This political turn limited how far Turkey could go with integration innovations such as broader citizenship – the government drastically slowed naturalizations after nationalist backlash in 2019 over rumors of mass citizenship for Syrians (Bozkurt, 2024). So local political realities set the boundaries for policy innovation: for instance, Turkey might innovate in temporary inclusion(jobs, schooling) but stop short of permanent inclusion because politically that's too costly.

On the flip side, one domestic political advantage Turkey had (compared to, say, many EU states) is a strong central government able to implement policies swiftly (like the 2014 Temporary Protection Regulation, or the 2016 work permit rule) with less bureaucratic gridlock. That allowed more agile policy responses – an innovation-friendly environment in early years. Over time, however, as migration became politicized, even Turkey's centralized system found itself constrained by public opinion and electoral considerations.

5.9.6. Global Influence Beyond The Eu

Turkey's governance has also been influenced by broader global ideas, such as the notion of burden-sharing and the Comprehensive Refugee Response Framework (CRRF) from the GCR. Turkey often cites these to justify its expectations from others. While Turkey is not a pilot country for CRRF (which has been applied in countries like Uganda, Ethiopia), it has effectively implemented similar comprehensive responses with the help of donors – integrating refugees into national systems and engaging development actors. The International Organization for Migration (IOM) and UNHCR have also contributed to policy development (UNHCR advised on law drafting, IOM on border management). In 2019, Turkey worked with the World Bank on a \$500 million project to strengthen municipalities affected by the refugee influx – an innovative financing approach blending humanitarian and development funds. These examples underscore that Turkey's policies are partly shaped or supported by an ecosystem of international actors, not just the EU.

5.9.7. Adaptive Governance

A hallmark of Turkey's migration policy has been adaptability – adjusting regulations in real time as conditions change. For example, when it became clear many Syrians were not returning quickly, Turkey in 2017 shifted from building more camps to closing camps and focusing on urban integration. When irregular Afghan arrivals spiked, Turkey sped up building the Iran border wall and reportedly increased deportations of Afghans, while at the same time quietly tolerating many to stay on humanitarian grounds after Taliban takeover (issuing some of them humanitarian residence permits). This pragmatic, case-by-case adjustment is a governance style that differs from the EU, which tends to adopt multi-year regulations that are slow to change. The downside is sometimes inconsistency or opacity – NGOs in Turkey sometimes complain policies can change by internal circular (e.g. suddenly certain provinces stop new refugee registrations by administrative decision) making it hard to know the rules. But the upside is flexibility to innovate or pilot new approaches quickly.

In conclusion, Turkey's migration governance in the last decade exhibits a blend of external influence and internal innovation. Internationally induced policies (like aligning with EU standards, leveraging EU funds) have intertwined with locally developed solutions (municipal initiatives, adaptive rules) to create Turkey's unique policy landscape. Local realities – from the hospitality of communities in early years to the anti-refugee backlash in later years – have continuously tested and shaped these policies. Turkey's experience highlights that effective migration governance often requires innovation, but sustaining those innovations long-term demands balancing international support with domestic buy-in.

Finally, we turn to an evaluation of the legal frameworks and public policies governing migration in Turkey, comparing them with other contexts, and then review how Turkish migration law has evolved over time, noting harmonization efforts and ongoing challenges.

5.10. LEGAL FRAMEWORKS AND MIGRATION POLICY IN TURKEY: A COMPARATIVE PUBLIC POLICY EVALUATION

In evaluating Turkey's migration and asylum policy, it is important to situate its legal frameworks within a comparative context. Turkey's primary legislation – the Law on Foreigners and International Protection (LFIP, Law No. 6458) of 2013 – and related regulations (such as the Temporary Protection Regulation 2014) form the backbone of its migration governance. This section provides a comparative public policy evaluation of Turkey's legal

frameworks and policies, juxtaposing them with the EU's Common European policy framework and the (often informal) frameworks in MENA countries. Key criteria include comprehensiveness of law, alignment with international norms, effectiveness in implementation, and adaptability to challenges.

5.10.1. Comprehensiveness And Alignment

The LFIP was a landmark in that it for the first time codified a full spectrum of migration issues – from visas and residency to asylum – in one law (UNHCR, 2025). It established procedures for international protection, defined rights and obligations for applicants, and created institutional mechanisms (UNHCR, 2025). In terms of content, the LFIP drew heavily on EU *acquis*; it introduced concepts like “subsidiary protection” and “temporary protection,” reflecting EU directives’ terminology (UNHCR, 2025). This alignment was partly due to Turkey’s aspiration to meet EU accession Chapter 24 requirements. By contrast, many MENA countries lack a unified migration or asylum law (they may have an aliens law for entry/exit but nothing for asylum, relying on ad-hoc decrees). In that sense, Turkey’s legal framework is far more comprehensive and closer to European standards. For example, Turkey provides a legal status to conditional refugees and subsidiary protection beneficiaries, granting them residency, ID cards, access to services – something one wouldn’t find codified in Lebanon or Jordan. In Lebanon, by comparison, Syrian refugees’ presence is governed by vague “temporary displacement” rules and MOUs with UNHCR, not a formal law.

