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MIGRATION AS A SECURITY ISSUE: A RESEARCH FROM THE
PERSPECTIVE OF THE INTERNATIONAL MIGRATION LAW
AND TURKISH LEGISLATION ON MIGRATION

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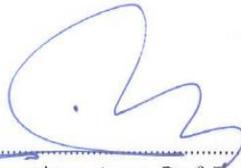Assoc. Prof. Dr. Murat KOÇ
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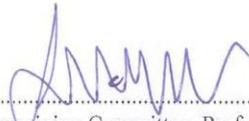DIRECTORSHIP OF THE INSTITUTE OF SOCIAL SCIENCES

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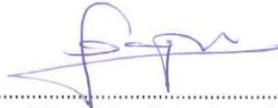
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ÖZET

BİR GÜVENLİK SORUNU OLARAK GÖÇ: ULUSLARARASI GÖÇ HUKUKU VE TÜRK GÖÇ MEVZUATI AÇISINDAN BIR İNCELEME

Tunahan AKDAŞ

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21. yüzyılın en önemli olayı hiç şüphesiz giderek kadar artan insan hareketliliğidir. 2015 yılı Birleşmiş Milletler verilerine göre uluslararası göçmen sayısı 244 milyon, mülteci sayısı 63,5 milyona ulaşmıştır. Bu bağlamda, devletlerin iç hukukunun da yasal altyapısı olan Uluslararası Göç Hukuku oldukça önem arz etmektedir. Birbirinden tamamen bağımsız olan Uluslararası antlaşmalar, sözleşmeler, bildirilerden veya diğer bağlayıcı olmayan hukuk araçlarından oluşan Uluslararası Göç Hukukun tek bir çatı altında ele alınması genel olarak göç konusundaki büyük resmi görebilmek için oldukça gereklidir.

Uluslararası göç 21. Yüzyılda güvenlik kavramı ile ilişkilendirilmiş durumdadır. Göç bir ülkedeki güvenlik sorunlarından kaynaklandığı gibi göçün hedefindeki ülkeler içinde de ayrı bir güvenlik sorunu oluşturmaktır. Güvenlik sorunları uluslararası göç hukukunun da gelişimde etkili olmuştur.

Ülkemizin göç yolları üzerinde bulunması sebebi ile göç konusunda hem kaynak, hem hedef hem de transit ülkedir. Birleşmiş Milletler Mülteciler Yüksek Komiserliği verilerine göre son yıllar da en çok mülteci alan ülke Türkiye'dir. Göç olgusundan bu denli etkilenen ve coğrafyası itibari ile gelecekte de etkilenmesi muhtemel olan bir ülke olarak Türkiye'nin göç mevzuatının genel olarak ortaya konulması gerekmektedir.

Bu bağlamda, bu tez çalışması Uluslararası Göç Hukuku ve Türk Göç Mevzuatının bazı temel dokümanlarını genel bir bakış açısı sunacak şekilde ele almakta, Uluslararası hukuk ve Türk Hukuk mevzuatındaki göç gelişimini incelemekte ve göç konusu üzerine yoğunlaşarak göç ile güvenlik arasındaki ilişkiyi göz önüne sermektedir.

ABSTRACT

**MIGRATION AS A SECURITY ISSUE: A RESEARCH FROM THE
PERSPECTIVE OF THE INTERNATIONAL MIGRATION LAW
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It has been no doubt that the main event of the 21st century is the increasing human movements. According to 2015 United Nations data, the number of international migrants reached up to 244 million and the number of refugees reached up to 63.5 million. Within this context, International Migration Law is important as it is the infrastructure of the municipal migration legislation of States. It is necessary to see the International Migration Law as a whole due to the fact that it is a combination of Treaties, Conventions, Declarations or other instruments of soft law.

In the 21st century, the terms 'international migration' and 'security' is associated. When migration stems from the lack of security in a State, it can also pose other security problems for the receiving countries. Security problems have contributed the development of International migration law, as well.

Our country is both sending and receiving, and also transit country as it is located on the migration routes.   According to United Nations High Commiserate for Refugees, Turkey has hosted the most refugees in the world in recent years. The municipal legislation on migration of Turkey, as a country which is affected by the migration that much and a country which will be affected in the future because of its location, should be examined thoroughly.

This paper supply some main documents on International migration Law and Turkish legislation on migration to provide a general overview, search into the development of migration law internationally and municipally in Turkey, and presents the migration-security nexus focusing largely on migration.

Key Words: Migration, Security, International Law, International Migration Law, Turkish Legislation on Migration

ABBREVIATIONS

AA	: Anatolian Agency
CAR	: Central African Republic
CEDAW	: The Convention on the Elimination of All Forms of Discrimination against Women
DEMA	: The Disaster and Emergency Management Authority
DGMM	: Directorate General of Migration Management
Doc.	: Document
DS	: Daily Sabah
Ed.	: Editor
Edn.	: Edition
Eds.	: Editors
EU	: The European Union
FSA	: Free Syrian Army
HDP	: The People's Democratic Party
ICISS	: The Report of International Commission on Intervention, State Sovereignty
ICRC	: The International Committee of Red Cross
IDPs	: Internally displaced people
IHL	: International Humanitarian Law
IOM	: International Organisation for Migration
IRO	: The International Refugee Organization
ISIL	: Islamic State of Iraq and the Levant
GMG	: The Global Migration Group
LFIP	: Law on Foreigners and International Protection
MFA	: Turkish Ministry of Foreign Affairs
n/a	: not available

No.   : Number

O.G.   : Official Gazette

p.   : page

para.   : Paragraph

PKK   : Kurdistan Workers' Party

pp.   : Pages

PYD   : Democratic Union Party

Res.   : Resolution

SRF   : The Syrian Regime Forces

TPC   : Temporary Protection Camps

UN   : United Nations

UNDP   : United Nations Development Program

UNHCR   : United Nations High Commissioner for Refugees

UNICEF   : United Nations International Children's Emergency Fund

UNOCHA : United Nations Office for the Coordination of Humanitarian Affair

UNPD   : United Nations Population Division

UNSC   : United Nations Security Council

USA   : The United States of America

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CHAPTER I

INTRODUCTION

Migration and Security are the main events of the 21st century, and they are interconnected terms. After the World War I, migration became an international issue. The war itself and the new borders afterwards made thousands of people had to stay in a foreign country. The growing number of migrants, refugees and internally displaced people (IDPs) lead to the institutional development of international migration law began around the World War I.

The first attempt to establish an international organization for peace and security also occurred in the early 20th century. The League of Nations established in 1919 under the Treaty of Versailles. The number of refugees has reached its highest number in the 2nd World War then. The office of the United Nations High Commissioner for Refugees (UNHCR) was established in 1950 after the Second World War. The climate of the World during the Cold War and the changed borderlines afterwards has made up new migrants. The turmoil in the Balkans and in Iraq in 1990's also created new refugees and IDPs. The new inner wars after millennium in Libya, Yemen, Sudan and Syria have added up more migrants. According to the latest United Nations (UN) data, the number of migrants reached 244 million, of 65,6 million are forcibly displaced people.

The security problems that the World faced in the past contribute too much on the development of the international migration law. Most of the migration stems from security issues. When the States try to solve the problem, they add up new instruments in international law. The development of Turkish municipal legislation on migration is also connected with security perceptions of the State.

1.1. Research Question

This paper aims to focus on the link between security and migration and the instruments of international migration law. To be more specific, it covers the research question above:

Is there a nexus between security and migration?

We wish to present an overview of the key concepts, provide the instruments of migration law in a broader view and try to discuss the nexus between security and migration by answering this question. There are, also, another questions and ideas around which this paper is structured to support the main question. We wish to provide a general view of the migration in the World and in Turkey and we seek an answer to:

How is the current and historical migration situation in the world and in Turkey?

Scholars try to answer the question whether there is a link between security and migration. However, there is a dearth of research into the effect of security on the development of international migration law. So, we wish to find out:

Does migration stem from the lack of security and does it cause insecurity?

Is there a connection between the events which affected the security of the world and the countries, and the development of the international migration law? How is the security policy of Turkey affected?

Most of the research on the rights of migrants focuses either on refugees and/or forcedly displaced people, or on migrant workers. Besides, the researches on Turkish municipal migration legislation largely focus on refugees or forcedly displaced people as well. This study sees migration as a whole and aims to find out what are the instruments of the international migration law and Turkish municipal legislation on migration. Therefore, we wish to find an answer to the question:

Is there a unique international migration law? What international instruments constitute the international migration law? What are the instruments of migration law in Turkey?

With the aim of presenting the international legal framework broadly, we decide to put texts of the international migration law and migration legislations in Turkish municipal law.

1.2 Methodology and the Research Design

This paper presents a legal approach to search into the instruments of international migration law and Turkish municipal law on migration. Even though instruments of international law guarantees natural rights of people, most of the research carried through positive legal approach as we would like to present a broader view of international migration law and the Turkish municipal legislation on migration. While selecting the instruments of the international migration law, we include the treaties, conventions, protocols some declarations, and omit most of the instrument of soft law. On studying security and migration as an international relations issue, an interdisciplinary approach is adopted to provide a conceptual background. What is more, historical approach is used to present the migration history. Political approach is used when we discuss the security-migration nexus.

Although the research is well prepared, it has some limitations. First of all, because of the time limit; the legislative framework on migration is narrowed to the international migration law made by United Nations and its organizations, and Turkish legislation on migration so as to provide a better understanding. Legislative framework or legal comparisons between countries or regional organizations are not included in the research. We exclude soft law like regulations, agreements, resolutions etc. and include laws, treaties, conventions and protocols lest digress from the topic.

This study built around two main concepts: security and migration. When analyzing the migration and security, the pendulum of this research is at migration. This is mostly because of the fact that we intent to search into the International Migration Law. In the first chapter, we present conceptual analyses of security and migration, try to show the nexus between security and migration, and the relationship between security, the development of International Migration law and the development of Turkish municipal legislation on migration. In this chapter, we also show the present migration situation in the World and in Turkey. In addition, the Syrians in Turkey and 'the Operation Euphrates Shield' are included in this chapter. In the third chapter, the main instruments of International Migration Law and the Turkish municipal legislation on migration are given so as to present a general view on instruments of migration.

1.3. Key Concepts

Freedom of movement is a basic human right under international human law. The Article 13 of Universal Declaration of Human Rights, 1948 reads (1) "everyone has the right to freedom of movement and residence within the borders of each state" and (2) "everyone has the right to leave any country, including his own, and to return to his country." In the Article 12 of the International Covenant on Civil and Political Rights, it reads, (1) everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence, (2) everyone shall be free to leave any country, including his own, (3) the above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant, (4) no one shall be arbitrarily deprived of the right to enter his own country.

Migration is "the movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification" (Perruchoud & Redpath-Cross, 2011, pp.62-63). The word 'emigration' is "the act of departing or exiting from one State with a view to settling in another" (Perruchoud & Redpath-Cross, 2011, p.32). Immigration is "a process by which non-nationals move into a country for the purpose of settlement" (Perruchoud & Redpath-Cross, 2011, p.49). Return migration is "the movement of a person returning to his or her country of origin or habitual residence usually after spending at least one year in another country. This return may or may not be voluntary. Return migration includes voluntary repatriation" (Perruchoud & Redpath-Cross, 2011, p.85).

Regarding 'push and pull factors', migration can be divided into two main categories: "voluntary and involuntary." Voluntary migration is "assumed to be underpinned by economic motives" (Betts, 2009, p.4). Labour migration is "movement of persons from one State to another, or within their own country of residence, for the purpose of employment. Labour migration is addressed by most States in their

migration laws. In addition, some States take an active role in regulating outward labor migration and seeking opportunities for their nationals abroad (Perruchoud & Redpath-Cross, 2011, p.58). On the other hand, involuntary or 'forced migration' "describes a migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes" (Perruchoud & Redpath-Cross, 2011, p.39).

Migration can be internal if it is "a movement of people from one area of a country to another area of the same country for the purpose or with the effect of establishing a new residence" (Perruchoud & Redpath-Cross, 2011, p.51) or international if it is a "movement of persons who leave their country of origin, or the country of habitual residence, to establish themselves either permanently or temporarily in another country" (Perruchoud & Redpath-Cross, 2011, p.52).

Migration can be in accordance with the international law or municipal law. Migration can be regular if it "occurs through recognized, legal channels" (Perruchoud & Redpath-Cross, 2011, p.81). Similarly, orderly migration is "the movement of a person from his or her usual place of residence to a new place of residence, in keeping with the laws and regulations governing exit of the country of origin and travel, transit and entry into the destination or host country" (Perruchoud & Redpath-Cross, 2011, p. 69).

Irregular Migration is the generic name for the migration which "takes place outside the regulatory norms of the sending, transit and receiving countries" (Perruchoud & Redpath-Cross, 2011, p.54). Clandestine migration is a type of irregular migration which is "secret or concealed migration in breach of immigration requirements. It can occur when a non-national breaches the entry regulations of a country; or having entered a country legally overstays in breach of immigration regulations" (Perruchoud & Redpath-Cross, 2011, p.20). Illegal migration, according to the Perruchoud & Redpath-Cross (2011, p.54), is mostly referred to human trafficking or migrant smuggling.

Another classification of migration in accordance with the law can be made between documented and undocumented migration. Documented migrant is "a migrant who entered a country lawfully and remains in the country in accordance with his or her admission criteria" (Perruchoud & Redpath-Cross, 2011, p.29). On the other hand,

undocumented migrant is a non-national who enters or stays in a country without the appropriate documentation. This includes, among others: a person (a) who has no legal documentation to enter a country but manages to enter clandestinely, (b) who enters or stays using fraudulent documentation, (c) who, after entering using legal documentation, has stayed beyond the time authorized or otherwise violated the terms of entry and remained without authorization" (Perruchoud & Redpath-Cross, 2011, p.102).

Assisted migration is "the movement of migrants accomplished with the assistance of a government, governments or an international organization, as opposed to spontaneous, unaided migration" (Perruchoud & Redpath-Cross, 2011, p.11). Facilitated migration is "fostering or encouraging of regular migration by making travel easier and more convenient. This may take the form of a streamlined visa application process, or efficient and well-staffed passenger inspection procedures" (Perruchoud & Redpath-Cross, 2011, p.37). Unlike assisted or facilitated migration, spontaneous migration is "an individual or group who initiates and proceeds with their migration plans without any outside assistance. Spontaneous migration is usually caused by push-pull factors and is characterized by the lack of State assistance or any other type of international or national assistance" (Perruchoud & Redpath-Cross, 2011, p.93).

Migration can occur in small numbers or large numbers. Individual migration "cases where persons migrate individually or as a family. Such movements generally are self-financed or have individual, organizational or Government sponsorship" (Perruchoud & Redpath-Cross, 2011, p.50). Family migration is "a general concept covering family reunification; which and the migration of a family unit as a whole" (Perruchoud & Redpath-Cross, 2011, p.37). Mass or collective migration is, on the contrary, is the sudden movement of large number of persons" (Perruchoud & Redpath-Cross, 2011, p.61). Influx is, in a similar way, "a sudden arrival of non-nationals in a country, in large numbers" (Perruchoud & Redpath-Cross, 2011, p.50).

Sending (source) country is "a country from which people leave to settle abroad permanently or temporarily" (Perruchoud & Redpath-Cross, 2011, p.90). On the other hand, receiving (target/desrination) country is the "country of destination or a third country" (Perruchoud & Redpath-Cross, 2011, p.79).

International protection is a basic human right as the Article 14 (1) reads "everyone has the right to seek and to enjoy in other countries asylum from persecution." International protection is "the actions [taken] 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, 2006, p.13).

Refugee is "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, 2006, p.17). 1951 Convention Relating to the Status of Refugees and its 1967 Protocol is the main international documents on protection of refugees. "As a general principle of international law, every treaty in force is binding upon the parties to it and must be performed in good faith. Countries that have ratified the Refugee Convention are obliged to protect refugees on their territory according to its terms" (UNHCR, 2001, p.11).

Complementary protection is a kind of protection given to those people who need international protection but cannot be included in 1951 Convention (Mandal, 2005, p.2). UNHCR sees this type of protection positive as it certains the international protection needs of the people who are not recognized as refugees (UNHCR, 2000, p.1). As there is no definition of complementary protection in the international documents, States exercise this type of protection under such names as 'B-status,' 'subsidiary protection,' 'de facto status', 'humanitarian status' (UNHCR, 2000, p.1) or 'temporary asylum' (Mandal, 2005, p.2). The reasons why States grant complementary status can base on humanistic or practical considerations such as age, health problems or lose of nationality. In addition to these considerations, the complementary protection can be related to basic principles of international refugee law. In this case, why people are not recognized as de facto refugees can stem from the States' interpretations or implementation of international refugee law or from the restrictions of the international refugee law itself (UNHCR, 2000, pp.1-3 - Mandal, 2005, pp.2-3)

Complementary protection is a formal legal status with defined rights and obligations and people under complementary forms of protection are issued with documents certifying that status (UNHCR, 2000, p.3) "The standards of treatment of

beneficiaries of complementary protection should provide for the protection of basic civil, political, social and economic rights" (UNHCR, 2000, p.5). UNHCR (2000, p.4) listed the main civil and political rights that beneficiaries should:

- be protected from refoulement and expulsion;
- not be subjected to discrimination on the basis of race, religion, political opinion, nationality, country of origin, gender, physical incapacity or any other such basis;
- never be subjected to torture or cruel, inhuman or degrading treatment or punishment;
- enjoy basic freedom of movement, and in any case, not be subject to restrictions to their freedom of movement, other than those which are necessary in the interest of public health and public order;
- have access to the courts of justice and administrative authorities.

UNHCR (2000, p.4) also listed the basic social and economic rights, in particular:

- access to adequate housing;
- access to assistance or employment;
- access to health care as needed;
- access to primary and secondary education.

Temporary protection is "an arrangement developed by States to offer protection of a temporary nature to persons arriving en masse from situations of conflict or generalized violence, without prior individual status determination" (International Organisation for Migration (Perruchoud & Redpath-Cross), 2011, p.97). "The purpose of temporary protection is to ensure immediate access to safety and protection of basic human rights, including protection from refoulement, in those countries directly affected by a large-scale influx" (UNHCR, 2001, p.4). Unlike complementary protection, temporary protection does not grant a legal status (UNHR, 2001, p.4). In "Guidelines on Temporary Protection or Stay Arrangements" of UNHCR (2014, p.3), Temporary Protection and Stay Arrangements are particularly suited as a response to:

- large-scale influxes of asylum-seekers or other similar humanitarian crises;
- complex or mixed cross-border population movements, including boat arrivals and rescue at sea scenarios;

- fluid or transitional contexts [e.g. at the beginning of a crisis where the exact cause and character of the movement may be uncertain, or at the end of a crisis, when the motivation for departure may need further assessment]; and

- other exceptional and temporary conditions in the country of origin necessitating international protection and which prevent return in safety and dignity .

Under international human law, temporary protection should provide the following minimum standards of treatment:

- recognized and documented permission to stay for the designated period;

- protection against arbitrary or prolonged detention;

- non-discriminatory, humane and dignified treatment, including guarantees of shelter/housing, access to health and other basic services and education;

- freedom of movement, except as may be warranted by national security, public order or public health considerations;

- the registration of births, deaths and marriages;

- physical security, including protection against sexual and gender-based violence and exploitation;

- special care for separated and unaccompanied children, guided by the best interests of the child;

- respect for family unity and tracing, and opportunities for reunification with separated family members;

- particular attention and special arrangements for persons with special needs, including persons with disabilities;

- self-sufficiency or work opportunities; and

- access to UNHCR and, as appropriate, other relevant international organizations and nongovernmental organizations and civil society (UNHCR, 2014, pp.4-5).

CHAPTER II

SECURITY AND MIGRATION

2.1. Security

'Security' is one of the key topics in the 21th century. Whether the subject of security is a person or a state, it is always associated with being safe. Although the meaning of the security is still developing (Huysmans, 1998, p.248), security is "the state of being free from danger or threat" ("security", Oxford Dictionary, 2017). Booth (2014, p.11) defines it alike as "the condition of feeling or being safe from threats" Accordingly, security is defined as "people's living without fear" in the Dictionary of Turkish Language Association ("güvenlik", 2017). Wolfers (1952, p.485), differentiates between objective and subjective security. The absence of threats is objective security and, the absence of fear is subjective security. Huysmans (1998, pp.234-7) argued that security is a strategy of survival which stems from fear of death and fear of uncertainty. For Morgenthau (1985, p.451), security is related to the 'feeling of insecurity'. For Huysmans (1998, p.248); "Security is a strategy to free oneself from a threat; it cannot exist without threats." Threat is a vital component of 'security'. For Booth, "security means the absence of threats" (1991, p.319). Weiner (1992, p.104) argued that threats can be "real or perceived". Betts (2009, p.60) defined security as "an object's degree of vulnerability to a threat." Kicinger (2004, p.1) defined (the national) security "as the freedom from the threats that put in danger the survival and the development of the society organized in a form of state." According to Booth (2014, p.12); security has three factors: "a referent, an actual or impending danger to that referent and the desire of the referent to be free from the dangers identified". Erdoğan (2013, p.270) also suggested a three dimensional security framework: (1) "passive dimension (what are the subjects to be protected?), (2) active dimension (what are the threats to these subjects?) and (3) methodological dimension (how will be the threats diminished? and what are the means and methods for maintaining security?) ".

The referent of the security is important. However, the debate on what is the referent of the security is still on the agenda of international relationship. "For many decades, states were the most important referents" (Williams, 2008, p.7). "Since the seventeenth century, the idea of the nation-state has become a central feature of world

politics" (Betts, 2009, p.43). Although the realist point of view differs within, there are some points they share in common. Selfishness of people, anarchy, rationality and state-centeredness are the main elements of realism (Donnelly, 2005, p.30). "According to classical realism, because the desire for more power is rooted in the flawed nature of humanity, states are continuously engaged in a struggle to increase their capabilities. The absence of the international equivalent of a state's government is a permissive condition that gives human appetites free reign" (Elman, 2008, p.17). Neorealism is based on Kenneth Waltz's Theory of International Politics (1979) where he "argues that systems are composed of a structure and their interacting units" (Elman, 2008, p.18). For Donnelly (2005, p.35), "hierarchy and anarchy are the two principal political ordering principles. Units either stand in relationships of authority and subordination (hierarchy) or they do not (anarchy)." Unlike classical realism, neorealism ignores 'the internal make-up of the States' and 'leaders' motivation', and explains the states' behaviors that they can 'be a product of the competition among them' (Elman, 2008, p.18).

Main elements of liberalism are democracy, liberal economy and membership of international organizations (Jarvis, 2002, p.4). The state centeredness approach of realism has declined by liberal point of view because

"It has championed limited government and scientific rationality, believing individuals should be free from arbitrary state power, persecution and superstition. It has advocated political freedom, democracy and constitutionally guaranteed rights, and privileged the liberty of the individual and equality before the law. Liberalism has also argued for individual competition in civil society and claimed that market capitalism best promotes the welfare of all by most efficiently allocating scarce resources within society" (Burchill, 2005, p.55).

Democracy is an important factor for liberalism because of the fact that "the 'democratic peace' thesis is the argument that liberal states do not fight wars against other liberal states" (Navari, 2008, p.36). For Jervis (2002, p.4),

"Democracies are systems of dispersed power, and dispersed power means multiple veto points and groups that could block war. … Related are the norms of these regimes: democracies function through compromise, nonviolence, and respect for law. To the extent that these values and habits govern foreign policy, they are conducive to peace, especially in relations with other democracies who reciprocate."

Liberal economy is another important factor that liberals think that it will contribute peace. According to Burchill (2005, p.63),

"Free trade, however, was a more peaceful means of achieving national wealth because, according to the theory of comparative advantage, each economy would be materially better off than if it had been pursuing nationalism and self-sufficiency (autarky). Free trade would also break down the divisions between states and unite individuals everywhere in one community. Artificial barriers to commerce distorted perceptions and relations between individuals, thereby causing international tension. Free trade would expand the range of contacts and levels of understanding between the peoples of the world and encourage international friendship and understanding".

International institutions are also an important factor in liberalism as "liberal institutionalists believe that cooperation between states can and should be organized and formalized in institutions" (Burchill, 2005, p.64). Some liberalists think that the international institutions can play a major role in solving international conflicts. "International institutions do this through a variety of methods that either create strong incentives for cooperation like favourable trade status, or through powerful disincentives like trade sanctions" (Navari, 2008, p.39). The major international institution, the United Nations, which was "founded upon the principles of territorial integrity and state sovereignty … has recently begun to shift towards an emphasis on the rights of human beings" (Navari, 2008, p.38) which means that United Nations (UN) sees human as the referent of security. UN offered seven threats to human security in the 1994 Human Development Report (United Nations Development Program (UNDP), 1994, pp.24-25) which are economic security, food security, health security, environmental security, personal security, community security and political security.

The underlying approach dealing with society is constructivism. "Constructivism is characterized by an emphasis on the importance of normative as well as material structures, on the role of identity in shaping political action and on the mutually constitutive relationship between agents and structures" (Reus-Smith, 2005, p.188). Onuf, the founder of constructivism, (2013, pp.3-4) states that

"Fundamental to constructivism is the proposition that human beings are social beings, and we would not be human but for our social relations. In other words, social relations *make* or *construct* people—*ourselves*—into the kind of beings that we are. Conversely, we *make* the world what it is, from the raw materials that nature provides, by doing what we do

with each other and saying what we say to each other. Indeed, saying is doing: talking is undoubtedly the most important way that we go about making the world what it is".

According to Onuf (2013, p.4-5), "people make society and society makes people", and there are *rules* that links people and society. Agents, people, are the active participant of the society and they have choices. Agents chose rationally and these rational choices constitute stable forms of intentions, which are *institutions*. The consequences of these choices create *structures*. McDonald (2008, p.67) summarizes the security view of the constructivists as

> "Security is a social construction, meaning different things in different contexts. Security is also seen as a site of negotiation and contestation, in which actors compete to define the identity and values of a particular group in such a way as to provide a foundation for political action. Identity and norms are seen as central to the study of security, together providing the limits for feasible and legitimate political action."

Copenhagen school, as a branch of constructivism, has contributed how security works by questioning "what is and what is not a security issue, to explain how issues become securitized" (Buzan, Waever and Wilde, 1998, p."). With Buzan's words (1997, p.13),

> "The Copenhagen school framework comes down on the side of the wideners in terms of keeping the security agenda open to many different types of treat. It argues against the view that the core of Security Studies is war and force, and that other issues are relevant only if they relate to that. Instead, it constructs a more radical view of Security Studies by exploring threats to referent objects, and the securitization of these threats, that are non-military as well as military."

For the sake of exploring the logic of security, the Copenhagen school offers different sectors of security: military, political, economic, societal and environmental (Buzan, 1997, p.15). Buzan (1991, pp.19-20) explains the security sectors that

> "Generally speaking, 'the military security concerns the two-level interplay of the armed offensive and defensive capabilities of states, and states' perceptions of each other's intentions. Political security concerns the organizational stability of states, systems of government and the ideologies that give them legitimacy. Economic security concerns access to the resources, finance and markets necessary to sustain acceptable levels of welfare and state power. Societal security concerns the sustainability, within acceptable conditions for evolution, of traditional patterns of language, culture and religious and national identity and custom. Environmental security concerns the maintenance of the local

and the planetary biosphere as the essential support system on which all other human enterprises depend".

