

TURKEY’S ASYLUM POLICY TOWARDS SYRIANS

Thesis submitted to the

Atatürk Institute for Modern Turkish History

in partial fulfillment of the requirements for the degree of

Master of Arts

by

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Bogazici University

2014

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“Turkey’s Asylum Policy towards Syrians,” a thesis prepared by Seda Keskin in partial fulfillment of the requirements for the Master of Arts in History degree from the Atatürk Institute for Modern Turkish History at Boğaziçi University.

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An abstract of the thesis of Seda Keskin for the degree of Master of Arts from the Ataturk Institute for Modern Turkish History to be taken August 2014

Title: Turkey's Asylum Policy towards Syrians

Since 2011, following the crossing of the first Syrians into Turkey, the number of displaced Syrians has risen dramatically. Turkey's management of this migration flow has raised debates surrounding this issue. With the aim of contributing to these debates, this thesis examines the peculiarities of Turkey's asylum policy towards Syrians. The characteristics of this policy are analyzed through a comparison with Turkey's previous policy practices in responding to asylum en masse as well as the current legal and the political framework. In that regard, the legal context is examined through the analysis of current asylum-related legislation and the political context is evaluated through the revision of the parliamentary questions and discussions of the past two years. These examinations and comparisons with the past practices show the procedures and measures to be applied in the face of asylum en masse are always left at the discretion of the ruling governments and hence they are prone to the arbitrariness. This thesis contends that following this prevailing policy practice, Turkey's asylum policy towards Syrians is also built on an ad hoc basis and is dependent on the government's perception of Syrians.

Atatürk İlkeleri ve İnkılap Tarihi Enstitüsü'nde Yüksek Lisans derecesi için Seda Keskin tarafından Ağustos 2014'te teslim edilen tezin kısa özeti

Başlık: Türkiye'nin Suriyeliler'e Yönelik İzlediği İltica Politikası

2011' de sınırı geçip Türkiye'ye gelen ilk Suriyeliler'den beri, Türkiye'deki Suriyeli sığınmacıların sayısı önemli ölçüde artmıştır. Türkiye'ye yönelen bu olağanüstü göç akını, bu akının idaresine ilişkin tartışmaları alevlendirmiştir. Bu tartışmalara bir katkı sunmak amacıyla yazılan bu tez, Suriyelilere yönelik izlenen iltica politikasının karakteristik özelliklerini tespit etmeye çalışmaktadır. Bu özelliklerin tespiti, hem bugün izlenen iltica politikası ile daha önce kitlesel göç karşısında izlenen politikaların karşılaştırılması hem de güncel siyasi ve hukuki çerçevenin analizi yoluyla yapılmaktadır. Bu minvalde, hukuki bağlamın analizi için ilticaya ilişkin mevcut yasal çerçeve, siyasi analiz için son iki yıla ait konuya ilişkin meclis tutanakları ve soru önergeleri incelenmiştir. Bu incelemeler ve geçmiş politika pratikleriyle olan karşılaştırmalar, kitlesel sığınma karşısında devletin aldığı önlemlerin her zaman iktidardaki hükümetlerin inisiyatifine bırakıldığını ve bu yüzden keyfiyet arzettiğini işaret etmiştir. Bu tez de geçmişten süregelen bu siyasi pratiğin izlenerek, bugün de Türkiye'nin Suriyeliler'e yönelik izlediği iltica politikasının mevcut hükümetin gelen göçmen grubuna ilişkin algısına bağlı olarak ihtiyari bir biçimde şekillendiğini göstermektedir.

ACKNOWLEDGEMENTS

Many people have graciously shared my journey toward the completion of this thesis. First of all, I would like to thank to my advisor, Professor Dr. Aydın Babuna, for his guidance, kind attitude, and continuous support. He was always available to answer my questions. Thanks to his criticisms and comments on my chapters, my thesis improved. Second, I am indebted to Prof. Dr. Çağlar Keyder for his guidance in the process of the formulation of the thesis topic. Without his seminar class, this process would be more difficult. I also thank Assist. Prof. Seda Altuğ and Assist. Prof. Umut Türem for their constructive comments regarding my thesis.

I am also grateful to Tracy Lord Şen for her tremendous support during the writing process. She was a great mentor in helping me to develop my writing skills. Also I owe thanks to Kathryn Kranzler for editing my thesis.

I would also like to thank my parents as well as to my dear friends Deniz, Zeynep, and Merve, for always being there and keeping me motivated. Most of all, I owe special gratitude to all the Syrians I met during the research process as they were open-hearted in sharing their stories, their pains and dreams with me. I especially thank to Bayan, Hazem, Hagop and Adham, who were very helpful during my field work.

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PREFACE

There is a growing literature about Syrians in Turkey parallel with the growing number of Syrian refugees. The majority of this literature is composed of the research reports of NGOs and think-tanks. Most of these reports focus on the evaluation of the legal, social, economic difficulties faced by the refugees and aim to improve the situation of Syrian refugees through exposing their tough living conditions. Prepared by experts in the humanitarian field, these reports include a set of policy recommendations to the Turkish state in handling refugees' plight. Among these studies, reports with titles such as "Syrian Refugees in Turkey: Istanbul Case"¹ by Mazlum-Der, "Syrian Refugees in Turkey: A Status in Limbo"² by Euro-Mediterranean Human Rights Network, "Syrian Refugees in Turkey"³ by Migration Policy Center, "Situation Report: Syrian Refugees in Turkey"⁴ by Support to Life, "The Struggle for Life Between Borders: Syrian Refugees' Fieldwork"⁵ by USAK, and "The Situation of Syrian Refugees in the Neighboring Countries"⁶ by ORSAM can be counted.

¹ Halim Yilmaz and Zehra Bayrak, *Syrian Refugees in Turkey- Istanbul Case* (Istanbul, Turkey: MAZLUMDER, 2013), 1-19.

² *Syrian Refugees in Turkey: A Status in Limbo* (Copenhagen, Denmark: Euro-Mediterranean Human Rights Network, 2011), 1-18.

³ Senay Ozden, *Syrian Refugees in Turkey* (San Domenico di Fiesole, Italy: Migration Policy Center, 2013), 1-12.

⁴ *Situation Report: Syrian Refugees in Turkey* (Istanbul, Turkey: Support to Life, 2013), 1-6.

⁵ Mehmet Güçer, Sema Karaca, and Bahadır Dinçer, *Sınırlar arasında Yaşam Savaşı : Suriyeli Mülteciler Alan Araştırması*, research report no. 13-04 (Ankara: USAK, 2013), 7-61.

⁶ *The Situation of Syrian Refugees in the Neighboring Countries*, report no. 189 (Ankara, Turkey: ORSAM, 2014), 5-55.

Apart from these, there are also studies which analyze the social, political and economic impacts of the massive and immediate presence of Syrians in Turkey. These studies do not only involve policy recommendations for the Turkish state in order to improve the refugees' condition, but also they cover policy advices in order to minimize the potential negative impacts of the Syrians' presence in Turkey. Among them, the works written and co-authored by Kemal Kirişçi, "Syrian Refugees and Turkey's Challenges: Going Beyond the Hospitality,"⁷ and "Syrian Crisis: Massive Displacement, Dire Needs and Shortage of Solutions,"⁸ and authored by Soner Çağaptay and Bilgi Menekşe; "The Impact of Syria's Refugees on Southern Turkey"⁹ and published by International Crisis Group "Blurring the Borders: Syrian Spillover Risks for Turkey"¹⁰ can be mentioned.

Last, there are few studies examining Turkey's asylum policy towards Syrians in line with its relation to the international actors. From these works, the study of Juliette Tolay, "The EU and Turkey's Asylum Policies in Light of the Syrian Crisis"¹¹ evaluates the asylum policy of Turkey towards Syrians in comparison and in relation to the policies of European Union. Additionally, the work of Suna Gülfer

⁷ Kemal Kirişçi, *Syrian Refugees and Turkey's Challenges: Going Beyond the Hospitality* (Washington: Brookings Institute, 2014), 1-45, accessed July 21, 2014, <http://www.brookings.edu/research/reports/2014/05/12-syrian-refugees-turkeys-challenges-kirisci>.

⁸ Elizabeth Ferris, Kemal Kirişçi, and Salman Shaikh, *Syrian Crisis: Massive Displacement, Dire Needs and a Shortage of Solutions* (Washington, US: Brookings Institute, 2013), 1-45, accessed April 29, 2014, <http://www.brookings.edu/research/reports/2013/09/18-syria-humanitarian-political-crisis-ferris-shaikh-kirisci>.

⁹ Soner Çağaptay and Bilgi Menekşe, *The Impact of Syria's Refugees on Southern Turkey* (Washington, US: The Washington Institute for Near East Policy, 2014), 1-32.

¹⁰ *Blurring the Borders: Syrian Spillover Risks for Turkey*, Europe Report 225 (Brussels, Belgium: International Crisis Group, 2013), 1-47, accessed April 29, 2014, <http://www.crisisgroup.org/~media/Files/europe/turkey-cyprus/turkey/225-blurring-the-borders-syrian-spillover-risks-for-turkey.pdf>.

¹¹ Juliette Tolay, *The EU and Turkey's Asylum Policies in Light of the Syrian Crisis*, issue brief no. 10 (Istanbul, Turkey: Global Turkey İn Europe, 2014), 1-4.

Ihlamur analyzes the evolution of Turkey's asylum policy towards Syrians under the constraints of international conjecture. In her article, "Turkey's Refugee Regime Stretched to the Limit? The Case of Iraqi and Syrian Refugee Flows,"¹² she emphasizes the role of the international support for humanitarian intervention in shaping Turkey's asylum policy during the Iraqi refugee flow in 1991 which lacks during the Syrian refugee flow today.

This thesis, too, is an attempt to contribute to the refugee-related literature on Syrians in Turkey. However, different from the literature mentioned above, this thesis does not try to provide policy recommendations for the improvement of Syrian refugees' lives in Turkey, nor does it attempt to evaluate the impacts of Syrians on the economy, society and politics of Turkey. Instead, the main purpose of the thesis is to reveal the political and legal factors affecting Turkish state's current asylum policy towards Syrians.

With this aim, it seeks to answer the question of how this policy response is conditioned by the current political and legal context as well as by the "historical policy legacies."¹³ The answer to this question constitutes the main argument of this thesis. The examination and analysis of the legal context in this thesis lead me to the point which indicates that refugee-related legislation gives broad autonomy to the government in the determination and implementation of policy responses to the mass refugee movements, a point that leaves the rights and provisions to be granted to displaced people prone to the arbitrariness of the political authority. The policy response of the current government to the mass flow of Syrians proves this

¹² Suna Gülfer Ihlamur Öner, "Turkey's Refugee Regime Stretched to the Limit? The Case of Iraqi and Syrian Refugee Flows," *Perceptions* XVIII, no. 3 (Autumn 2013): 191-228.

¹³ Roger Charlton, Lawrence Farley, and Ronald Kaye, "Identifying the Mainsprings of US Refugee and Asylum Policy: A Contextual Interpretation," *Journal of Refugee Studies* 1, no. 3/4 (1988): 239

arbitrariness in a positive way, but it also represents what Kemal Kirişçi defines as “a conspicuous break from the past practices”¹⁴ of the Turkish state and this thesis will show that this break does not only stem from the humanitarian concerns, but also from the foreign policy approach of the Turkish government, which defends the illegitimacy of the Syrian regime and asserts Turkey’s responsibility for a state-transcending community, Syrians due to a common, shared Ottoman past.