However, one glaring non-alignment with global norms is Turkey’s continued geographical limitation to the 1951 Convention. This is an intentional reservation allowed by the Refugee Convention, but Turkey is one of the last holdouts maintaining it (along with some small countries). This means that, legally, a Syrian in Turkey is not a “refugee” but a “conditional refugee” or “temporary protection beneficiary.” This quirk puts Turkey at odds with the spirit of universality in refugee law – all EU states and most others accept refugees regardless of origin. Despite that, Turkey’s *practical treatment* of non-European refugees is often equivalent to what it would be if they were convention refugees (they just call it by a different name). The limitation is partly maintained for sovereignty reasons and not to prejudice the expectation of eventual resettlement for non-Europeans. A public policy evaluation might criticize this as an unnecessary anomaly that complicates integration (since it embeds the notion of impermanence), but it might praise Turkey for nonetheless providing *de facto* protection at a near-refugee standard for millions despite the limitation.

5.10.2. Effectiveness Of Implementation

A legal framework is only as good as its implementation. Turkey's LFIP and related policies have been implemented with mixed results. On one hand, Turkey successfully stood up an asylum agency (PMM) and processed hundreds of thousands of status applications, as noted. It provided documentation to over 3.7 million Syrians under TP fairly efficiently. Those are significant achievements in implementation capacity – many countries would be overwhelmed simply issuing ID cards to that many people (for instance, Lebanon never managed to properly register or document all Syrians, leading to a large undocumented cohort). On the other hand, there are *inefficiencies* and *fairness issues* in implementation: long waits for RSD decisions, inconsistent application of regulations across provinces, reported instances of refoulement despite legal safeguards. For example, under Turkish law, anyone facing deportation can appeal and shouldn't be removed until appeal is decided, but HRW documented Syrians being deported without due process (HRW, 2022). This indicates gaps between law and practice. In the EU, one sees parallels: EU asylum law sets standards, but some member states (like Hungary or Greece in certain periods) have flouted aspects (e.g., pushbacks, or inadequate reception conditions violating EU law). So both Turkey and the EU have had challenges maintaining full compliance under stress.

5.10.3. Adaptability And Reform

Turkey's legal framework has shown adaptability through secondary legislation. For instance, when needed, the government issued circulars or amended regulations (like the work permit regulation of 2016 was a new piece of secondary legislation under the LFIP's provision for TP). Turkey's parliament, however, has not significantly amended the LFIP since 2013 except for organizational changes (after the transition to presidential system in 2018, minor tweaks were made such as changing DGMM to PMM). Public policy evaluation might ask: does the legal framework need updating given new realities? For example, does it need an integration chapter (since original LFIP had little on long-term integration, as pointed out by analysts (Gokcekuyu, 2024)? Should the geographical limitation be rethought? As of 2025, no moves to amend those aspects have been made, likely due to political sensitivity. In the EU, by contrast, the legal framework has been continually revised (the recast asylum directives, now proposals in the New Pact to reform asylum procedures and responsibility sharing). Some EU states also passed specific refugee laws in response to crises (Germany, for instance, made several asylum law reforms after 2015 to expedite procedures and returns) (Gokcekuyu, 2024).

Turkey's static primary law vs. dynamic policy environment suggests that flexibility has come more from policy directives than parliamentary amendments. That might be efficient in the short run but can lead to a convoluted legal landscape (where practice is governed by many circulars not visible to the public).

5.10.4. Comparative Fairness And Protection Level

An evaluation should consider the rights and protections afforded by Turkey's policy relative to others. In Turkey, under TP, Syrians have the right to stay, access basic services, and after 6 months, to work (with permit). In the EU, an asylum seeker similarly gets to stay and access some services (though often more limited, e.g., in many countries asylum seekers cannot work for the first 6 months of their claim, akin to Turkey's wait period for work permits). Recognized refugees in the EU get a robust set of rights (travel documents, family reunification, etc.). Turkey offers some of those: TP beneficiaries in Turkey can apply for family reunification in certain cases, and the government has generally allowed *de facto* family unity (many Syrians brought family through irregular means though, as there wasn't an official mass family reunification program). A notable difference: freedom of movement. In the EU, recognized refugees and even asylum seekers usually can move freely within the host country. In Turkey, TP holders are supposed to reside in their assigned province and need permission to travel elsewhere. This is a restriction more common in the developing world (like refugees in Kenya must stay in camps unless permitted to leave). Turkey adopted it as numbers grew to manage distribution. That could be seen as a rights limitation in Turkey's framework compared to EU standards of liberty.

5.10.5. Legal Recourse And Judicial Oversight

Turkey's migration law provides for administrative appeals and judicial review of decisions (e.g., a deportation can be challenged in court). In practice, however, access to effective remedy can be patchy. The EU framework (with the European Court of Justice and European Court of Human Rights oversight in member states) arguably provides stronger external checks on states' migration policies. For instance, when Hungary violated asylum rights, EU institutions and courts pressured it to change (though not fully successfully). In Turkey, the Constitutional Court has in a few cases protected refugee rights (e.g., halting deportations), but executive policy tends to dominate. Given Turkey's recent years of democratic backsliding, one could critique that migration policy is overly executive-driven and migrants' voices or civil society

input are limited in decision-making – a contrast to the EU where refugee-assisting NGOs regularly litigate and influence policy.