An important question that Copenhagen School tries to answer is that what really makes an issue a security problem. Weaver (1995, p.54) argues that "security problems are developments that threaten the sovereignty or independence of a state in a particularly rapid or dramatic fashion, and deprive it of the capacity to manage by itself. This, in turn, undercuts the political order. Such a threat must therefore be met with the mobilization of the maximum effort." In other words, statesmen declare an emerging situation as a security problem and want to use extraordinary means to handle it. As a matter of fact, security is a 'speech act'. A statesman can turn any issue into a security problem by uttering security and demand extraordinary use of force to handle the problem (Waever, 1995, p.55). However, naming an issue as a security problem is not enough for securitization because "the issue is securitized only if and when the audience accepts it as such." If not accepted, the securitization process will never happen and stay as a securitizating move (Buzan, Waever and Wilde, 1998, p.25). Ole Waever (1996, pp.106-107), who introduced the term 'securitization', states that

> "Security is a practice, a specific way of framing an issue. Security discourse is characterized by dramatizing an issue as having absolute priority. Something is presented as an existential threat: if we do not tackle this, everything else will be irrelevant (because we will not be here, or not be free to deal with future challenges in our own way). And by labelling this a security issue, the actor has claimed the right to deal with it by extraordinary means, to break the normal political rules of the game (for example, in the form of secrecy, levying taxes or conscripts, limitations on otherwise inviolable rights)".

Securitization is then "naming a certain developments as security issue (Waever, 1995, p.54). Any problem that is securitized by the statesmen can be a security problem. Buzan, Waever and Wilde (1998, pp.23-24) argues that

> "…any public issue can be located on the spectrum ranging from nonpoliticized (meaning the state does not deal with it and it is not in any other way made an issue of public debate and decision) through politicized (meaning the issue is part of public policy, requiring government decision and resource allocations or, more rarely, some other form of communal governance) to securitized (meaning the issue is presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure)."

2.2. Migration

The word 'migration' is derived from the Latin World 'migrare' which means to change residence" ("migrare", Latin Dictionary, 2017). The Dictionary of Turkish Language Association ("göç", 2017) defines migration as "an act of moving of individuals or groups from one country to another, or from one residence to another as a consequence of economic, social or political reasons." The Encyclopedia Britannica ("human migration", 2017) defines human migration as "the permanent change of residence by an individual or group." Perruchoud & Redpath-Cross (2011, pp. 62-63) defines migration as "the movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification." Lee (1966, p.49) defined migration "as a permanent or semi-permanent change of residence." Moreover, "the great majority of border crossings do not imply migration. Migration means taking up residence for a certain minimum period" (Castles, 2000, p.270).

"Since earliest times, humanity has been on the move" (UN Doc. No: A/RES/71/1, p.1), and migration is a very important factor in shaping the modern world. "The migration of peoples to different areas of the world has been important in the development of civilizations throughout history" (Mabee, 2009, p. 113). There is no certain answer why people migrate and it can originate from very different reasons. "People have moved either to explore new horizons, for survival or in search of better means of livelihood, or were forced to move because of persecution" (The Global Migration Group (GMG), 2008, p.75). "The most obvious cause of migration is the disparity in levels of income, employment and social well-being between differing areas" (Castles, 2000, p.272) because of the "… perceived differences in the utility of living or working in two geographical locations" (Mansoor & Quillin, 2006, p.75). İbni Haldun (n/a, pp.274-277), who thinks nomadism is the basis of the civilization, sees migration as a pre-condition of civilization as prosperous city life comes after nomadism. For him, nomads have to move frequently to survive and gain income. Once they have enough income, they settle down in cities and become civilized.

No matter how short or how long, how easy or how difficult, every act of migration involves an origin, a destination, and an intervening set of obstacles (Lee, 1966, 49). The motivation of the migration is put together under four factors: 1. Factors associated with the area of origin, 2. Factors associated with the area of destination, 3. Intervening obstacles, 4. Personal factors (Lee, 1966, p.50).
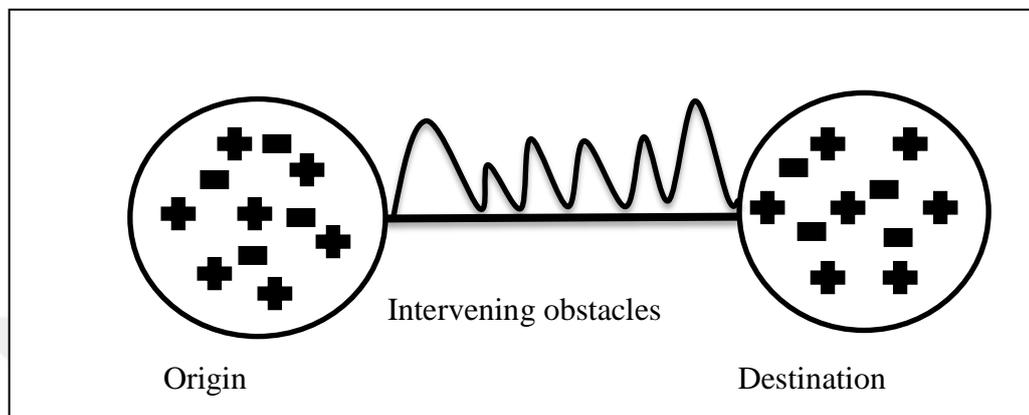
Figure 1. Origin and Destination Factors, and Intervening Obstacles in Migration
Based on Lee (1966, p.50)

Table 1. *Motivations for Migration*

Motivations for Migration		
	Push factors	Pull factors
Economic and demographic	Poverty Unemployment Low wages High fertility Lack of basic health and education	Prospects of higher wages Potential for improved living Personal or professional development
Political	Conflict, insecurity, violence Poor governance Corruption Human rights abuses	Safety and security Political freedom Family reunification
Social and cultural	Discrimination based on ethnicity, gender, religion, and the like	Ethnic (diaspora migration) homeland Freedom from discrimination

Source: Mansoor & Quillin, 2006, p. 78

2.2.1. World Migration

The history of the migration began when the 'Homo Erectus' first went out of Africa into Eurosia 2.5 million years ago. Then, pre-historic people moved into Americas and Australia between 120.00 and 10.000 years ago. Finally, the peopling of the rest of the World ended in the last 10.000 years (Bellwood, 2013, p.4). However, the migratory movemets of people continued to shape the World. After the geographical expeditions, with the impact of colonisation, slavery is the main source of mass migration. It is estimated that more than 11 million people were taken as slaves to the colonies till the first half of the nineteenth century (King, R., Black, R., Collyer, M., Fielding, A., & Skeldon, R, 2010, p.24). In the second half of the century, the biggest movements of people occured towards Americas, mainly to the United States. In a century, more than 50 millions of people moved to the United States from Europe (King, R., Black, R., Collyer, M., Fielding, A., & Skeldon, R, 2010, p.28). However, the pace of migration has never stopped and increased every after year.

In 2015, the number of international migrants is 244 million with reaching the highest number in history. The number of international migrants has grown faster than the world's population. As a result, the share of migrants in the global population reached 3.3 per cent in 2015, up from 2.8 per cent in 2000 (United Nations Population Division (UNPD), 2015).

Table 2. *Number of Migration per year*
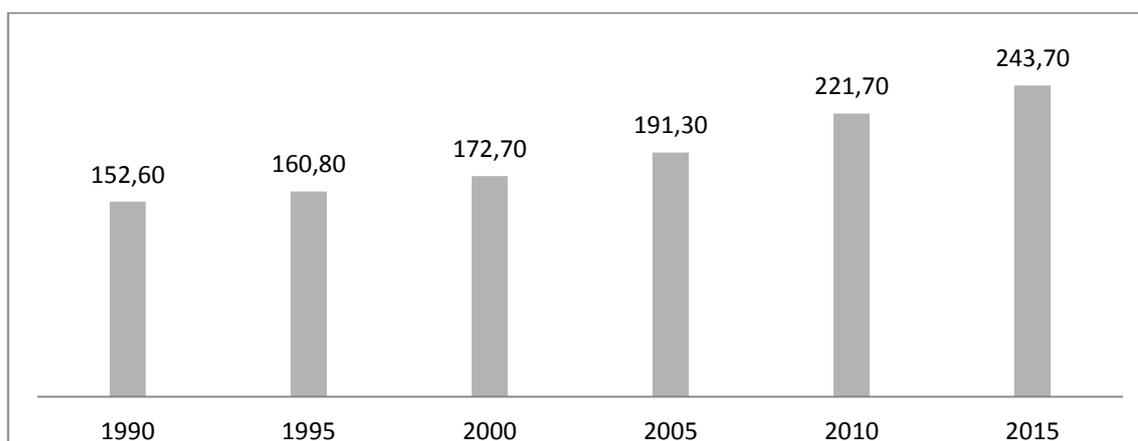
Source: UNPD, 2016a, p.1.

Between 2000 and 2015, Asia added more international migrants than any other major area of the world. In recent years, Asia has witnessed a rapid increase in the

number of international migrants. Asia gained 26 million international migrants during this period or 1.7 million additional migrants per annum. Europe added the second largest number of international migrants between 2000 and 2015 (20 million, or 1.3 million per year), followed by Northern America (14 million, or 0.9 million per year) and Africa (6 million, or 0.4 million per year) (UNPD, 2016a).

Table 3. *Number of Migration among Major Sites per year*
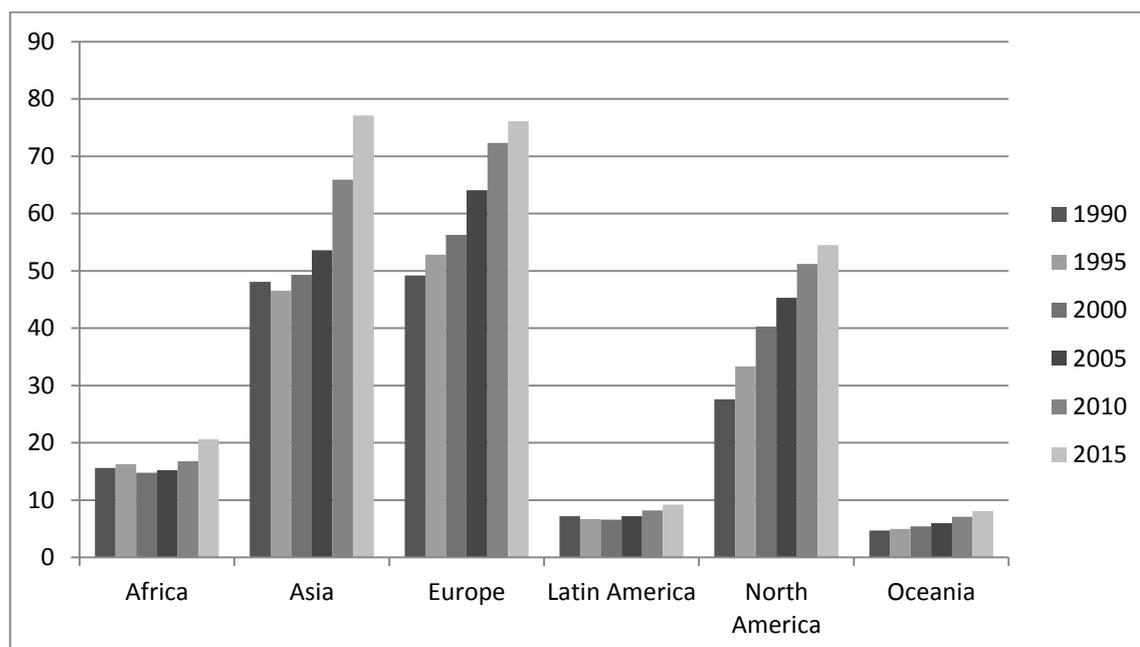
Source: UNPD, 2016a, p.3.

In 2015, two thirds (67 per cent) of all international migrants are living in just twenty countries. The largest number of international migrants (47 million) resides in the United States of America, equal to about a fifth (19 per cent) of the World's total. Germany (12 million) and the Russian Federation (near 12 million) host the second and third largest numbers of migrants worldwide, followed by Saudi Arabia (10 million), the United Kingdom of Great Britain and Northern Ireland (nearly 9 million), and the United Arab Emirates (8 million) (UNPD,2015,p.).

Table 4. *Top Twenty Immigration Countries*
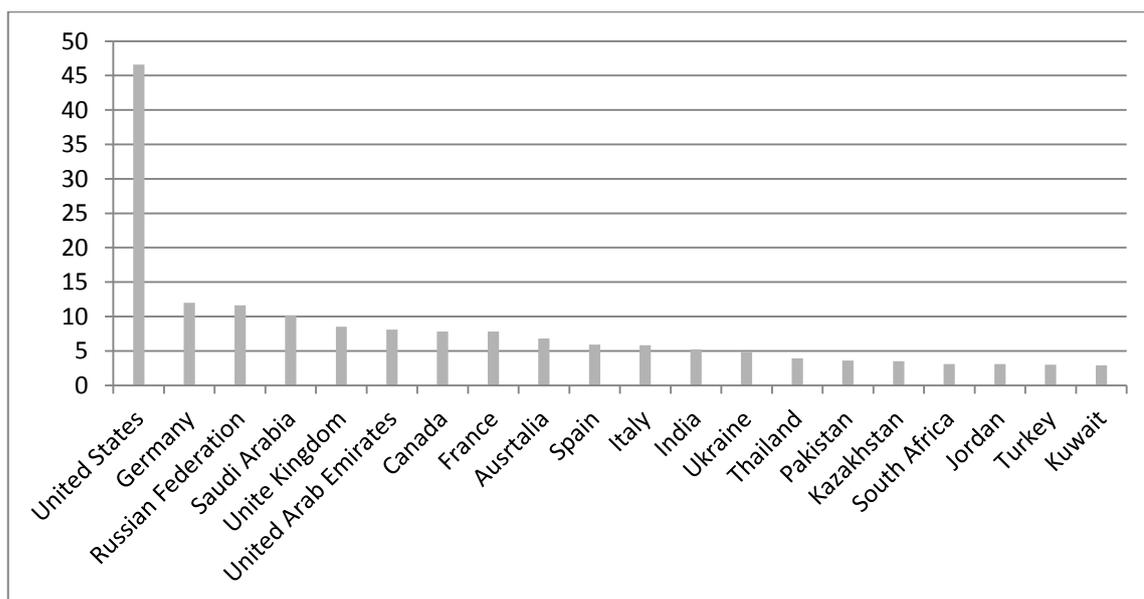
Source: UNPD, 2016b, p.7.

Table 5. *Top Ten Emigration Countries*
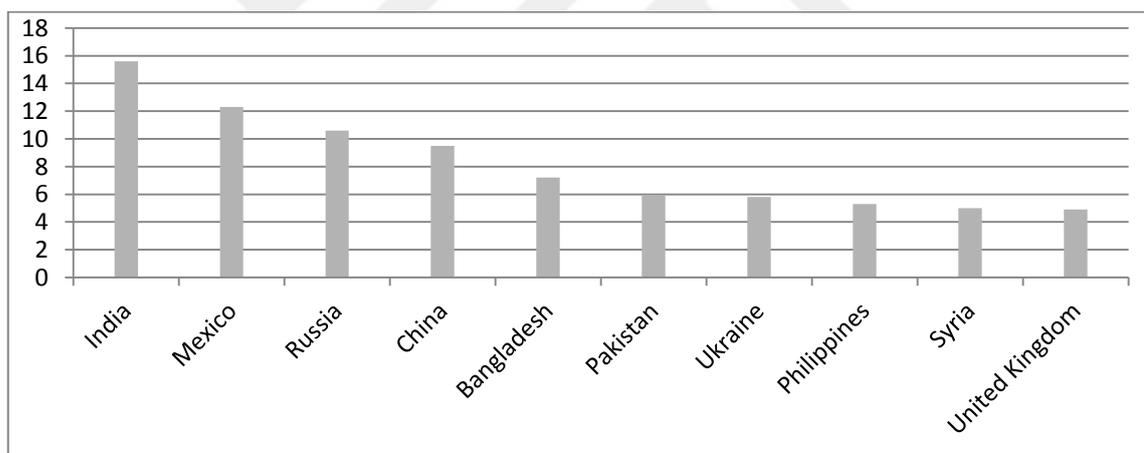
Source: UNPD Population Factsheet No. 2015/4, 2015, p.3.

In 2015, the number of forcibly displaced people reached 65.3 million which is 5.8 million more than the previous year. 21.3 million people are refugees, 40.8 million people are internally displaced people and 3,2 million people are asylum seekers. According to UNHCR statistics, 24 people displaced their residence per minute in 2015 (UNHCR, 2016). The number of forcibly displaced people reached 65,6 million people in 2016. 22.5 million people are refugees and 40.3 million people are IDPs. In 2016, there are also 2.8 million asylum-sekers (UNHCR, 2017).

Table 6. *Major Refugee Hosting Countries*

Turkey Pakistan Lebanon Iran Uganda Ethiopia Jordan Germany D.R. Congo Kenya
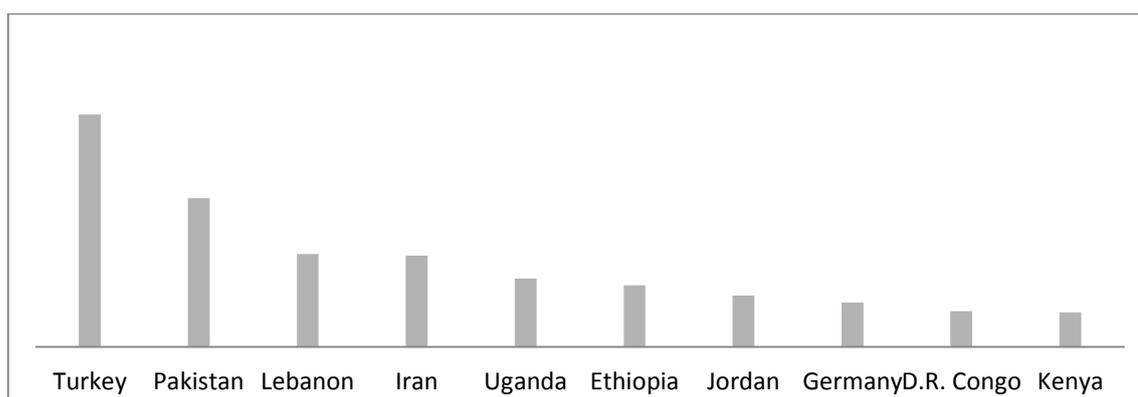
Source UNHCR Global Trends 2016, p.15.

Table 7: *Major Refugee Sending Countries*

Syria Afghanistan South Sudan Somalia Sudan D.R. Congo CAR Myanmar Eritrea Brundi
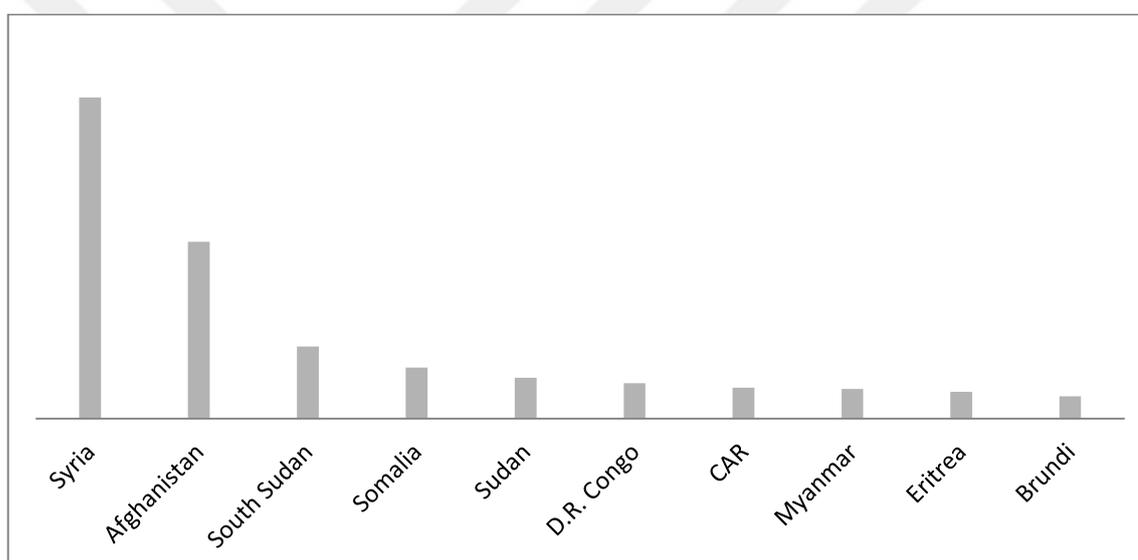
Source UNHCR Global Trends 2016, 2017, p.17.

2.2.2 Migration in Turkey

Turkey has a rooted migration history because of its geographical location (Directorate General of Migration Management (DGMM), 2017). Also, migration is a historically familiar concept with Turkish people because Turks had to migrate from the early ages due to some serious problems they had faced in the Middle Asia. Except of other migratory movements, the one towards Anatolia is important in Turkish history. After the victory of Malazgirt, 26 August 1071, Turkish tribes began to settle permanently in Anatolia (Uzunçarşılı, 1988, p.17) One of these tribes was the Suleyman Shah's, who is the ancestor of Osman Ghazi, the founder of the Ottomans. In

Aşıkpaşadaze's Menakib-ü Tevarih-i Al-i Osman (History of the Ottomans), the Ottomans' move to Anatolia occured at the same times when Arab Caliphates began to weaken. Ertugrul Ghazi, father of Osman Ghazi, stayed in Anatolia with his company while the rest of the tribe moved back to Turkmenistan (Paşazade, pp.54-55). The migration towards the West intensified after Orhan Ghazi had taken the Çimpe Castle. These migration movements were, also, a consequence of the Ottomans' settlement policy by which nomadic tribes settled in the Balkans to secure the new lands (İnalcık-Quataert, 1994, p 34-35). Besides from the migratory movements of nomadic tribes, the Jews expelled from Spain, Portugal and Italy in the fourteenth century, Mariscos expelled from Andalusia in the sixteenth century and Old Believers in Russia were welcomed. After nineteenth century, a great number of refugees were welcomed from the Balkans, Circassia and Crimea as a result of the Russian invasion (İnalcık-Quataert, 1994, p.31). After Bolshevik Revolution, 135 thousand people were protected by Ottoman Sultans. The king of Hungary in the seventeenth century, the king of Sweden and the king of Hungary in the eighteenth century, and the prince of Poland and the prince of Hungary were protected by Ottoman Sultans (DGMM, 2017).

The migratory movement patterns of the new Turkish Republic determined by the movements from the Balkans. From 1923 to 2000, it is estimated that about 1.650.000 people moved to Turkey from the Balkans. After the assignment of the Ankara Agreement, the migrotary movement happened outwards. Since 2000, there are more than 3 million Turkish citizens in Europe (İçduygu, & Sirkeci, 1999, p.256) about 100.000 Turkish workers in Arabic countries, about 300.000 Turkish migrants in Australia and the USA, and over 50.000 Turkish workers in Commonwealth of Independent States (İçduygu, 2006, p.2). Besides, according to the MFA (2017), the number of Turkish people living abroad is more than 6 million people.

The political conflicts in the neighboring countries affected the migratory movements towards Turkey. During the World War II, 800 German people came to turkey (DGMM, 2017). After Iranian Revolution of 1979, nearly 1.5 million Iranian people moved to Turkey to move another country (İçduygu, & Sirkeci, 1999, p.265). In 1988, more than 50.000 and in 1991 nearly 500.000 Iraqi people moved to Turkey as a result of the Saddam Regime's repressive actions. Another migration flow comes after the Bosnian War with the total number of 20 thousand people. Nearly 18 thousand Kosovar people in 1999, more than ten thousand Macedonian people came to Turkey in 2001 (DGMM, 2017).

Today, Turkey is immigration, emigration and a transit country for migration. After the foundation of DGMM along with the Law on Foreigners and International Protection in 2014, migration management is put together under one umbrella which helps keep more reliable statistics. A foreigner is defined in the Article 3 (1/ü) of the Turkish Law on Foreigners and International Protection No.6458 as "a person who does not have citizenship bond with the Republic of Turkey". The administrative procedures of foreigners have been carried out according to the LFIP since April 11, 2014. According to the Article 5 of LIFP "entry into and exit from Turkey shall be through the border gates with a valid passport or travel document". There is a gradual rise in the number of entries (DGMM, 2017). When it was 20.275.213 in 2005, it reached the maximum number of entries in 2014 with the number of 35.115.789. Although there is a slight decrease in 2015, the number of entry into Turkey in 2015 has increased 70 percent when compared to 2005 (Table 8).

Table 8. *Number of Entry into Turkey per year*
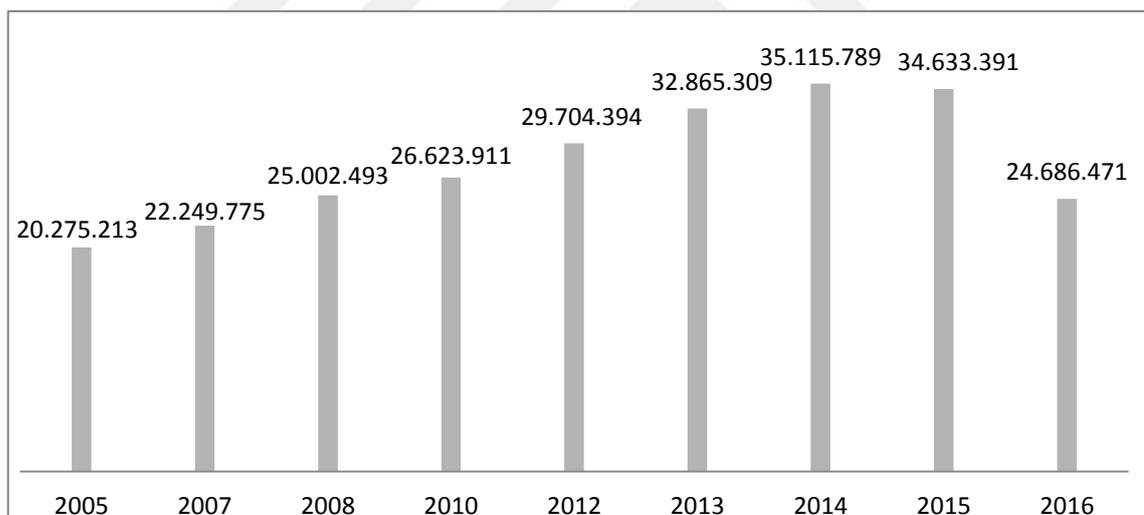
Source: DGMM web-site, 2017

"Foreigners who would stay in Turkey beyond the duration of a visa or a visa exemption or, [in any case] longer than ninety days should obtain a residence permit (Article 19 (1) of LIFP)". Except from work permit, there are 6 types of residence permit: long term residence permit, short term residence permit, family residence permit, students resident permit, humanitarian residence permit and residence permit for the victims of human trafficking. In 2016, 224.034 people were granted short term residence permit, 63.546 were granted family residence permit, 61.116 people were

granted student residence permit, 56.591 people were granted work permit and 35.930 people were granted other kinds of residence permit (DGMM, 2017).

Table 9. *Number of Residence Permit Granted to Foreigners per year*
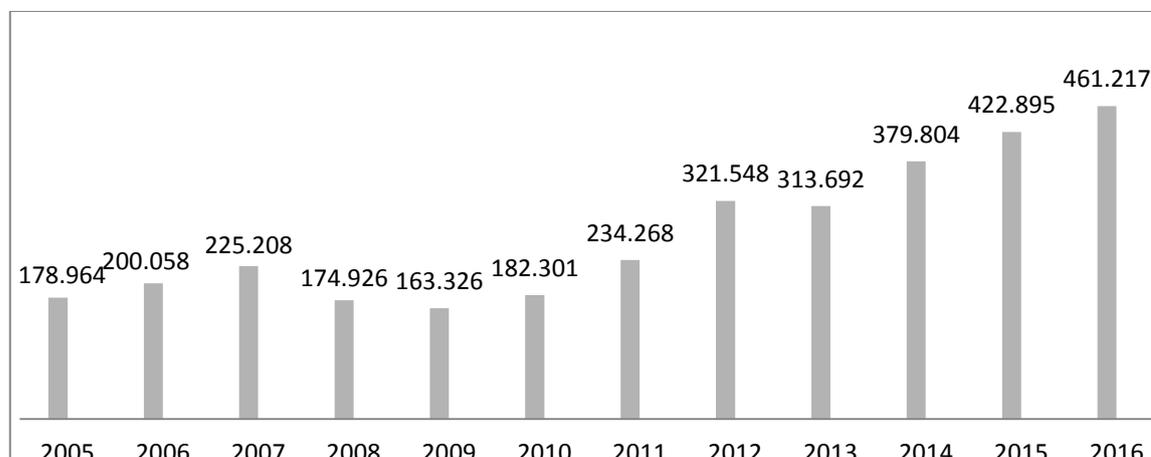
Source: DGMM web-site, 2017

In 2016, it was seen that the great majority of the residence permit applicants were from the neighboring countries.