This argument will be supported by discussions at different levels in each chapter of this thesis. In the first chapter, the discussion regarding the factors in the formulation of states’ asylum policy will be presented as later on it also will help us to interpret the possible motives behind Turkish state’s asylum policy. In the second chapter in order to point out the similarities and differences between the current and past policy responses of the Turkish state, its historical experience with the mass refugee flows will be summarized. After the detection of policy patterns inherited and differed from the past, in the third chapter the legal framework of the current asylum policy will be reviewed. This examination will give us an overview about the legal basis as well as the protective scope and content of Turkey’s current asylum policy. It will show that in case of mass asylum the current legislation leaves the designation of measures and procedures to be applied at the discretion of the political authority.

The discretion of executive body in the policy-making while responding to the mass refugee flows necessitates tracing the reasons behind the government’s policy response to Syrian refugees. As this response cannot be excluded from the political context surrounding the relations between Syria and Turkey in the fourth chapter an overview of these relations will be given. Then, an analysis of the ruling

¹⁴ Kirişçi, *Syrian Refugees and Turkey's*, 8.

government's stance as well as the reactions of the main opposition parties regarding the Syrians' presence in Turkey will be depicted. This analysis will be realized through the examination of parliamentary discussions and questions as well as through the analysis of daily newspapers. Through this examination the political concerns shaping the stance of opposition and government will be presented.

Making an analysis of political concerns by depending only on official statements of government has some negative aspects. It leaves me within the confines of official policy visions which could be invalidated or out-dated easily by its depictees because; they are about a policy arena which is prone to arbitrariness. Despite these negative aspects, this analysis is still necessary in order to show the rhetorical tools of the government while justifying its policy responses to Syrian refugees.

In the fifth chapter, the regulations and practices of the Turkish state regarding the Syrians in Turkey will be examined. Through this examination, first, the general status of Syrians will be looked at in the light of the general legal framework. Then, the regulations issued by the government will be explored in order to understand within which legal setting the sheltering, health, and educational needs of the Syrians living in Turkey are being addressed. Additionally, the personal narratives of the Syrians will be given in order to understand the extent of the existing regulations' reflections on their lived experiences. These experiences will be extracted from the semi-structured and in-depth interviews I conducted with Syrians as well as few representatives of NGOs.

CHAPTER I

STATES AND ASYLUM

The field of refugee studies has grown in parallel with the dramatic increase in the cases of refugee movements around the world. Since its institutionalization and the systematization process as a discipline has an almost three decades past, it is still quite a new academic field which lacks a broader theoretical framework.¹⁵ As a new field, refugee studies have become the focus of different academic disciplines. Thus, there is a vast amount of literature within number of disciplines that does not consider itself within refugee studies but covers the refugees and refugee-related subjects.¹⁶ Although refugee studies remains at the locus of inter-disciplinary field of enquiry, it is mainly dominated by the policy based research. The majority of this research is composed of case studies which focus on the policies of individual states towards refugees as well as the conditions of refugees in different countries. These policy based researches mostly are descriptive, but provide valuable insights into the functioning of international and national refugee-related legislation and policies at the national level.¹⁷

Since my thesis follows this conventional approach and constitutes a policy-based case study, the literature review in this chapter will also be quite state-centric. Thus, initially the debates concerning the conceptualization of refugee that locates

¹⁵ Liisa Malkki, "Refugees and Exile: From Refugee Studies to the National Order of Things," *Annual Review of Anthropology* 24 (1995):507

¹⁶ Richard Black, "Fifty Years of Refugee Studies: From Theory to Policy," *International Migration Review* 35, no. 1 (Spring 2001): 58.

¹⁷ Gil Loescher, "Refugee Issues in International Relations," introduction to *Refugees and International Relations*, ed. Gil Loescher and Laila Monahan (Oxford: Clarendon Press, 1990), 4-5.

the refugee in the exteriors of the state will be presented briefly. Then, the discussion of political and ethical factors shaping the policy responses of states towards refugees within the constraints of international refugee regime will be presented.

Refugees and Statecraft

The significant portion of the literature on refugees is allocated to the exploration of the inextricable relationship between two concepts; refugees and the nation-state. Such literature does not consider the term refugee as taken for granted. Instead, they question the very presence of the concept refugee and problematize the modern construction of international system composed of sovereign nation states.

Among these works, Hannah Arendt's article "The Decline of the Nation State and the End of the Rights of Man" explains the refugee problem as a part of nation-states system. According to Arendt, in a world where the political organization is based on nation states, refugee find themselves "thrown out of the family of nations"¹⁸ and "expelled from humanity altogether."¹⁹ For Arendt, by being uprooted refugees lose not only their territorial space, but also their political status, their citizenship through which they secure their human rights. In the system of nation states, the intrinsic tie between human rights and citizenship leaves refugees stateless without any protection.

¹⁸ Hannah Arendt, *Imperialism: The Origins of Totalitarianism* 2 (New York: Harcourt Brace & World, 1976), 174.

¹⁹ Ibid., 177.

Decades after Arendt, building upon Arendt's analysis Giorgio Agamben also views the refugee as "a disquieting element in the order of the nation-state"²⁰ as he considers that the concept of refugee breaks "the identity between the human and citizen"²¹ which is established by the sovereign nation state.

Recently updating these critiques, Emma Haddad in 2008 points out the concept of refugee as a problem stems from the order of international society which is composed of separate and sovereign nation-states. For Haddad, as long as political borders demarcating nation states and drawing lines between outsiders and insiders exist, the refugees will exist. Being forcibly uprooted from their own state, hence being non-citizens, "[refugees] are misfits whose identity fails to correspond to that of any established nation-state"²² within international society. Indeed, the international refugee regime, which aims to re-territorialize the refugee, affirms that the order of international society is at the heart of the refugee problem. Each attempt to re-territorialize the refugee proves that "state-citizen-territory trinity"²³ is deemed as the normal bond between the state and citizen and as necessary for the stabilization of the normal model of international society.

However, the normalization of this bond and the designation of the refugee concept as a problem also have been criticized. One of those critics, Nevzat Soğuk in 1999, argued that the conventional discourse defining refugees as individuals lacking state perpetuates the idea that nation-state is the only possible organizational unit that could give an individual a legal and political existence. In other words, this discourse

²⁰ Giorgio Agamben, "Beyond Human Rights," in *Radical Thought in Italy: A Potential Politics*, ed. Paolo Virno and Michael Hardt (Minneapolis: University of Minnesota Press, 1996), 161.

²¹ Ibid.

²² Emma Haddad, *The Refugee in International Society* (Cambridge: Cambridge University Press, 2008), 7.

²³ Ibid., 90.

designates that belonging to a state as the normal human condition and the lack of this belonging as a problematic situation. This way of problematizing the approach to the refugee in relation to its loss of citizenship affirms that “the modern citizen...is the [only] proper political subject of political life.”²⁴

Building upon Soguk’s analysis, Peter Nyers states that the refugee phenomenon was invented and naturalized through discourse. While Soğuk reveals that the designation of a refugee as a problem by scholarly discourse which situates the citizenry as a normal human condition as opposed to refugeeeness, Nyers draws our attention to the dominant emphasis on “emergency” within this discourse. He argues that refugee phenomenon “has historically been subsumed within a discourse of emergency,”²⁵ which sets the concept of refugee as an ad hoc problem or part of an episodic crisis. Its identification as a problem shifted our focus on the practical ways of solving this problem instead of questioning the identification itself. For Nyers, to consider refugee as a problem to solve serves to mask the “enduring and diffuse”²⁶ character of the phenomenon which stems from the very nature of sovereign states system. Thus, as long as the sovereign states system exists, the so-called “refugee problem” would endure.

According to Nyers, even the focus of humanitarian responses to refugee movements reveals this logic of emergency. These responses see the reintroduction of the citizenship to refugees as the most ideal and durable solution. Thus, they serve

²⁴ Nevzat Soguk, *States and Strangers: Refugees and Displacements of State Craft* (Minneapolis: University of Minnesota Press, 1999), 9.

²⁵ Peter Nyers, "Emergency or Emerging Identities? Refugees and Transformations in World Order," *Millennium-Journal of International Studies* 28, no. 1 (1999): 11.

²⁶ *Ibid.*, 14.

to the reification of the idea that citizenship and hence belonging to the sovereign state system is the ideal political conditions for the human being.²⁷

While the re-territorialization of refugees is seen as an attempt to restore the state-citizen-territory trinity by Haddad or as the reification of state and citizenship by Nyers, it is regarded as “therapeutic intervention”²⁸ by Liisa Malkki. According to Malkki, the concept of spatially partitioned and territorially based identities is taken for granted and deemed natural by most scholars. This naturalization of the “national order of the things”²⁹ reveals that the political order composed of nation-states is taken for granted for the organization of global society. For Malkki, in such a political order where an individual’s identity and culture is territorialized, the de-territorialization of an individual is seen as an unhealthy situation. Thus, the refugee condition is seen as a pathological one which uproots the individual from his identity and culture. She notes that even this view can be seen from the actual practices of UN bodies which aim to solve the refugee problem. The re-territorialization of the refugees either in the way of integration, repartition or resettlement also reflects this attitude as they are all territorial therapeutic interventions to correct the pathological condition.³⁰

While all these works provide valuable and thought-provoking insights by helping us to question the problematization of refugee concept and condition as well as its relationship with the nation-state system, the concepts they question are mostly taken as granted in most of the refugee related studies as they rightly criticize. This is

²⁷ Ibid., 23.

²⁸ Liisa Malkki, "National Geographic: The Rooting of Peoples and the Territorialization of National Identity Among Scholars and Refugees," *Cultural Anthropology* 7, no. 1 (February 1992): 33.

²⁹ Ibid., 26.

³⁰ Malkki, "Refugees and Exile: From," 505.

because, the majority of the studies on refugees involve policy-based, advocacy studies which aim to provide an empirical documentation of a particular state policy and to improve the conditions of millions of refugees dispersed in different nation-states.³¹ Thus, these conventional studies from the very start accept the legal definition of refugee and the order of nation-state as given. Hence, based on these given concepts, they criticize inadequacies of the international refugee regime and the various factors behind states' policies towards refugees and asylum-seekers as well as provide state-centric policy solutions.

Bearing in mind the constraints of conventional approach, my research will follow the state-centric traditional approach in analysis as it is convenient for the content of my thesis. Thus, in the next section, the review of the discussions concerning the international refugee regime and states' responses to refugees will be presented.

The International Refugee Regime and Its Constraints

What makes refugee movements distinct from other cross-border population movements have been discussed widely. In these discussions, the Geneva Convention Relating to the Status of Refugees constitutes the departure point for both the legal definition of refugee and the emergence of contemporary international refugee regime.