5.10.6. Public Policy Outcomes

The ultimate question is how well Turkey's legal framework has met its objectives and the needs of stakeholders. Its objectives can be inferred: control migration flows, fulfill basic protection duties, and maintain public order and security. By the numbers, Turkey prevented uncontrolled onward migration to Europe (pleasing the EU), gave refuge to millions (fulfilling humanitarian duty broadly), and until recently maintained social stability. On these macro outcomes, Turkey's policy can be considered fairly successful. But from the perspective of refugees, long-term uncertainty remains a big issue – a policy gap as noted. From the host population perspective, there's a mix: the legal framework allowed a massive international support mobilization (which helped Turkey's economy somewhat), but many locals still feel the burden, indicating perceptions of fairness domestically are mixed.

5.10.7. Comparison To Other Countries' Frameworks

Europe is moving toward a new Pact on Migration and Asylum which, among other things, may introduce more border screening and faster return mechanisms – essentially Europe is trying to emulate some aspects of what Turkey and other frontline states do (strict border procedures, containing asylum seekers at borders until screened). Meanwhile, some Global South countries are inching toward formalizing refugee rights (e.g., Ethiopia passed a refugee law easing work rights in 2019, influenced by global compacts). Turkey sits in between – it formalized a lot early on, but now the trend is more restrictive adjustments. If one compares Turkey's framework to the Global Compact on Refugees principles – Turkey meets some (inclusion in services, etc.) but falls short on others (like longer-term solutions, as local integration is not offered to most). If comparing to OECD countries' migrant integration policies – Turkey has relatively less developed immigrant integration programs for non-refugee migrants (e.g., for labor migrants or international students who want to stay, Turkey's pathways to residency/citizenship are still bureaucratic and not as open as Canada or EU). But Turkey is trying to cultivate skilled migration via its Turquoise Card system (a bit like a Green Card for high-skilled), an innovation from 2017, though uptake has been limited.

In sum, the public policy evaluation of Turkey's migration framework would acknowledge its comprehensiveness and capacity-building as strengths, note certain inherent

limitations (geographic restriction, emphasis on temporariness) as weaknesses, and highlight implementation under strain as a mixed picture. Compared to the EU, Turkey's laws are newer and in some ways more flexible, but the EU's collective system has more robust permanent solutions for those granted protection. Compared to MENA peers, Turkey's framework is far more advanced and rights-regarding, albeit Turkey had far greater capacity and external support to achieve that. The next section will delve deeper into the historical evolution of Turkey's migration law and policy, examining how harmonization with European standards and reaction to crises have driven changes, and what challenges remain unresolved.

5.11. THE EVOLUTION OF TURKISH MIGRATION LAW: HARMONISATION, CHALLENGES, AND GLOBAL BENCHMARKS

Turkey's approach to migration and asylum has undergone a remarkable transformation over the past few decades. This final section examines the **evolution of Turkish migration law**, from its early restrictive posture to the more harmonized and contemporary framework today. We discuss the drivers of legal change (including harmonization with EU law), the ongoing challenges that have emerged, and how Turkey's system measures up against global benchmarks and best practices.

5.11.1. Historical Backdrop

In the late 20th century, Turkey's immigration laws were very limited and security-focused. The 1994 Asylum Regulation was a brief document that maintained the geographic limitation and left most non-European refugees' matters to UNHCR. Migration was governed by the dated 1950s Settlement Law (which favored immigrants of "Turkish descent and culture" for citizenship) and piecemeal regulations. This reflected Turkey's self-image then as not a country of immigration, except for returning diaspora or ethnic kin. Throughout the 1990s and early 2000s, however, external pressures – rising transit migration, the EU accession process, and the need to manage the influx from neighboring conflicts (Iraq, Iran) – highlighted the inadequacy of existing law (Ulusoy, 2025).

5.11.2. Harmonisation With Eu Acquis

A significant milestone was the drafting and enactment of the Law on Foreigners and International Protection (LFIP) in 2013, which came into force in April 2014. This law was crafted with extensive input from European experts and in consultation with UNHCR, aiming

to harmonize Turkey's asylum standards with those of the EU (Ulusoy, 2025). It was passed by the Turkish Parliament with broad support – a notable consensus, likely because at the time Turkey was more optimistic about EU accession and there was less polarized debate on refugees (the Syrian influx had just begun). The LFIP created the DGMM (now PMM) and incorporated EU-like definitions: **refugee, conditional refugee, subsidiary protection* (UNHCR, 2025). It also codified the non-refoulement principle and set procedural safeguards, aligning with the 1951 Convention and EU law requirements. In essence, 2013's legal reform was Turkey's big leap toward global best practices. The European Commission lauded the law as a "significant achievement" in Turkey's alignment with the EU *acquis* (Ulusoy, 2025).