Table 10. *Top Ten Nationality of Granted Residence Permit in 2016*
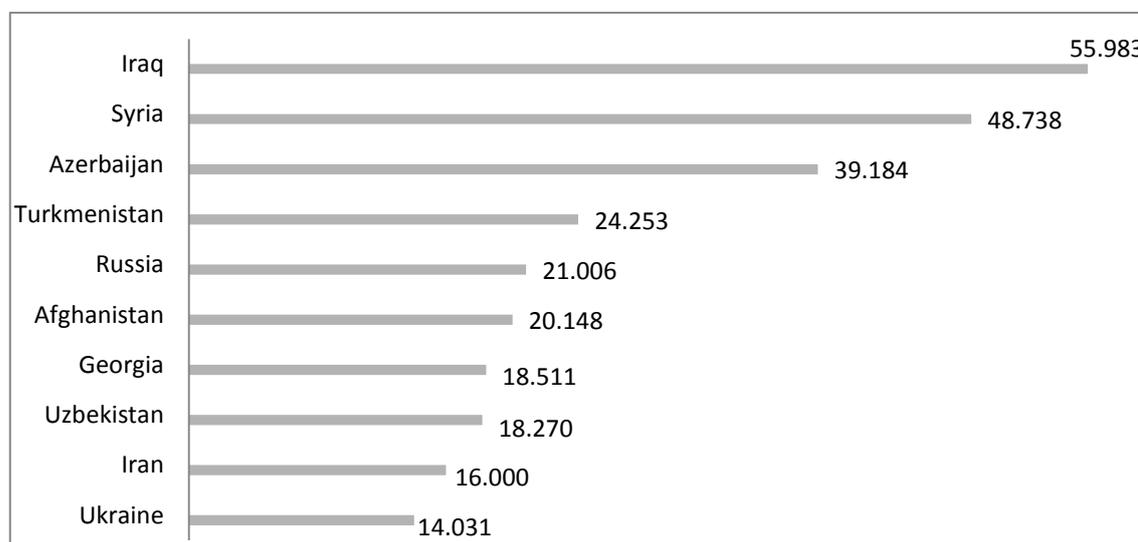
Source: DGMM Web-site, 2017

Table 11. *Number of Irregular Migrants Apprehended in Turkey per year*
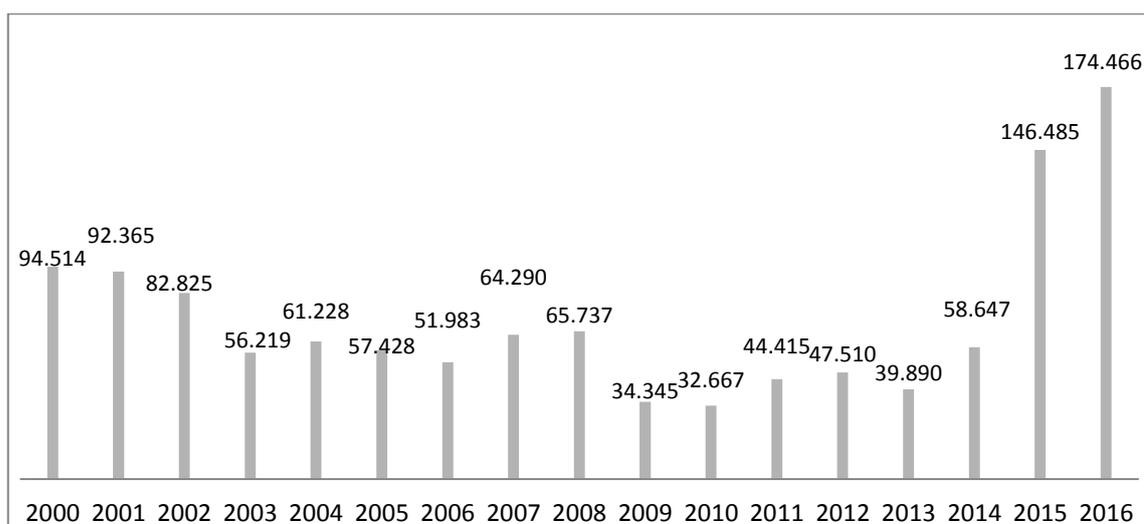
Source: DGMM Web-site, 2017

Turkey is both a destination and transit country for migrants because of its geographical location. Turkey has got long land borders and maritime boundaries with many neighbouring countries. The irregular migration towards Turkey has continued increasingly after the political conflicts and human rights violations in the neighbouring countries after 1980s (DGMM, 2016, p.63). It was obvious from the Table 11 that the number of irregular migrants has doubled since 2015. Table 16 shows the top ten nationalities of irregular migrants apprehended in Turkey in 2016.

Table 12. *Top Ten Nationalities of Irregular Migrants Apprehended in Turkey in 2016.*
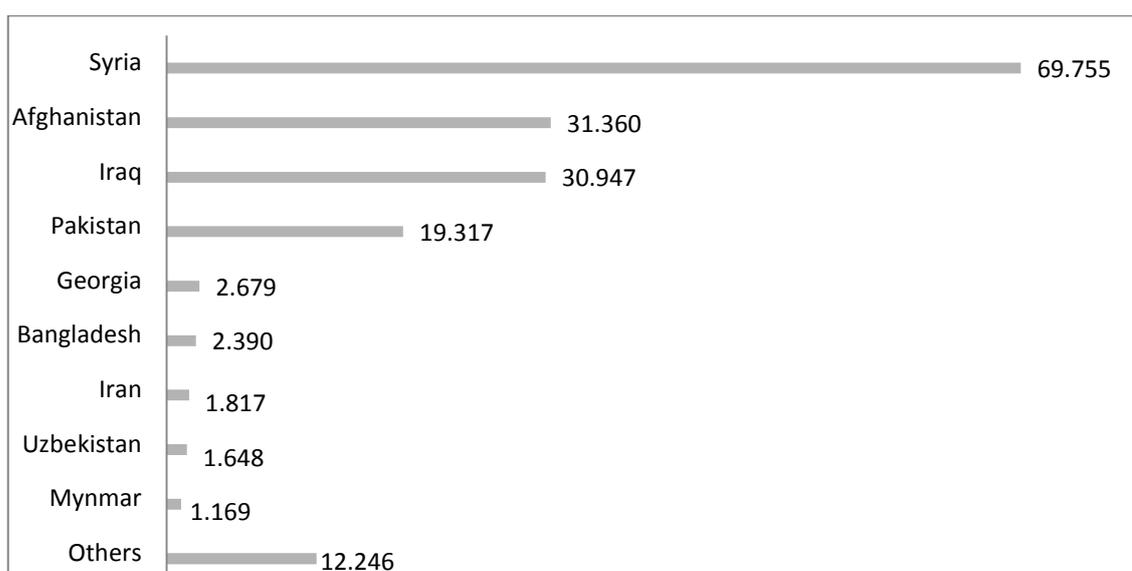
Source: DGMM Web-site, 2017

Table 13. *Number of International Applications per year*
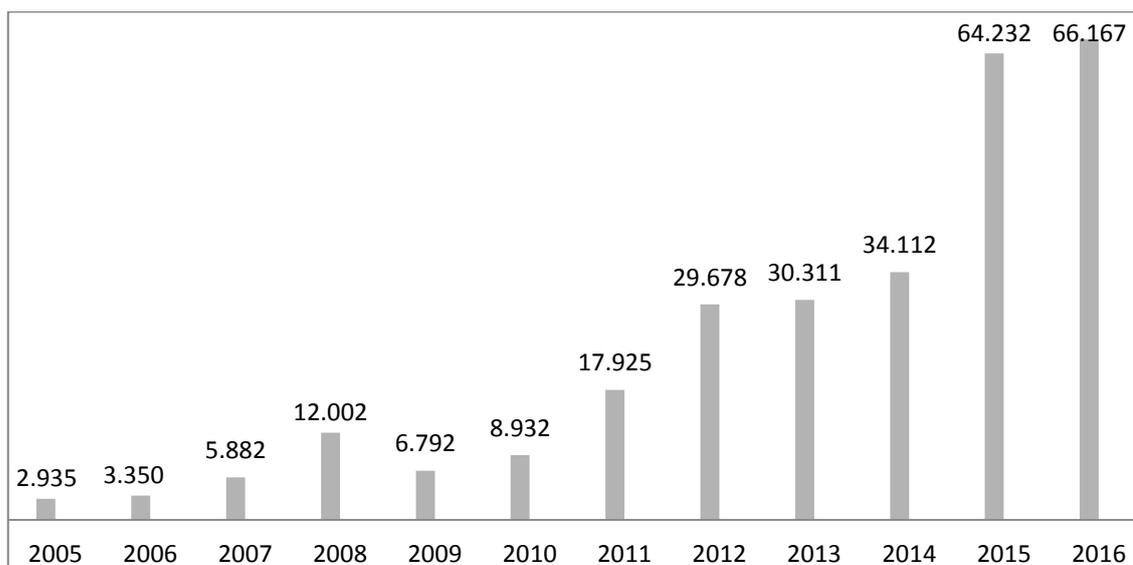
As shown in the Table 13, the number of applicants for international protection has increased and doubled in 2015 and 2016. Temporary protection is defined in article 91 of LFIP as the protection "provided for foreigners who have been forced to leave their country, cannot return to the country that they have left, and have arrived at or crossed the borders of Turkey in a mass influx situation seeking immediate and temporary protection". Turkey is providing temporary protection to Syrian people in accordance with the duties of human rights (DGMM, 2016, p.84).

Table 14. *Number of Syrians Under Temporary Protections per year*
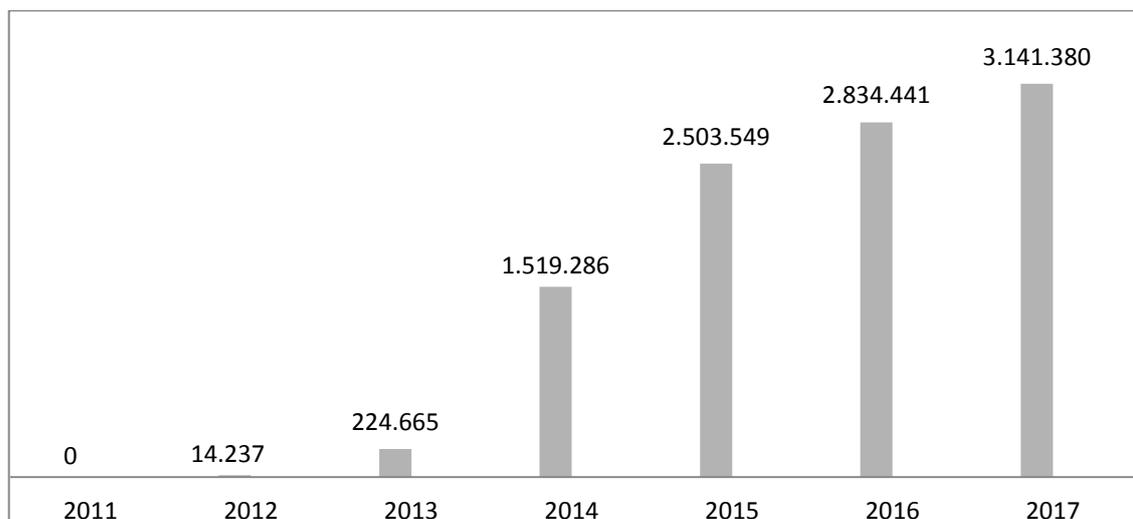
Turkey has developed policies around 2000 as the other European States have. Turkey is also party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (O.G.: 04.02.2003, No:25014). The victims of human trafficking may be granted residence permit according to the Article 46 of LFIP.

Table 15. *Number of Human Trafficking Victims per year*
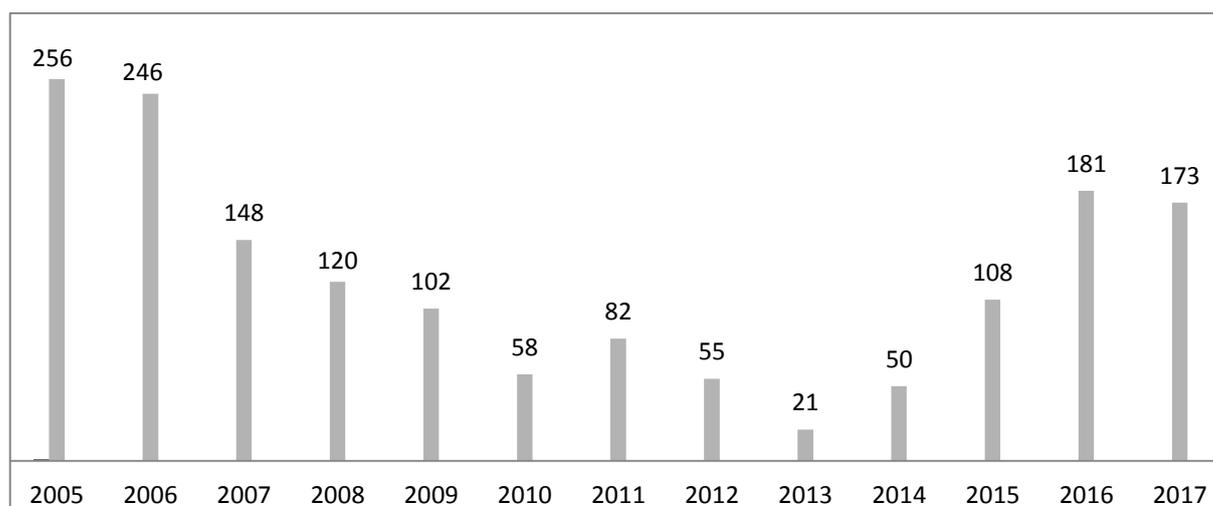
Source: DGMM Web- site, as of 04.08.2017

2.2.2.1. Syrian Refugees in Turkey

When street vendor Mohammed Bouazizi set himself on fire in Sidi Bouzid in 17 December 2010, he torched the first flames of so-called 'Arab Spring'. The protests sprung over the country and ended with Bin Ali's flee to Saudi Arabia. The uprising which began in Tunisia in 2011 spread over the other Arab countries (Amnesty International, 2016).

The revolt in Syria began in Deraa in March 2011 after the protest against the arrest of young people who wrote anti-government graffiti on a wall. The Syrian Regime Forces (SRF) killed 4 protesters after Friday pray in 18 March, 2011. After the on-going killing of people, the Syrian Regime Forces put Dar'a under siege imposing curfew. On April 29, 2011 a large group of people around the town headed to Dar'a to demand an end to the siege but the SRF open fire on the protesters killing 60 of them. The protests spread over the country. Large groups of people started to demonstrate

against the government in Damascus, Homs, Hama, Idlib and other cities. The Government suppressed all the protest with using live ammunition leaving hundreds of deaths behind (UNHRC, 2011, pp.10-24).

At the summer of 2011, Free Syrian Army was established to protect the rights of Syrian people and they united under one command in 2012 (SABAH, 2016). In 2014, ISIL declared caliphate on the territories it invaded in Iraq and Syria (NTV, 2017). This was the turning point of the war in Syria. The USA-led coalition launched air-strikes in Syria to prevent ISIL (CNN, 2017). Russia started operations in Syria to help SRF fight with terrorist (NTV, 2017). However, Russia and Turkey had an agreement for a ceasefire in Syria on the last days of 2016 and the ceasefire started on December 30, 2016 (UNHRC, 2017a). After the increasing cooperation between Turkey and Russia, these States signed a deal to establish "de-escalation zones" to ensure "emergent and continuous humanitarian aid" in Syria (Raimbekova, 2017). Despite all the efforts, 61 % of the Syria is still under control of terrorist groups today (Tok&Temizer, 2017).

The humanitarian crisis in Syria is severe. The population of Syrian Arab Republic was 20.766.000 in 2010 according to UNDESA statistics (2010, p.83). Nearly, all of the total population needs protection. 13.5 million Syrian people, 4.9 million of whom are in besieged and hard to reach areas, are in need of humanitarian help in the 7th year of the conflict (United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), 2016, p.5). Nearly 12 million displaced Syrians -4.9 million refugees and 6.6 million IDPs- seek protection within Syria or abroad (UNHCR, 2016, p.6).

Turkey has adopted an open door policy towards Syrian people regardless of any discrimination since the very beginning of the conflict (Turkish Ministry of Foreign Affairs (MFA), 2017). The first group of Syrians comes into Turkey in April 29, 2011 (DGMM, 2017). The Syrian citizens incoming to Turkey are threated accordingly to the 1951 Refugee Convention and given temporary protection (MFA, 2017). On 30 March 2012, "The Instructions for Admission and Hosting of Syrian Arab Republic Citizens Incoming to Turkey for Mass Influx and Stateless Persons Residing in Syrian Arab Republic" is adopted. In 2014, "Law on Foreigners and International Protection" is entered into force and "Regulation on Temporary Protection" is issued in relation to the Law on Foreigners and International Protection.

The number of Syrian living under temporary protection in Turkey has increased by year. Today, there are 2.984.633 registered Syrian people in Turkey as of 20 April

2017 (DGMM, 2017). 252.061 Syrian people are living in temporary protection camps (TPC) (the Disaster and Emergency Management Authority (DEMA), 2017).

According to Table 16, Kilis is the most crowded host city when compared its population to number of registered Syrian people in the city. A great number of Syrian people live in Istanbul when the least majority of them are in Bartın. It is evident from the table that Syrian most of the Syrian people under temporary protection lives near the Syrian border. Almost half ot the total number of people under temporary protection lives in Şanlıurfa, Hatay, Gaziantep, Adana, Mersin, Kilis and Mardin.

Table 16. *Top Ten Provinces that Host Syrians under Temporary Protection*
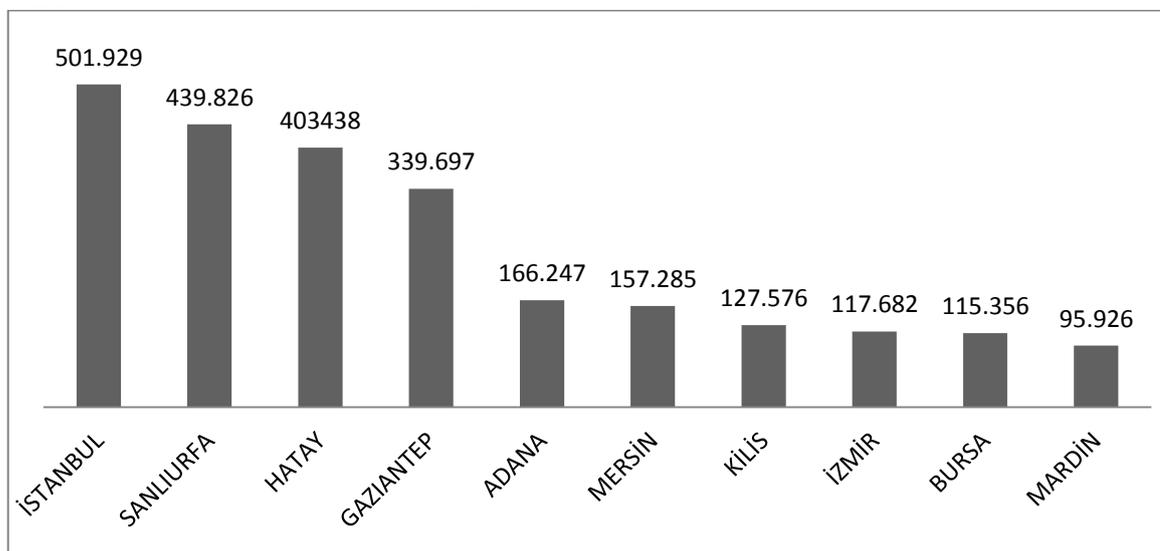
Source: DGMM Web-site, as of 17.08.2017

Table 17. *Status in DEMA Temporary Protection Centers*

HATAY	17.766	KAHRAMANMARAŞ	18.267
GAZİANTEP	25.755	OSMANİYE	15.345
ŞANLIURFA	82.051	ADIYAMAN	9.479
KİLİS	30.468	ADANA	21.100
MARDİN	2.843	MALATYA	9.990
		TOTAL	233.064

Source: DEMA Web-site, as of 08.08.2017

2.2.2.2. The Operation Euphrates Shield

Turkish-Syrian relations have always been tense if not mention about the few years before the start of the civil war in 2011. The relations were tense before 1988 because of the water dispute, Syria's claim over Hatay and its support to PKK. 'The Adana Agreement' on 30 October 1988 is a turning point for the relations as it established effective cooperation against PKK. After Bashar Assad, the relations between two countries expand. Another important development in the relations was the signing of Joint Political Declaration on establishing High Level Strategic Cooperation Council in September. The meetings continued until the beginning of the conflict with the signing of new agreements and memorandum of understandings including the Free Trade Agreement on January 1, 2007. These developments contributed positively to bilateral trade, investment and tourism (MFA, 2017).

After the beginning of the unrest in Syria, Turkey offered to share expertise and democratic experience benefitting the High Level Cooperation Mechanism (MFA, 2017) but its efforts proved futile. The relations between two countries severely damaged when Syria shot down a Turkish jet on 22 July 2012. Turkey changed the rules of engagement to Syrian Arab Republic preserving its rights under International Law. According to the new engagement rules: "Every military element approaching Turkey from the Syrian border and representing a security risk and danger will be assessed as a military threat and will be treated as a military target" (Anatolian Agency (AA), 2012). On 3 October 2012, Syrian mortar shelling to border town Akçakale killed 5 civilians (Milliyet, 2012). Afterward, the Turkish government is given mandate to send troops abroad against the treats from Syria (AA, 2012). On 11 May 2013, twin car bomb attack in Reyhanlı killed 52 Turkish citizens and left many more wounded. The Turkish government claimed that the perpetrators are in connection with the Syrian Intelligence Service, Al Mukhabarat (BBC, 2013). On 16 September 2013, Turkish fighter jets crashed a Syrian helicopter violated Turkish air zone insistently (AA, 2013). Another Syrian helicopter, which violated Turkish air zone, was downed on 16 May 2015 (Kızılkoyun, 2015). On 23 March 2014, Turkey shot down a Syrian fighter jet which violated Turkish airspace ignoring the warnings (AA, 2014). The on-going conflict in Syria not only did worsen the relations between Turkey and Syria, but also did worsen the relations with Turkey and Russia. Long after the US-led coalition forces began to bomb Islamic State of Iraq and the Levant (ISIL) in Syria in 2014, Russia has started air

strikes in the country to help Syrian Regime fight with terrorists in 2015. The relations between two countries got tensed after Russia's violation of Turkish air zone (Erözdem, 2015) and the relations grinds to a halt when Turkish jets shot down a Russian jet after violation of Turkish air zone on 24 November 2015 (AA, 2015).

Turkey has widen the rules of engagement to include any threat coming from Syria including not only the Syrian regime but also ISIL and other terrorist groups in 2015 (DailySabah (DS), 2015). ISIL has targeted Turkey many times with bloody attacks since 2014. The first attack was in Niğde at which 4 security members died on a regular road patrol on 20 March 2014. Though not happened in Syria, the second attack was to the Mosul Consulate where 49 Turkish citizens, including the consul, were taken as captives for 101 days. ISIL has targeted Sultan Ahmet police station on 6 January 2015, leaving a police officer dead and 2 of them wounded (Trtworld, 2016). On 22 February 2015, Turkish Army had evacuated soldiers guarding the tomb of Suleiman Shah and removed the remains to another site in Syria (DS, 2015). During the 2015 Elections, the organization bombed the party offices of The People's Democratic Party (HDP) in Adana and Mersin without any killings. On 5 June 2015, ISIL blast in HDP rally in Diyarbakır killed 4 people and wounded many more. ISIL'S first major suicide bombing happened in Suruç where 32 people killed and more than 100 people injured. The deadliest attack was in Ankara on 10 October 2015. 102 people died and more than 400 people injured. On 12 January 2016, ISIL targeted a group of tourists in Sultan Ahmet Square. 13 tourists died and 16 people wounded. ISIL has targeted Kilis province more than 50 times with rockets, mortars or artillery shells between January to September 2016. More than 20 people died and a dozen of people wounded. On 19 March 2016, ISIL targeted Israeli tourists in a suicide bombing killing 3 of them dead and leaving 36 others wounded. On 1 May 2016, a car bomb attack was held by ISIL targeting the Gaziantep Police Headquarters. Two police officers died and 40 people wounded in the attack. Four ISIL militants attacked Istanbul Atatürk Airport on 28 June 2016. They killed 32 people and left more than 100 people injured. On 20 August 2016, an ISIL suicide attack left 54 people dead and nearly 100 people wounded at a wedding ceremony in Gaziantep (DS, 2017). The attack was on the same day when Prime Minister Yıldırım said that it was time to take serious actions in Syria to end 5 years conflict (Trtworld, 2016). The last bomb attack was in Istanbul on the first day of 2017. 39 people died and many more wounded at the attack (BBC, 2017).

On 24 August 2016, Turkey started a large operation, which was named as "the Operation Euphrates Shield". Turkish Special Forces entered the ISIL-held border town Jarablus while Turkish F-16s and tanks stroke the ISIL targets (Trtworld, 2017). The Republic of Turkey submitted a letter (UN Symbol No: S/2016/739) to the President of the United Nations Security Council (UNSC) to inform the President that Turkey initiated a military operation in Northern Syria invoking. It reads in the letter that Turkey invoked Article 51 of the Charter of the United Nations concerning the national right to self-defence (UNSC, 2016). According to the letter, it has said that ISIL terrorist's rocket attacks and terror attacks in the cities have claimed the lives of hundreds of citizens. In the letter, the cooperation between coalition forces is stated and Security Council Resolution 1373, 2170 and 2178 are referred within the context of the responsibility attributed to member countries in the fight against terrorism.

Turkey has also informed the President of the Security Council with a letter on 24 July 2015 (UN Doc. No: S/2015/563) that the developments in Syria affect Turkey because of the long borderline. It reads in the letter that since the start of the conflict, 158 Turkish citizens have lost their lives to the attacks originating from Syria. It has been stated that Syria has become a safe haven for ISIL. The letter stressed that Turkey is under a clear and imminent threat of ISIL attacks. Syrian government is neither capable of nor willing to prevent the threats. Referring the Security Council Resolutions 2170 and 2178, the individual and collective self-defence right under the Article 51 of the Charter of United Nations is emphasized. The president has been informed that "Turkey has initiated necessary and proportionate military actions against ISIL in Syria, including in coordination with individual members of the Global Coalition, in order to counter the terrorist threat and to safeguard its territory and citizens" (UNSC, 2015).

On 25 August 2016, Turkish Joint Special Mission Forces and coalition air forces backed Free Syrian Army (FSA) fully seized the control of Jarablus (AA, 2016). FSA took control of the borderline between Jarablus and Azaz in the 12th day of the operation (Paksoy, 2016). On 16 October 2016, FSA took control of Dabiq, a town which has a symbolic importance for ISIL because ISIL thinks that the final battle with non-believers will take place there. El-Bab, which is the final destination of the Operation Euphrates Shield, was taken on 23 February 2017 (Hürriyet, 2017). Eventually, Turkey announced that it has successfully ended the Operation Euphrates Shield on 29 March 2017 (TRTWORLD, 2017b). After the operation, by sweeping away the ISIL targets, the threat against Turkey ended PKK/PYD's aim to unite their

cantons terminated and the security of the residents guaranteed. Throughout the operations, 71 Turkish soldiers are martyred and 3.500 terrorists are eliminated. At the end of the operation, 243 settlements and 2.015 square kilometers are secured (TRTHABER, 2017).