The Convention defines refugee as a person who is outside of his country of origin due to "well-founded fear of being persecuted for reasons of race, religion,

³¹ Black, "Fifty Years of Refugee," 57-78.

nationality, membership of a particular social group or political opinion”³² Forming the legal basis of the international refugee regime, this definition considers the refugee as state’s target who risks to be eliminated due to his/her political activity or racial and religious identity. In addition, the definition’s emphasis on the fear refers to the involuntary nature of refugee’s cross-border movement. From the emphasis on the involuntary and political nature of the flight in the Convention’s definition, it is understood that the category of refugees is strictly defined in order to distinguish them from the migrants who are motivated to move due to economic reasons.³³

The refugee definition of the Convention was found limited in many aspects. One of these aspects is the strict classification of refugees on the basis of political causes. This is because, most of the time it is difficult to discern and separate the causes for flight as economic and political. In crisis situations, economic discontent usually goes hand in hand with the political dissent.³⁴ The other aspect is the focus on the persecution of an individual in the Convention’s definition. This focus narrows the scope of the refugee phenomenon. It is found too narrow as it does not cover forcibly displaced people who flee from their country due to life threatening events such as civil war, famine and natural disasters.³⁵

These limitations of Convention’s definition were highly contested as this definition constitutes the legal basis for accessing to political asylum, personal aid

³² "Convention and Protocol Relating the Status of Refugees," UNHCR, accessed July 1, 2014, <http://www.unhcr.org/3b66c2aa10.html>.

³³ Aristide R. Zolberg, Astri Suhrke, and Sergio Aguayo, *Escape from Violence* (New York: Oxford University Press, 1992), 30.

³⁴ Ibid.

³⁵ Matthew J. Gibney, *The Ethics and Politics of Asylum* (Cambridge, UK: Cambridge University Press, 2004), 7.

and international protection.³⁶ In theory, fitting into this definition provides displaced persons' access to protection which is founded on the Article 33 of the Convention. Regulating the *non-refoulement* principle, this article states that "no state shall expel or returns a refugee...to the frontiers of territories where his life or freedom would be threatened."³⁷ Similar to the Convention, the Universal Declaration of Human Rights reaffirms an individual's right to seek asylum and enjoy protection by stating that "everyone has the right to seek and to enjoy in other countries asylum from persecution."³⁸

While international legal documents recognize these rights for refugees' protection, in practice there is no supranational authority which would force host states to obey the rules of international refugee regime. The only international agency, the United Nations High Commissioner for Refugees (UNHCR), which is entitled to provide protection and support to refugees worldwide is limited in its mandate as it does not have law enforcement authority over states. The UNHCR's lack of authority stems from the principle of state sovereignty and from the very nature of the UNHCR.³⁹

Even though the international legal documents recognize the right to seek asylum, in reality, the right to obtain asylum is not guaranteed or regulated in these documents. As Richard Plender notes, "no state is obliged by current international

³⁶ Gil Loescher, *Beyond Charity: International Cooperation and the Global Refugee Crisis* (Oxford: Oxford University Press, 1993), 5.

³⁷ Cited in Gil Loescher, *Beyond Charity: International Cooperation and the Global Refugee Crisis* (Oxford: Oxford University Press, 1993), 143.

³⁸ "The Universal Declaration of Human Rights," United Nations, accessed June 30, 2014, <http://www.un.org/en/documents/udhr/>.

³⁹ Loescher, *Beyond Charity: International Cooperation*, 139-140.

law to admit to its territory a person who establishes that he is a refugee.”⁴⁰ Although the right to seek asylum is internationally recognized, the decision to grant asylum is left at the discretion of the host states in line with state sovereignty. As Emma Haddad states while emigration is “a matter of human rights...immigration remains a concern of national sovereignty.”⁴¹ Thus, the international refugee regime allows states to formulate their own refugee determination procedures in their national regulations.⁴²

The exclusive right of states in controlling entries to their territory leads to states’ restrictive measures such as interdicting boats on the high seas and screening the asylum claims at the border gates or on the airplane.⁴³ In Adamson’s terms, only “states are authorized to monopolize the legitimate means of movement”⁴⁴ Besides, states do not only decide under which conditions the asylum is to be granted but also they decide the conditions of asylum. The duration and the place of asylum as well as the social economic rights granted to refugees in case of asylum are all at the discretion of states.⁴⁵

For that reason, the non-intervention norm based on the principle of state sovereignty can be used easily by states as a pretext for denying the responsibility

⁴⁰ Cited in Christian Joppke, "Immigration Challenges to Nation State," in *Challenge to the Nation State: Immigration in Western Europe and the United States* (Oxford: Oxford University Press, 1998), 11.

⁴¹ Haddad, *The Refugee in International*, 87.

⁴² Loescher, *Beyond Charity: International Cooperation*, 139-140.

⁴³ Christian Joppke, "Asylum and the State Sovereignty: A Comparison of the United States, Germany, and Britain," in *Challenge to the Nation State: Immigration in Western Europe and the United States* (Oxford: Oxford University Press, 1998), 111

⁴⁴ Fiona B. Adamson, "Crossing Borders: International Migration and National Security," *International Security* 31, no. 1 (Summer 2006):165-199.

⁴⁵ Joppke, "Asylum and the State," in *Challenge to the Nation*, 111.

towards refugees. Thus, in the absence of supranational authority to enforce the international norms at the national level, it is up to the states to respect these norms.⁴⁶ At the international level, the UNHCR is mandated to carry out relief operations and humanitarian assistance in order to defend the rights and well-beings of the refugees. However, since its inception, the UNHCR has remained subservient to the donor states as well as to the host governments in order to conduct its relief operations. That is to say, the UNHCR has to obtain permission from the host states to conduct its operations within their territories as well as depending on the voluntary donations provided by the donor states.⁴⁷

The financial dependence of the UNHCR on Western states as major donors influences its refugee policies. Some recent commentary has noticed that since 1990s the preferable humanitarian response of the UNHCR to refugee crisis has changed in line with the interests of the Western states. As Western states constitute the major countries for third country resettlement, it shifted from third country resettlement to voluntary repatriation or in-country solutions such as safe zones which aims to contain refugees in the source country and help them there.⁴⁸ The introduction and institutionalization of internally displaced people (IDP) as a category for humanitarian protection and assistance by the UNHCR follows the same logic.⁴⁹

⁴⁶ Ibid.,79

⁴⁷ Loescher, "Refugee Issues in International," introduction to *Refugees and International Relations*, 19.

⁴⁸ Barbara Franz, "Refugees in Flux: Bosnian Refugees in Austria and the United States, 1992-2000" (PhD diss., Syracuse University, 1999), 58-67.

⁴⁹ Roger Zetter, "More Labels, Fewer Refugees: Remaking the Refugee Label in Era of Globalization," *Journal of Refugee Studies* 20, no. 2 (2007): 172-192.

The UNHCR's policies are not the only indicators that show us the shifting attitudes towards refugees. This shifting attitude in humanitarian solutions also can be seen from the identification of the refugee problem within the Western states. Zetter argues that the refugee label has been transformed and diversified by the Western states through newly established legal categories inferior to refugee status and through pejorative discourses in order to restrict asylum. For instance, the status recognized under the temporary protection regime is one of those newly established inferior statuses as it leaves the displaced people in a status of limbo with a lesser protection and it has no basis in the international law.⁵⁰

Likewise, the emergence of terms or phrases of negative connotation such as "bogus asylum-seeker," "genuine refugees," and "asylum/migration nexus" in the Western popular discourse is seen by Zetter as the reflection of this understanding. For him, this discourse serves the transformation of Convention's refugee label into a more difficult to access privileged status. However, this transformation does not stay at the level of individual states it had implications at the international level. Zetter contends that "national governments are the dominant power in forming, transforming and politicizing the label refugee"⁵¹ and due to this dominance, they affect the policies of humanitarian agencies such as the UNHCR.

In addition to these, as the UNHCR is financially dependent on voluntary donations, it mostly refrains from criticizing host and donor governments' policies towards refugees.⁵² Even if the UNHCR detects a violation of international refugee regime by host states, it is in no position to reverse the states' treatment and policy.

⁵⁰ Ibid.,181.

⁵¹ Ibid.,189

⁵² Loescher, "Refugee Issues in International," introduction to *Refugees and International Relations*, 19.

This is because it has no power of sanction and its role is restricted to advocacy of refugees through monitoring of states and advising to them.⁵³

State Practices

The exclusive role of the state as the final arbiter of refugee policy leads to differences in the treatment of different refugee groups, despite the presence of standard international norms. Accordingly, the centrality of state in policy-making leads to the necessity of elaborating the factors that shape state's responses to refugee movements.

Matthew Gibney, in his work *The Ethics and Politics of Asylum*, gives us a detailed account of the dominant ethical perspectives to explain the moral motivations behind the liberal democratic states' responses to refugees and asylum-seekers. According to him, two ethical perspectives, partialism and impartialism, dominates the moral and political theory in explaining the states' treatment of refugees. Partialism argues that states are composed of culturally distinct communities. The cultural environment in which the citizen is born does not only shape the individual beings but also it shapes the entire national community. This environment acts as an amalgam and it provides basis for the national integrity of the community. Thus, partialists argue that it is morally defensible for states to prioritize its responsibilities towards its own citizens by restricting the admission of refugees in order not to dilute the cultural commonalities that citizens share.⁵⁴

⁵³ Loescher, *Beyond Charity: International Cooperation*, 28-30.

⁵⁴ Matthew J. Gibney, *The Ethics and Politics of Asylum* (Cambridge, UK: Cambridge University Press, 2004)

As being among the most prominent partialists, Michel Walzer defends the rights of states to restrict immigration of strangers in order to preserve the historical stability of “communities of character.”⁵⁵ The preservation of this character, “the distinctiveness of culture and groups depends upon closure.”⁵⁶ Thus, it is morally defensible for states to restrain the admission of aliens for the general good of the community.

While partialists see generous admission policy towards refugees as a threat to the cultural features valued by citizens, the impartialists view it as a necessity of being part of the human community. For impartialists, states are “cosmopolitan moral agents,”⁵⁷ so they are obliged not to discriminate between citizens and strangers as both of them are members of human community regardless of their nationality.⁵⁸

As an impartialist, Joseph Carens defends the open border policy and opposes the restriction of immigration. According to him, the right to move freely is a right of every individual as they all have equal moral worth. Regardless of their membership or non-membership to a community, people should be able to move and live wherever they want. To defend the opposite is against the basic mores of liberalism meaning that “feudal barriers” to mobility would be kept in order to maintain the “unjust privileges” of Western states.⁵⁹ Thus, he strongly disagrees with the ideas of Walzer. Carens claims that especially in the Western liberal democracies, the exclusionist

⁵⁵ Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983), 62

⁵⁶ *Ibid.*, 39.

⁵⁷ Gibney, *The Ethics and Politics*, 23.

⁵⁸ *Ibid.*

⁵⁹ Joseph H. Carens, "Aliens and Citizens: The Case for Open Borders," *The Review of Politics* 49, no. 2 (Spring 1987): 270.

policies cannot be justified with the community's character, as Walzer did. The character of community in these states is shaped by the liberal values and in the course of history these values have become increasingly more inclusive. Throughout history, the scope of equal treatment was extended to numerous groups such as women, workers, and minorities. Following the same logic, the equal treatment could be extended to aliens by recognizing their freedom of immigration.⁶⁰

While impartialism emphasizes the value of human commonality as a moral basis, Gibney notes that there is a wide gap between the ethical ideals of impartialism and the practices of states. The liberal democratic states progressively pursue highly restrictive policies towards refugees and asylum-seekers. This difference between theory and practice is explained by Gibney with the very nature of state and the role of politics in the formation of refugee policy.⁶¹

According to Gibney, from its very nature the modern state is a particularistic agent. That is to say, it is exclusively responsible from a single community, for its citizens. The nature of state requires protecting the needs of its own citizens in order to maintain its authority. For that reason, the state puts the interests of its citizens before the needs and interests of outsiders. Thus, unless there is a public support of citizens in following more inclusive policies, states prefer to restrict its admission policies towards refugees and asylum-seekers.⁶²

Apart from the nature of the state, Gibney indicates that the role of politics in restricting the ability of governments to adopt morally defensible refugee policy.⁶³ In a similar vein, Haddad points out the politicized nature of states' refugee policies

⁶⁰ Ibid.