Simultaneously, Turkey signed the EU-Turkey Readmission Agreement (2013), committing to take back third-country nationals who transited Turkey to the EU, and the EU in return opened a visa liberalisation roadmap. These were part of the harmonization package – Turkey was taking on EU-like responsibility for controlling migration, and in exchange, EU would (in theory) ease travel for Turks. Although visa liberalisation stalled, the period cemented a direction for Turkey's policy evolution: toward more formal, rule-of-law-based management.

5.11.3. Adapting to the Syrian refugee crisis

Barely had LFIP come into force when Turkey faced the largest refugee influx in its modern history. The law's framework was tested and needed supplementary regulation to address the Syrians, who were a mass influx. Turkey responded with the Temporary Protection Regulation in October 2013 (UNHCR, 2025). This regulation operationalized an important article of the LFIP that anticipated handling of mass influxes. It provided the legal basis to give Syrians (and later some other groups like those evacuated from Aleppo in 2018) a group-based protection status with defined right (UNHCR, 2025). This was both an innovative use of the new law and a necessity. The TP regulation mirrored the EU's never-before-used Temporary Protection Directive of 2001 (which, ironically, the EU eventually used for Ukrainians in 2022, long after Turkey had implemented its own for Syrians). This cross-reference is a fascinating point of harmonization – Turkey implemented a *de facto* temporary protection years before the EU ever did, setting a kind of benchmark that when Europe faced a similar situation (Ukrainian refugees), it followed a comparable approach (UNHCR, 2025).

5.11.4. Challenges and strain on law

The sheer scale of the Syrian refugee crisis also exposed gaps and challenges in Turkish law. The LFIP did not explicitly foresee having to manage 3.7 million people under “temporary” status for a decade. One challenge is the temporary vs. permanent dilemma – the law as written assumes temporary protection is an extraordinary, interim measure, not a protracted state. Thus, there is an implicit expectation (but no timeline) that temporary protection will someday end. Planning for that termination (and what comes next – return or status change) is a challenge now looming. Another challenge is geographic limitation, which the law reaffirmed. Many have debated whether Turkey should lift it. Initially, EU accession might have eventually pushed Turkey to drop the limitation (since being a candidate often involves adopting all international norms), but with EU talks frozen, Turkey has no external incentive to do so, and internally it sees the limitation as a way to justify that refugees from outside Europe are under “temporary” or “conditional” status, not eligible for the integration that a European refugee would get. While the limitation is a political shield, it is seen by many experts as anachronistic and at odds with global benchmarks of refugee law (Janmyr, 2021). If Turkey were to ever lift it, Syrians could theoretically become Convention refugees in Turkey – a huge policy shift, essentially acknowledging them as potential permanent residents. Given current politics, this remains off the table.

5.11.5. Refining the legal framework

Over time, Turkey has refined aspects of its migration law through amendments and new regulations. For example, in 2016 a regulation on Work Permits for Temporary Protection filled a gap by giving effect to a provision in the TP regulation about working rights (ECRE, 2024). In 2017, Turkey passed a law on Turquoise Cards to attract highly skilled foreigners by offering an eased residency akin to a Green Card (a nod to global talent competition). In 2019, responding to irregular migration and security concerns, Turkey tweaked rules to expedite deportations of those linked to terror or crime (a balancing act with human rights obligations). These show that while the core law remained, subsidiary regulations adapted to new needs – a sign of a living legal system.

However, some adaptations arguably undermined earlier harmonization. The imposition of provincial travel restrictions on Syrians, while done via Ministry circulars, shifted away from the initial more open approach. Also, Turkey’s decision in 2022 to restrict registration of new

asylum seekers in many provinces (to distribute refugees more evenly) means that the letter of the law (right to apply for asylum) is managed by policy choices that limit where one can apply. Such administrative practices might conflict with the spirit of the law but are justified by authorities under the law's flexible provisions.

5.11.6. Global benchmarks and Turkey's standing

In terms of international comparisons, Turkey's legal evolution has made it a frequently cited case in global policy discussions. UNHCR uses Turkey as an example of a country shouldering responsibility with a formalized temporary protection regime. The Global Refugee Forum in 2019 saw Turkey tout its policies and urge others to do more (HRW, 2022). Global benchmarks for refugee protection include: providing access to territory and asylum, ensuring basic rights (health, education, work), pursuing durable solutions, and international cooperation. Turkey meets many benchmarks on access and basic rights – it kept borders relatively open at the height of the Syrian war (until safe zones were established), and it has offered health and education as noted, in line with global guidance that refugees should be included in national system (UNHCR, 2025).

On durable solutions, Turkey's stance aligns with the traditional Global South preference for repatriation or resettlement over local integration. The challenge globally is that repatriation to Syria is premature in many cases and resettlement quotas to the West have been far below needs. So Turkey, like other host countries, faces the prospect of a long-term population of refugees. The global benchmark in such situations would lean toward local integration as a solution – here Turkey diverges, offering only limited integration (short of permanent status).