2.3 Security and Migration Nexus

Due to the rapid globalization of the World, human mobility has increased as it has never been before. "The movement of people, within and across borders, and the character of that movement, has been both cause and consequence of globalization" (Betts, 2009, p.146). Globalization has made the migration connected to security. Maybee (2009, p.41) suggested that "transnationalization of threat" is one of the key facets of global security issue. However, migration tends to be viewed as a security issue in security studies since the 1980s (Wohlfeld, 2014, p.61). What makes migration as a security issue is the transformation of the traditional treats into the non-traditional ones after the Cold War. The 9/11 has also contributed to the recognition of the link between migration and security (Bali, 2008, pr. 470-1). Nonetheless, international migration has become a global security issue, "mostly due to the unprecedented scale of this phenomenon" (Kucincer, 2004, p.1). According to Bali (2008, p. 479), migration will continue unless the World is a place of conflicts, instability and inequality. Conflicts create refugees, but also refugees create conflict (Weiner, 1992, p.106). As Aniol (1992, p.17) suggested "international migration in relation to the international security can play three roles: 1) International migration can be a consequence of other security threats like human rights violation, ethnic conflict, internal war; 2) International migration can by itself constitute a threat to international security when it is of massive, uncontrolled character; 3) International migration can result in other security threats (e.g. xenophobia and racial violence)." To add, The United Nations defined six clusters of threats with which the World deal through in the 21 century. These threats are Economic and social threats, including poverty, infectious disease and environmental degradation; Inter-State conflict, Internal conflict, including civil war, genocide and other large-scale atrocities; Nuclear, radiological, chemical and biological weapons; Terrorism, Transnational organized crime (UNDP, 2009, p.6).

2.3.1 Security problems as a source of migration

The question why people migrate is not easy to answer. Yet, there is sometimes more than one factor that affects the migration decision. However, security problems in the source country is a compelling factor that people have to move from their original residence to save their and their families lives. The world had faced with the most severe refugee crisis after the World War II in 1991. Nearly 3 million Iraqi had changed their residence after the failed uprising in March 1991. 1.85 million Iraqi Kurds fled from the Saddam Regime's military campaign in the North. Nearly half a million people run towards Turkey and 1.4 million towards Iran. 300.000 Palestinians, who worked in Kuwait and other Gulf States, settled in Jordan. Furthermore, almost 37.000 Iraqis sought refuge in Saudi Arabia and nearly 100.000 Iraqis escaped to mostly Jordan (Galbraith, 2003, p.3).

After the outburst of the Siad Berre in 1991, the State of Somalia began to collapse and armed conflicts between rival clans emerged. Although the country hosted 650.000 Ethiopian Somalis after the border war between Somalia and Ethiopia in 1977-78, the country became an immigrant country. After 1991, almost 800,000 Somalis moved to Kenya and Ethiopia as refugees in 1992. Besides, nearly 2 million people became IDPs (Hammond, 2014, pp.2-3). Today, Somalia is the fourth biggest refugee generating country (UNHCR, 2017, p.17).

After the death of President of Burundi and the President of Rwanda in a plane crash in 1994, the conflict in Rwanda began. Within three months, approximately 800.000 people were killed in the massacre. More than 2 million Rwandan people fled outside the country for protection and 1.5 million were IDPs (UNHCR, 2000a, pp. 245-246).

Table 18. *Number of Rwandan per Country*
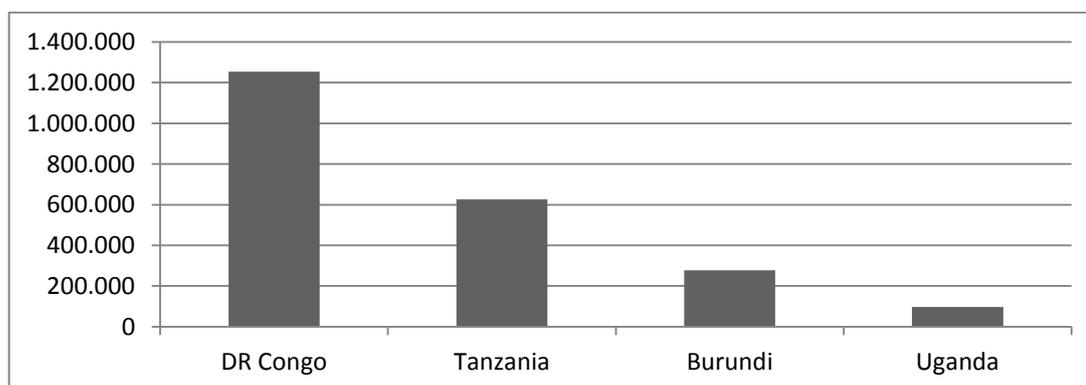
Source: UNHCR, 2000a, p.250.

During the war in Bosnia and Herzegovina, nearly 60% of the total population had affected by the violence. 1.2 million people had escaped out of the country and 1.3 million of people stayed within the country as IDPs (UNHCR, 2000a, n/a).

The case of Kosovo is rooted. The conflict in the region had already started when the former Yugoslavian Government revoked the partial autonomous status of Kosovo in 1989. Indeed, there were 350.000 Kosovar who left the country between 1989 and 1998 because of the repressive actions of the regime. The situation in Kosovo turned into armed conflict in February 1998 and the conflict was over after NATO's air campaign in 1999. During the air campaign, more than 800.000 people were displaced out of or within the country. Nearly 426,000 fled to Albania, nearly 228,000 to the Former Yugoslav Republic of Macedonia, and almost 45,000 to Montenegro (UNHCR, 2000, pp.233-234).

After the March 2011, the repressive and violent actions of Syrian Government made millions of people flee from the brutal conditions of Syrian civil war. According to UNHCR Syrian Regional Refugee Response data (2017a), total number of Syrian refugees is 5.055.732 as of 18 May 2017. Syria is the largest refugee generating country in the world (UNHCR, 2017, p.17).

Table 19. *Number of Registered Syrian Refugees per Country*
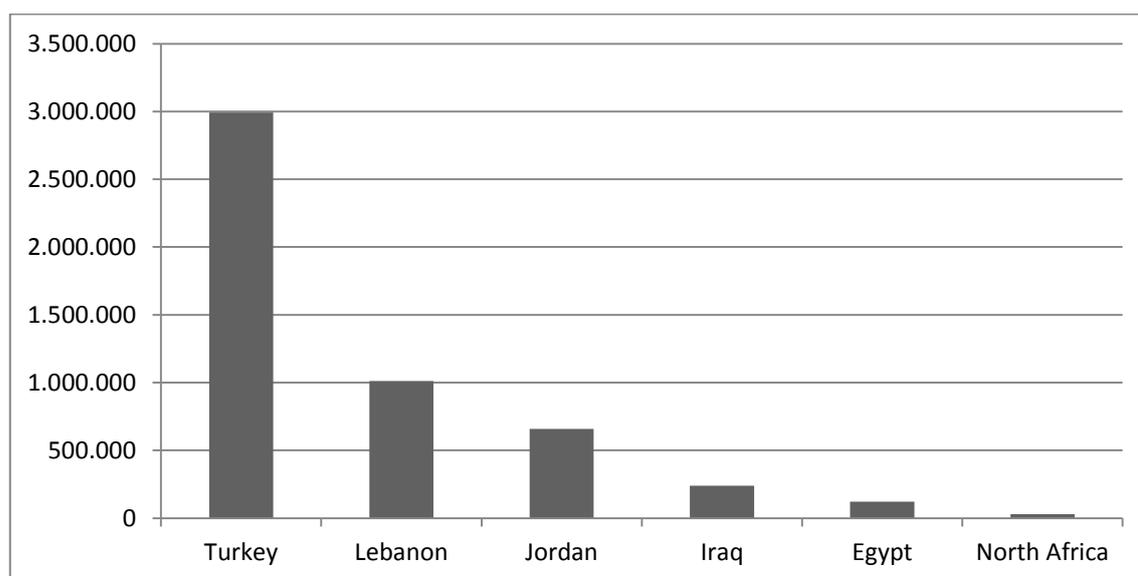
Source: UNHCR Syrian Regional Refugee Response, 2017a.

Besides, 6.6 million Syrians live in Syria as IDPs (UNHCR, 2015, p.6) and 4.9 million of whom are in besieged and hard to reach areas (UNOCHA, 2016, p.5). During the civil war, 937.718 Syrians have also applied for asylum in Europe. The vast majority (65%) of them are to Germany. Of 21% is to Hungary, Austria, Netherlands, Denmark and Bulgaria. 14% of the applications are made to other countries in Europe (UNHCR, 2017a).

After the events in 2013, the number of South Sudanese refugees reached to 1.867.870 as of 30 April 2017 from 114.470. Moreover, there are 1.9 million IDPs in South Sudan (UNHCR, 2017h). South Sudan became the 3rd largest refugee generating country in 2017 as a result of the health problems after the ongoing clashes (UNHCR, 2017, p.17).

Table 20. *Number of Registered South Sudanese Refugees per Country*
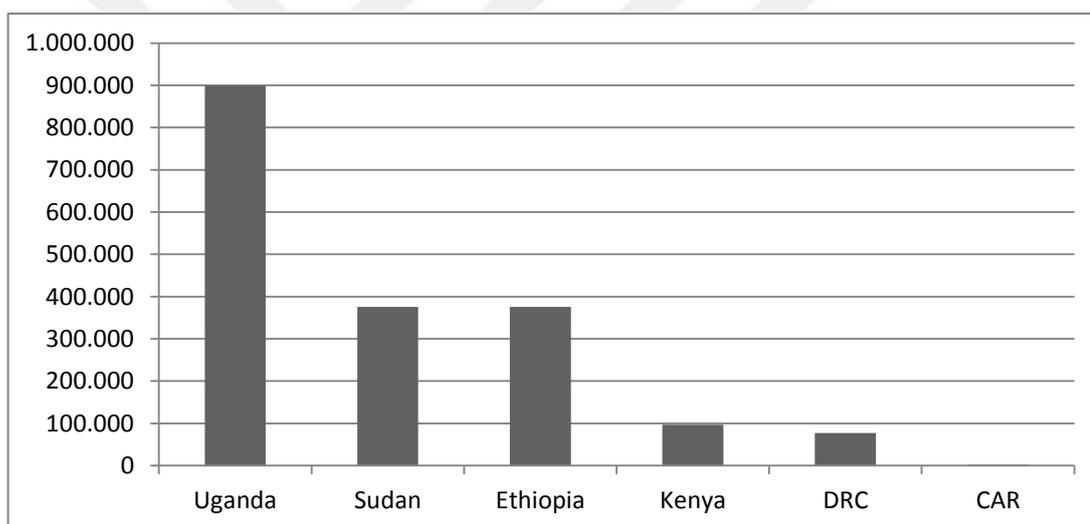
Source: UNHCR, 2017h.

The ongoing problem of Somalia created nearly 900.000 registered refugees around Somalia. There are 1.5 million IDPs in Somalia. More than 6.2 million people are in need of humanitarian aid. More than 615,000 people in Somalia have been internally displaced by drought (UNHCR, 2017h, p.6).

Table 21. *Number of Somalis Refugees per Country*
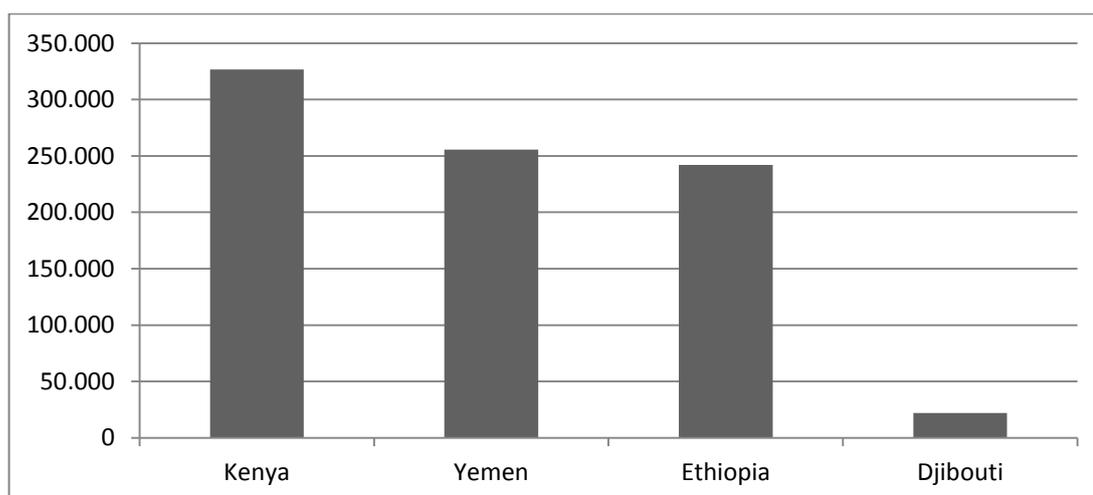
Source: UNHCR, 2017h.

There have been 4,058,626 IDPs within Iraq as since 2006. There are 236,772 Syrian and 43,403 non-Syrian refugees in Iraq (UNHCR, 2017g). 253,992 Iraqi refugees are hosted in neighboring countries (UNHCR, 2017i).

There are 2 million IDPs in Yemen. 183.483 people escaped to the neighboring countries.

Table 22. *Number of Yemeni abroad per Country*
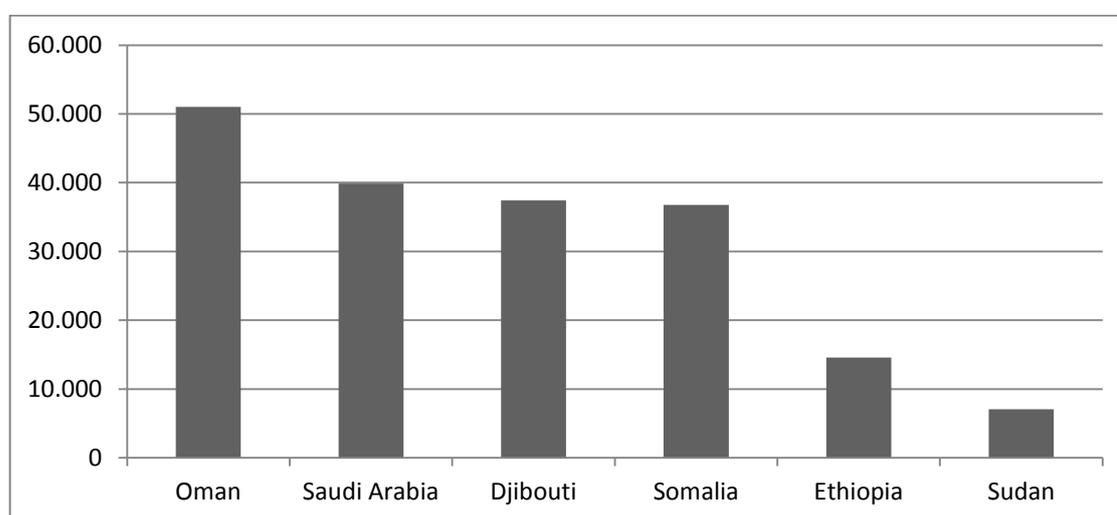
Source: UNHCR, 2017c.

Nearly 2.5 million people were affected by the ongoing armed conflict with Boko Haram in Nigeria. There are 210.608 refugees around the country: 106.146 in Niger, 96.627 in Cameroon and 7.835 in Chad. There are also IDPs in Nigeria:

1.832.743 within Nigeria, 223.641 in Cameroon, 127.299 in Niger and 118.804 in Chad (UNHCR, 2017d).

Table 23. *Number of Nigerian abroad per Country*
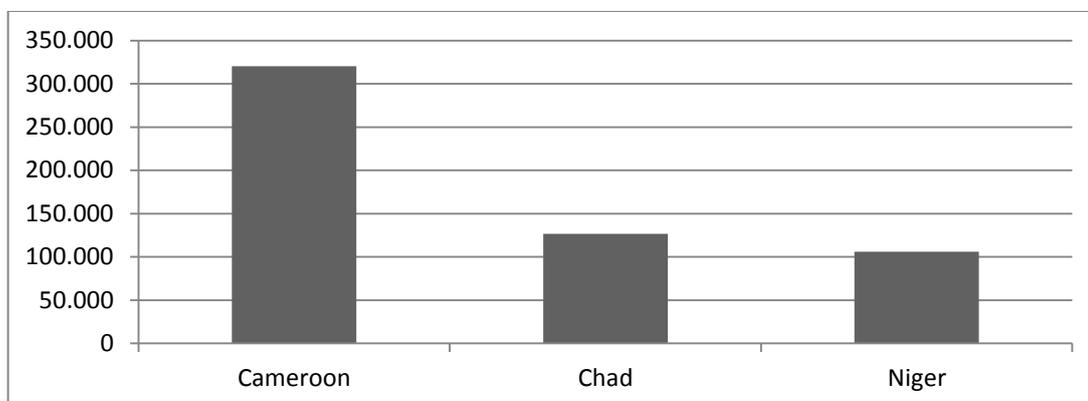
Source: UNHCR, 2017d.

One of the world's poorest countries, Central African Republic (CAR) has shaken by the coup in 2013. Today, there are almost half a million (481.022) people CAR refugees and more than half a million (504.922) IDPs in CAR.

Table 24. *Number of people of CAR abroad per Country*
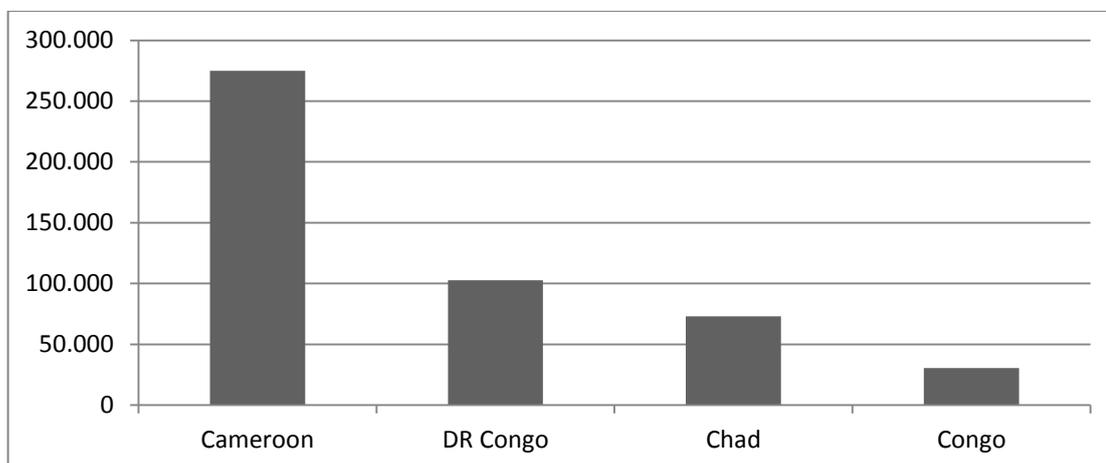
Source: UNHCR, 2017e.

2.3.2 Migration as a security issue

Migration is also a security issue for the receiving countries. That's probably because of the fact that "every country is affected in some way by migration – either as

country of origin, transit or destination, or sometimes a combination of these" (GMG, 2008, p.1). In 2015, the number of migrants "surpassed 244 million, growing at a rate faster than the world's population" (UN Doc. No: A/RES/71/1, p.1). However, there are 65.5 million forcibly displaced persons which includes 22.5 million refugees, 2.8 million asylum seekers and 40.3 million IDPs (UNHCR, 2017, p.2). According to the UN's population forecast, the world population will likely be 9.7 billion by 2050, and the number of international migrants will have been 321 million by 2050 (UN Doc. No: A/70/59, p.5).

The increasing number of migration is a problem for States, especially mass migration or influx. As Weiner (1992, p.93) stated the number of the people who wants to immigrate is greater than the welcoming capacity of the receiving states and, this cause an economic, cultural and political conflict. "States tends to welcome migrants if they are small in number. Otherwise, States tends to act unwillingly to host the migrants and ensure their stay temporary if the migration happens as an influx" (Weiner, 1992, p.104). This is mainly because of the fact that the large scale migration occurs after serious events in the source country and this kind of migration has potential to take the turmoil into the host country (Bali, 2008, p. 474).

Migration can be seen against exercising the right of 'sovereignty' by the States. UN Charter Article 2/1 reads that "every State is sovereign equals". In the Draft Declaration of on Rights and Duties of States (1949, p.287), it is stated that "Every State has the right to independence and hence to exercise freely, without dictation by any other State, all its legal powers, including the choice of its own form of government." Betts (2009, p.43) defined state sovereignty as "the legitimate exercise of power of the state over a given area of territory or a people". As Koser (2011) argued that "irregular migration can legitimately be viewed as undermining the exercise of state sovereignty." As a consequence of this right, "States determine who can enter and who can reside and work in their territories (Wohlfeld, 2014, p.64)". Besides, "governments want to control the entry of the people and regard their inability to do so as a threat to sovereignty" (Weiner, 1992, p.97) because of "the lack of clarity and control" on the entry, stay and purpose of the migrants (Wohlfeld, 2014, pp.67-8) that is mainly because of the fact that "even the states with a capacity to defend themselves against conventional threats are unable to defend themselves against the infiltration of illegal migrants" (Weiner, 1992, p.97).

Migration is not always seen as a threat because migrants can "fill labour shortages, and … help the maintenance of the economy and polity, as long as states retained control over entry" (Maybee, 2009, p.114). However, migration can be seen as security threat by States depending on their "economic absorptive capacity" (Weiner, 1992, p.104). As developing countries are both the source and host countries for refugees, it is an enormous economic burden for the host countries due to the fact that they can boom the prices in the market (Bali, 2008, p. 479). Economy is also a problem in the developed countries. Unlike the developing countries, the problem is about the sharing of the welfare. People think that the taxes they pay are used to aid the refugees instead of nationals in need (Bali, 2008, p. 478).

Table 25. *Number of Refugees per a Dollar*
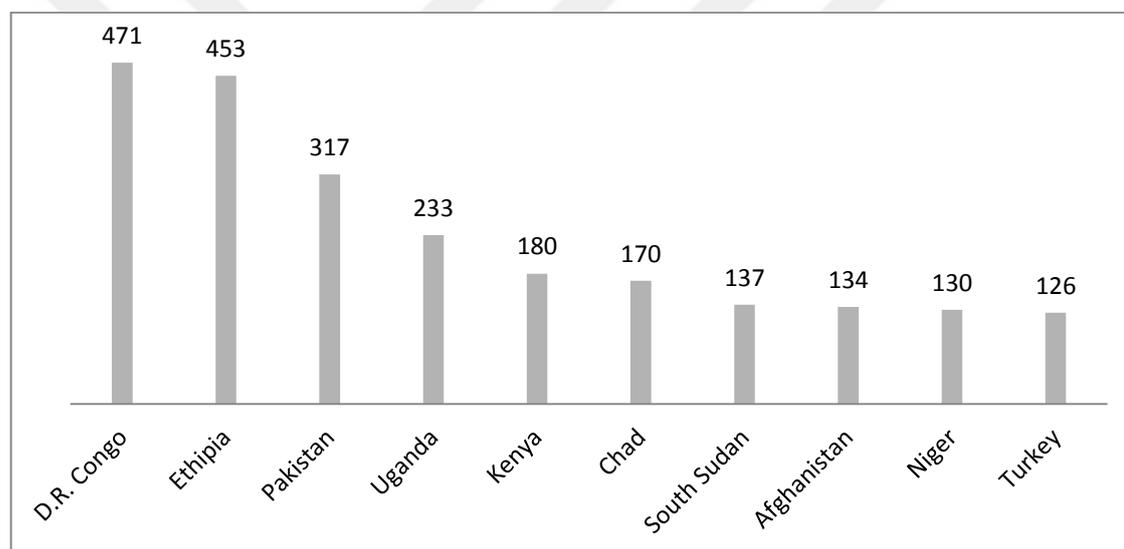
Source: UNHCR, 2016

The background of the migrants is also another possible perception of cultural or social threat, cultural proximity is a reason for welcoming migrants, though (Weiner, 1992, p.105). If the migrants are unwilling to get accustom to the host country, they can be perceived as a threat to the culture and social life of the host country. Moreover, migration can be the impetus for change in the host country if the migrants have the same ethnic, religious or lingual background (Bali, 2008, p.479). Moreover, "real or imagined links to terrorism, organized crime and health threats are at the core of the perception of irregular migration as a security threat" (Wohlfeld, 2014, p.68).

Migration can be an inter-state threat. Weiner argued (1992, pp.100-1) that States can use migration for achieving political goals by putting pressure on other states. Migrants can also be seen as threat if they are against either the regime of their home country or of the host country. States of origin may regard acceptance of migrants as interference in their interstate affairs. The receiving States can back up the migrants against their home country (Weiner, 1992, pp.105-7). Turkey, for example, had faced an inter-state conflict in 1992 when the country opened its door to Iraqi refugees as the Saddame Regime perceived because interfering its domestic affairs and as a response, they put pressure on Turkmens in Iraq (Ihlamur-Ihlamur-Öner, 2013, pp.195-200).

2.3.3. Security and Development of International Migration Law

The history of establishing security is as old as history of international law itself. The early attempts to reach a global peace were the foundation of international organizations. The first International Peace Conference was held in The Hague to elaborate instruments to settle crises peacefully, prevent wars and codify rules of warfare in 1899 adopting the Convention for the Pacific Settlement of International Disputes and establishing the Permanent Court of Arbitration. Then, the League of Nations was set up in 1919 under the Treaty of Versailles "to promote international cooperation and to achieve peace and security." The League of Nations halted its activities after failing to prevent the Second World War (UN, 2008, p. 3). In 1945, representatives of 50 countries met in San Francisco to write the United Nations Charter. The Charter was signed on 26 June 1945 (UN, 2008, p. 3). For Goodrich (1947, p.20), the United Nation is the continuation of the League of the Nations. To understand the future of the United Nations, one should look to the past, and especially to the League of Nations as there are "important changes have occurred in the world distribution of power, in the world's economic and political structure, in the world's ideological atmosphere [which]… create new problems and modify the chances of success or failure in meeting them, but the mechanics remain much the same" (Goodrich, 1947, p.20). Even though the aim of UN is also to keep peace and security, it has a chance to fail like the former organization because States are unwilling to make any binding compromises in times of peace. Thus, general rules and the consent of the members are not enough to prevent war. To do so, the Security Council was established by the Charter of United Nations and given some power to settle down the security

problems such as economic sanctions or the use of force (Chesterman, Johbstone&Malone, 2016, p.3).

The international law itself is built around security. In the preamble of the Charter, the reason and the need for an international order to keep security are stated as;

"We The Peoples of the United Nations Determined

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom."

The Charter which is main instrument of the global security resembles the agony of human and economic cost of Second World War. When the charter was written, the war was still underway. Hence, the term enemy was stated five times in the text (Chesterman, Johbstone&Malone, 2016, p.3). The Article 1 of the Charter of the United Nations (the Charter) reads;

"To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace";

"To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace";

"To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and"

"To be a centre for harmonizing the actions of nations in the attainment of these common ends."

The most important achievement of the United Nations is its contribution in the development of international law. In the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels (UN Symbol No: A/RES/67/1), the "commitment to the rule of law and its fundamental importance for political dialogue and cooperation among all States and for the further development of the three main pillars upon which the United Nations is built: international peace and security, human rights and development" is reaffirmed. What is more to say, the Charter imposes duty on the Organization to help in the settlement of international disputes peacefully and to encourage the progressive development of international law and its codification. Since the inception of the United Nations, the Organization has sponsored over 500 multilateral agreements, which address a broad range of common concerns among states and are legally binding for the countries that ratify them (UN, 2008, p.279).