⁶¹ Gibney, *The Ethics and Politics*, 201-211.

⁶² Ibid., 212

⁶³ Ibid., 197.

claiming that different responses to refugee movements stems from the different political contexts. As she puts it, “for every refugee there is always a non-refugee who could be a refugee were the political circumstances different.”⁶⁴

For Peter Nyers, the theories approaching the issue from the perspective of morally defensible refugee policy for states is problematic for two reasons. First, these approaches are based on the liberal ethical theories of Western tradition and exclude the non-Western traditions of ethical theories while responding to an issue of a global scale. Secondly, these approaches consider that humanitarian ethic is divorced from politics and regard them as separate realms. Thus, they portray as if humanitarian norms are threatened by the interference of politics.⁶⁵

According to Nyers, separating politics and ethics overlooks the fact that “the considerable violence that is expended to sustain and reproduce the sovereign political space that allows for the development and performance of ethical principles.”⁶⁶ In other words, these theories do not question the presence of the sovereign states system which produces and normalizes the refugee flows through creating ambiguous subjects between humanity and citizenry. While humanitarian actions are undertaken with the sole aim of returning to an individual its citizen subjectivity, it is overlooked that this action serves to maintain the international system based on sovereign states. They just question what is good for the states and they do not question what Andrew Linklater defines as the “modern trade-off between men and citizens”⁶⁷ since the instigation of sovereign states system. Thus,

⁶⁴ Haddad, *The Refugee in International*, 5.

⁶⁵ Nyers, "Emergency or Emerging Identities? Refugees," 1-26.

⁶⁶ Ibid., 7.

⁶⁷ Cited in Peter Nyers, "Emergency or Emerging Identities? Refugees and Transformations in World Order," *Millennium-Journal of International Studies* 28, no. 1 (1999): 22.

Nyers believes that the very nature of the sovereign state system makes implausible the separation of ethics and politics in the conduct of humanitarian operations.

Similar to Nyers, Loescher emphasizes the political nature of the humanitarian responses. He argues that the refugee policy of a state cannot be seen solely as a moral act shaped by humanitarian concerns rather it is an outcome of pragmatic political concerns which shape the economic, political and legal contexts of reception for the host state. The stance of governments when confronting refugee movements determine all these contexts and the life chances of refugees in the host state. Conversely, the stance of the government is shaped by domestic politics or the foreign policy of a state as well as to the interplay of the both.⁶⁸

Domestic policy concerns may determine whether state's responses to refugees will be negative or positive. The positive discrimination towards immigrants or refugees can be seen in some occasions. For instance, states could find it hard to reject some groups of refugees due to the high pressure of the general public. The high public concern could put political pressure on the government for generous admission of refugees.⁶⁹

Likewise, states might welcome immigrants or refugees by referencing to their "historic, cultural or religious ties" with their own citizens in line with their national interests.⁷⁰ In this respect, the actual ethnic identity of immigrants or refugees might be out of importance. Even though they do not belong to the identity

⁶⁸ Loescher, "Refugee Issues in International," introduction to *Refugees and International Relations*, 10.

⁶⁹ Gül Çatır, "Long Waited Brothers or Unwelcome Guests the Logic of Reception Mechanisms of a State: Turkey and Its Asylum Seekers in 1989 and 1991" (master's thesis, Bogazici University, 2009), 33.

⁷⁰ Myron Weiner, "Ethics, National Sovereignty and the Control of Immigration," *International Migration Review* 30, no. 1 (Spring 1996): 177.

of the state-bearing nation, the incoming groups can be favored in admission decisions on the grounds that they belong to “a historical-cultural community that encompasses more than one state” and forms a “pan-ethnic community”.⁷¹ This biased approach towards the state-transcending community can be seen from the immigration policies of former European colonial states towards the citizens of their former settlements.⁷²

Meanwhile, the negative responses to refugees might also stem from domestic policy concerns. Refugees can be seen as destabilizing factors in the receiving country’s domestic politics. The resources and spending used for refugees’ well-being can create social resentment among the local population who do not want to share the scarce sources of their country.⁷³ Especially, in the case of massive refugee flows state’s lack of capacity to provide public services can exacerbate this feeling among the locals.⁷⁴

Indeed, the resentment may not only stem from the dependence of refugees on state subsidies. The fear of refugee’s access to the job market as independent economic agents and as rivals may also create social tension. Even the immediate economic benefits of refugees caused by their spending can be interpreted by locals negatively. This is because the sudden rise of demand to housing and food leading to rise of the prices in the market can hurt the budgets of locals.⁷⁵ This social tension

⁷¹ Christian Joppke, *Selecting by Origin: Ethnic Migration in the Liberal State* (Massachusetts: Harvard University Press, 2005), 24.

⁷² Ibid.

⁷³ Cheryl Benard, "Politics and the Refugee Experience," *Political Science Quarterly* 101, no. 4 (1986): 622-623.

⁷⁴ Adamson, "Crossing Borders: International Migration and National," 117.

⁷⁵ Benard, "Politics and the Refugee," 622-623.

among the locals can destabilize the political system by deepening the already existing social and economic cleavages especially in under-developed countries.⁷⁶

Apart from their implications for social stability, refugee flows are seen as a threat to the internal security of the receiving state. Especially, the transnational networks of and the cross-border mobility of the terrorists who carried out the 9/11 attacks brought to the fore the link between migration and international terrorism. This link is advocated on the basis that migration is used by the terrorist organizations to gain access to target states in order to carry out attacks. In order to prevent their access, the strict control and monitoring of the borders is considered vital. Thus, porous borders and uncontrolled flow of refugees are viewed as serious threats to the internal security of a country.⁷⁷

In this respect, diaspora organizations and networks which foster transnational political loyalties of migrants also are deemed to pose a security threat. This is because these loyalties are considered to challenge the conventional notions of citizenship by creating dual or divided identities. The possibility of the exploitation of these divided loyalties in order to provide funding and fighters to terrorist organizations constitutes a security risk for the host state.⁷⁸

In addition to domestic policy concerns, foreign policy considerations of a state are also influential shaping its response to refugees. The bilateral relations between sending and receiving state constitute the primary foreign policy consideration of a receiving state. Whether the receiving state is a neighboring country or distant one, the refugee policy of the receiving state could have strong

⁷⁶ Loescher, *Beyond Charity: International Cooperation*, 25.

⁷⁷ Adamson, "Crossing Borders: International Migration and National", 195-196.

⁷⁸ Ibid., 183-192.

implications on the bilateral relations between the two states.⁷⁹ This is because, refugees are mostly seen as “political symbols [who] personify by their mere existence a profound criticism of the state they fled.”⁸⁰ In the end, this criticism is either directed to the regime or government of the sending state. The fleeing of refugees in massive numbers shows that sending state fails to provide protection to its own citizens or suppress them because of their political opinions. Thus, by granting refugee status the receiving state automatically makes a statement about the legitimacy of the government or the regime of the sending state.⁸¹

This statement is too strong to the extent that throughout Cold War, the refugees were seen as propaganda tools in foreign policy. The presence of refugees in the Western bloc countries was shown as the living evidence of the repressiveness and undesirability of the Communist regimes. Thus, refugee flows from Communist regimes were encouraged by the Western bloc countries⁸² in order to claim that people “vote with their feet.”⁸³ For instance, The Federal Republic of Germany granted automatic asylum and citizenship to all fleeing from the East Germany.⁸⁴ Similarly, as a close ally of the US during the Cold War, Costa Rica actively encouraged Nicaraguan refugees to leave their country in order to propagate that

⁷⁹ Loescher, "Refugee Issues in International," introduction to *Refugees and International Relations*, 20

⁸⁰ Benard, "Politics and the Refugee," 620.

⁸¹ Haddad, *The Refugee in International*, 3.

⁸² Loescher, *Beyond Charity: International Cooperation*, 58-59.

⁸³ Zolberg, Suhrke, and Aguayo, *Escape from Violence*, 274.

⁸⁴ Loescher, *Beyond Charity: International Cooperation*, 58-59.

Nicaragua has a dictatorial regime while it refused to accept refugees from an equally repressive El Salvador due to its alignment with the Western bloc.⁸⁵

The receiving state does not necessarily start or generate refugee flows; however, it could positively contribute to the formation of those flows by adopting a generous admission policy for those who do not fit the refugee definition of UN Convention.⁸⁶ The most striking example of this can be given from the US refugee law. Until 1980s refugee was defined as a person “fleeing from a Communist country or area”⁸⁷ in the US refugee law. Parallel with this, the US granted refugee status to those fleeing from Cuba and Vietnam. At the same time, it refused to admit refugees from its political allies El Salvador and Haiti in order to show its support to their governments.⁸⁸

On the other hand, the receiving state may not just passively use its refugee policy in the service of its foreign policy through generous admissions. The host state may actively engage itself in the politics of the sending state. This form of engagement displays itself mostly when the receiving state share borders with the sending state.⁸⁹ The host state may open its territories to the access of “refugee-warriors”⁹⁰ who fight in the armed conflict of their country or origin. In its most extreme form, the receiving state may provide military, financial, and logistical aid

⁸⁵ Tanya Basok, "Welcome Some and Reject Others: Constraints and Interests Influencing Costa Rican Policies on Refugees," *International Migration Review* 24, no. 4 (Winter 1990): 722-747.

⁸⁶ Aristide R. Zolberg, Astri Suhrke, and Sergio Aguayo, "International Factors in the Formation of Refugee Movements," *International Migration Review* 20, no. 2 (Summer 1986): 155.

⁸⁷ Michael S. Teitelbaum, "Immigration, Refugees and Foreign Policy," *International Organization* 38, no. 3 (Summer 1984): 430.

⁸⁸ *Ibid.*, 429-440

⁸⁹ *Ibid.*, 440.

⁹⁰ Zolberg, Suhrke, and Aguayo, "International Factors in the Formation," 165.

for these fighters by allowing their stay in the refugee camps and providing humanitarian assistance to them. A well-known example of this form of refugee policy is Pakistan's policy after the Soviet invasion of Afghanistan. Pakistan allowed Afghan refugees, who engaged in armed resistance against the Soviet backed Afghanistan, to base themselves in Pakistan's refugee camps. Pakistan channeled all forms of assistance from humanitarian relief programs to those fighters in its territory.⁹¹

In rare occasions, the military response of the states in the service of foreign policy may involve the direct military intervention to the source state. This intervention can be justified under the pretext of humanitarian assistance and protection to refugees in order to mask the wider political interests of the intervening states. The military interventions to Kosova and Iraq can be given as examples of this.⁹²

Conclusion

This chapter has shown that state-centric and traditional approaches to refugees bear discursive implications. These approaches serve to reify the concepts of nation-state and citizenship as the normal form of political organizations. Conversely, they perpetuate the conceptualization of refugees as problems or deviations that disrupt this normality.