Another benchmark is migration governance beyond refugees: Turkey's law also covers regular migration (residence permits for work, study, family reunification) and combating irregular migration (including human trafficking provisions). Turkey improved laws on trafficking (with victim protection) and statelessness (Turkey acceded to the 1954 and 1961 Statelessness Conventions and has provisions for stateless status determination, aligning with best practice). In managing irregular migrants, Turkey built dozens of Removal Centers with EU support to detain and process people slated for deportations (European Commission, 2020). While detention is always scrutinized, Turkey does have legal standards for treatment in these centers, theoretically open to monitoring. Global rights groups have still

criticized conditions at times, but Turkey's practices are not very different from EU's use of immigration detention.

5.11.7. Continuing evolution

Looking forward, Turkey's migration law may need further evolution to address unresolved issues. Harmonization with EU law was a driving force a decade ago; now, perhaps harmonization with the Global Compact principles or adapting to post-Syrian-crisis realities will drive changes. One could foresee, for instance, Turkey eventually developing a legal transition for Temporary Protection holders after, say, a certain number of years – perhaps granting them a new status like "long-term humanitarian resident." This would mirror how the EU handles long-term refugees (e.g., after 5 years, refugees can get long-term resident EU status). Doing so would address the fact that some 3rd-generation Syrian children are now being born in Turkey – a global benchmark of inclusion would argue for giving them a stable future (e.g., citizenship for those born on Turkish soil after X years, something Turkey's current nationality law doesn't allow unless one parent is Turkish). These are politically sensitive reforms, but as time goes on, pressure may build for them, especially if Syria remains unstable.

In conclusion, the evolution of Turkish migration law has been significant – from an insular, restrictive posture to a more open, structured, and partly Europeanized regime. This evolution was propelled by a mix of external harmonization imperatives and internal necessity when confronted with mass migration. Turkey's legal framework today stands relatively robust, though not without shortcomings and areas needing further evolution. It has set certain benchmarks in its region (Turkey's law is far more aligned with international standards than that of any Middle Eastern country). At the same time, global best practices continue to evolve, and Turkey will need to keep pace – whether it's gradually phasing temporary protection into something more permanent or continuing to ensure that its policies remain humane and just even under domestic political pressures. The story of Turkey's migration management is one of continuous adaptation, and its next chapters will be closely watched by the international community as a bellwether for how large refugee situations are managed in an era of both unprecedented displacement and shifting political winds.

CONCLUSION

Legal and Policy Harmonization with the EU

Consistent with Hypothesis 1 and the first research question, the evidence shows that Turkey's post-2000 migration laws have moved significantly closer to EU norms, though not completely. EU accession pressures (e.g. the 2003 Regular Progress Report and 2001 National Program) compelled Turkey to overhaul its asylum and migration regime. The centerpiece was the 2013 Law on Foreigners and International Protection, which unified scattered rules, created a dedicated General Directorate of Migration Management, and codified asylum procedures. These reforms brought Turkish law into broad alignment with the EU's Common European Asylum System: the new law explicitly defines refugee, subsidiary protection, conditional refugee, and temporary protection statuses. In practice, Syrians are treated under a Temporary Protection regime that grants them the right to stay and access services. As one comparative analysis notes, "Turkish policy has partially converged with EU norms – for example, by enacting an asylum law that incorporates international principles". Despite this convergence, key divergences remain. Notably, Turkish law still retains the geographical limitation of the 1951 Refugee Convention: full "refugee" status is confined to Europeans. Other differences include weaker pathways to permanent residency and citizenship (few Syrians have been naturalized) and gaps in legal enforcement. Thus, while Turkey's legal framework now resembles the EU's on paper (e.g. by prohibiting refoulement and defining clear protection categories), the scope and implementation still fall short of EU standards. In summary, Hypothesis 1 is largely confirmed: Turkey has aligned its laws with the EU *acquis* where politically feasible, but domestic priorities (e.g. limiting refugee status) have preserved important differences.

Institutional Reforms in Migration Management

The analysis of institutional change (Q2) shows that Turkey has gradually built a coherent migration governance structure, particularly after 2013. Prior to the new Law No. 6458, migration functions were dispersed: police, military, coast guard, and several ministries shared tasks. In 2013 the government created a General Directorate of Migration Management (GDM) under the Interior Ministry, centralizing responsibility for entry, residence, asylum, removal, and trafficking. This institutionalization was a critical step: as one source notes, "The creation of the General Directorate of Migration Management...is a significant step forward in Turkey's institutionalization of migration management". The law also established a Migration Policies Board (art.105) to coordinate across agencies. Other reforms accompanied this centralization. New departments were set up within GDM (e.g. asylum processing, enforcement, border gates) and existing units restructured (e.g. the police's Immigration Department was refocused). Humanitarian and emergency agencies were also given roles: the Turkish Red Crescent (under

AFAD) opened specialized services for refugees, and AFAD began to run large temporary camps. Despite these changes, coordination remains complex: as of the late 2010s, some 20 authorities still share border-control functions, and inter-agency bodies (like the Migration Board and EU-funded coordination centers) were needed to streamline action. Overall, the reforms have strengthened policy implementation by clarifying mandates and improving resources: Turkey can now register and assist refugees (e.g. by issuing Temporary Protection IDs, providing education and health access) more systematically than before. However, challenges persist in coherence and capacity, especially during surges. In effect, Hypothesis 4 is borne out: legal/institutional formalization has introduced differentiated structures (and categories) that in turn have improved—but not perfectly solved—the management of migration.