Development of International Humanitarian Law (IHL) is another aspect of security issue. The main instruments of the IHL are the four 1949 Geneva Conventions for the Protection of War Victims. The appearance of new forms of non-international conflict led the International Committee of Red Cross (ICRC), the main international body for armed conflicts, to propose new laws to meet these challenges (American Red Cross, 2013, p.2). Attacks on civilians and rural communities create mass influxes and the displacement of people searching for protection within and outside their national borders (UN, 1996, para. 26). Thus, two additional protocols concluded in 1977. The threats began to change after end of Cold War. During 1990s, internal wars were the on agenda. In 1990s, the ratio of non-combatant war victims increased from 5 per cent to over 90 per cent (United Nations International Children's emergency Fund (UNICEF), n/a, para.1). Hence, the Security Council has become more involved in protecting civilians in armed conflict, promoting human rights and protecting children in wars. To strengthen and enhance the Humanitarian Law, the Security Council established the International Criminal Tribunals for the Former Yugoslavia and for Rwanda. Special Court for Sierra Leone and the Extraordinary Chambers in the Courts of Cambodia were also supported by the UN (UN, 2008, p.290). However, new global threats emerged in the early 21st century after the attacks of 9/11 which is the challenge of international

terrorism. The UN step up action against terrorism and the Security Council adopted a wide ranging resolution establishing a Counter-Terrorism Committee on 28 September (UN, 2008, p.71).

If there is a security problem in the world, no country can stay unaffected as a result of the globalization. As stated in the Report of International Commission on Intervention, State Sovereignty (ICISS), most of the armed conflicts happen in the developing world but the developed world somehow feel the consequences as "globally interconnected terrorism to refugee flows, the export of drugs, the spread of infectious disease and organized crime". The twin plane bombing of the World Trade Center is another example. The 40% of the victims were from 80 different countries (ICISS, 2001, pp.5-6). Thus, increasing global effect of civil conflicts has aroused new concepts in international law: humanitarian intervention. As there is some early examples of intervention on humanitarian ground (Evans, 2008, pp.22-25),   Humanitarian intervention was first adopted by UNSC with the Resolution No: 688 (UN Doc. No: S/RES/688) by recalling the Article 2, paragraph 7 of the Charter in 1991 after grave concern by "the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish populated areas, which led to a massive flow of refugees towards and across international frontiers and to cross-border incursions, which threaten international peace and security in the region." Article 2 (7) of the Charter reads "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter Vll". The humanitarian interventions in Somalia (1992), Rwanda (1994), Bosnia (1995) and Kosovo (1999) were followed.

At the very beginning of the century, the international society proceeded into a new method of intervention. The frequently quoted sentences of Kofi Annan were the first signals of this process. Annan (2000, p. 48) said "If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica- to gross and systematic violations of human rights that offend every precept of our common humanity?" In the Millennium Declaration (UN Doc. No: A/RES/55/2, p.7), one of the issues States have agreed upon was "to strengthen

international cooperation, including burden sharing in, and the coordination of humanitarian assistance to, countries hosting refugees and to help all refugees and displaced persons to return voluntarily to their homes, in safety and dignity and to be smoothly reintegrated into their societies." The Government of Canada established an independent commission as respond to the Secretary-General's challenge in 2000. 'ICISS' published its report titled 'Responsibility to Protect' in 2001. As indicated in the report (2001, p.11), the Responsibility to Protect is offered

"to establish clearer rules, procedures and criteria for determining whether, when and how to intervene";

"to establish the legitimacy of military intervention when necessary and after all other approaches have failed";

"to ensure that military intervention, when it occurs, is carried out only for the purposes proposed, is effective, and is undertaken with proper concern to minimize the human costs and institutional damage that will result; and"

"to help eliminate, where possible, the causes of conflict while enhancing the prospects for durable and sustainable peace".

In the 2005 World Summit Outcome (UN Doc. No: A/RES/60/1, pp.20-21), the States agreed that "we are living in an interdependent and global world and that many of today's threats recognize no national boundaries, are interlinked and must be tackled at the global, regional and national levels in accordance with the Charter and international law". Moreover, it is stated that "the international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity" under the title 'responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity (UN Doc. No: A/RES/60/1, p.30)'. The UNSC first referred to 'the responsibility to protect' in resolution no: 1647 (Un Doc. No: S/RES/1674) "to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity". Then, the term was referred in the resolution No: 1706 (UN Doc. No: S/RES/1706) for authorizing the deployment of UN peacekeeping troops to Darfur, Sudan. The resolution about Libya (2011), Corte

D'Ivoire (2011), South Sudan (2011), Yemen (2011), Syria (2012) and Central Africa Republic (2013) were also adopted featuring the 'Responsibility to Protect'.

The security issue is also valid in International Refugee Law. As Hataway (2005, p.75), indicated "refugee is a twentieth century issue. The issue became an international concern early in the 20th century because of humanitarian grounds. (UN Doc. No: HCR/IP/4/Eng/REV.1)". The first international instrument dealing with the refugee was adopted about the refugees from Russia after the turmoil of the World War I (Frogemen, 1970, p.47). The early regulations on Refugees were the Arrangements of 12 May 1926 and 30 June 1928, Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 and the Constitution of the International Refugee Organization (1951 Convention Article 1 A). For Fragomen (1970, p. 47), "the early regulations were narrow in scope, limited to specific groups of refugees, escapees, and displaced persons". The UN adopted the Constitution of the International Refugee Organization (IRO). The IRO turned out to be the Office of the United Nations High Commissioner's Office for Refugees (UNHCR) in 1951 (UN Res No.: 428 (5). The aim of the UNHCR is, as in the Article 1 of the Statute, "to provide international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees by assisting Governments and, subject to the approval of the Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities". In 1951, the Convention Regarding the Status of Refugees was adopted which included a general definition of "refugee" (Fragomen, 1970, pp.48). One of the benefits of the adoption of the Statute and the Convention is "the establishment of certain basic standards for the treatment of refugees and the creation of certain rights and freedoms for refugees" (Fragomen, 1970, p.50). The Protocol Relating to the Status of Refugees was adopted on January 31, 1967 because of the fact that "new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention and Consideration that it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention irrespective of the dateline 1 January 1951". Although the Convention defines refugee in a broad sense, some of the people needed international protection fall out of the scope. Hence, some different types of international protection are adopted by the governments such as subsidiary protection or temporary protection.

2.3.4. Security and Development of Turkish Municipal Legislation

Turkey has long been a country of migration. Turkish migration history begins before the declaration of the Republic. The migration patterns in the 19th and early 20th century are mainly based on population exchange. There are two main agreements on population exchange with Greece and Bulgaria: the Treaty of Constantinople between the Ottoman Empire and the Kingdom of Bulgaria, facilitating reciprocal optional change of populations in 1913 and Convention concerning the Exchange of Greek and Turkish Populations in 1923. This early age of modern Turkish migration is underpinned by nation building process of the newly established state. The policy makers used migration as a catalyzer of the nation building (İnan, 2016, pp.29-30). According to İçduygu & Aksel (2013, p.170), this process is based on the emigration of non-Muslims out of the country and the immigration of Turkish Muslims into the country. İnan (2016, pp.29-30) states that the migration policy of the early 20th century is the result of the perception of security at that time. Migration policy is adopted to promote the national strength due to the balance among powers. Economic reasons are another important factor for policy makers to facilitate migration in the early migration policies (İçduygu&Aksel, 2013, p.172). The main reasons for the population policies are providing the human source for the economic growth and protecting the country from the future threats (Arı, 1992, p.415).

The underlying legal instrument of the early 20th century is the Law on Settlement No: 2510 in 1934. The Law on Settlement No: 2510 is considered the cornerstone of the nation building process (İçduygu&Aksel, 2013, p.171) as it is a comprehensive source for the migration policy covering the security perceptions of the early Republic (İnan, 2016, p.29). The aim of this Law is, as it reads in the Article 3, to set rules for the acceptance of people of Turkish descendent or Turkic culture. Besides being a source that shows the perception of security at the time of adoption, it is also an important legal text which defines the term 'migrant' and 'refugee' for the first time. Migrant is described as "a sedentary or nomadic person or tribe of Turkish descendent and sedentary person of Turkic culture comes individually or as group into Turkey to settle down." Refugee is "a person who comes into Turkey after a compelling situation without the intention of settlement."

During the mid-20th century, security perception of nation building continued. Moreover, threats from the United Soviet Socialist Republics emerged an alarming

threat for the country (Ülman, 1967, p.148). Turkey became a partner of NATO as a consequence of the search for an ally against this threat. However, the inner migration caused some economic problems. The increasing unemployment was hot topic during the 1960s. The problem is tried to be solved through 'state-sponsored labor emigration'. Nearly 800.000 Turkish workers went to Europe between 1961 and 1974 (İçduygu&Aksel, 2013, pp.173-174).

Turkish migration legislation continued to develop with the adoption of new legal texts during mid-20th century. The Passport Law No: 5682 and the Law related to Residence and Travels of Foreign Subjects No: 5683 were adopted in 1950. The signing and ratification of the instruments of international refugee law occurred in this period. Turkey signed the Convention Relating to the Status of Refugees (the Convention) on 28 July 1951 and adopted in 29 August 1961 (O.G.: 05.09.1961, No: 10898). The Convention is the fundamental international protection document for Turkey because the international agreements properly adopted carry the force of law according to the 1982 Constitution (Article 90). However, the convention was legalized with a declaration and a reservation as the Article 42 of the Convention gives the signatory States the right to make reservation on the articles other than "articles 1, 3, 4, 16(1), 33, 36-46 inclusive". In the declaration, Turkey states that it approved the convention apart from the 12 May 1828 and 30 June 1928 conventions because of not being party to them. Also, Turkey affirmed that the words "events occurring before 1 January 1951" is interpreted as the events occurred before 1 January 1951 in Europe. Moreover, Turkey stated that the re-availing of the protection of country of his nationality or re-acquiring of his nationality in the Article 1/C (1-2) is not only by the will of refugee but is bond to the acceptance of the nationality State. By doing so, Turkey did not become a party to conventions that it did not signed before, limit the scope of refugees geographically and make clear the interpretation of the re-acceptance of the nationality. Besides, Turkey has a reservation for the convention. It is stated that "none of the articles of this convention shall be interpreted as granting any further rights to refugees than Turkish nationals". The 1967 Protocol Relating to the Status of Refugees was legalized with the declaration of the Council of Ministers No: 6/10266 in 1968 (O.G.: 05.08.1968, No: 12968). When Turkey legalized the 1967 Protocol, it is stated that the declaration and reservation made for the 1951 Convention were still valid, and the convention would be applied to those situations occurred in Europe. As a result of the adoption of the geographical limitation, the people out of Europe are not

accepted as refugees even if they fall into the refugee definition given by United Nations. Another important text for the emigration is Turkey-West Germany labor recruitment agreement in 1961. This was the first of other labor recruitment agreements.

In late 20th century, migration policies of Turkey have changed after the new migration patterns and transformation in society, economy and culture (İçduygu&Aksel, 2013, p. 174). The immigration of people of Turkish origin still continued in late 20th century. Nearly 300.000 Turkic people in Bulgaria moved to Turkey as an exodus after the repressive and assimilative actions of the communist Bulgarian government in 1989 (Ihlamur-Öner, 2013, p.196). Although being an immigration country, Turkey met with new patterns of migration. First pattern is the immigration of non-Turkish/non-Muslim foreigners. Globalization and the developments in technology are some of the reasons for this new pattern of immigration (İçduygu&Aksel, 2013, p. 175). Apart from the migration from Soviet Republics after Cold War, the conflicts in the neighboring countries contributed the migration flows. The second pattern is refugee movements in which people began to move to Turkey for protection. Iranian revolution in 1979 made 1.5 million Iranian come to Turkey and the Iran-Iraq war between 1980 and 1988 made many more move to Turkey (Ihlamur-Öner, 2013, p.194). The characteristics of this flows is that they are transit migration as people move to Turkey to go to the European countries for seeking protection (İçduygu&Aksel, 2013, p. 176). Another pattern is the movements of people towards Turkey to find protection in Turkey. In 1998, the Saddam Regime started a military campaign in the Northern Iraq using chemical weapons which forces people to leave their residence. Approximately, 50.000 people entered into Turkey (Ihlamur-Öner, 2013, p.195). The main influx of Iraqis occurred in 1991 after the Gulf War. It is estimated that nearly 3 million of people moved and approximately 500.000 of them ran away towards Turkey (Ihlamur-Öner, 2013, p.197).

During the late 20th century, first legal developments were on Turkish people abroad. The citizenship law was amended in 1981 to cover Turkish people abroad giving them to right of dual citizenship. The article 22 of the Citizenship law reads as

> "If a person who wants to renounce his citizenship is at the same time a citizen of another state, a renunciation certificate shall be sent to him immediately.
>
> A person who wishes to acquire the citizenship of another state may be given a permission document by the Interior Ministry in according to the principles set down by the Council of Ministers."

"The permission document shall be valid for three years. Those who receive a permission document shall be obliged to submit the necessary information and documents to the competent Turkish offices within this period."

Also, the new Constitution of Turkish Republic (the Constitution) made after the military coup in 1980 includes Turkish people abroad. It reads in the Article 62 of the Constitution "The State shall take the necessary measure to ensure the family unity, the education of the children, the cultural needs, and the social security of Turkish Nationals working abroad, and shall take the necessary measures to safeguard their ties with the country and to help them on their return home." Another amendment was done in Settlement Law with law no. 3583 for Turkish immigrants (Ahıska Turks) from Soviet Republics. The citizenship law was amended in 1995, which was known as Pink Card Regulation, to regulate the renouncement of citizenship and set rules for those who renounce Turkish Citizenship with permission. After the mass influx of refugees, Turkey adopted the Regulation No. 6169/1994 on the Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum from another Country (the 1994 Regulation) in 1994. The 1994 Regulation is important not only it regulates the asylum procedure in Turkey but also it defines the terms 'refugee and asylum seeker' for the first time.

The changing patterns of migration forces the government to take actions against both emigration and immigration. On the international immigration, Turkey kept its nation-state centered migration policies and is not eager to welcome non-Turkish/non-Muslim immigrants. On the emigration, Turkey began to consider the Turkish workers abroad as Turkish minorities in Europe and adopt new legal instruments to engage with the Turkish emigrants. Turkish people abroad became an issue of security because of the political migration of opposition groups after the military coup in 1980. (İçduygu&Aksel, 2013, pp. 176-177). With the proliferation and diversification of the migration, the responses to migration became a high security issue. The identity question becomes the dominant issue for the policy making backed by end of the Cold War, the ongoing political issues and the arising Kurdish problem (İçduygu&Aksel, 2013, p. 175). Besides, Turkish people abroad became an issue of security because of the political migration of opposition groups after the military coup in 1980 (İçduygu&Aksel, 2013, p. 177). Also, Iraqis refugees were another aspect of migration

as a security issue for Turkey. There are four reasons why this movement is a problem of security for Turkey; (1) the PKK problem, (2) the political conflicts with Iraqi government, (3) lack of legal instruments to deal with the issue, and (4) the problems with the international society. Turkey was not willing to open its border because of security issues. Turkish military forces were fighting with PKK during that time and the government was afraid that the PKK members could infiltrate into country as a refugee among other people. The refugee problem tightens the relationship between Turkey and Iraq as the Iraqi government claimed that it was its interior issue and began to adopt a repressive police on Turkmens. Having no legal instruments to manage the migration, Turkish migration policies were challenged by the lack of legislation on migration. The people fled from Iraq was not accepted as refugees and hosted temporarily. The international organizations forced Turkey first to open its border to the Iraqi people, then to accept people as the refugees and lastly to treat the migrants fairly as Turkey accepts people of Turkish descendant and culture as migrants and grants them citizenship (Ihlamur-Öner, 2013, pp.195-200). Due to the fear of being a buffer zone between the sending countries, Europe and PKK, Turkey urged international society to create a no-fly zone to create safe havens for refugees. After the adoption of UNSC Resolution No: 688, international society, leading the USA, began a humanitarian intervention in Northern Iraq and create safe havens for refugees inside Iraq (Ihlamur-Öner, 2013, pp.197-198).

The ignorance and neglect in the policies towards international migration is broken away while Turkey adopts proactive policies in 21st century (İçduygu&Aksel, 2013, pp. 184-185). The underlying factor for policy making on migration is the European Union (EU) pre-accession progress. The hot topic for Turkey in the 21st century is the Syrian refugees. When the number of Syrian refugees was quite low at the beginning, the number increased gradually. Today there are 3 million registered Syrian refugees in Turkey.

The development of legislation on migration continued increasingly with the impetus of EU pre-accession progress. The new Law on the Work Permit for Foreigners No. 4817 was adopted in 2003. The objective of the law is defined in the Article 1 as "objective of this Law is to regulate the work of foreigners in Turkey with a system of work permit and to specify the rules regarding the working permits to be given to these foreigners". The government published" the National Action Plan of Turkey for the Adoption of EU Acquis in the Field of Asylum and Migration" in 2005. The aim of this

plan is to accord Turkish legislation and system on asylum, migration and foreigners with the EU legislation and system in the process of EU accession progress. The new Law on Settlement No: 5543 was taken into force in 2006. Although the policies were adopted in accord with the EU pre-accession progress, the emphasis on Turkishness continued. The new Law on Settlement also limited the legal immigration into Turkey to the Turkish kinship and culture (İçduygu&Aksel, 2013, pp. 181). Also, the Law on Citizenship was renewed in 2009.

Turkish security perception as nation building efforts to create homogenous nation (İçduygu&Aksel, 2013, p.178) is challenged by the chancing patterns of migration. The general perception of the country itself is changed to a global actor (Ihlamur-Öner, 2013, p.215). So is the perception of security. The pro-active policies of Turkey can be seen in the policy of "zero problem with the neighbors". The policy is "Security for all, political dialogue, economic interdependence and cultural harmony are the building blocks of this vision. Turkey aspires eventually to reach a stage where all countries live in a state of welfare and carry the integration among them to the most advanced level by creating a zone of peace and stability, starting from her neighbors (MFA,2017)." One of the most important issues for the Turkish policy is the establishment of the Presidency for Turks Abroad and Related Communities in 2010. With the establishment of the presidency, the emigrants abroad and the non- Turkish citizens of Turkish ethnic communities dealt with systematically under one supervision. Even though EU wants Turkey to put more restricted visa system, Turkey signed visa lifting agreements with the neighbor countries (İçduygu&Aksel, 2013, pp. 183). Turkey adopted a Law on Foreigners and International Protection No: 6458 in 2013. The purpose of this Law is defined in the Article 1 as "to regulate the principles and procedures with regard to foreigners' entry into, stay in and exit from Turkey, and the scope and implementation of the protection to be provided for foreigners who seek protection from Turkey, and the establishment, duties, mandate and responsibilities of the Directorate General of Migration Management under the Ministry of Interior". According to Açıkgöz&Ariner (2014, p.7), a single handed authority to manage migration is needed in Turkey because the lack of national institution to manage migration and the neglect in the relationship of migration with other policy fields.

The hot topic for the 21st century is the Syrian civil war. According to 'the zero problem with the neighbors', Turkey tried to persuade Assad Regime for democratic reforms. When its efforts fail, Turkey initiates actions to find support in international

organizations. Meanwhile, Turkey started to support Syrian opposition. Turkey has changed the rules of engagement to Syria after the shot down of an unarmed aircraft by Syria (Ihlamur-Öner, 2013, pp.211-212). Turkey applied an "open door police" to Syrian people fled from the agony in Syria. Turkey's response to Syrian refugees is different from the Iraqis because Turkey is somehow prepared (Ihlamur-Öner, 2013, p. 215) to the all types of migration due to the new law which adds up the migration policies at one hand. The status of Syrian refuges was considered as 'guests' at first (Ihlamur-Öner, 2013, p. 202) mainly because of the geographical limitations of the adoption of the 1951 Convention. There are, also, two important assumptions for this consumption: (1) the Assad regime will fall and (2) the refugees will return back Syria (Ihlamur-Öner, 2013, p. 217). However, the increasing violence adds up more and more new Syrian guests. As a consequence of the fact, Turkey adopted the Regulation on Temporary Protection on 22 December 2014 and registered all the Syrian under temporary protection, which grants an international protection to Syrian people without a status. Afterwards, Turkey adopted a series of legal text concerning work permits of immigrants to ease the integration of them. On 1 January 2016, the Regulation regarding the Work Permits of Foreigners Provided with Temporary Protection was adopted. Then, the Regulation on Work Permit of International Protection Applicants and International Protection Status Holders Turkey was legalized on 26 April 2016. On 28 July 2016, Law on International Workforce No: 6735 was adopted. Besides, Turkey was adopted the Regulation on Combatting Human Trafficking and Protection of Victims on 17 March 2016.

CHAPTER III

INTERNATIONAL MIGRATION LAW AND
TURKISH MUNICIPAL LEGISLATION ON MIGRATION

3.1. International Law

Although some argues that international law dates back to early civilizations (Bederman, 2002; Shaw, 2008), modern international law is considered to begin with the Westphalia Peace in 1648 when the first modern states occurred (Morgenthau, 1985, p.294; Aust, 2010, p.3)." After the transformation of the World system into territorial states, the World consisted of sovereign States with "recognizing no secular authority above them". Thus, some rules of law which should govern the relations between those States were inevitable (Morgenthau, 1985, pp. 293-294). International law was called as 'the Law of Nations' before the Charter of United Nations (Bederman, 2002, p.1; Aust, 2005, p. 2). In the eighteenth century, Vattel (2008, p.67) defined the "the law of nations [as] the science which teaches the rights subsisting between nations or states, and the obligations correspondent to those rights. The main principle of the international law is governing these relations by "common principles and rules" (Aust, 2010, p.4). "International law is those rules of conduct that are binding on international actors in relations, transactions, and problems that transcend national frontiers" (Bederman, 2002, p.1). Having said that the international migration law is a part of international law. Thus, the *reason d'etre* of the international law is also the *reason d'etre* of the international migration law. What is more, the legal characteristic, binding force and sources of the international migration law are the same as international law as being a part of it.

3.1.1. Legal characteristic

Although it is argued that international law does not exist (Morgenthau, 1985, p.295; Bederman, 2002, p.24; Aust, 2005, p. 3), international law is a law (Aust, 2005, p.3) "with unique ways of making and enforcing rules" (Bederman, 2002, p.2). According to Pazarcı (2015, p.6), a legal order has two functions: (1) creating a set of

rules that must be obeyed and, (2) providing that obedience with sanctions via an organized society. Thus, International law has all the functions that a legal order should have because it creates an entire set of rules that must be obeyed as municipal law does. Morgenthau (1985, p.296) argued that "international law owes its existence and operation to two factors: identical or complementary interests of individual States and the distributions of power among them." Oppenheim (in Morgenthau, 1985, p.296) argued that a balance of power between the States is the primary condition. If the States cannot keep one another in check, international law will not be enforcing. As Aust (2005, p.3) asserted that "its binding force …is based on the consent of States, and national self-interest". Pazarcı (2015, p.7), also, argued that the binding force of the international law comes from the States' consents that it is binding. However, international law concerns only those which are parties to it (Pazarcı, 2015, p.31).

3.1.2. Source of International Law

Although there is no global legislature, and no hierarchy of international courts and tribunals (Aust, 2010, p.5), there are some sources of international law which are listed in Article 38 (1) of the Statute of the International Court of Justice as;

a) "international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
b) international custom, as evidence of a general practice accepted as law;
c) the general principles of law recognized by civilized nations;
d) subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law".

3.1.2.1 Treaties

Treaties are the main instruments of the international law (Morgenthau, 1985, p.297) which have a significant importance in international law today because some of the general rules of the customary international law derive from multilateral treaties (Aust, 2010, pp.5-6). 1969 Vienna Convention on the Law of Treaties defines a 'treaty' as "an international agreement concluded between States in written form and governed

by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation".

3.1.2.2 Customary International Law

Custom is the whole unwritten rules of international law which stems from the manner and behavior of the international legal persons (Pazarcı, 2015, p. 104). Customary international law is defined in Article 38 (1b) of the Statute of the International Court of Justice as 'evidence of a general practice accepted as law.' It is inferred that there are two main components of customary international law: 'general practice' and 'acceptance as law.' The first requirement of the customary international law is "the existence of relatively constant and uniform state practice" (Hataway, 2005, p.24) which means "substantial uniformity of practice by a substantial number of States" (Aust, 2010, p.6). The second requirement is, also known as opinio juris, 'acceptance as law' which is a general acceptance of a practice as a binding obligation on States (Aust, 2010, p.6).

3.1.2.3 General principles of law recognized by 'civilized' nations

General principles of law recognized by "civilized" nations are another important source for the international law, as well. According to Aust (2010, p.8), "International courts and tribunals have always borrowed concepts from domestic law if they can be applied to relations between States, and by this means have developed international law by filling gaps and strengthening weak points."

3.1.2.4 Judicial decisions and teachings of the most highly qualified publicists

Judicial decisions are very important in international law as judicial decisions of courts and tribunals are also sources of international law due to the fact that they stem from a detailed examination of legalization (Aust, 2010, p.9). Teachings of the most highly qualified publicist are also important because they help the courts. For Aust (201, p.9),

"The role played by writers on international law is also subsidiary. In the formative days of international law, their views may have been more influential than they are today. Now their main value depends on the extent to which the books and articles cited are works of scholarship, that is to say, based on thorough research into what the law is said to be (lex lata) rather than comparing the views of other writers as to what they think the law ought to be (lex ferenda). A work of rigorous scholarship will inevitably have more influence on a court, whether domestic or international."

3.2. International Migration Law

As there is no such an internationally defined term as international migration law by the UN, collecting all the instruments under a term is quite necessary to manage migration. To manage migration internationally, it is vital to cover all the people on the move. As we can infer from "the New York Declaration for Refugees and Migrants" (UN Doc. No: A/RES/71/1), the UN sees migration not as only refugee movements but from a wider perspective. It is stated in the declaration (UN Doc. No: A/RES/71/1, p.2) that the UN sees all the migrants as human right holders regardless of their status. Furthermore, "though their treatment is governed by separate legal frameworks, refugees and migrants have the same universal human rights and fundamental freedoms" (UN Doc. No: A/RES/71/1, p.2).

The expression 'international migration law' was first used by Varlez in 1927. The term "international migration law" is also used as a name of his book by Plender in 1972 (Chetail, 2017, p.21). International migration law is a generic name used to describe all the fragmented principles and rules of a wide range of treaties, conventions, declarations and other documents. International migration law is an umbrella term stands for the obligations of the States concerning on migration ("Migration Law", n/a, para.1). According to Perruchoud & Redpath-Cross (2011, p.53), international migration law is "international norms and principles relating to migration deriving from State sovereignty …and from human rights instruments. These two elements constitute the main pillars of international migration law. Instruments of international migration law are spread across various branches of law, such as human rights law, humanitarian law, labour law, refugee law, consular law, trade law and maritime law". According to the UN, the legal basis is "international law and international human rights law and, where applicable, international refugee law and international humanitarian law" (UN Doc. No: A/RES/71/1, p.2). The basic instruments of international migration law

covers, human rights, the duty of States on acceptance and return of the aliens or nationals, 'human trafficking and migrant smuggling' and specific international agreements (IOM, 2004, p.4).

INTERNATIONAL LAW
1- Charter of the United Nations

INTERNATIONAL HUMAN RIGHTS LAW

1- Declaration of Universal Human Rights

2- International Covenant on Civil and Political Rights

3-International Convention on the Elimination of All Forms of Racial Discrimination

4- Convention on the Elimination of All Forms of Discrimination against Women

5-Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

6- Convention on the Rights of the Child

7- 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

8- 2000 Protocol against the Smuggling of Migrants by Land, Sea and Air

INTERNATIONAL HUMANITARIAN LAW
1- Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.

2- Protocol (I) Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 8 June 1977.