Despite these implications, traditional approaches on refugees which focus on the policy based analysis are also significant. Studies based on policy definitions, necessitates the pre-acceptance of the concepts of state and refugees as given legal

⁹¹ Loescher, *Beyond Charity: International Cooperation*, 89.

⁹² Zetter, "More Labels, Fewer Refugees," 176.

categories in order to analyze the political realities of the refugee movements on the ground. In other words, the reification of state as the object of study becomes unavoidable, as the target of these analyses is the inadequacies and vulnerabilities of state policies as well as the national and international legal instruments which are produced by states.

By taking the state as a given concept, traditional approaches elaborate the factors determining the humanitarian response of states. Among these factors, the ethical, domestic, and foreign policy concerns can be counted. The ethical stance of states can be classified in two categories, as partialism and impartialism. While partialism defends the restrictive policies towards the refugees in order to protect the cultural coherence of a society, impartialism advocates the generous admission to refugees as it rejects the categorization of human beings as aliens and citizens.

However, the practices on the ground due to the particularistic nature of states show that states are increasingly restrict their refugee and asylum policies. Thus, states' humanitarian responses are driven by political concerns instead of ethical ones.

The political concerns of states usually involve their domestic and foreign policy considerations or the mixture of both. In line with states' national interests, states may respond to refugees with generous admission policies on the grounds that they have historic, cultural, religious ties with the host country. Conversely, the admission of refugees can be restricted due to domestic policy concerns of state. While these concerns can be the state's internal security as well as its social and economic stability, the foreign policy concerns can cover the bilateral relations between the source and host state. Since the very definition of Convention refugee indicates the political nature of the refugees' flight, depending on the degree of the

friendship between the source and host state, the attitudes of the host state may differ in responding to refugee flows. Examples from the policies of the states during the Cold War have shown that rival states may encourage the refugee flows in order to delegitimize the regime or the government of the source state. This encouragement can be even furthered to an extent that the host state may open its territories to the access of refugee-warriors who fight in the armed conflict of their country or origin. Conversely, the rejection of refugees by the host state may mean the political recognition of and support to source state.



CHAPTER II

THE DEVELOPMENT OF THE TURKISH ASYLUM POLICY

HISTORICAL BACKGROUND

The examination of the Turkish state's historical experience with mass refugee flows is significant in order to make a comparison between the past and current policy practices regarding mass asylum. Thus, in the first part of this chapter a brief historical account of the Turkish refugee and asylum policy will be presented by examining the pioneer legislations and population movements that shaped this policy. This examination will help us not only to understand the historical and legal legacy prior to the current asylum and refugee policy, but it will also show us that historically the Turkish state adopted restrictionist approach towards the refugees by codifying restrictive legislations such as Law on Settlement 2510, and by restricting the liberal legislation such as Geneva Convention Relating to the Status of Refugees. The wording or the interpretation of these legislations by the Turkish state will demonstrate that refugees who are not of Turkish descent and culture or who do not come from Europe are denied the right to seek permanent asylum in Turkey.

Following this general framework, in the second part of this chapter three cases of mass refugee flows into Turkey will be outlined in order to show how Turkish state responded to massive cross-border population movements in the past. By looking at the manners of the Turkish state in these cases, it will be shown that the Turkish state did not adopt a long-standing, coherent policy in order to deal with the mass refugee movements. Instead, it resorted to temporary solutions and practices in the face of mass migration.

A Restrictionist Policy towards Asylum

From the outset, the Turkish asylum policy was derived from an immigration-focused understanding. This understanding shows us that the Turkish state did not have a distinct legislation or become party to any agreement that had shaped its refugee policy until its adoption of 1951 Geneva Convention Relating to the Status of Refugees. Instead, issues concerning the refugees remained secondary and carried less importance and were slightly addressed in the legislation regarding migration. Thus, in order to describe the Turkish state's refugee and asylum policy first the immigration laws preceding to Geneva Convention will be examined.

Prior to the Geneva Convention, the first legislation of the Turkish state regulating the cross-border population movements was the Law on Settlement no.885, adopted in 1926. This law remained in force for a short period of time until it was replaced by another law in 1934. Thus, this law will not be examined in detail. However, it would be fair to say that according to this law, only the people who shared Turkish culture were considered as immigrants by the Turkish state.⁹³

Following the Law on Settlement no. 885, the Law on Settlement no. 2510⁹⁴ was adopted in 1934. This law is worth examining in detail as it remained in force until the first decade of the 2000s. This law regulated the basic principles of migration into Turkey as well as the forced relocation of non-Turkish minorities, such as Kurds inside Turkey.⁹⁵ As the domestic population movements regulated in

⁹³ Soner Çağaptay, "Reconfiguring the Turkish Nation in the 1930s", *Nationalism and Ethnic Politics* 8, no. 2 (2002) 71.

⁹⁴ Republic of Turkey, T.C Resmi Gazete, no.2733, 21 June 1934.

⁹⁵ Ibid.

this law is beyond the scope of this thesis, only the parts of the law regarding the cross-border population movement will be examined.

According to this law, only people who were of Turkish descent and culture were accepted as immigrants to Turkey. However, there is no clear definition provided in the law in order to determine who qualifies as being of Turkish descent and culture. Instead, the law gives the responsibility and authority to the Council of Ministers in determination process by stipulating that “those accepted as immigrants shall be immediately admitted into citizenship by a decision of Council of Ministers.”⁹⁶

In the law, the migrants were categorized into two groups, as independent immigrants (*serbest göçmen*) and settled immigrants (*iskanlı göçmen*). The former category comprised the self-sponsored immigrants who were required to obtain immigrant visa from the Turkish consulates abroad before their arrival and who were expected not to request settlement assistance from the Turkish state; thus should bear the financial and bureaucratic burden of the immigration. They also had the right to settle where ever they want in Turkey. However, the latter category comprises the state sponsored immigrants who rely on the economic assistance of the Turkish state to migrate and settle in Turkey. These immigrants often settled on the land allocated to them by the state.⁹⁷

Additionally, in the passage of this law the basis for an official distinction between immigrants and refugees was provided. Article 3 of the law stipulated that “those persons who take shelter in Turkey in order to reside temporally on account of

⁹⁶ "The Turkish Law of Settlement," International Finance Corporation, accessed February 15, 2014, [http://ifcext.ifc.org/ifcext/spiwebsite1.nsf/0/2c048b972359e8a4852576ba000e2534/\\$FILE/Part%20D%20%20Turkey%20RAP%20Ann.%20Annex%203.2.pdf](http://ifcext.ifc.org/ifcext/spiwebsite1.nsf/0/2c048b972359e8a4852576ba000e2534/$FILE/Part%20D%20%20Turkey%20RAP%20Ann.%20Annex%203.2.pdf).

⁹⁷ Kemal Kirisci, "Post Second World War Immigration From Balkan Countries to Turkey," *New Perspectives on Turkey* Spring, no. 12 (1995) 62.

compelling reasons without the intention to settle permanently shall be called refugees.”⁹⁸ From these definitions provided in the law it is understood that while immigrants were considered to have arrived to Turkey with the aim of settling and gaining citizenship, refugees were considered people who could only temporarily reside in Turkey without the intention of settlement and citizenship.⁹⁹

However, the law did not entirely close the door for the naturalization of the refugees by stating that refugees who wish to settle in Turkey should notify the authorities about their intention of settlement. After the notification they could be treated as immigrants if they were attached to Turkish culture and were not anarchists, gypsies, spies, or deported persons.¹⁰⁰

Since the adoption of this law up to 2007, approximately 1,650,000 people migrated to Turkey.¹⁰¹ The majority of these immigrants came from the former territories of the Ottoman Empire, from Balkan countries such as Greece, Romania, Yugoslavia, and Bulgaria as well as from the countries of Asia and the Caucasus. Also, non-Turkish communities such as Albanians, Bosnians, Circassians, Georgians, Pomaks and Tatars benefited from this law and settled in Turkey. For instance, in the interwar period approximately 200,000 Turks and Pomaks came from Bulgaria and 121,296 Turks, Tatars and Circassians moved from Romania. In addition, 115,427 Turks, Bosnians and Albanians from Yugoslavia migrated into Turkey during that period.¹⁰²

⁹⁸ "The Turkish Law of Settlement," 2.

⁹⁹ Necla Ozturk Yılmaz, "5543 Sayılı İskan Kanunu Hükümleri Uyarınca Türk Vatandaşlığının Kazanılması," *TBB Dergisi*, no. 68 (2007), 254.

¹⁰⁰ *Ibid.*, 255.

¹⁰¹ *Ibid.*, 244.

¹⁰² Kemal Kirisci, "Refugees of Turkish Origin: Coerced Immigrants to Turkey since 1945," *International Migration* 34, no. 3 (1996) 391.

From the end of the Second World War to 1990s, the Bulgarians constituted the majority of the immigrants settled in Turkey. Throughout the mass expulsion of 1950-51 and 1989, almost half a million Bulgarian Turks migrated to Turkey. Following Bulgaria, Yugoslavia became the second source of immigrants, with 186,925 in the same period.¹⁰³

According to Kemal Kirişçi, the Law on Settlement shows that since the foundation of the Turkish Republic, the Turkish state migration and asylum policy has been shaped by the concerns over building of national identity. Accordingly, in order to create a homogenous national identity from the legacy of a multi-ethnic and multi-religious empire, the immigration policy of the Turkish state only allowed the admission of aliens who were Muslims or/and belong to Turkish descent and culture.¹⁰⁴

This migration policy was carried out at the expense of the non-Muslims in Turkey. Even before the Law on Settlement, the project of creating a homogenous national identity through population movements had been realized with the founding treaty of the Turkish state; namely Lausanne Treaty. Within the scope of this treaty, an agreement on population exchange between Greece and Turkey was signed. According to this agreement, the Greek Orthodox citizens of Turkey were sent to Greece, and the Muslim citizens of Greece settled in Turkey, forcibly. In other words, the non-Muslim elements were excluded from the new Turkish nation. Accordingly the demographic structure of the society drastically changed the

¹⁰³ Ibid.,409.

¹⁰⁴ Cited in Didem Daniş, Cherie Taraghi, and Jean-François Pérouse, "Integration in Limbo: Iraqi, Afghan, Maghrebi and Iranian Migrants in Istanbul," in *Land of Diverse Migrations*, ed. Ahmet Içduygu and Kemal Kirişçi (İstanbul, Turkey: İstanbul Bilgi University Press, 2009),460.

percentage of Christians in Turkey decreased from 20 to 2.64 in 15 years between 1912 and 1927 with their expulsion.¹⁰⁵

On the one hand, under this migration policy, the migration of non-Turkish Muslim communities from the Balkans and Caucasus were accepted to Turkey because these communities were considered to be easily assimilated into the Turkish identity. This consideration was not baseless. When the Turkish Republic was founded in 1923, almost the quarter of the Muslim population of Anatolia was composed of migrants from the Balkans,¹⁰⁶ who already had integrated into the society and were considered to belong to Turkish culture. The fact that among the founding elite of the Turkish Republic there were people from those areas furthered this consideration.¹⁰⁷

On the other hand, under this migration policy, ethnic groups whose assimilation was considered hard were not encouraged to migrate to Turkey, even if they were Muslims or Turks. For instance, the migration of ethnically Turkish but Christian Gagauz Turks as well as the Muslim Kurds was not encouraged due to concerns over assimilation. In brief, throughout the history of the Turkish Republic the migration and asylum policy of the state has been shaped by these considerations which found their legal base in the Law on Settlement. With the Law on Settlement only the permanent asylum of aliens who belong to Turkish descent and culture was allowed.¹⁰⁸

¹⁰⁵ Soner Çağaptay, "Reconfiguring the Turkish Nation in the 1930s'," *Nationalism and Ethnic Politics* 8, no. 2 (2002) 68.