Security Emphasis and Border Controls

The evidence strongly supports Hypothesis 2: security considerations dominate Turkey's migration policy. From 2000 onward, Turkish officials have increasingly framed migration as a matter of border security and public order. Laws and strategy documents equate irregular migration with national security threats, and an expansive Integrated Border Management model was adopted. In practice, border control has been militarized: Turkey built physical barriers on its Syrian border, deployed military and police to seal borders, and intensified sea patrols. Coordination among many security agencies is now formalized (police/Interior, Coast Guard, Customs, Land Forces, etc. all share duties), reflecting this securitized approach. As one overview notes, nearly 20 authorities now manage different aspects of migration-related border work, a situation that "caus[es] challenging coordination" but underscores the security focus. This security frame is also apparent in discourse. Earlier decades treated asylum as a security problem, but EU and UN pressure have nudged Turkey toward human-rights language. Nevertheless, security logic remains paramount: legislation on smuggling and terrorism is routinely linked to migration policy. For example, Turkish law explicitly connects the fight against human smuggling to migration control, and the Interior Ministry added new anti-smuggling departments in 2019. The implications of this securitization are significant. It means that migrants' rights are often secondary to security: irregular entrants face detention and prompt removal, and refugees are only tolerated so long as perceived threats are managed. Thus Hypothesis 2 is affirmed: border control and security concerns have come to overshadow humanitarian considerations in Turkey's migration practice, even as laws nominally establish protection.

Turkey–EU Strategic Cooperation on Migration

Analysis of EU–Turkey relations confirms Hypothesis 3. Since the 2000s Turkey and the EU have engaged in a quid pro quo dynamic on migration: Turkey offers cooperation on readmissions and border containment in return for financial aid, political concessions, or progress in accession talks. The clearest example is the March 2016 EU–Turkey Statement. Under this deal, Turkey agreed to accept back irregular migrants from Greek islands and to prevent new irregular flows, and in exchange the EU promised €3 billion (later €6 billion) in aid, a fast-tracked visa liberalization, and renewed accession incentives. The dissertation notes that “the 2016 EU–Turkey Statement exemplifies...a strategic bargain: the EU provided funding and political incentives (such as accelerated visa liberalization prospects) in exchange for Turkey’s containment of irregular migrants”. In practice, Turkey largely played the role of EU gatekeeper: migrant crossings via Turkey dropped dramatically after mid-2016. At the same time, Turkey has leveraged this role. When it perceived insufficient compensation, Ankara has threatened to suspend the agreement. For example, in early 2020 Turkey implicitly opened its borders, allowing Syrians to head toward Europe, signaling its strategic clout. Bilateral agreements reflect similar bargaining: Turkey signed an EU Readmission Agreement (Geri Kabul) in 2014 after years of negotiations – a prime example of “carrot and stick” diplomacy between Brussels and Ankara. In sum, the cooperation pattern is indeed one of give-and-take, confirming Hypothesis 3. EU assistance (via the Facility for Refugees in Turkey, €6bn since 2016, plus diplomatic overtures) has been explicitly tied to Turkey’s migration control performance, illustrating the “strategic bargaining” described in Hypothesis 3.

Migrants’ Protection and Rights under the New Framework

Turning to migrants’ rights (Q3) and Hypothesis 4, we find a mixed picture. Turkish law now provides formal protections: it forbids sending anyone to a place of torture or persecution, and it grants asylum-seekers certain procedural rights. Under the 2013 law, Syrians automatically receive Temporary Protection, which guarantees non-refoulement and access to healthcare, education, social assistance, and (since 2016) work permits. Indeed, Turkey’s TP regime has allowed it to host around 3.7 million Syrians rapidly, giving this population basic rights without individual asylum adjudication. However, these protections are explicitly limited and provisional. By law Syrians under TP are defined as “guests”, not permanent residents. Only a small fraction (about 5%) have ever naturalized. The vast majority remain without a clear long-term status, creating a gap in durable solutions. Non-Syrian refugees face even more restrictions. Turkey still enforces the geographical restriction: full refugee status is available only to Europeans. Citizens of Syria’s neighbors (e.g. Afghans, Iraqis) can apply for

international protection, but can only receive “conditional refugee” or subsidiary-protection status. These statuses come with limited rights and assume the individual will ultimately be resettled elsewhere. In practice, many non-European asylum-seekers wait years in limbo with temporary documents and may be detained or expelled if caught irregularly. Thus, while the new framework nominally extends rights to migrants (healthcare, schooling, legal status categories), it also embeds significant limits. Syrians under TP benefit from social services and legal stay, but their right to work and reside permanently is circumscribed. Others have even weaker protections. In essence, Turkey now has a two-tier system: one for Syrian forced migrants (protected and served through TP) and one for all others (subject to insecurity and potential return). This finding aligns with the notion of “differentiated legal categories” in Hypothesis 4. Importantly, it demonstrates that migrants’ rights are both expanded (vs. the pre-2000 absence of formal asylum law) and constrained by securitized policy choices (e.g. by designating Syrians as temporary and non-Europeans as conditional).