INTERNATIONAL REFUGEE LAW
1- 1951 Convention Relating to the Status of Refugees
2- 1967 Protocol Relating to the Status of Refugees

LABOUR LAW
1- 1949 Convention Concerning Migration for Employment No:49

2- 1975 Convention Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Tratment of Migrant Workers No: 143

3- 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

1- Convention on Diplomatic Relations
2. Convention on Consular Relations

INTERNATIONAL MIGRATION LAW

Figure 2. **Instruments of International Migration Law**

3.2.1. The UN Charter as the Source of International Migration Law

The Charter of the United Nations (the Charter) is the main document in international law. As most of the international instrument do, the international migration law stem from the Charter of the United Nations. As it reads in the Article 1 of the Charter, the purposes of the United Nations are:

"To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace";

"To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace";

"To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and"

"To be a centre for harmonizing the actions of nations in the attainment of these common ends."

It is clear that the Charter is the main source of the international law and it is the unique legal text which legitimizes the international instruments on migration as one of its aims is to protect human rights and fundamental freedoms for all people without any discrimination.

3.2.2. International Human Rights Law

International Human Rights Law is a key component of international migration law. However, the fundamental rights of all persons, regardless of their migration status, include (GMG, 2010, para.5):

• "The right to life, liberty and security of the person and to be free from arbitrary arrest or detention, and the right to seek and enjoy asylum from persecution;
• The right to be free from discrimination based on race, sex, language, religion, national or social origin, or other status;

• The right to be protected from abuse and exploitation, to be free from slavery, and from involuntary servitude, and to be free from torture and from cruel, inhuman or degrading treatment or punishment;

• The right to a fair trial and to legal redress;

• The right to protection of economic, social and cultural rights, including the right to health, an adequate standard of living, social security, adequate housing, education, and just and favorable conditions of work; and

• Other human rights as guaranteed by the international human rights instruments1 to which the State is party and by customary international law".

International Humanitarian Law has more than one instrument. The main instrument is 'the Universal Declaration of Human Rights'. Other important instruments are 'International Covenant on Civil and Political Rights', 'International Convention on the Elimination of All Forms of Racial Discrimination', 'Convention for the Elimination of All Forms of Discrimination against Women', 'Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment', 'Convention on the Rights of the Child', 'Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime' and 'Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime'.

3.2.2.1 Universal Declaration of Human Rights

Signed in 1948, Universal Declaration of Human Rights (the Declaration) sets fundamental rules for the international human rights law. As a basis of every single human rights instrument, it is the source of international migration law stems from the International Human Rights Law. In the article 13 of the Declaration, it reads that "(1) Everyone has the right to freedom of movement and residence within the borders of each State. (2) Everyone has the right to leave any country, including his own, and to return to his country". In the Article 14 (1) of the Declaration it reads that "Everyone has the right to seek and to enjoy in other countries asylum from persecution". The Declaration also sets rules for the nationality in the Article 15: (1) "Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality".

3.2.2.2. International Covenant on Civil and Political Rights

International Covenant on Civil and Political Rights (the Covenant) was adopted on 16 December 1966 and entered into force on 23 March 1976. The Article 12 of the Covenant regulates the freedom of movement and its limitations. It reads in the Article 12 that

(1) "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence".
(2) "Everyone shall be free to leave any country, including his own".
(3) "The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant".
(4) "No one shall be arbitrarily deprived of the right to enter his own country".

The Article 13 of the Covenant set rules for the aliens' expulsion from a State. It reads that:

"An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority."

The Covenant assures the right of free movement and bans forcibly expulsion of an alien.

3.2.2.3. International Convention on the Elimination of All Forms of Racial Discrimination

International Convention on the Elimination of All Forms of Racial Discrimination was adopted on 21 December 1965 and entered into force in 4 January 1969. In the Article 1 (4) of the International Convention on the Elimination of All Forms of Racial Discrimination, it reads that

"Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved".

3.2.2.4. Convention for the Elimination of All Forms of Discrimination against Women

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted on 18 December 1979 and entered into force on 3 September 1981. It regulates the rights of the women as equals to men. Especially, the Article 9 of the CEDAW regulates the nationality of women. It reads that

(1) "States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband".

(2) "States Parties shall grant women equal rights with men with respect to the nationality of their children".

The article 15 (4) of the CEDAW also regulates the freedom of movement of women as it reads that "States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile".

3.2.2.5. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention against Torture) was adopted on 10 December 1984 and entered into force on 26 June 1987. The Convention against Torture set rules for the humane treatments of any person in any States which are party

to the convention against torture. The Article 3 of the convention regulates the non-refoulement principle as it reads that

(1) "No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."

(2) "For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights."

3.2.2.6. Convention on the Rights of the Child

Convention on the Rights of the Child was adopted on 20 November 1989 and entered into force on 2 September 1990. Besides the Convention on the Rights of the Child regulates all aspects of the rights of the children, the Article 22 reads that

(1) "States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties."

(2) "For this purpose, States Parties shall provide, as they consider appropriate, cooperation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention."

3.2.2.7. Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime

The Protocol was adopted on 15 November 2000 and entered into force on 28 January 2004. As stated in Article 2, "The purpose of this Protocol is to prevent and combat the smuggling of migrants, as well as to promote cooperation among States Parties to that end, while protecting the rights of smuggled migrants". Article 5 of the Protocol states that "Migrants shall not become liable to criminal prosecution under this Protocol for the fact of having been the object of conduct set forth in article 6 of this Protocol". Article 16 of the Protocol mentions about "Protection and assistance measures"

"1. In implementing this Protocol, each State Party shall take, consistent with its obligations under international law, all appropriate measures, including legislation if necessary, to preserve and protect the rights of persons who have been the object of conduct set forth in article 6 of this Protocol as accorded under applicable international law, in particular the right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

2.Each State Party shall take appropriate measures to afford migrants appropriate protection against violence that may be inflicted upon them, whether by individuals or groups, by reason of being the object of conduct set forth in article 6 of this Protocol.

3. Each State Party shall afford appropriate assistance to migrants whose lives or safety are endangered by reason of being the object of conduct set forth in article 6 of this Protocol.

4. In applying the provisions of this article, States Parties shall take into account the special needs of women and children. 5. In the case of the detention of a person who has been the object of conduct set forth in article 6 of this Protocol, each State Party shall comply with its obligations under the Vienna Convention on Consular Relations, where applicable, including that of informing the person concerned without delay about the provisions concerning notification to and communication with consular officers".

Article 18 of the Protocol regulates the "Return of smuggled migrants"

1.Each State Party agrees to facilitate and accept, without undue or unreasonable delay, the return of a person who has been the object of conduct set forth in article 6 of this Protocol and who is its national or who has the right of permanent residence in its territory at the time of return.

2. Each State Party shall consider the possibility of facilitating and accepting the return of a person who has been the object of conduct set forth in article 6 of this Protocol and who had the right of permanent residence in its territory at the time of entry into the receiving State in accordance with its domestic law.

3. At the request of the receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who has been the object of conduct set forth in article 6 of this Protocol is its national or has the right of permanent residence in its territory.

4. In order to facilitate the return of a person who has been the object of conduct set forth in article 6 of this Protocol and is without proper documentation, the State Party of which that person is a national or in which he or she has the right of permanent residence shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.

5. Each State Party involved with the return of a person who has been the object of conduct set forth in article 6 of this Protocol shall take all appropriate measures to carry out the return in an orderly manner and with due regard for the safety and dignity of the person.

6. States Parties may cooperate with relevant international organizations in the implementation of this article.

7. This article shall be without prejudice to any right afforded to persons who have been the object of conduct set forth in article 6 of this Protocol by any domestic law of the receiving State Party.

8. This article shall not affect the obligations entered into under any other applicable treaty, bilateral or multilateral, or any other applicable operational agreement or arrangement that governs, in whole or in part, the return of persons who have been the object of conduct set forth in article 6 of this Protocol.

3.2.2.8. Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (the Protocol), supplementing the United Nations Convention against Transnational Organized Crime

The protocol was adopted on 15 November 2000. Article 7 of the Protocol regulates the status of victims of trafficking in persons.

Status of victims of trafficking in persons in receiving States

1. In addition to taking measures pursuant to article 6 of this Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.

2. In implementing the provision contained in paragraph 1 of this article, each State Party shall give appropriate consideration to humanitarian and compassionate factors.

Article 8 of the Protocol regulates "Repatriation of victims of trafficking in persons" in case of returning the victims of trafficking in persons.

1. The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.
2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.
3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.
4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.
5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.
    6. This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.

3.2.3. International Humanitarian Law

International Humanitarian Law (IHL) consists of four main conventions signed on 12 August 1949 and their two additional protocols signed on 8 June 1977. The conventions are: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Convention (III) relative to the Treatment of Prisoners of War and Convention (IV) relative to the Protection of Civilian Persons in Time of War. The protocols are:

Protocol (I) Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts and Protocol (II) Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.

3.2.3.1. Convention (IV) Relative to the Protection of Civilian Persons in Time of War

In Article 3 (1), it reads "Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria". Protected people under the Convention relative to the Protection of Civilian Persons in Time of War are defined in the Article 4. It is written in the first paragraph of the Article 4 that "Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals". The exceptions of the protection are defined in the second paragraph of the Article 4. It reads that "Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State, who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are".

The Article 35 under the Section II with the title of "aliens within the territory of a party to the conflict" regulates 'the right to leave the territory'. It reads that

"All protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so, unless their departure is contrary to the national interests of the State. The applications of such persons to leave shall be decided in accordance with regularly established procedures and the decision shall be taken as rapidly as possible. Those persons permitted to leave may provide themselves with the necessary funds for their journey and take with them a reasonable amount of their effects and articles of personal use".

Refugees are also protected under the Convention relative to the Protection of Civilian Persons in Time of War. The Article 44 reads that "In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality 'de jure' of an enemy State, refugees who do not, in fact, enjoy the protection of any government".

3.2.3.2. Protocol (I) Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts

It reads in Article 73 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts,

> "Persons who, before the beginning of hostilities, were considered as stateless persons or refugees under the relevant international instruments accepted by the Parties concerned or under the national legislation of the State of refuge or State of residence shall be protected persons within the meaning of Parts I and III of the Fourth Convention, in all circumstances and without any adverse distinction".

3.2.4. International Refugee Law

International Refugee Law consists of the Convention relating to the Status of Refugees (1951 Convention) and the Protocol relating to the Status of Refugees (1967 Protocol).

3.2.4.1. Convention Relating to the Status of Refugees

Convention relating to the Status of Refugees was adopted on 28 July 1951 and entered into force on 22 April 1954. 1951 Convention stems from the Universal Declaration of Human Rights. The Article 14(1) of the Declaration lays down that "Everyone has the right to seek and to enjoy in other countries asylum from persecution".

3.2.4.1.1. Definition of refugee

Under 1951 Convention, the term 'refugee' is defined in Article 1 as

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 fulfill 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.

3.2.4.1.2. Ending of Refugee Status

The cases when the refugee status will end are listed in Article 1 C of the Convention

"This Convention shall cease to apply to any person falling under the terms of Section A if:

1-He has voluntarily re-availed himself of the protection of the country of his nationality; or
2-Having lost his nationality, he has voluntarily re-acquired it; or
3-He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or
4- He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or
5- He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality; Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;

6- Being a person who has no nationality he is, because of the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence."

3.2.4.1.3. Exceptions of the refugee status

The exceptions of the refugee status are listed in the Article 1 (D) (E) (F) of the Convention.

"D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.

E. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations".

3.2.4.1.4. Non-refoulement

Article 33 (1) of the 1951 Convention defines non-refoulement as

"No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

3.2.4.1.5. Duties of refuges

In Article 2 of the Convention reads that

"Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order." However, it is clearly stated in the Article 5 "Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to refugees apart from this Convention".

3.2.4.1.6. Duties and obligation of the States

As suggested in the 1951 Convention, three main duties of the states are Non-refoulement (Article 33), non-discrimination (Article 3) and non-punishment (Article 31). The States should treat to refugees "not less favourable than that accorded to aliens generally in the same circumstances". States should provide 'freedom to practice their religion (Article 4)', 'exemption from reciprocity (Article 7)', 'exemption from exceptional measures (Article 8)' and 'continuity of residence (Article 10)'.

3.2.4.2. Protocol Relating to the Status of Refugees

Protocol relating to the Status of Refugees was adopted on 31 January 1967 and entered into force on 4 October 1967. As stated in the preamble of the 1967 Protocol, due to the time and scope limitations of the 1951 Convention and new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention, the UN needs to change the definition of refugee so as to make it cover all the refugees so they can enjoy the same rights. To do so, the words "As a result of events occurring before 1 January 1951" and the words "as a result of such events", in article 1 A (2) were omitted. The definition of the refugee is then

"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, is unable or, owing to such fear, is unwilling to return to it".

3.2.4.3. Convention Relating to the Status of Stateless Persons

Convention relating to the Status of Stateless Persons (1954 Convention) was adopted on 26 April 1954 and entered on 6 June 1960. 1954 Convention is somewhat alike the 1951 Convention in nature. Both Convention grants the same rights to the refugees and stateless people. According to the 1954 Convention, "the term 'stateless person' means a person who is not considered as a national by any State under the operation of its law". The duties of the stateless people are defined in the 1954 Convention. In Article 2, it is stated that "Every stateless person has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order". However, "Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to stateless persons apart from this Convention". The States should treat to stateless people "the same treatment as is accorded to aliens generally". States should provide 'freedom to practice their religion' (Article 4), 'exemption from reciprocity' (Article 7), 'exemption from exceptional measures (Article 8)' and 'continuity of residence' (Article 10).

3.2.4.4. Convention on the Reduction of Statelessness

Convention on the Reduction of Statelessness was adopted on 30 August 1961 and entered on 13 December 1975. The aim of the convention is "to reduce statelessness by international agreement".

3.2.5. International Labour Law

International Labour Law includes the main instruments which protects rights of workers and their families. The main international body which is responsible for protection of rights of workers is International Labor Organization. 1949 Migration for Employment Convention and 1975 Migrant Workers Convention are the underlying international instruments for International Labour Law.

3.2.5.1. 1949 Migration for Employment Convention (Revised) (No. 97)

The Migration for Employment Convention (the Convention) was adopted on 01 July 1949 and entered into force on 22 Jan 1952. The Convention regulates a great deal of State's duties and obligations to manage migration for employment.

3.2.5.1.1. Migrant for Employment

In the Article 11 (1) of the Migration for Employment Convention, it lays down that

"…the term migrant for employment means a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment".

3.2.5.1.2. Duties of the States

In Article 4 of the Convention, it reads that "Measures shall be taken as appropriate by each Member, within its jurisdiction, to facilitate the departure, journey and reception of migrants for employment". Article 6 of the Convention regulates most of the duties of States.

1. Each Member for which this Convention is in force undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals in respect of the following matters:

   (a) in so far as such matters are regulated by law or regulations, or are subject to the control of administrative authorities--

      (i) remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age for employment, apprenticeship and training, women's work and the work of young persons;

      (ii) membership of trade unions and enjoyment of the benefits of collective bargaining;

      (iii) accommodation;

   (b) social security (that is to say, legal provision in respect of employment injury, maternity, sickness, invalidity, old age, death, unemployment and family

responsibilities, and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) there may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) national laws or regulations of immigration countries may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension;

(c) employment taxes, dues or contributions payable in respect of the person employed; and

(d) legal proceedings relating to the matters referred to in this Convention.

2. In the case of a federal State the provisions of this Article shall apply in so far as the matters dealt with are regulated by federal law or regulations or are subject to the control of federal administrative authorities. The extent to which and manner in which these provisions shall be applied in respect of matters regulated by the law or regulations of the constituent States, provinces or cantons, or subject to the control of the administrative authorities thereof, shall be determined by each Member. The Member shall indicate in its annual report upon the application of the Convention the extent to which the matters dealt with in this Article are regulated by federal law or regulations or are subject to the control of federal administrative authorities. In respect of matters which are regulated by the law or regulations of the constituent States, provinces or cantons, or are subject to the control of the administrative authorities thereof, the Member shall take the steps provided for in paragraph 7 (b) of Article 19 of the Constitution of the International Labour Organisation.

3.2.5.2. 1975 Migrant Workers (Supplementary Provisions) Convention (No.143)

Migrant Workers Convention (the Convention) was adopted on 24 June 1975 and entered into force on 09 December 1978. The Convention regulates the illegal migration and sets rules for the equal treatment of the migrant workers.

Duties of the States are "to respect the basic human rights of all migrant workers" (Article 1), monitor clandestine migration (Article 2), 'adopt all necessary and appropriate measures to suppress clandestine movements of migrants for employment and illegal employment of migrants and against the organisers of illicit or clandestine movements of migrants for employment (Article 3)', "to declare and pursue a national policy designed to promote and to guarantee, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights and of individual

and collective freedoms for persons who as migrant workers or as members of their families are lawfully within its territory (Article 10)".

3.2.5.3. 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (the Convention) was adopted on 18 December 1990 and entered into force on 1 July 2003. The Convention covers the rights of the migrant workers and their families extensively. Migrant worker is defined in the Article 2 (1) of the Convention "as a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national". In Article 4, it is stated that

> "the term ''members of the family' refers to persons married to migrant workers or having with them a relationship that, according to applicable law, produces effects equivalent to marriage, as well as their dependent children and other dependent persons who are recognized as members of the family by applicable legislation or applicable bilateral or multilateral agreements between the States concerned".

Article 7 of the Convention regulates the "Non-discrimination with Respect to Rights". It is written that

> "States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as to sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status".

In the third part of the Convention, it is listed "Human Rights of All Migrant Workers and Members of their Families" from Article 8 to Article 35. "Other Rights of Migrant Workers and Members of their Families who are Documented or in a Regular Situation" are listed In the fourth part of the Convention.

3.2.6. Convention on Diplomatic Relations

Convention on Diplomatic Relations (the Convention) was signed on 18 April 1961 and entered into force on 24 April 1964. Article 26 of the Convention regulates the freedom of movement of the diplomatic missions. It reads that "Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure to all members of the mission freedom of movement and travel in its territory". Protection of the missions in case of an armed conflict is defined in the Article 44 of the Convention. It reads that "The receiving State must, even in case of armed conflict, grant facilities in order to enable persons enjoying privileges and immunities, other than nationals of the receiving State, and members of the families of such persons irrespective of their nationality, to leave at the earliest possible moment. It must, in particular, in case of need, place at their disposal the necessary means of transport for themselves and their property".

3.2.7. Convention on Consular Relations

Convention on Consular Relations (the Convention) was adopted on 24 April 1963 and entered into force on 19 March 1967. Article 34 of the Convention regulates the freedom of movement of the diplomatic missions. It reads that "Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure freedom of movement and travel in its territory to all members of the consular post".

3.3. Turkish Municipal Legislation On Migration

Turkey has dual regime on migration. The first part of the migration policies is towards people of Turkish origin and culture. This group of people has always been easily accepted as migrants and mostly granted nationality. The second part of the migration policies towards people who are not connected to Turkish origin or culture. This group of people neglected throughout the 20th century till 'Regulation on the Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum From Another Country No.

1994/6169' (1994 Regulation). The Turkish governments have been unwilling to develop policies towards them because of security perceptions. The migration policies of the Turkish Republic are changed when the Law on Foreigners and International Protection was adopted. The law was a product of a large study group including people from bureaucracy to academia. Moreover, the law was supervised by the Venice committee. Yet, the law still has four types of international protection.

3.3.1. Former Regulations on Migration

Although Turkey faced different patterns of migration, there had not been a legal text which governed migration until 1994 Regulation. In fact, there were some laws which mentioned about terms such as migrant, settler or asylum seeker. However, those laws were amended many times and new versions are included in the Present Turkish Legislation on Migration. Thus, 1994 Regulation will be presented alone in this section.

3.3.1.1. Regulation on the Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum From Another Country No. 1994/6169 (1994 Regulation)

The aim of the 1994 Regulation is defined in Article 1 that

"The purpose of this regulation is to determine the principles and procedures and to designate the bodies competent in respect of, aliens who individually seek refuge or seek residence in our country in order to seek refuge in other countries or as a group arrive at our borders for the purposes of refuge or asylum, or possible population movements, under the 1951 Geneva Convention relating to the Status of Refugees and the Protocol of 31 January 1967 relating to the Status of Refugees.

The content of the 1994 Regulation is defined in article 2 that

"This Regulation contains the measures, procedures to be undertaken, concerning the aliens who, legally or illegally, arrive in our country as individuals and wish to seek refuge or request residence permission in order to seek refuge in other countries, or who collectively arrive at our borders or cross our borders for the purposes of refuge or asylum, the bodies to be approached, and

through whom decisions are to be made and co-operation undertaken, and [such bodies´] duties, and the principles to which aliens should be subject".

1994 Regulation is important for the development of migration policies in Turkey as it gave the definition of some terms like refugee or asylum seeker for the first time.

"Refugee: An alien who as a result of events occurring in Europe 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";

"Asylum Seeker: An alien who 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".

"Belligerent Foreign Army Member: A military person, allowed into or captured in Turkey, whose country of origin is in a state of war or armed conflict with a third country".

"Individual Alien: A single person or a family [unit] consisting of a father, mother and minor children"

Part three of the 1994 Regulation is the "Precautions to be taken against possible population movements and aliens arriving in Turkey in groups wishing to seek asylum". In the Article 8, "Precautions to be taken in the event of the beginning of a [population] movement for asylum and the arrival of aliens at our borders" is defined as

"As long as there are no political decisions taken to the contrary, and provided that Turkey's obligations under international law are maintained, and taking into account its territorial interests, it is essential that population movements be stopped at the border, and that asylum seekers be prevented from crossing over into Turkey. Necessary and effective measures shall be taken by the relevant bodies on this matter".

Under Article 11 with the title of Protection, it lays down that "Those who seek asylum from Turkey and take refuge in Turkey are under the protection and supervision of the

state whilst they remain in Turkey". 1994 Regulation is very important for the development of Turkish legislation on migration as it is the first legal text which aims to govern the migration. The regulation defined refugee, asylum seeker and alien under the international text as adopted by Turkey. Until the adoption of the Law on Foreigners and International Protection, 1994 Regulation was the only legal text on the principles and procedures of immigrants.

3.3.2. Present Turkish Legislation on Migration

3.3.2.1. Passport Law No. 5682.

As stated in the Article 2 of the Passport Law, "Turkish citizens and foreign subject persons are obliged to present valid passports or a passport substitute document to enter Turkey and to go out of Turkey". Article 4 of the Law regulates the "the foreign subject persons who came without passports or documents" as

"The foreign subject persons who come to Turkish borders without passport or documents or invalid passport or documents are returned. The foreign subject persons who claim that they lost their passports or documents during the travel may be accepted, provided that they are sent to the closest government office if required and may be resided at the place shown by the local government director for the purpose of the procedure according to the award to be made for them until end of the investigation to be done by the Ministry of Interior".

"Immigrants who come by the permission of the Government are accepted to Turkey even if they do not present passports provided they have a document issued by Turkish Consulates or by officers or delegations sent by the Government to the foreign countries to dispatch immigrants".

"Generally, acceptable of the immigrants and the foreign persons who come for the purpose of settlement excluding the procedure concerning settlement whether they have passports or not depends on the award of the Ministry of Interior".

Though it has amended many times, it is the one of the early text which mentions about immigrants. The Passport Law No: 5682 is one of the very first legal texts that distinguish between Turkish nationals and foreigners. The Passport Law is the main legal text that governs the legal migration and it also regulates what procedures will be applied to the people with invalid passports.

3.3.2.2. Law on Residence and Travel of Foreigners in Turkey No: 5683

Law on Residence and Travel of Foreigners in Turkey No: 5683 (the Law) was adopted on 15 July 1950. The aim of the law is to regulate the conditions of residence and travel of foreigners. General terms of the residence permit are defined in Article 3 of the law.

"The foreign subjects, who shall stay in Turkey more than a month, are obliged to apply to the authorized security offices direct or indirect to complete the necessary statement to obtain residence permit. Before this period is expired this statement is not subject to any charge or tax."

"The foreign subjects who arrive in Turkey for the purpose of working should obtained residence permit within a month as from the date of arrival or before working."

"The foreign subjects who arrive in Turkey under cultural activities such as conferences, concert etc. are excluded from this condition provided that these activities should not exceed one month".

"Special procedure to be applied to the persons who are the bearers of joint passports."

The Law on Residence and Travel of Foreigners in Turkey No: 5683 is the early texts including the procedures to govern the residence and travel of foreigners. It is also important as it one of the first legal text which mention about the political refugees. Article 17 of the Law defines the situation of political refugees. It reads that "The foreign subject persons who took refuge to Turkey by political reasons reside in the places permitted only by the Ministry of Interior".

3.3.2.3. Law on Work Permit for Foreigners No. 4817

In the Article 1 of Law on Work Permit for Foreigners No. 4817 (the Law) reads that "objective of this Law is to regulate the work of foreigners in Turkey with a system of work permit and to specify the rules regarding the working permits to be given to these foreigners". In the Article 4 of the Law, obligation of permission is defined:

"Unless otherwise provided in the bilateral or multilateral agreements to which Turkey is a party, the foreigners are obliged to get permission before they start to work dependently or independently in Turkey".

"In cases where the country's benefits require or depending on the force majeure, the working permission may be given after starting to work, provided that information is given to the relevant

authority before starting to work, on condition that working period will not exceed one month and the Ministerial approval has been obtained".

Law on Work Permit for Foreigners constitutes the Turkish main legal body governing migration with Law on Foreigners and International Protection. The responsibility to give work permit is at the Ministry of Labour and Social Security. However, work permit of the foreigners is separated from the six types of residence permit and is regulated in the law on work permit for foreigners. This is mainly due the fact that the rule maker wants to make taking the work permit easier.

3.3.2.4. Foreign Direct Investment Law No. 4875

The aim and scope of the Foreign Direct Investment Law are defined in Article 1 as

"The objective of this Law is to regulate the principles to encourage foreign direct investments; to protect the rights of foreign investors; to define investment and investor in line with international standards; to establish a notification-based system for foreign direct investments rather than screening and approval; and to increase foreign direct investments through established policies. This Law establishes the treatment to be applied to foreign direct investments".

Foreign investor is defined in the Article 2 (A) as 1)"Real persons who possess foreign nationality and Turkish nationals resident abroad, and 2) Foreign legal entities established under the laws of foreign countries and international institutions, who make foreign direct investment in Turkey". "Freedom to invest and national treatment" are regulated under Article 3 (A) of the Law as "Unless stipulated by international agreements and other special laws: 1. Foreign investors are free to make foreign direct investments in Turkey, 2. Foreign investors shall be subject to equal treatment with domestic investors."

3.3.2.5. Law on Settlement No. 5543

Law on Settlement no. 5543 is the main legal text that regulates the settlement of migrants and resettlement of people in Turkey. The aim of the Law is "to regulate the settlement of migrants, nomads, settlement due to expropriation and national security, the procedure and principles of physical arrangements in villages and the rights and duties of the people who are settled" (Article 1). In the Article 3/d of the Law, a migrant is "the person(s)

of Turkish origin and bond to Turkish culture who come(s) to settle in Turkey individually or as a group."

For years, the unique Turkish legal text that has defined migrant was the former versions of Settlement Law. The main of the Law was to resettlement of Turkish people or people of Turkic origin.In the former version of the Law on Settlement (No.2848), the law had covered the refugees and there was a definition for a refugee. According to the former version, a refugee is "a person "who comes to Turkey to find a shelter because of compelling reasons and whose intention is not to settle permanently".

3.3.2.6. Turkish Citizenship Law No: 5901

In the Article 1 of the Turkish Citizenship Law is defined as "to determine the principles and the procedures regarding the conduct of affairs and processes relating to the acquisition and loss of Turkish citizenship". Turkish citizen is defined in the Article 3 (ç) as "the person who is bound to the Republic of Turkey through the bond of citizenship" and alien is defined in Article 3 (d) as "the person who has no bonds of citizenship with the Republic of Turkey".

As stated in Article 5, "Turkish citizenship is acquired by birth or after birth".

Citizenship Acquired by Birth

Article 6 – (1) "Turkish citizenship by birth shall be automatically acquired on the basis of descent or place of birth. Citizenship acquired by birth shall be effective from the moment of birth".

Descent

Article 7 – (1) "A child born to a Turkish mother or through a Turkish father within the unity of marriage either in Turkey or abroad is a Turkish citizen".