¹⁰⁶ Erik Jan Zürcher, *Turkey: A Modern History* (London: I.B. Tauris, 2004), 117.

¹⁰⁷ Kemal Kirisci, "Disaggregating Turkish Citizenship and Immigration Practices.," *Middle Eastern Studies* 36, no. 3 (2000) 16

¹⁰⁸ *Ibid.*, 14.

The Law on Settlement remained in force with amendments until 2006. One of the most important amendments was the removal of the article concerning the admission of state-sponsored immigrants in 1970 as this practice was putting financial burden on to the Turkish state.¹⁰⁹ Finally, the Law on Settlement no.2510 was abrogated and a new law titled the Law on Settlement no. 5543 was put into force in 2006.

The new Law on Settlement preserved more or less the classifications and as well as the rights of settled immigrants and independent immigrants mentioned in the previous law. However, different from the previous law subcategories of independent immigrants such as individual immigrant (*münferit göçmen*) and immigrants in groups (*toplu göçmen*) were defined in this law. While “individual immigrant” refers to a family unit who arrive in Turkey with the aim of settling, “immigrants in groups” refers to the groups who arrive Turkey with the aim of settling in accordance with bilateral agreements between Turkey and their sending country.¹¹⁰

Similar to the previous law, for the both categories of settled immigrants and independent immigrants to belong to Turkish descent and culture is the common precondition to be accepted as immigrant in Turkey. Likewise, the decision of determining who are of Turkish descent and culture was also left to the Council of Ministers.¹¹¹

Different from the previous law, the refugees were not mentioned in this law. This negligence is explained in the law’s preamble with reference to the Geneva Convention Relating to the Status of Refugees. It is stated that since the rights and

¹⁰⁹ Kirisci, "Post Second World War Immigration,"68.

¹¹⁰ Yılmaz, "5543 Sayılı İskan Kanunu," 251.

¹¹¹ Ibid., 250-253.

obligations of refugees were regulated in the Convention, of which Turkey was a party, it was not seen necessary to cover them in this law.¹¹² Thus, the Law on Settlement 5543 does not cover issues pertaining the Turkish refugee and asylum policy.

By being party to Geneva Convention Relating to the Status of Refugees in 1951,¹¹³ the Turkish state for the first time had a distinct legislation to refer concerning the refugees and asylum seekers. Under this convention, following a restrictionist approach Turkey limited its obligations and responsibilities only to refugees and asylum seekers coming from Europe. In other words, Turkey only agreed to accept the asylum applications of the people fleeing from Europe and to grant them the refugee status.¹¹⁴

Accordingly, during the Cold War as a part of the Western block Turkey granted refugee status to the small number of people fleeing from the communist countries of Eastern Europe. However, in practice very few of them stayed permanently in Turkey. Most of them were resettled in the third countries by the UNHCR as it was responsible from the procedures and the costs of the sheltering and resettling of these refugees during that period.¹¹⁵

In the last decade of the Cold War and with its end, the profile of the people arriving to Turkey, the migration patterns drastically changed to the extent that those people could neither be considered within the scope of the Law on Settlement nor within the scope of Geneva Convention. The political instabilities and the economic transformation in the neighboring countries of Turkey led to mass influx of refugees

¹¹² Ibid., 254.

¹¹³ The ratification date of the Convention by the Turkish Parliament is 30 March 1962.

¹¹⁴ Kirisci, "Disaggregating Turkish Citizenship and Immigration,"11.

¹¹⁵ Ibid.,11.

to Turkey from the Middle Eastern countries such as Iraq and Iran.¹¹⁶ From Iran after the Iranian revolution 1.5 million Iranians sought temporary asylum in Turkey between 1980 and 1991. From Iraq, almost half a million Kurds sought refuge in Turkey due to the atrocities directed against them in their country.¹¹⁷

At that time, Turkey did not have any national legislation regarding non-European refugees. Thus, it only provided protection selectively to the European refugees in line with the Geneva Convention. In other words, non-European refugees were out of the protective scope of the Turkish state individually and collectively. Apart from denying their status of refugeeness, the state did not develop a standard policy in the event of their mass migration. Thus, the measures taken by the state in the event of mass refugee flows had differed. In the coming section by giving a detailed account of the mass refugee flows to Turkey from Iraq and Bulgaria, I will try to frame the Turkish state's policy towards mass asylum.

Policy Responses to Mass Refugee Flows

The Mass Flow of People from Bulgaria

Despite the presence of bilateral agreements Bulgaria and Turkey regarding the rights of the Turkish minority in Bulgaria, the Turkish minority was perceived as a threat by the communist Bulgarian governments as the Cold War positioned Turkey and Bulgaria in the opposing camps. In the atmosphere of the Cold War, the Turkish

¹¹⁶ Ahmet İçduygu, "Türkiye'de Uluslararası Göçün Siyasal Arkaplanı: Küreselleşen Dünyada Ulus Devleti İnşa Etmek ve Korumak," in *Türkiye'ye Uluslararası Göç*, ed. Barbara Pusch and Tomas Wilkoszewski (Istanbul, Turkey: Kitap Yayınevi, 2010)

¹¹⁷ Kirisci, "Disaggregating Turkish Citizenship and Immigration", 11-12.

minority were seen as the agents of the enemies of Bulgaria (the NATO member countries). This perception of threat reflected on the migration policies of the successive Bulgarian governments. Eventually, the Bulgarian Turks were forced to migrate in several waves to Turkey by the several Bulgarian governments during the Cold War.¹¹⁸

One of those migration waves occurred between 1950 and 1951. Within a year, 154,000 were forced to migrate to Turkey before the Turkish government closed its border. The main reason behind the migration was Bulgarian regime's policy of forced land collectivization. As the majority of the Turkish people in Bulgaria were farmers, they resented this policy and migrated to Turkey.¹¹⁹ At that time, the arrivals were treated by Turkey according to the Settlement Law of 1934, and were considered as settled migrants. As being settled migrants they were given land by the state and resettled in Western and Central Anatolia as well as in the Thrace.¹²⁰

The second major wave of forced migration took place in 1989. The policies of the Bulgarian government paved the way for this migration wave. Starting from 1984, an intense assimilation campaign the "Process of Rebirth" was conducted against the Turkish minority.¹²¹ This campaign was legitimized on the grounds that the Turkish minority constituted a threat to the territorial integrity of Bulgaria as being agents of an enemy state. Under this campaign wearing traditional Turkish

¹¹⁸ Lilia Petkova, "The Ethnic Turks in Bulgaria: Social Integration and Impact on Bulgarian -Turkish Relations, 1947-2000," *Global Review of Ethnopolitics* 1, no. 4 (2002) 44.

¹¹⁹ Ibid., 43

¹²⁰ Kirisci, "Post Second World War Immigration, 66.

¹²¹ İlhan Uzel, "Balkanlarla İlişkiler," in *Türk Dış Politikası 1980-2001*, ed. Baskın Oran, vol. 2, *Türk Dış Politikası: Kurtuluş Savaşından Bugüne Olgular, Belgeler, Yorumlar* (İstanbul: İletişim Yayınları, 2003), 178.

dress, speaking Turkish were banned and these bans were forcefully applied. Indeed, the assimilation campaign went further by forcing Bulgarian Turks to change their Turkish names to Bulgarian Slavic ones and even by forcibly changing the names of the dead people in the municipal registries. Additionally, the Muslim graveyards were destroyed and nobody was permitted to go to hospitals or banks without an identity card with a Bulgarian name. Eventually, this harsh policy of assimilation created dissent among the Turkish minority causing their mass protests and demonstrations. These protests were violently suppressed and dissidents were either imprisoned or sent labor camps by the Bulgarian government.¹²²

During these incidents, the efforts of the Turkish government to broker for a migration agreement failed until 1989.¹²³ By the summer of 1989, the expulsion of Bulgarian Turks commenced with President of Bulgaria's call to the Turkish government. The president demanded from Turkey to open its borders in order to accept the Bulgarian citizens who want to emigrate and to live in Turkey. Subsequently, The Turkish government opened the borders and declared that emigrant Bulgarian Turks would be given Turkish citizenship. Until the closure of the Turkish borders by August, the number of immigrants coming to Turkey reached 311,862.¹²⁴

Although the Geneva Convention of 1951 was applicable to the Bulgarian Turks, the Turkish government chose to give them the immigrant status instead of a

¹²² Petkova, "The Ethnic Turks in Bulgaria: Social," 46-47.

¹²³ Kirisci, "Post Second World War Immigration," 67.

¹²⁴ Ibid.

refugee status.¹²⁵ Since the articles on the admission of settled migrants were abolished from the law in 1970,¹²⁶ in order to define the rights of Bulgarian Turks an additional article (33) was added to the Settlement Law. This article defined the legal status of the Bulgarian Turks as both settled immigrants and independent immigrants and granted them the rights that were once given to settled migrants.¹²⁷

In addition to a law change, many new regulations and practices were introduced in order to ease the lives of the Bulgarian Turks in Turkey. The newly arrived migrants were provided free transportation and accommodation. Those who were not naturalized yet were given the right to work in the public and private sector with the adoption of new regulations. They were given priority in their application for the citizenship. The registration of the children in the Turkish schools was enabled. For the university students the transfer of their degrees was allowed and the quotas were allocated in the universities for the migrant students. An aid/donation campaign was announced by the state, and the Ministry of Finance announced that donations to this campaign will be deducted from donators' taxes.¹²⁸

However, the open door policy of the Turkish government towards the Bulgarian immigrants lasted only for three months. Despite the presence of the non-humanitarian conditions which triggered the mass migration of the Bulgarian Turks, the Turkish government decided to close its borders when the number of arrivals reached to 300,000 and started to put economic strain on the government. Although

¹²⁵ Gül Çatır, "Zorunlu Göç Tecrübesinin Devlet Politikalarındaki Yansıması: Bulgaristan'dan Türkiye'ye Kitleli Göçün Analizi," in *Küreselleşme Çağında Göç*, ed. Gülfer İhlamur Öner and Aslı Şirin Öner (İstanbul, Turkey: İletişim Yayınları, 2012), 223.

¹²⁶ Kırisci, "Post Second World War Immigration, 68.

¹²⁷ Çatır, "Zorunlu Göç Tecrübesinin Devlet Politikalarındaki Yansıması," 224.