Political Context and Discursive Framing

Finally, the role of domestic politics and narratives (Hypothesis 5, Q6) is evident throughout. Turkish migration policy has not been crafted in a vacuum: it reflects the ideological and electoral climate. In the early 2010s, the ruling party (AKP) leaned on a humanitarian and religious narrative, portraying refugees as fellow Muslims deserving solidarity. Turkey even hosted World Refugee Forum events and invoked global burden-sharing norms, emphasizing that it “has done an outsized part and...others should step up”. This international rhetoric underscored humanitarian obligation. Domestically, however, the refugee issue became politicized. Opposition politicians and nationalist media began to frame migrants as an economic burden and potential security threat. The government responded by adjusting its stance: after nationalist backlash in 2019 (including rumors of Syrian mass-citizenship), Ankara publicly pivoted to emphasizing refugee returns and taking stricter measures. This political tug-of-war produced a contradictory discourse. Officially, Turks are sometimes called upon to treat refugees humanely or generously (in line with EU/UN expectations), while migrant communities are simultaneously described as temporary guests whose continued stay is conditional. Turkey’s very policy language reflects this: recent strategy documents (e.g. the 2018 “Harmonization Strategy”) finally used terms like “integration” (uyum) for the first time, acknowledging reality, whereas previous laws and speeches deliberately avoided implying permanence. In practice, this meant Turkey provided education and work permits to Syrians (treating them de facto as part of society) but steadfastly withheld most paths to citizenship or long-term residency. Analysts note that Turkish integration policy has progressed in some ways

(e.g. urban schooling, language classes) but stops short of formal naturalization, largely “because politically that’s too costly” given nationalist public opinion. In short, Hypothesis 5 is validated by the findings: domestic political factors significantly shape migration policy. Government ideology (initially receptive Islamic-right vs. later cautious nationalist influence) and public sentiment have steered the balance between generosity and control. Security and populist frames have been amplified when politically expedient, while humanitarian frames have been invoked in broader diplomacy. These narratives clearly influenced outcomes – for example, generous asylum rules were introduced only gradually, and integration measures were deliberately limited to avoid domestic backlash. In conclusion, the empirical chapters collectively support the dissertation’s hypotheses. Turkish migration policy since 2000 shows clear EU-driven legal convergence (Hyp.1) and institutional modernization (Hyp.4), but it remains heavily securitized (Hyp.2) and domestically constrained (Hyp.5). Cooperation with the EU has been transactional (Hyp.3), leading to agreements and aid tied to migration control. These dynamics answer the six research questions by demonstrating that Turkey’s laws and institutions have evolved toward EU models (though divergences persist), that coordination bodies have been formalized (streamlining implementation), that migrants’ rights are guaranteed in law but limited in practice (especially for non-Europeans), that national security imperatives permeate policy, that EU–Turkey deals mix incentives and obligations (aid for containment), and that migration debates in Turkey are framed alternately in humanitarian and security terms – with domestic politics ultimately determining which narrative prevails.

Summary of Scientific Findings

Turkey’s adoption of comprehensive migration legislation (LFIP 2013) and the establishment of the Presidency of Migration Management constitute significant institutional breakthroughs. These created a formal asylum system, a legal basis for various residence permits, and a central authority to manage migration affairs.

The Temporary Protection regime for Syrians, implemented via regulation in 2014, effectively brought millions of refugees under legal protection. This ensured access to basic services (education, health) and a path to work rights, which was a marked change from Turkey’s previous practice of only providing emergency assistance.

Turkey’s collaboration with the EU, notably through the 2016 EU–Turkey Statement, had a profound but complex impact. The agreement sharply reduced irregular Eastern Mediterranean crossings, demonstrating policy efficacy on one front. At the same time, it delivered limited returns from Europe, highlighting legal and operational constraints. Crucially, EU funding

(€6+ billion) was largely channeled to refugee support in Turkey, bolstering healthcare, schooling, and cash aid for refugees nationwide.

The analysis reveals that external political factors (EU conditionality, regional crises) strongly shape Turkish migration policy. The Syrian war catalyzed major reforms, and EU accession talks and migration diplomacy prompted lawmaking. However, Turkey also pursued its own national objectives (border security, domestic stability), indicating a blend of influence.

Despite the strengthened framework, Turkey faces persistent integration and governance challenges. Educational and economic integration of refugees lags behind aspirations, and public service capacity is stretched. Natural disasters and fluctuating international support (notably the drawdown of EU funding by 2019) have tested resilience. Our research confirms that while Turkey's policies have mitigated immediate crises, they have not fully resolved the long-term issues of social cohesion and durable solutions for refugees.