(2) "A child born to a Turkish mother and through an alien father out of wedlock is a Turkish citizen".

(3) "A child born through a Turkish father and to an alien mother out of wedlock acquires Turkish citizenship if the principles and procedures ensuring the establishment of descent are met".

Place of Birth

Article 8 – (1) "A child born in Turkey, but acquiring no citizenship of any state by birth through his/her alien mother or father is a Turkish citizen from the moment of birth".

(2) "A child found in Turkey is deemed born in Turkey unless otherwise proven".

Citizenship Acquired After Birth

Article 9 – (1) Turkish citizenship shall be acquired after birth either by a decision of the competent authority or by adoption or by using the right to choice.

The Acquisition of Turkish Citizenship by Decision of the Competent Authority

Article 10 – (1) "An alien who wishes to acquire Turkish citizenship can acquire Turkish citizenship by a decision of the competent authority provided he/she fulfills the conditions laid down in this Law. However fulfillment of the stipulated conditions does not grant that person an absolute right in the acquisition of citizenship".

Conditions for Application

Article 11 – (1)" An alien who wishes to acquire Turkish citizenship shall";

a) "be in the age of majority and have the capacity to act either according to his/her own national law or, if he/she is stateless, according to Turkish law",

b) "have been resident in Turkey without interruption for five years preceding the date of his/her application",

c) "verify his/her determination to settle down in Turkey with his/her manners",

ç) "have no disease constituting an obstacle in respect of public health",

d) "be of good moral character",

e) "be able to speak a sufficient level of Turkish",

f) "have income or profession to provide for maintenance for himself/herself and his/her dependants in Turkey",

g) "have no quality constituting an obstacle in respect of national security and public order".

(2) "Aliens who wish to acquire Turkish citizenship may be required, in addition to the conditions aforementioned, to relinquish previous citizenship. The Council of Ministers shall be competent to determine the principles regarding the exercise of this discretion".

Turkish Citizenship Law shows the principle of acquiring Turkish citizenship. The citizenship law is the main texts that define the nationality, how it is acquired and get lost. It defines who is a Turkish national and who is not, so it differentiates between the rights of nationals and aliens.

3.3.2.7. Law on Foreigners and International Protection No. 6458.

The Law on Foreigners and International Protection was adopted on 4 April 2013 and entered into force in 2014. In the Article 1 of the LFIP sets the aim of the law which is

"The purpose of this Law is to regulate the principles and procedures with regard to foreigners' entry into, stay in and exit from Turkey, and the scope and implementation of

the protection to be provided for foreigners who seek protection from Turkey, and the establishment, duties, mandate and responsibilities of the Directorate General of Migration Management under the Ministry of Interior".

3.3.2.7.1. Types of International Protection

Law on Foreigners and International Protection (LFIP) No: 6458 has three types of protection. These are Refugee status, Conditional Refugees and Subsidiary Protection.

Refugee is "A person who as a result of events occurring in European countries 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 citizenship 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 former residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, shall be granted refugee status upon completion of the refugee status determination process".

Conditional Refugee is "A person who as a result of events occurring outside European countries 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 or herself of the protection of that country; or who, not having a nationality and being outside the country of former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, shall be granted conditional refugee status upon completion of the refugee status determination process. Conditional refugees shall be allowed to reside in Turkey temporarily until they are resettled to a third country".

Subsidiary Protection is for "A foreigner or a stateless person, who neither could be qualified as a refugee nor as a conditional refugee, shall nevertheless be granted subsidiary protection upon the status determination because if returned to the country of origin or country of [former] habitual residence would:

a) be sentenced to death or face the execution of the death penalty;

b) face torture or inhuman or degrading treatment or punishment;

c) face serious threat to himself or herself by reason of indiscriminate violence in situations of international or nationwide armed conflict; and therefore is unable or for the reason of such threat is unwilling, to avail himself or herself of the protection of his country of origin or country of [former] habitual residence".

3.3.2.7.2. Non-refoulement

Non-Refoulement principle was defined in the article 4 as

"No one within the scope of this of this Law shall be returned to a place where he or she may be subjected to torture, inhuman or degrading punishment or treatment or, where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion"

3.3.2.7.3. Residence Permit

Residence Permit is regulated under Article 19 of LFIP as "Foreigners who would stay in Turkey beyond the duration of a visa or a visa exemption or, [in any case] longer than ninety days should obtain a residence permit. The residence permit shall become invalid if not used within six months".

3.3.2.7.3.1. Work permit as residence permit

"(1) A valid work permit as well as Work Permit Exemption Confirmation Document issued pursuant to Article 10 of the Law on Work Permits of Foreigners, № 4817 of 27/02/2003, shall be considered a residence permit. Pursuant to the Law on Fees, № 492 of 02/07/1964, a residence permit fee equivalent to the duration of their work permit shall be collected from foreigners granted a work permit or Work Permit Exemption Confirmation Document.
(2) The foreigner should not fall within the scope of Article 7 in order for a work permit to be issued or renewed".

3.3.2.7.3.2. Residence Permit Types

There are 5 types of Residence Permit types : a) 'short-term residence permit', b) 'family residence permit' c) 'student residence permit' ç) 'long-term residence permit' d) 'humanitarian residence permit' e) 'victim of human trafficking residence permit'.

3.3.2.7.4 Temporary protection

Temporary protection is defined under the Article 91 of the LFIP as another type of protection.

> (1) Temporary protection may be provided for foreigners who have been forced to leave their country, cannot return to the country that they have left, and have arrived at or crossed the borders of Turkey in a mass influx situation seeking immediate and temporary protection.
>
> (2) The actions to be carried out for the reception of such foreigners into Turkey; their stay in Turkey and rights and obligations; their exit from Turkey; measures to be taken to prevent mass influxes; cooperation and coordination among national and international institutions and organisations; determination of the duties and mandate of the central and provincial institutions and organisations shall be stipulated in a Directive to be issued by the Council of Ministers.

The Law on Foreigners and International Protection is the underlying legal text that governs the Turkish migration. When it was adopted in 2013, it established the Directorate General of Migration Management which is the main body for managing migration. The principles and procedures of management of Turkish migration are covered by the Law on Foreigners and International Protection. It defines the terms migrant, conditional migrant, non-refoulement principle, international protection and temporary protection.

IV. CONCLUSION

The consistently growing number of migrants shows us that the phenomenon of migration is likely to be on the agenda in the future. The last few decades were the time the mobility of people reached its highest rates. Today, nearly 244 million people live outside of their actual residence. 65.6 million of which are forcibly displaced people and of 22.5 million people are refugees today.

It has been clear that there is a nexus between migration and security. Migration stems from security problems in the sending countries and it causes security problems in the receiving countries. The number of migrants reached up to 244 million around the World and this figure does not include illegal migrants and the former migrants who granted citizenship. Migration, especially mass migration and influx, is quite related with security problems in the sending countries. This lack of security can be from the absence of military, political, social, economic or environmental security in those States. Most of the forcibly displacement is due to inner conflicts. Today, more than 65 million people are forcibly displaced, and of 22.5 million are refugees. There are almost 3 million asylum seeker and 40.3 million IDPs. The top ten countries of refugee source countries are Syrian Arab Republic, Afghanistan, South Sudan, Somalia, Sudan, Democratic Republic of the Congo, Central African Republic, Myanmar, Eritrea and Burundi. All these countries have security problems like inner wars, suppressive regimes or terrorism. Besides, three countries (Syrian Arab Republic, Iraq and Sudan) constitute the 55% of the total refugees.

Migration also creates inner-state and interstate security problems in the receiving countries. Most of these problems are inner state problems and can be stemmed from State sovereignty or economic, cultural, social, demographic and military reasons. The main problem is state sovereignty. States decides who will enter its soil, who will not enter or who will stay in the State. Illegal migration means spoiling the right of sovereignty. Migration is also an economic problem for States. Unfortunately, 84% of the total forced displaced people is refugees or refugee like people in developing countries. The least developed countries host almost 15 of the refugees. Migration deteriorates the economies of these developing countries adding new burdens to the State budget. On the other hand, the problem in the developed countries is about the distribution of welfare. People in the developed countries prefer spending the state

budget for a national to an alien. Besides, migration causes inflection by increasing the market prices either in the developed or in the developing economies. Social and cultural problems are other problems that migration can cause in the receiving countries. The social integration of migrants, especially those came after mass migration, is difficult. This situation leads to ghettoization and alienation of the migrants. The potential that the migrants' turning into crime is another problem. Aside from the petty crimes, the migrants tend to join terrorist organization. Most of the terror attacks were performed by people who were born outside their actual residence. Moreover, the biggest terrorist organization in the World, ISIL, has thousands of terrorists from 43 different countries and this makes almost every countries face with terrorism. Migration can also affect the demographic structure of a country. The number of migrants who come with individual or mass migration can constitute a majority of the population so that they can take over the government or they can exceed the population of the receiving country.

Migration can also be interstate problem. Migrants can be used against the receiving country by the sending country or vice versa. Sending country may use its influence on migrants to deteriorate the inner security of the receiving country, or the receiving country use the migrants to set a diaspora against the government of the sending country. Some countries encourage migration so as to use it as a bargaining counter between countries. Moreover, it creates conflicts between countries. For example, Saddame Regime blamed Turkey for interfering its inner affairs when Turkey accepted Iraqi refugees to the country after Saddam Regime's military operation in 1988 and 1992. Nowadays, hosting the refugees is an enormous problem between the members of European Union. On the other hand, the problems can create conflicts between States and sometimes, it can end up with military intervention.

International legislation on migration constitutes of many different and scattered texts. This is mostly because of the fact that the legislation develops so as to manage the migration occurred after serious security problems. The scatter in the legislation adds new problems rather than solve the problems. This situation leads States adopt different policies over migration management as the international texts leave the implementation of the legislation to the municipal law. However, States tend to politicize the migration problem and adopt migration policies against human rights.

As it is obvious from the study that there is also a direct proportion between the development of the international legislation on migration and security. The international legislation on migration was shaped after global security problems. Migration first became a security issue during and after the First World War because of the chancing borders and emerging of new states. The first international effort to deal with the migration is by the League of the Nations (The League) which was established in 1920 right after the treaty of Versailles. The early regulations regarding migration were done in 1920 concerning about the Russian Refugees. Then, other regulations were adopted for German, Assyrian, Keldanian and Turkish refugees. The early regulations which were to manage migration after 1st World War were limited in scope and specific to some certain groups. The League also appointed a High commissioner for refugees in 1921. The Office for High Commissioner for Refugees turned into the Nansen International Office for Refugees in 1931. The League was inadequate to solve the global problems and it failed to keep the global peace. Consequently, the World went into the 2nd World War. The 2nd World War had created the biggest number of the refugees that far. As a result of disfunctioning organizations and great number of refugees to be managed, the international Refugee Organization is found in 1946 right after the establishment of the United Nations. It kept working until the foundation of the Office for the High Commissioner for Refugees in 1950. After the foundation of UNHCR, the 1951 Refugee Convention was adopted. Nonetheless, being inadequate in scope, the 1951 refugee convention was amended with an additional Protocol in 1967, expanding the scope of the definition of refugee. After the Second World War, the interstate wars ended and the world was introduced with the inner wars. As a consequence, the international humanitarian law was expanded with new additional protocols to protect non-combatant civilians. Even though the scope and limit of the international legislation on migration were expanded, the humanitarian plights of the late 20th century introduced new concepts into the realm of global security. In 1992, 'Humanitarian intervention' was first adopted after Saddame regime's military operation in 1992 when the first mass migration flows happened after the Second World War. The 'humanitarian intervention' was adopted many times after that time. Moreover, NATO use migration as an excuse for intervening in Kosovo in 1999. Canada offered the term 'Responsibility to Protect' so as to regulate the humanitarian intervention. Furthermore, the growing number of human trafficking and migrant smuggling adds Palermo Protocols as new instruments into the legislation on migration.

Being located around the World's bloodiest zones of conflict, Turkey is highly affected with migration. Being a source, target and transit country for migration, Turkey faced many problems originating from migration. The early types of migration patterns were mainly emigration of Turkish descendants into Turkey. After the First World War, many Turkish descendants had to live abroad and turkey used population exchanges. Those exchanges were also because of security perception at that time, and were in order to build a nation state. After 1960's Turkey faced with emigration. Due to the mutual agreements, Turkish people had been sent to work abroad. This new pattern also created new security challenges for Turkey. First of all, keeping and defending its nationals' rights abroad. More importantly, people seen as enemy of state organized abroad and create diaspora against Turkey. After 1970's, Turkey became a transit country as a result of Iranian Revolt and conflicts in Afghanistan and war between Iran and Iraq for migrants who wanted to reach Europe. The main security threat stemming from migration first perceived after the Saddam regime's military operation in 1988 and 1992 when more than 500.000 Iraqis entered Turkey. Turkey did not want to accept the refugees as there could be PKK militants among them. Turkey's effort to make UN declare safe zones for refugees and no-fly zones in Iraq introduced a new term in international legislation, humanitarian intervention. After the increasing conflicts around the country and the end of the Cold War, Turkey became an immigration country. After the civil war in Syria, Turkey has become the country which holds the largest refugee number from 2014. The number of temporarily protected people in Turkey as of 10.08.2017 is 3.128.074 people today. Since 2014, Turkey has hosted the largest number of refugees in the World successively. Relative to its own population, 1 in 28 people is a refugee in Turkey. Besides, Turkey has to pay 132 dollars per migrant. Furthermore, Turkey has to intervene in Syria so as to confront the migration influx in Syria and as a response to threats from the terrorist organizations in this country.

The Turkish municipal legislation on migration has also been affected with the security problems. For a very long time, there had been no legal text dealing with migration although Turkey is a party to 1951 Refugee Convention. As the security perception built around nation building in the early republican era, only Turkish descendants was granted citizenship as a result of this perception. When Turkish people had been sent abroad to work, it was for economic security of the State. The only text to manage migration, namely 1994 regulation, was adopted in 1994 after the mass

migration from Iraq. Before then, the Law on Settlement was in charge for migrants from Turkic descendants. After the end of cold war and ongoing conflicts around the country, Turkey began to take new steps in managing migration. After 2003, most of the international text was legalized and migration action plan was adopted in 2005. The Law of Foreigners and International Protection was adopted with the need of a new umbrella law to put the scattered legislation together in 2013. After mass migration and influx from Syria, Turkey adopted the Regulation on Temporary Protection in 2014.

Migration has shaped our world and will likely to do so in the future. Although we discuss the problematic areas in this study, migration is the fuel of economic growth in many developed countries. The legal migration is mostly in favor of States and sometimes encouraged by States. The USA and Canada, for example, accepts thousands of legal migrants. The problem for the States is the unwanted migration which covers illegal migration, mass migration and influx because it is hard to manage. What is to say, the real problem is the management of migration. If not managed, migration causes political, demographical, social, cultural and economic problems. What we call here as unwanted migration originates from security problems in the source countries. Security is simply feeling and being safe and this feeling is an existential problem for people. If people do not feel safe anywhere, they migrate. Yet, the problem is about the international management of the conflict. If there is a mass migration, whole world will be affected. Either the international organizations will solve the conflict before it grows into a civil war or intervene on time to stop migration. However, intervention is always perceived as meddling a state's domestic affairs and can be used to spoil to intervene a country; the best way is to solve the conflict on time because it is certain that the international organizations not solve any conflict it grows too much without a military intervention. Nevertheless, the reactive responses to migration or security problems do not guarantee a durable solution. Besides, the scattered international legislation on migration makes the management of the migration difficult. The scattered nature of the international law is itself caused by situational stimuli that the States and the international organizations have given to the international problems. Moreover, State is allowed to legalize its own perception of legal texts to a degree as their municipal migration legislation which causes many different State implementations. It is better the legislation should be put together and international norms and control should gain strength to provide proactive responses to migration. When looking the situation in

Turkey, there are still some implementations different from the international instruments as a result of perception of security threats. On the other hand, the municipal legislation is gathered under a single law which makes easy to manage the migration. It is simply because every security problem helps shape the legislation today. Despite the fact that Turkish management of international migration seems orderly, the main problem with the migration is its management without harming its domestic affairs. Some of the biggest cities in Turkey host thousands of refugee like people. In fact, Kilis hosts more refugee like people than its own population. Being unable to manage this migration stock, it will cause social, cultural, economic and even international problems.

REFERENCES

Anadolu Ajansı (AA). (26 June, 2012). Sınırdaki her tehdide karşılık verilecek. *Anadolu Ajansı.* http://aa.com.tr/tr/politika/sinirdaki-her-tehdide-karsilik-verilecek/359433 (retrieved on 5.5.2017).

Anadolu Ajansı (AA). (4 October, 2012). Tezkere 320 oyla kabul edildi. *Anadolu Ajansı.* http://aa.com.tr/tr/politika/tezkere-320-oyla-kabul-edildi/330193 (retrieved on 5.5.2017).

Anadolu Ajansı (AA). (16 September, 2013). Syrian helicopter is down by Turkish jets: Turkish Deputy PM. *Anadolu Ajansı.* http://aa.com.tr/en/politics/syrian-helicopter-is-down-by-turkish-jets-turkish-deputy-pm/218254 (retrieved on 7.5.2017).

Anadolu Ajansı (AA). (24 November, 2015). Turkish jets shoot down Russian warplane violating airspace. *Anadolu Ajansı.* http://aa.com.tr/en/turkey/turkish-jets-shoot-down-russian-warplane-violating-airspace/480297 (retrieved on 7.5.2017).

Anadolu Ajansı (AA). (24 August, 2016). Cerablus ilçe merkezi ÖSO'nun kontrolüne geçti. *Anadolu Ajansı.* http://aa.com.tr/tr/dunya/cerablus-ilce-merkezi-osonun-kontrolune-gecti/634758 (retrieved on 20.6.2017).

Anioł W. (1992), *Migracje międzynarodowe a bezpieczeństwo europejskie (International migration and European security),* Instytut Studiów Politycznych Polskiej Akademii, Nauk, Warsaw. in Kicinger, A. (2004, February). International migration as a non-traditional security threat and the EU responses to this phenomenon. Warsaw: Central European Forum for Migration Research.

A/RES/67/1. (30 November, 2012). Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels. Resolution adopted by the General Assembly. https://www.un.org/ruleoflaw/files/A-RES-67-1.pdf (retrieved on 8 May 2017).

A/RES/71/1. (19 September, 2016). New York Declaration for Refugees and Migrants. Resolution adopted by the General Assembly. http://www.un.org/en/development/desa/population/migration/generalassembly/docs/A_RES_71_1_E.pdf (retrieved on 8 May 2017).

A/71/296. (4 August, 2016). International migration and development: Report of the Secretary-General. http://www.un.org/ga/search/view_doc.asp?symbol=A/71/296 (retrieved on 8 May 2017).

Açikgöz, M., & Ariner, H. O. (2014). Turkey's new law on foreigners and international protection: An introduction. *Turkish Migration Studies Group at Oxford*, Briefing Paper, 2.

American Red Cross. (January, 2013). Development of International Humanitarian Law. *American Red Cross.* http://www.redcross.org/images/MEDIA_CustomProductCatalog/m21968852_37310-12_Development_of_IHL.pdf (retrieved on 20.06.2017).

Amnesty International (AI). The 'Arab Spring': Five Years On. *Amnesty International (AI).* https://www.amnesty.org/en/latest/campaigns/2016/01/arab-spring-five-years-on/ (retrieved on 03.05.2017).

Annan, K. A. (2000). *We the peoples: the role of the United Nations in the 21st Century*. United Nations Publications.

Ari, K. (1992), "Cumhuriyet Dönemi Nüfus Politikasını Belirleyen Temel Unsurlar", *Atatürk Araştırma Merkezi Dergisi*, *No. 23, Volume VIII*, p. 409- 420.

Aust, A. (2010). *Handbook of International Law*. 2nd Edition. Cambridge University Press.

Bali, S. (2008). Population Movements, in Williams, P.D. (Ed.). *Security Studies: An Introduction*, 468-482.

BBC. (11 May, 2013). Blasts kill dozens in Turkish town Reyhanli on Syria border. *BBC.* http://www.bbc.com/news/world-middle-east-22494128 (retrieved on 6.5.2017).

BBC. (1 January, 2017). Istanbul new year Reina nightclub attack 'leaves 39 dead'. *BBC.* http://www.bbc.com/news/world-europe-38481521 (retrieved on 7.5.2017).

Bederman, D. J. (2002). *The Spirit of International Law*. University of Georgia Press

Bellwood, P. (2013). *First Migrants: Ancient Migration in Global Perspective*. John Wiley & Sons.

Berber, M. A. (28 June, 2015). Turkey to change rules of engagement, include ISIS for possible operation. *Daily Sabah.* https://www.dailysabah.com/politics/2015/06/28/turkey-to-change-rules-of-engagement-include-isis-for-possible-operation (retrieved on 7.5.2017)

Betts, A. (2009). *Forced Migration and Global Politics*. John Wiley & Sons.

Booth, K. (1991). Security and Emancipation. *Review of International Studies*, 17(04), 313-326.

Booth, K. (2014). Global Security. *The Handbook of Global Security Policy*, 9-30.

Burchill, S. (2005). Liberalism. In Burchill, S., Linklater, A., Devetak, R., Donnelly, J., Paterson, M., Reus-Smith, C. & True, J. *Theories of international relations*. 3rd edn. Palgrave Macmillan, 55-83.

Burchill, S., Linklater, A., Devetak, R., Donnelly, J., Paterson, M., Reus-Smith, C. & True, J. (2005). *Theories of international relations*. 3rd edn. Palgrave Macmillan.

Buzan, B. (1991) *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*. 2nd ed. Boulder: Lynne Rienner; Hemel Hempstead: Harvester Wheatsheaf.

Buzan, B. (1997). Rethinking security after the Cold War. *Cooperation and conflict*, *32(1),* 5-28.

Buzan, B., Wæver, O., & De Wilde, J. (1998). *Security: a new framework for analysis*. Lynne Rienner Publishers.

Buzan, B., & Waever, O. (2003). *Regions and Powers: The Structure of International Security* (Vol. 91). Cambridge University Press.

Castles, S. (2000). International Migration at the Beginining of the Twenty-First Century: Global Trends and Issues. *International Social Science Journal*, *52(165),* 269-281.

Charter of the United Nations. (24 October 1945). 1 UNTS XVI, http://www.refworld.org/docid/3ae6b3930.html (retrieved on 8 May 2017).

Chesterman, S., Johnstone, I., & Malone, D. M. (2016). *Law and practice of the United Nations: documents and commentary*. Oxford University Press.

Chetail, V. (2017). The Architecture of International Migration Law: A Deconstructivist Design of Complexity and Contradiction. *American Journal of International Law*, *111*, 18-23.

CNN. (13 June, 2017). Syrian Civil War Fast Facts. *CNN*. http://edition.cnn.com/2013/08/27/world/meast/syria-civil-war-fast-facts/ (retrieved on 04.05.2017).

Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention). 12 August 1949. United Nations. 75 UNTS 287.

Convention Relating to the Status of Refugees. (28 July 1951). United Nations, Treaty Series, vol. 189, p. 137.

Convention Relating to the Status of Stateless Persons. (28 September 1954). United Nations, Treaty Series, vol. 360, p. 117.

Convention on Diplomatic Relations. (18 April 1961). United Nations, Treaty Series, vol. 500, p. 95.

Convention on the Reduction of Statelessness. (30 August 1961)., United Nations, Treaty Series, vol. 989, p. 175.

Convention on the Elimination of All Forms of Discrimination Against Women. (18 December 1979). United Nations, Treaty Series, vol. 1249, p. 13.

C*onvention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. (10 December 1984). United Nations, Treaty Series, vol. 1465, p. 85.

Convention on the Rights of the Child (20 November 1989). United Nations, Treaty Series, vol. 1577, p. 3.

Daily Sabah.   (22 February, 2015). The Turkish Armed Forces launched the operation on late Saturday to evacuate soldiers guarding the mausoleum of Suleyman Shah, grandfather of the founder of the Ottoman Empire. *Daily Sabah.* https://www.dailysabah.com/gallery/politics/turkish-military-successfully-evacuates-and-relocates-suleyman-shah-tomb (retrieved on 7.5.2017).

Daily Sabah. (1 January, 2017). A chronology of Daesh attacks targeting Turkey. *Daily Sabah.* https://www.dailysabah.com/war-on-terror/2017/01/01/a-chronology-of-daesh-attacks-targeting-turkey (retrieved on 7.5.2017).

The Disaster and Emergency Management Authority (DEMA). Barınma Merkezlerinde Son Durum. *DEMA.* https://www.afad.gov.tr/upload/Node/2374/files/Barinma_Merkezlerindeki_Son_Durum+6.pdf (retvieved on 7.5.2017).

Directorate General of Migration Management (DGMM). Göç Tarihi. *Directorate General of Migration Management (DGMM).* http://www.goc.gov.tr/icerik6/goc-tarihi_363_363_380_icerik (retrieved 01.09.2017).

Directorate General of Migration Management (DGMM). Ikamet Izinleri. *Directorate General of Migration Management (DGMM).* http://www.goc.gov.tr/icerik3/ikamet-izinleri_363_378_4709 (retrieved 01.09.2017).

Directorate General of Migration Management (DGMM). Uluslararası Koruma. *Directorate General of Migration Management (DGMM).*

http://www.goc.gov.tr/icerik3/uluslararasi-koruma_363_378_4712 (retrieved 01.09.2017).

Directorate General of Migration Management (DGMM). İnsan Ticareti ile Mücadele. *Directorate General of Migration Management (DGMM).* http://www.goc.gov.tr/icerik3/insan-ticareti-ile-mucadele_363_378_4714 (retrieved 01.09.2017).

Directorate General of Migration Management (DGMM). Düzensiz Göç. *Directorate General of Migration Management (DGMM).* http://www.goc.gov.tr/icerik3/duzensiz-goc_363_378_4710 (retrieved 01.09.2017).

Donnelly, J. (2005). Realism. in Burchill, S., Linklater, A., Devetak, R., Donnelly, J., Paterson, M., Reus-Smith, C. & True, J., *Theories of international relations*. 3rd edn. Palgrave Macmillan, 29-54.

Elman, C. (2008). Realism. in Williams, P. D. ed., *Security Studies: An Introduction*. Routledge, 15-28.

Erdoğan, İ. (2013). Küreselleşme Olgusu Bağlamında Yeni Güvenlik Algısı. *Gazi Akademik Bakış*, *(12),* 265-292.

Erözdem, C. (6 October, 2015). Russian fighter jet violates Turkish airspace. *Anadolu Ajansı.* http://aa.com.tr/en/turkey/-russian-fighter-jet-violates-turkish-airspace/432240 (retrieved on 7.5.2017).

Evans, G. (2008) *The responsibility to Protect: Ending Mass Atrocity Crimes Once and For All.* Brookings Institution Press.

Feller, E. (2001). The Evolution of the International Refugee Protection Regime. *Wash. Journal of Law & Policiy*, *5*, 129.

Foreign Direct Investment Law No. 4875. O.G.:17.06.2003, No.: 25141. www.invest.gov.tr/en.../FDI%20Law%20in%20Turkey.pdf, (retrieved on 12.05.2017).

Fragomen, A. T. 1970. The Refugee: A Problem of Definition, *3 Case W. Res. J. Int'l L.* 45.

Galbraith, P.W. (2003). *Refugees from War in Iraq: What Happened in 1991 and What May Happen in 2003*. Migration Policy Institute .

Global Migration Group (GMG). (2008) *International Migration and Human Rights: Challenges and Opportunities on the Threshold of the 60th Anniversary of the Universal Declaration of Human Rights.* Global Migration Group.

Global Migration Group (GMG) 2010. Statement of the Global Migration Group on the Human Rights of Migrants in Irregular Situation. *Glabal Migration Group.* http://www.refworld.org/pdfid/4f7157bc2.pdf. (retrieved on 12.05.2017).

Goodrich, L. M. (1947). From League of Nations to United Nations. *International Organization*, *1(01),* 3-21.