¹²⁸ Çatır, "Long Waited Brothers or Unwelcome Guests the Logic of Reception Mechanisms of a State: Turkey and Its Asylum Seekers in 1989 and 1991," 166.

this decision had been criticized in the domestic politics, the government justified the decision on the grounds that Turkey managed to convince Bulgaria for signing a family unification agreement between the two countries.¹²⁹

Mass Flow of People from Iraq

Refugee Flow during the Anfal Campaign

The first massive arrival of Iraqis, mainly Kurds occurred in 1988. A year before the end of Iran-Iraq war, in 1988, Iraq facing the defeat to Iran attacked Kurds, accusing them of collaborating with Iran. Throughout this war, Kurdish fighters took control of parts of the Northern Iraq with the support of the Iranian army.¹³⁰ In response to the expansion of Kurdish control in the region, serial attacks on Kurds, called Operation Anfal, were conducted by the Iraqi regime. During the spring of 1988, eight Anfal attacks took place. In mid-March 1988, the Kurdish town of Halabja was attacked with chemical weapons.¹³¹

The Anfal attacks led to the deaths of almost 200,000 people and the massive flight of the rest, who escaped from the assaults of the Iraqi regime to neighboring countries. 60,000 refugees poured into Turkey and asked for asylum.¹³² Although the Turkish government was reluctant to accept them initially, it decided to receive

¹²⁹ Çatır, "Zorunlu Göç Tecrübesinin Devlet Politikalarındaki Yansıması," 225.

¹³⁰ Dilek Latif, "Refugee Policy of the Turkish Republic," *Turkish Yearbook of International Relations* 33 (2002) 9.

¹³¹ M.R Alborzi, *Evaluating the Effectiveness of International Refugee Law : The Protection of Iraqi Refugees* (Boston: M. Nijhoff Publishers, 2006), 30.

¹³² Ibid.,13.

them due to the humanitarian concerns and the pressure of the international community.¹³³

However, the Iraqi asylum seekers were not officially accepted as refugees by the Turkish government as Turkey did not grant refugee status to those fleeing outside of Europe. Thus, they were recognized as temporary guests for humanitarian reasons. However, temporary guest status was not a legally defined status. It was used and made up by the Turkish government in order not to grant the Iraqis refugee status which would necessitate full protection and rights. Instead, the Iraqis were put into camps in Diyarbakır, Mardin, Silopi, and Muş. These camps were established in the areas far from the Kurdish residential areas in order “to make Iraqi Kurds’ stay temporary and short in nature as well as to limit their interactions with the local Kurdish villagers.”¹³⁴ The refugees stayed in these camps for an average of two years or more, then either resettled to the third countries or repatriated to Iraq.¹³⁵

Refugee Flows after the Gulf War

A few years after the Anfal attacks, a new refugee crisis was generated by the Iraqi regime. After the defeat of the Iraqi army by the Coalition forces with Operation Desert Storm, a ceasefire was declared on 27 February 1991. Following the ceasefire, Iraq fell into political turmoil with upheavals in its south and north. The Shiites of Iraq rose in revolt in the South while the Kurds of Iraq rebelled against the

¹³³ Didem Danış, Cherie Taraghi, and Jean-François Pérouse, "Integration in Limbo: Iraqi, Afghan, Maghrebi and Iranian Migrants in Istanbul," in *Land of Diverse Migrations*, ed. Ahmet İçduygu and Kemal Kirişçi (İstanbul, Turkey: İstanbul Bilgi University Press, 2009), 494.

¹³⁴ Ibid., 494.

¹³⁵ Alborzi, *Evaluating the Effectiveness of International*, 14.

regime in the north.¹³⁶ After suppressing the Shiites revolt on the South¹³⁷ the Iraqi army drove out the Kurdish rebels from the areas they captured on 28 March 1991.¹³⁸

Following the defeat, the Kurds in massive numbers flee to Iran and Turkey in panic. In few days, almost two million people poured into the mountainous regions separating Iraq from Turkey and Iran.¹³⁹ Early in April 1991, the Turkish government faced with the arrival of huge number of refugees on its mountainous border area with Iraq. The initial response of the Turkish government to the refugee flows became the closure of its borders. This response is justified on the grounds that the arrival of the refugees constituted a threat to the national security of Turkey. Thus, the Turkish government decided to keep its borders closed until securing the United Nations Security Council's response to the refugee crisis.¹⁴⁰

Until the crisis solved by the UN Security Council, the Turkish government wanted to provide humanitarian relief to the Iraqi Kurds outside of its national territory, on the Iraqi side of the border. Turkey was so determined to prevent the refugee flow into its territory to an extent that it refused to accept the international offers of 14 million dollars to improve the conditions of the refugees in the border region.¹⁴¹ As Foreign Minister of Turkey complained that Turkey had received and sheltered more than 60,000 refugees while other countries were not inclined to receive these refugees and to share the burden during the refugee crisis of 1988. Thus, he

¹³⁶ Latif, "Refugee Policy of the Turkish," 12.

¹³⁷ Ibid., 12.

¹³⁸ Alborzi, *Evaluating the Effectiveness of International*, 34-36.

¹³⁹ Ibid.

¹⁴⁰ Kemal Kirisci, "Security for States Versus Refugees: 'Operation Provide Comfort' and the April 1991 Mass Influx of Refugees from Northern Iraq into Turkey," *Refuge* 15, no. 3 (1996): 19.

¹⁴¹ Alborzi, *Evaluating the Effectiveness of International*, 36.

emphasized that the attitude of Turkey towards the refugees would be different from the attitude during 1988 refugee flow.¹⁴²

The Turkish government called for a meeting of the United Nation's Security Council, stressing that this situation threatens its peace and security. The governments' decision of border closure was implemented with difficulty since the number of fleeing people had aggravated. Besides, the border closure decision of Turkish government attracted growing criticism of the international public and put pressure on the international actors about taking an immediate measure in order to assist refugees.¹⁴³

In 5 April 1991, Resolution 688 was adopted in the United Nations Security Council meeting in order to response to the refugee crisis. In the resolution, the massive flow of refugees was defined as a threat to the international peace and security in the region and to end this situation the permission of Iraq for humanitarian organizations' access to the people in need was demanded.¹⁴⁴

Following the adoption of the resolution, Operation Provide Comfort was launched in order to create a secure environment to assist the refugees and to stop Iraqi aggression. With the operation, a safe zone was created in the Northern Iraq to provide humanitarian relief to the Kurdish population. Above the 36th parallel, a no fly zone was established, banning Iraqi military aircraft from accessing to this region.¹⁴⁵ After the safety was ensured refugees, whose number reached to 460.000,

¹⁴² Milliyet, 5 Nisan 1991, p.18

¹⁴³ "Security for States Versus Refugees",19.

¹⁴⁴ Ibid., 19

¹⁴⁵ Alborzi, *Evaluating the Effectiveness of International*, 36.

were moved from the mountains to 20 transit camps along the Turkish-Iraqi border.¹⁴⁶

Subsequently, a repatriation program was quickly put into place. Starting from early May, the Iraqis were repatriated. The number of Iraqis in the Turkish border camps fell from 460,000 to almost 4,199 by October 1991. The remaining refugees were moved to accommodation centers normally used to host the Muslim pilgrims near the border with Iraq.¹⁴⁷ As of 1988, Iraqis who sought refuge in Turkey were not recognized by the Turkish government as refugees due to the Turkish state's refugee policy. Instead they were referred as temporary guests for humanitarian reasons.¹⁴⁸ In the meantime most of these remaining refugees were resettled to third countries by the UNHCR.¹⁴⁹

Kirişçi explains the negative and reluctant attitude of the Turkish state towards the admission of Iraqi Kurdish refugees to Turkey with two reasons: First, the security concerns of the Turkish state voiced by the officials at that time. They feared the aggravation of the Kurdish guerilla fight in the Southeast of Turkey with the possible infiltration of Kurdish militia fighters into Turkey as refugees.¹⁵⁰ Second, the general migration policy of the Turkish state which is culturally and ethnically discriminative. For Kirişçi, in line with this discriminative policy while the

¹⁴⁶ Latif, "Refugee Policy of the Turkish," 14.

¹⁴⁷ Muhtesem Kaynak, *The Iraqi Asylum Seekers and Turkey* (Ankara, Turkey: Tanmak Publications, 1992), 74.

¹⁴⁸ Didem Danış, Cherie Taraghi, and Jean-François Pérouse, "Integration in Limbo: Iraqi, Afghan, Maghrebi and Iranian Migrants in Istanbul," in *Land of Diverse Migrations*, ed. Ahmet İçduygu and Kemal Kirişçi (İstanbul, Turkey: İstanbul Bilgi University Press, 2009), 495.

¹⁴⁹ Ibid.

¹⁵⁰ Kemal Kirisci, "Disaggregating Turkish Citizenship and Immigration Practices,," *Middle Eastern Studies* 36, no. 3 (2000) 13.

arrival of Kurds was strongly discouraged, the arrival of Bulgarian Turks were encouraged and facilitated by the Turkish state.¹⁵¹

However, Çatır argues that the Turkish state's policy towards mass migration cannot be explained solely with the ethnically and culturally discriminative legislations. In other words, an explanation based on the prevalence of a long-standing migration policy, which is preconditioned by the historical experience of Turkish state's nation building, is not adequate while evaluating Turkish state responses to each mass migration case. Because, this way of explanation will lead us to interpret each responses of the Turkish state to mass migration simply with ethnic or cultural affiliation while the very definition of those is left at the discretion of the political authority. That is to say, the wording of these legislations gave broad autonomy and the flexibility to the political authorities in determination of who belong to Turkish descent and culture. Thus, instead of talking about long-standing ethnic based migration policy as the sole explanatory, we could talk about a migration policy which is bounded by the international and domestic contexts in which the political authorities operate. Only through this approach, we could understand the inconsistencies in state's responses to mass migration as the Bulgarian case showed. The case of Bulgarian Turks demonstrated that even in the cases of ethnically Turks migration, the government policy drastically changed in three months from open door policy to border closure.¹⁵²

Both Çatır's and Kirişçi's explanation seems plausible. Although the historical experience of the Turkish state favoring ethnically or culturally Turks cannot be denied, as Çatır states an explanation solely based on this historical legacy

¹⁵¹ Ibid., 4.

¹⁵² Çatır, "Zorunlu Göç Tecrübesinin Devlet," in *Küreselleşme Çağında Göç*, 232.

will lead us to neglect the other parameters that affect the state's response mass migration.

The three different cases of mass refugee flows presented above showed that regardless of the ethnic affiliation even during the course of the migration, the policies followed by the state could differ. Therefore, similar to Çatır, I believe from those cases the only long standing historical legacy we could extract is the governments' utilization of open-ended legislations and their arbitrary interpretation and implementation of them in the event of mass migration.

Conclusion

The brief historical account given in this chapter has shown that the refugee and asylum policy of the Turkish state was evolved from a migration focused perspective. Thus, issues pertaining to asylum remained secondary to the issues concerning migration.

This secondary status of the asylum policy reflected on the legislations that regulated the cross-border population movements. Until its adoption of the Geneva Convention Relating to the Status of Refugees, Turkey did not have a distinct law concerning refugees. Prior to the Geneva Convention, the refugees were mentioned in an immigration law only slightly namely, the Law on Settlement no.2510. However, the wording of this law has shown that only to the refugees who belong to Turkish descent and culture were allowed to settle permanently in Turkey. Reflecting the nation building concerns of the Turkish state, within the scope of this law the migration of the Muslim communities from Balkans were encouraged and facilitated. While within the scope of the Geneva Convention, as interpreted by the Turkish

state, only the admission of refugees coming from Europe was accepted. In other words, throughout history the Turkish state has adopted a restrictionist asylum policy by denying the right of permanent asylum to those ethnically and culturally non-Turkish as well as to those who come from outside of Europe.