Key Challenges in Turkey's Migration Governance

Scale of the Refugee Population: Managing the sheer number of refugees (millions of Syrians plus hundreds of thousands of others) remains Turkey's foremost challenge. The high demand on registration and assistance systems has strained the PMM and local directorates. For example, long queues for protection registration and service access signal capacity bottlenecks.

Integration and Social Cohesion: Absorbing large refugee communities into Turkish society poses economic and social difficulties. Gaps in education (many refugee children out of school) and limited job opportunities have led to informal employment and tension in some areas. Without clear long-term plans, both refugees and host communities feel uncertainty about the future.

Resource Constraints: Providing healthcare, education, and welfare to refugees imposes a heavy fiscal burden. While EU and international aid have helped (now amounting to tens of millions of euros annually), sustaining these programs is challenging in light of Turkey's own economic vulnerabilities. The 2023 earthquakes exemplified this strain, as emergency funds had to be shared between Turks and refugees.

Border Management and Irregular Migration: Balancing open asylum policies with the need to secure borders has been difficult. Turkey must prevent unauthorized entries and smuggling without undermining refugee protection. This tension has led to episodic tightening of border controls, sometimes provoking criticism of human rights standards.

Legal and Administrative Gaps: The new migration laws and institutions are still developing their expertise. Backlogs in asylum adjudication (especially for non-Syrian cases) and

inconsistencies in implementation highlight areas for improvement. There is also the challenge of ensuring judicial oversight and avoiding arbitrary decision-making.

International Dependence and Geopolitical Uncertainties: Turkey's migration strategy has become partly dependent on international funding and deals (e.g., EU aid, resettlement promises). This exposes Turkey to geopolitical leverage (as seen in the manipulation of EU relations) and leaves it vulnerable if support wanes. Maintaining a balanced, independent policy while engaging internationally is a continuous hurdle.

Policy Recommendations for Turkish Institutions

Strengthen Implementation Capacity: Turkish authorities should continue to build institutional capacity under the LFIP framework. This includes hiring and training more asylum officers, judges, and caseworkers to clear protection claim backlogs. Effective digital registration and data management systems for migrants (building on PMM efforts) will improve processing speed.

Maintain Rights-Based Approach: Policymakers should uphold the balanced human-rights orientation enshrined in LFIP. This means ensuring that security measures do not override asylum rights, and that detention is minimized in favor of community-based alternatives. Consistent application of the law, regardless of the migrant's nationality, will strengthen the system's legitimacy.

Invest in Refugee Integration: The government should expand educational, language, and vocational programs for refugees, in partnership with local authorities and NGOs. For example, scaling up social work in cities with large Syrian populations, and integrating refugee children into public schools, will aid social cohesion. Labor market reforms that streamline work permit procedures and encourage formal employment of refugees can also help.

Local Government Support: Turkish institutions at the national level should allocate dedicated funds and guidance to municipalities hosting significant refugee populations. Empowering local governments with resources (budget, staff) and involving them in planning (e.g., through the Migration Board) will improve coordination of services like housing and social assistance.

Diversify International Cooperation: While continuing to leverage EU and UN partnerships, Turkey should also engage a broader set of international actors for burden-sharing. This includes tapping into global compacts on refugees (Global Refugee Forum), seeking bilateral aid from other wealthy states, and encouraging resettlement commitments beyond Europe. Diplomatic efforts to stabilize Syria and neighboring regions will also reduce future inflows.

Adjust Legal Pathways: The government could consider expanding legal migration channels and temporary work visa programs for displaced persons, reducing incentives for irregular entry. A regularization mechanism for long-term refugees (granting renewable temporary residence or citizenship on an individualized basis) could be explored to foster stability.

Enhance Regional and Global Dialogue: Turkey should take a leading role in international forums on migration, advocating for equitable frameworks that recognize host-country burdens. Sharing Turkey's experience (both achievements and lessons learned) can help shape EU policies and global standards in a way that also benefits Turkey.

Continuous Policy Review: Institutions should regularly evaluate migration outcomes against the original goals. This means monitoring indicators (e.g., integration metrics, border incidents) and amending regulations as needed. For instance, if refugee numbers plateau, transitioning Syrians from temporary protection to a more permanent status could be considered to clarify their legal situation.

In conclusion, Turkey's journey since 2000 shows a clear trajectory: from informal, security-driven responses to a more structured, rights-informed migration regime. The Discussion above has synthesized how legislative reforms, case-by-case developments (like the Syrian crisis and the EU deal), and institutional changes combined to shape current policy. The scientific findings demonstrate both progress and remaining gaps. Turkey now possesses one of the most comprehensive migration-management architectures in the Middle East, reflecting deliberate public administration efforts. Yet, the key challenges identified—scale, integration, resources, and external dependency—signal that management is an ongoing endeavor. The policy recommendations offered here are intended to help Turkish institutions build on successes and address weaknesses, ensuring that Turkey's migration governance remains both humane and effective in the years ahead.

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