"Göç".(2017). *Turkish Language Association.* http://www.tdk.gov.tr/index.php?option=com_gts&arama=gts&guid=TDK.GTS.5 948752b62e153.84609266 (retrieved on 7.6.2017).

"Güvenlik".(2017). *Turkish Language Association.* http://www.tdk.gov.tr/index.php?option=com_gts&arama=gts&guid=TDK.GTS.5 9b2feadcc11e5.94154558 (retrieved on 7.6.2017).

Haldun, I. (2016). *Mukaddime.* (Ed.:Arslan Tekin). Volume I. Ilgi Kültür Sanat Yayıncılık.

Hammond, L. 2014. *Somali refugee displacements in the near region: Analysis and Recommendations*. [Paper for the UNHCR Global Initiative on Somali Refugees]. UNHCR .

Haq, M. (1995). *Reflections on Human Development*. Oxford University Press.

Hataway, J. C. 2005. *The Rights of Refugees under International Law*. Cambridge University Press.

"Human Migration". (2017). *Encyclopedia Britannica.* https://www.britannica.com/topic/human-migration (retrieved on 7.6.2017).

Huysmans, J. (1998). Security! What do you mean? From concept to thick signifier. *European Journal of International Relations*, *4(2),* 226-255.

Içduygu, A. (2006). *International Migrants Remittances in Turkey*. European University Institute.

Içduygu, A., & Aksel, D. B. (2013). Turkish Migration Policies: A Critical Historical Retrospective. *Perceptions*, *18*(3), 167.

Içduygu, A., & Sirkeci, İ. (1999). Cumhuriyet Donemi Turkiye'sinde Goc Hareketleri. In *75 Yılda Köyden Şehirlere*, O. Baydar (ed.), 249-268.

Ihlamur-Öner, S. G. (2013). Turkey's Refugee regime Stretched to the Limit? The Case of Iraqi and Syrian Refugee Flows. *Perceptions, 18(3),* 191.

Inalcik, H., & Quataert, D. (Eds.). (1994). *An economic and social history of the Ottoman Empire, 1300-1914*. Cambridge University Press.

International Covenant on Civil and Political Rights. (16 December 1966). United Nations, Treaty Series, vol. 999, p. 171.

International Convention on the Elimination of All Forms of Racial Discrimination. (21 December 1965). United Nations, Treaty Series, vol. 660, p. 195.

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. (18 December 1990). UN Symbol No.: A/RES/45/158. United Nations.

International Commission on Intervention, State Sovereignty, & International Development Research Centre (IDRC). (2001). *The responsibility to protect: report of the International Commission on Intervention and State Sovereignty*. IDRC.

International Organization For Migration (IOM). (2004).*Essentials of Migration Management: For Policy Makers and Practitioners. Voleme One, Section 1.6: International Migration.* United Nations Publications. http://www.rcmvs.org/documentos/IOM_EMM/v1/V1S06_CM.pdf (retrieved on 09.09.2017).

International Organization For Migration (IOM). Migration Law, *International Organization for Migration* , https://www.iom.int/migration-law, retrieved on 14.05.2017.

Inan, C. E. (2016). Türkiye'de Göç Politikaları: İskân Kanunları Üzerinden Bir İnceleme, *Göç Araştımaları Dergisi, Volume: 2, No: 3, January-June 2016*, 10-33.

Jervis, R. (2002). 'Theories of war in an era of leading-power peace: Presidential Address, American Political Science Association', *American Political Science Review*, *96(1),* 1–14.

Kicinger, A. (2004, February). *International migration as a non-traditional security threat and the EU responses to this phenomenon*. Warsaw: Central European Forum for Migration Research.

King, R., Black, R., Collyer, M., Fielding, A., & Skeldon, R. (2010). *The Atlas of Human Migration: Global patterns of People on the Move.* Earthscan.

Kizilkoyun, F. (16 May, 2015). Başbakan Davutoğlu: Suriye helikopteri düşürüldü. *Hürriyet.* http://www.hurriyet.com.tr/basbakan-davutoglu-suriye-helikopteri-dusuruldu-29023592 (retrieved on 7.5.2017).

Koser, K. (31 March, 2011). When is Migration a Security Issue? Brookings. [Op-Ed] https://www.brookings.edu/opinions/when-is-migration-a-security-issue/ (retrieved on 7.5.2017).

Law on Residence and Travel of Foreigners in Turkey No. 5683. O.G.: 24.7.1950, No.: 7564. http://www.refworld.org/docid/3ae6b4d11c.html (retrieved on 7.5.2017).

Law on Work Permit for Foreigners No. 4817. O.G.: 06.03.2003, No.:25040. http://www.refworld.org/docid/4496b3d44.html (retrieved on 7.5.2017).

Law on Settlement No. 5543. O.G.: 26.09.2006, No.: 26301.

Law on Foreigners and International Protection No. 6458 O.G.:11.04.2013, No :28615. http://www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf (retrieved on 7.5.2017).

Lee, E. S. (1966). A theory of migration. *Demography, 3(1),* 47-57.

Lipschutz, R. D. (1995). *On security*. Columbia University Press.

Mabee, B. (2009). *The globalization of security: state power, security provision and legitimacy.* Springer.

Mandal, R. (2005). *Protection Mechanisms Outside of the 1951 Convention:('complementary Protection').* UNHCR.

Mansoor, A. & Quillin, B. (2006). *Migration and remittances : Eastern Europe and the former Soviet Union.* The World Bank.

Manning, P., & Trimmer, T. (2013). Migration in world history. (2nd edition). Routledge.

McDonald, M. (2008). Constructivism. in ed. WILLIAMS, P. D. *Security Studies: An Introduction*. Routledge.

Migrant Workers (Supplementary Provisions) Convention, C143. (24 June 1975). http://www.refworld.org/docid/3ddb6ba64.html (retrieved on 8 June 2017).

"Migrare". (2017). *Latin Dictionary*. http://latin-dictionary.net/search/latin/migrare. (retrieved on 7.6.2017).

Migration for Employment Convention (Revised), C97. (1 July 1949). http://www.refworld.org/docid/3ddb64057.html (retrieved on 8 June 2017).

Milliyet. (3 October, 2012). Suriye'den atılan ve Türkiye Akçakale'ye düşen top mermisi bir mesaj mı? Suriye'den atılan bomba Türkiye Akçakale'ye düştü! Milliyet. http://www.milliyet.com.tr/suriye-den-atilan-ve-turkiye-akcakale-ye-dusen-top-mermisi-bir-mesaj-gundem-1606249/ (retrieved on 7.5.2017).

Milliyet. (23 February, 2017). Son dakika: El Bab bugün IŞİD'den alındı! Ve sıra o bölgede. *Milliyet.* http://www.milliyet.com.tr/son-dakika-bir-tek-rakka-kaldi-gundem-2401773/ (retrieved on 7.5.2017).

Ministry of Foreign Affairs (MFA). Policy of zero problems with our neighbors. *Ministry of Foreign Affairs (MFA).* http://www.mfa.gov.tr/policy-of-zero-problems-with-our-neighbors.en.mfa (20.05.2017).

Ministry Of Foreign Affairs (MFA). Relations between Turkey–Syria. *Ministry of Foreign Affairs (MFA).* http://www.mfa.gov.tr/relations-between-turkey%E2%80%93syria.en.mfa (retrieved 4.5.2017).

Ministry Of Foreign Affairs (MFA). Turkish Citizens Living Abroad. *Ministry of Foreign Affairs (MFA).* http://www.mfa.gov.tr/the-expatriate-turkish-citizens.en.mfa (retrieved 4.5.2017).

Morgenthau, H. J. (1985). *Politics Among Nations: The Struggle for Power and Peace.* Eds. Kenneth W. Thompson. 6th edition. McGraw Hill.

Navari, C. (2008). Liberalism. in ed. WILLIAMS, P. D. *Security Studies: An Introduction.* Routledge, 29-43.

NTV. (15 March, 2017). Suriye iç savaşında 6 yılda neler yaşandı? *NTV.* http://www.ntv.com.tr/dunya/suriye-ic-savasinda-6-yilda-neler-yasandi,Ik0VGc0sPUqbvDUE_EDsqA (retrieved on 04.05.2017).

Oppenheim, L. (1912). *International Law.* 2nd edn. Vol.1, Longmans, Green and Company, in Morgenthau, H. J. (1985). Politics Among Nations: The Struggle for Power and Peace. Ed. Kenneth W. Thompson. 6th edition. McGraw Hill.

Paksoy, Y. (4 September, 2016). FSA takes control of Azez-Jarablus line, clears Turkish border of Daesh terrorists. *Daily Sabah.* https://www.dailysabah.com/war-on-terror/2016/09/04/fsa-takes-control-of-azez-jarablus-line-clears-turkish-border-of-daesh-terrorists (retrieved on 7.5.2017).

Passport Law No. 5682. O.G.: 24/7/1950 No.: 7564. http://www.legislationline.org/documents/id/8984 (retrieved on 7.5.2017).

Paşazade, A. "*Osmanoğullarının Tarihi.*" (Eds.:Yavuz, K., Saraç, Y.) K Kitaplığı, İstanbul (2003).

Pazarci, H. (2015). *Uluslararası Hukuk.* (15th edn.). Turhan Kitabevi.

Raimbekova, A. (4 May, 2017). Turkey, Russia, Iran back Syria 'de-escalation zones'. *Anadolu Ajansı.* http://aa.com.tr/en/middle-east/turkey-russia-iran-back-syria-de-escalation-zones/811321 (retrieved on 7.5.2017).

Perruchoud, R. & Redpath-Cross, J. (2011). *Glossary of Migration*, 2nd Edn, International Organization for Migration (IOM). International Migration Law, 25.

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I). (8 June 1977). United Nations. 1125 UNTS 3.

*Protocol Relating to the Status of Refugees. (*31 January 1967). United Nations, Treaty Series, vol. 606, p. 267.

Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime (15 June 2000). http://www.refworld.org/docid/479dee062.html ((retrieved on 7.5.2017).

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (15 November 2000). http://www.refworld.org/docid/4720706c0.html (retrieved on 7.5.2017).

Regulation on the Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum From Another Country No. 1994/6169. (19 January 1994). http://www.refworld.org/docid/49746cc62.html (retrieved on 7.5.2017).

Rothschild, E. (1995). What is security?. *Daedalus*, 53-98.

Sabah. (25 August, 2016). ÖSO Nedir? ÖSO'nun açılımı nedir? *Sabah.* http://www.sabah.com.tr/gundem/2016/08/25/oso-nedir-osonun-acilimi-nedir (retrieved on 04.05.2017).

Shaw, M. (1994). *Global Society and International Relations*. Cambridge: Polity Press.

Shaw, M. N. (2008). *International Law*. 6th Edn. Cambridge University Press.

"Security". (2017). *Oxford Dictionary*. https://en.oxforddictionaries.com/definition/security

Seviğ, V. R. (1977). Yabanci Gerçek Kişilerin Giriş, Çikiş, Ikamet ve Seyahatleri. *İstanbul Üniversitesi Hukuk Fakültesi Mecmuası*, 43(1-4), 367-382.

Sirikli, A., Can, D., Akyil, Z., Özen, E. Ü., Yildirim, Ö., Kasap, S et al. (23 December, 2014). Türkiye'de 2014 böyle geçti. *Anadolu Ajansı*. http://aa.com.tr/tr/turkiye/turkiyede-2014-boyle-gecti/90387 (retrieved on 6.5.2017).

Tok, L. & Temizer, S. (31 March, 2017). Suriye'nin yüzde 61'i iki terör örgütünün işgalinde. *Anadolu Ajansı*. http://aa.com.tr/tr/dunya/suriyenin-yuzde-61i-iki-teror-orgutunun-isgalinde/784890 (retrieved on 04.05.2017).

Trthaber. (30 March, 2017). Fırat Kalkanı kahramanları 7 ayda destan yazdı. *TRTHABER*. http://www.trthaber.com/haber/gundem/firat-kalkani-kahramanlari-7-ayda-destan-yazdi-306521.html (retrieved on 7.5.2017).

Trtworld. (29 March, 2017). Turkey ends Operation Euphrates Shield in northern Syria. *Trtworld*. http://www.trtworld.com/mea/turkey-ends-operation-euphrates-shield-in-northern-syria-326612 (retrieved on 7.5.2017).

Trtworld. (20 August, 2016). Death toll rises to 50 in terror attack in Gaziantep, Turkey. *Trtworld*. http://www.trtworld.com/turkey/death-toll-rises-to-50-in-terror-attack-in-gaziantep-turkey-168950 (retvieved on 7.5.2017).

Trtworld. (24 August 2016). Timeline: Turkey's fight with DAESH and YPG. *Trtworld*. http://www.trtworld.com/turkey/timeline-turkeys-fight-with-daesh-and-ypg-171396 (retrieved on 7.5.2017).

Turkish Citizenship Law No. 5901. O.G.: 12/6/2009, No.:27256. http://eudo-citizenship.eu/NationalDB/docs/TUR%20Turkish%20citizenship%20law%202009%20(English).pdf (retrieved on 7.5.2017).

Türkoğlu, E., Karakuş, K., Kaplan, E., Özer, S., Akdoğan, H.C., Alkan, B. (24 November, 2015). Türkiye'nin Suriye sınırını ihlal eden Su 24 tipi savaş uçağı düşürüldü. *Anadolu Ajansı*. http://aa.com.tr/tr/dunya/turkiyenin-suriye-sinirini-ihlal-eden-su-24-tipi-savas-ucagi-dusuruldu/480268 (retrieved on 6.5.2017).

United Nations Development Program (UNDP). (1994). *Human Development Report 1994*. UNDP. http://hdr.undp.org/sites/default/files/reports/221/hdr_1992_en_complete_nostats.pdf (retrieved on 24.05.2017).

United Nations. (2008). *The United Nations Today*. United Nations. http://www.un.org/ar/geninfo/pdf/UN.today.pdf (retrieved on 24.05.2017).

United Nations (UN). Background Information on the Responsibility to Protect. *The United Nations (UN)*. http://www.un.org/en/preventgenocide/rwanda/about/bgresponsibility.shtml (retrieved on 24.05.2017).

United Nations Department of Economic and Social Affairs/Population Division. (2010). *World Population Prospects: The 2010 Revision, Volume I.*

Comprehensive Tables. United Nations Department of Economic and Social Affairs/Population Division.

United Nations Department of Economic and Social Affairs/Population Division. (2015). *Trends in international migration, 2015*. [Population Facts No. 2015/4]. United Nations.

United Nations Department of Economic and Social Affairs (UNDESA). *2016a. International Migration Report 2015*. United Nations.

United Nations Department of Economic and Social Affairs (UNDESA), 2016b. *International Migration Report 2015: Highlights*. United Nations.

United Nations High Commissioner for Refugees (UNHCR). 2000. *Update of UNHCR's Position on Categories of Persons from Bosnia and Herzegovina in Need of International Protection.* United Nations High Commissioner for Refugees (UNHCR). http://www.unhcr.org/news/updates/2000/8/3c3abad04/update-unhcrs-position-categories-persons-bosnia-herzegovina-need-international.html?query=bosnia (retrieved on 7.5.2017).

United Nations High Commissioner for Refugees (UNHCR). 2000. T*he State of The World's Refugees 2000: Fifty Years of Humanitarian Action*. United Nations High Commissioner for Refugees (UNHCR).

United Nations High Commissioner for Refugees (UNHCR). (9 June, 2000). *Complementary Forms of Protection: Their Nature and Relationship to the International Refugee Protection Regime [EC/50/SC/CRP.18].* United Nations High Commissioner for Refugees (UNHCR). http://www.refworld.org/docid/47fdfb491a.html (retrieved on 7.5.2017).

United Nations High Commissioner for Refugees (UNHCR). (1 December, 2001). *Refugee Protection: A Guide to International Refugee Law.* http://www.refworld.org/docid/3cd6a8444.html (retrieved on 8 May 2017).

United Nations High Commissioner for Refugees (UNHCR). (June, 2006). *UNHCR Master Glossary of Terms. [Rev.1].* http://www.refworld.org/docid/42ce7d444.html (retrieved on 7.5.2017).

United Nations High Commissioner for Refugees (UNHCR). (February, 2014). *Guidelines on Temporary Protection or Stay Arrangements.* http://www.refworld.org/docid/52fba2404.html (retrieved on 7.5.2017).

United Nations High Commissioner for Refugees (UNHCR). (20 June, 2016). *Global Trends: Forced Displacement in 2015.* United Nations High Commissioner for Refugees (UNHCR).

United Nations High Commissioner for Refugees (UNHCR). (2017). *Global Report 2016.* UNHCR.

United Nations High Commissioner for Refugees (UNHCR). (19 June, 2017). *Global Trends: Forced Displacement in 2016.* United Nations High Commissioner for Refugees (UNHCR).

United Nations High Commissioner for Refugees (UNHCR). (2017a). *Syria Regional Refugee Response.* United Nations High Commissioner for Refugees (UNHCR). http://data.unhcr.org/syrianrefugees/regional.php (retrieved on 28.05.2017).

United Nations High Commissioner for Refugees (UNHCR). 2017b. *Yemen Emergency.* United Nations High Commissioner for Refugees (UNHCR). http://www.unhcr.org/yemen -emergency.html (retrieved on 28.05.2017).

United Nations High Commissioner for Refugees (UNHCR). 2017c. *Regional Refugee and Migrant Response Plan: Yemen.* United Nations High Commissioner for Refugees (UNHCR). http://www.unhcr.org/yemen-emergency.html (retrieved on 28.05.2017).

United Nations High Commissioner for Refugees (UNHCR). 2017d. *Réfugiés nigérians au Cameroun, au Niger et au Tchad / Déplacés internes au Cameroun, au Nigéria, et au Tchad.* United Nations High Commissioner for Refugees (UNHCR). http://data2.unhcr.org/fr/situations/nigeriasituation (retrieved on 28.05.2017).

United Nations High Commissioner for Refugees (UNHCR). 2017e. *Réponse Régionale à la crise des Réfugiés en République centrafricaine.* United Nations High Commissioner for Refugees (UNHCR). http://data.unhcr.org/car/regional.php (retrieved on 28.05.2017).

United Nations High Commissioner for Refugees (UNHCR). (January-December 2017f). *Somalia Situation 2017: Supplementary Appeal.* United Nations High Commissioner for Refugees (UNHCR). http://www.unhcr.org/partners/donors/591ae0e17/unhcr-somalia-situation-supplementary-appeal-january-december-2017.html?query=somalia (retrieved on 28.05.2017).

United Nations High Commissioner for Refugees (UNHCR). (April, 2017g). *Iraq Factsheet April 2017*. United Nations High Commissioner for Refugees (UNHCR). http://reporting.unhcr.org/sites/default/files/UNHCR%20Iraq%20Factsheet%20-%20April%202017.pdf (retrieved on 28.05.2017).

United Nations High Commissioner for Refugees (UNHCR). (16-30 April, 2017h). *South Sudan Situation: Regional Response.* United Nations High Commissioner for Refugees (UNHCR). http://reliefweb.int/sites/reliefweb.int/files/resources/UNHCRSSDSitnRegionalUpdate30Apr2017.pdf (retrieved on28.05.2017).

United Nations High Commissioner for Refugees (UNHCR). (23 May, 2017i). *Iraq Situation Unhcr Flash Update.* http://reporting.unhcr.org/sites/default/files/UNHCR%20Iraq%20Situation%20Flash%20Update%20-%2023MAY17.pdf (retrieved on 28.05.2017).

United Nations High Commissioner for Refugees (UNHCR). (19 June, 2017j). *Global Trends: Forced Displacement in 2016.* United Nations High Commissioner for Refugees (UNHCR).

United International Children's Emergency Fund (UNICEF). (n/a). *Impact of Armed Conflict on Children.* UNICEF. https://www.unicef.org/graca/patterns.htm (retrieved on 7.5.2017).

United Nations Human Rights Council. (15 September, 2011). *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Syrian Arab Republic .* (UN Symbol No: A/HRC/18/5x3). United Nations Human Rights Council.

United Nations Office for the Coordination of Humanitarian Affair (UNOCHA). (2016, december). *Humanitarian Views Overwiev 2017:Syrian Arab Repulic*. UNOCHA.

United Nations Human Security Unit. (2009). *Human Security in Theory and Practice: An Overview of the Human Security Concept and the United Nations Trust Fund for Human Security.* United Nations.

United Nations Security Council (UNSC). S/RES/688. (5 April, 1991). *Security Council resolution 688 (1991) [Iraq],* http://www.refworld.org/docid/3b00f1598.html (retrieved on 23.05.2017).

United Nations Security Council (UNSC). S/2015/563. (24 July, 2015). *Turkey's letter to United Narions Security Council.*

http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/563 (retrieved on 23.05.2017).

United Nations Security Council (UNSC). S/2016/739. (24 August, 2016). *Turkey's letter to United Narions Security Council.* http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2016/739 (retrieved on 23.05.2017).

Universal Declaration of Human Rights. (10 December, 1948). http://www.refworld.org/docid/3ae6b3712c.html (retrieved on 7.5.2017).

Ülman, A. H. (1967). NATO ve Türkiye. *Ankara Üniversitesi SBF Dergisi*, 22(04), 143-167.

Vattel, E. The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns, with Three Early Essays on the Origin and Nature of Natural Law and on Luxury. Eds. Bela Kapossy, and Richard Whatmore. Liberty Fund, 2008.

Vienna Convention on Consular Relations. (24 April 1963). United Nations, Treaty Series, vo1. 596, p. 261.

Waldron, J. (2006). Rule of International Law. *Harv. JL & Pub. Pol'y 30*, 15.

Waever, O. (1995). Securitization and Desecuritization. In LIPSCHUTZ, R. D. (1995). *On security*. Columbia University Press, 46-85.

Waever, O. (1996). European Security Identities. *JCMS: Journal of Common Market Studies*, *34*(1), 103-132.

Weiner, M. (1992). Security, stability, and international migration. *International Security*, *17(3),* 91-126.

Williams, P. D. (2008). *Security Studies: An Introduction*. Routledge.

Wohlfeld, M. (2014). Is Migration a Security Issue?. *V Migration in the Mediterranean: Human Rights, Security and Development Perspectives, ur. Omar Grech in Monika Wohlfeld*, 61-77.

Wolfers, A. (1952). "National Security" as an Ambiguous Symbol. *Political Science Quarterly*, 67(4), 481-502.

6. APPENDIX

T.C
ÇAĞ ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
TEZ / ARAŞTIRMA / ANKET / ÇALIŞMA İZNİ / ETİK KURULU İZİNİ TALEP FORMU VE ONAY TUTANAK FORMU

ÖĞRENCİ BİLGİLERİ

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ANA BİLİM DALI	Kamu Hukuku
PROGRAM ADI	—
BİLİM DALININ ADI	Kamu Hukuku
HANGİ AŞAMADA OLDUĞU (DERS / TEZ)	Tez
İSTEKDE BULUNDUĞU DÖNEME AİT DÖNEMLİK KAYDININ YAPILIP-YAPILMADIĞI	22 / 09 / 2017 DÖNEMİ KAYDINI YENİLEMEDİM / YENİLEDİM.

ARAŞTIRMA/ANKET/ÇALIŞMA TALEBİ İLE İLGİLİ BİLGİLER

TEZİN KONUSU	Migration as a security issue; a research from the perspective of the international migration law and Turkish legislation on migration
TEZİN AMACI	Göç ve güvenlik arasındaki ilişkinin incelenmesi
TEZİN TÜRKÇE ÖZETİ	(handwritten text)
ARAŞTIRMA YAPILACAK OLAN SEKTÖRLER / KURUMLARIN ADLARI	—
İZİN ALINACAK OLAN KURUMA AİT BİLGİLER (KURUMUN ADI - ŞUBESİ / MÜDÜRLÜĞÜ - İLİ İLÇESİ)	—
YAPILMAK İSTENEN ÇALIŞMANIN İZİN ALINMAK İSTENEN KURUMUN HANGİ İLÇELERİNE/ HANGİ KURUMUNA/ HANGİ BÖLÜMÜNDE/ HANGİ ALANINA/ HANGİ KONULARDA/ HANGİ GRUBA/ KİMLERE/ NE UYGULANACAĞI GİBİ AYRINTILI BİLGİLER	—
UYGULANACAK OLAN ÇALIŞMAYA AİT ANKETLERİN/ ÖLÇEKLERİN BAŞLIKLARI/ HANGİ ANKETLERİN - ÖLÇELERİN UYGULANACAĞI	—
EKLER (ANKETLER, ÖLÇEKLER, FORMLAR GİBİ EVRAKLARIN İSİMLERİYLE BİRLİKTE KAÇ ADET'SAYFA OLDUKLARINA AİT BİLGİLER İLE AYRINTILI YAZILACAKTIR)	1) 2) 3) 4)

ÖĞRENCİNİN ADI - SOYADI: Tunahan AKDAŞ   ÖĞRENCİNİN İMZASI: TARİH: 22 / 09 / 2017

TEZ/ ARAŞTIRMA/ANKET/ÇALIŞMA TALEBİ İLE İLGİLİ DEĞERLENDİRME SONUCU

1. Seçilen konu Bilim ve İş Dünyasına katkı sağlayabilecektir.

2. Anılan konu .... faaliyet alanı içerisine girmektedir.

1.TEZ DANIŞMANININ ONAYI	2.TEZ DANIŞMANININ ONAYI (VARSA)	SOSYAL BİLİMLER ENSTİTÜSÜ MÜDÜRÜNÜN ONAYI	A.B.D.BAŞKANININ ONAYI
Adı - Soyadı: Murat KOÇ	Adı - Soyadı:	Adı - Soyadı: Murat KOÇ	Adı - Soyadı: Yücel ERTEKIN
Unvanı: Prof. Dr.	Unvanı:	Unvanı: DOÇ. DR.	Unvanı: Prof. Dr.
İmzası:	İmzası:	İmzası:	İmzası:
22 / 09 / 2017	...... / ...... / 20......	...... / ...... / 20......	22 / 09 / 2017

ETİK KURULU ASIL ÜYELERİNE AİT BİLGİLER

Adı - Soyadı: Mustafa BAŞARAN	Adı - Soyadı: Yücel ERTEKİN	Adı - Soyadı: Deniz Aynur GÜLER	Adı - Soyadı: Ali Engin OBA	Adı - Soyadı: Mustafa Tevfik ODMAN	Adı - Soyadı:
Unvanı: Prof. Dr.	Unvanı: Prof. Dr.	Unvanı: Prof. Dr.	Unvanı: Prof. Dr.	Unvanı: Prof. Dr.	Unvanı:
İmzası:	İmzası:	İmzası:	İmzası:	İmzası:	İmzası:
Etik Kurulu Jüri Başkanı - Asıl Üye	Etik Kurulu Jüri Asıl Üyesi	Etik Kurulu Jüri Asıl Üyesi	Etik Kurulu Jüri Asıl Üyesi	Etik Kurulu Jüri Asıl Üyesi	Etik Kurulu Jüri Yedek Üyesi

dı - Soyadı: ....
nvanı: ....
zası: ....
...... / ...... / 20......
Etik Kurulu Jüri Yedek Üyesi

OY BİRLİĞİ İLE ◯

OY ÇOKLUĞU İLE ⊗

Çalışma yapılacak olan tez için uygulayacak olduğu Anketleri/ Formları/Ölçekleri Çağ Üniversitesi Etik Kurulu Asıl Jüri Üyelerince incelenmiş olup, ... / ...... / 20...... - ...... / ...... / 20...... tarihleri arasında uygulanmak üzere gerekli iznin verilmesi taraflarımızca uygundur.

KLAMA: BU FORM ÖĞRENCİLER TARAFINDAN HAZIRLANDIKTAN SONRA ENSTİTÜ MÜDÜRÜNE ONAYLATILARAK ENSTİTÜ SEKRETERLİĞİNE TESLİM EDİLECEKTİR.

ERİ: ...... (............) Sayfa .... Ölçeği.
...... (............) Sayfa .... Anket.
...... (............) Sayfa .... Formları.

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