Naturally, through legislative frameworks this restrictionist policy also reflected on the Turkish state's policy towards mass refugee flows. However, by only looking at this restrictionist policy legacy it is not possible to frame a general policy for the Turkish state in the event of mass refugee flows. Rather than only explaining single cases of mass migration with a long-standing policy framework, the contextual factors that affected the state's responses also should be taken into account. The different cases of mass migration presented above have shown that Turkish state did not have a pre-determined and standard policy in the face of mass migration; rather, it behaved arbitrarily by resorting to incoherent and temporary solutions.

CHAPTER III

THE LEGAL BASIS OF THE TURKISH ASYLUM POLICY

The legal framework constitutes one of the factors that determine the scope and content of the asylum policy as according to this framework the rights and status of displaced people are defined. It devises under what circumstances and with what conditions, which status is granted. Thus, the examination of asylum legislation is necessary to understand the scope of any state's protective capacity. In order to reveal the protective capacity of the Turkish asylum system, in this chapter, an overview of the legal framework that constitutes the main tenets of the current Turkish asylum policy will be presented. This overview will show not only the protective scope of the Turkish asylum regime generally, but also it will explain the legal provisions concerning the mass asylum specifically.

Throughout this analysis, first the Geneva Convention Relating to the Status of Refugees, which draws an international framework for refugee protection, will be described in order to show its reflections on the Turkish asylum policy. Then the national legislations, namely the 1994 Regulation¹⁵³ and the Law on Foreigners and International Protection,¹⁵⁴ will be examined. By looking at these national

¹⁵³ The original name of the Regulation is “*Türkiye’ye İltica Eden Veya Başka Bir Ülkeye İltica Etmek Üzere Türkiye’den İkamet İzni Talep Eden Münferit Yabancılar İle Topluca Sığınma Amacıyla Sınırlarımıza Gelen Yabancılar Ve Olabilecek Nüfus Hareketlerine Uygulanacak Usul ve Esaslar Hakkında Yönetmelik.*” (Regulation on Procedures and Principles Related to Mass Influx and Foreigners Arriving in Turkey Either as Individuals or in Groups Wishing to Seek Asylum Either from Turkey or Requesting Residence Permits with the intention of Seeking Asylum from a Third Country)

legislations regarding asylum, it will be shown that in the event of mass asylum, the protective scope of the Turkish asylum system remains limited to a temporary protection regime which is vaguely defined.

The 1994 Regulation is implemented along with other laws such as the Law on Sojourn and Movement of Foreigners in Turkey (*Yabancıların Türkiye'de İkamet ve Seyahatleri Hakkında Kanun*) and Passport Law (*Pasaport Kanunu*), these complementary laws will not be discussed in this thesis because it does not aim to provide a full-fledged legal analysis as these laws are abolished or changed when the Law on Foreigners and International Protection (*Yabancılar ve Uluslararası Koruma Kanunu*) comes into force.

The Geneva Convention Relating to the Status of Refugees

After the Second World War, the International Refugee Organization was established by the United Nations in order to deal with the over 20 million refugees displaced throughout Europe. In 1951, the International Refugee Organization was replaced by the United Nations High Commissioner for Refugees (UNHCR), which had been founded by the United Nations as a humanitarian agency. The duty of the UNHCR was defined as providing international protection for refugees. Thus, the protection of refugees was formulized by the UNHCR in 1951 Convention Relating to the Status of Refugees. In this convention, the definition of a refugee and the duties of the states towards refugees were formulated.¹⁵⁵

When the Convention was approved in 1951, the definition of a refugee only referred to people who had fled their countries due to “the events occurring in

¹⁵⁵ Niklaus Steiner, *International Migration and Citizenship Today* (New York, USA: Routledge, 2009), 59-63.

Europe before 1 January 1951.”¹⁵⁶ Thus, the initial definition of a refugee was temporally and geographically limited and was based on the experience of Europeans. In the course of time, this narrow refugee definition was replaced by a broader one. In 1967, a protocol was added to the Convention in order to develop the concept and to respond to refugee crisis occurring in the other parts of the world.¹⁵⁷ This addition removed the geographical as well as the temporal limitations and made the refugee definition universally applicable.

According to the Convention amended by the 1967 protocol, a refugee is any person who,

owing to wellfounded 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.¹⁵⁸

This is accepted as a standard definition by most countries. States have also created variations of it in their national laws and policies. This is because granting refugee status allows refugees to remain permanently in the host country and eventually paves the way for their naturalization. Thus, each state tends to have its own status determination procedure and principles.¹⁵⁹

Indeed, some states that are reluctant to grant asylum and open the way to citizenship apply to the temporary protection regime as a response to a mass influx of people. This is because the temporary protection regime does not provide the full and

¹⁵⁶ "Convention and Protocol Relating the Status of Refugees," UNHCR, accessed January 24, 2014, <http://www.unhcr.org/3b66c2aa10.html>.

¹⁵⁷ Steiner, *International Migration and Citizenship*, 60.

¹⁵⁸ "Convention and Protocol Relating."

¹⁵⁹ Steiner, *International Migration and Citizenship*, 66-71.

long-term protection that is guaranteed by the 1951 Geneva Convention.¹⁶⁰ As conceived by the UNHCR, the temporary protection regime has four principles: admission of the displaced people to safety, meeting their basic human rights requirements, protecting them from forcible returns, and providing their safe repatriation when conditions permit.¹⁶¹ In other words, this regime provides temporary asylum until the end of the conditions that triggered the mass displacement and when these conditions end it seeks repatriation of the displaced people. For instance, the temporary protection regime was adopted by Germany in order to accommodate people fleeing the conflict in the former Yugoslavia during the 1990s.¹⁶²

In fact, the experience of the Yugoslavian conflict and then the Kosovo war led the European Union countries to “establish minimum standards for temporary protection in the event of a mass influx of displaced persons.”¹⁶³ These standards were set in 2001 with EU Council Directive 2001/55/EC. In this directive, it was stated that temporary protection should be offered for a limited period of time, “in the event of a mass influx of displaced persons from third countries who are unable to return to their country of origin” due to the armed conflicts and endemic violence. The directive asserts that in the event of mass influx, the temporary protection regime was considered to be in the interests of those displaced persons who needed protection urgently. Because this regime provides immediate protection to those in

¹⁶⁰ Ibid., 70.

¹⁶¹ Samira Trad and Ghida Frangieh, "Iraqi Refugees in Lebanon: Continuous Lack of Protection," *Forced Migration Review*, nos. Special Issue (June 2007): 35-37.

¹⁶² Steiner, *International Migration and Citizenship*, 70.

¹⁶³ Council Directive (EC) 2001/55 of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof [2001] OJ L212/12

need, it saves them from long-lasting and inefficient conduct of the asylum applications due to massive numbers of applicants.¹⁶⁴

For the duration of the temporary protection regime, the directive states that “the duration of the temporary protection shall be one year... [and] it may be extended automatically by six monthly periods for a maximum of one year.”¹⁶⁵

Concerning the obligations of the states providing temporary protection, the directive maintains that persons under temporary protection can “engage in employed or self-employed activities,”¹⁶⁶ and can obtain residence permits “for the entire duration of the protection.”¹⁶⁷ Also “[they] can access to the education system under the same conditions as nationals of the host Member State”¹⁶⁸ and can “receive necessary assistance in terms of social welfare.”¹⁶⁹ The termination of the temporary protection would be realized “when the maximum duration has been reached or at any time by the Council Decision.”¹⁷⁰ When the temporary protection ended, “the Member states shall take the measures necessary to make possible the voluntary return of persons enjoying temporary protection.”¹⁷¹

The temporary protection regime established by the EU Directive is binding for the member states of the EU. Turkey is not a member state of the EU. However, the harmonization of the Turkish legislation with the EU legislation is necessary for

¹⁶⁴ Article 2 (a) of the Council Directive 2001/55/EC.

¹⁶⁵ Article 4.

¹⁶⁶ Article 12.

¹⁶⁷ Article 8.

¹⁶⁸ Article 14.

¹⁶⁹ Article 13.

¹⁷⁰ Article 6.

¹⁷¹ Article 21.

Turkey's full membership in the EU. As part of this harmonization process, the adoption of the necessary legislations in accordance with the Council Directive 2001/55/EC was set as a target to be achieved between 2010 and 2013 in *Turkey's Programme for Alignment with the Acquis (2007-2013)*.¹⁷² However, Turkey still does not have national legislation covering the temporary protection regime set by this directive.¹⁷³ Accordingly, concerning refugee protection, the 1951 Geneva Convention seems to remain the only international document, officially adopted by Turkey.

Having been among the first signatories of the 1951 Geneva Convention, the Turkish state is bound by the refugee regime established by it. Article 90 of the Turkish Constitution stipulates that,¹⁷⁴

International agreements duly put into the effect have the force of law. No appeal to the Constitutional Court shall be made with regard to these agreements, on the grounds that they are unconstitutional. In the case of a conflict between international agreements, duly put into effect, concerning fundamental rights and freedoms and the laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail.¹⁷⁵

Although Turkey is bound by the refugee regime established by the Convention, it is bound with the reservation of keeping the geographical limitation.¹⁷⁶ When the time

¹⁷² "Turkey's Programme for Aligment With the Acquis (2007-2013)," Ministry of EU Affairs, accessed February 20, 2014, http://www.abgs.gov.tr/files/Mukteseabat_Uyum_Programi/En/Chapter_24.pdf.

¹⁷³ Mehmet Güçer, Sema Karaca, and Bahadır Dinçer, *Sınırlar arasında Yaşam Savaşı: Suriyeli Mülteciler Alan Araştırması*, research report no. 13-04 (Ankara: USAK, 2013)

¹⁷⁴ Kaya, "Procedural Rights Under Turkish," Republic of Turkey Ministry of Justice.

¹⁷⁵ "Constitution of the Republic of Turkey," *The Grand National Assembly of Turkey*, accessed May 15, 2014, http://global.tbmm.gov.tr/docs/constitution_en.pdf.

¹⁷⁶ Article 42 of the 1951 Geneva Convention stipulates that ‘‘ At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1, 3, 4, 16(1), 33, 36-46 inclusive’’ Thus, Turkey’s reservation of keeping geographical limitation is in accordance with the Convention.

and geographical limitations were removed in 1967 with a protocol, Turkey only accepted the removal of the time limitation, but preferred to preserve the geographical limitation.¹⁷⁷ That is to say, the Turkish state does not grant refugee status to the refugees coming outside of Europe.¹⁷⁸

Instead, individuals coming from outside of Europe are granted temporary asylum (*geçici sığınma*) until they are resettled by the UNHCR to a third country. This procedure is defined by the UNHCR Turkey as the Turkish government's temporary asylum procedure. In this process, individuals who fled to Turkey deal with two successive procedures; obtaining asylum-seeker status from the Turkish government and obtaining refugee status from the UNHCR Turkey.¹⁷⁹ Only those whose asylum-seeker status is recognized by Turkish government are allowed to apply to UNHCR in order to be resettled in the third country as a refugee.¹⁸⁰

This difference in policy and practice according to the geographical source of the refugees is defined by Kemal Kirişçi as Turkey's "two-tiered asylum policy."¹⁸¹ In this policy, the refugees were classified as "Convention and non-Convention refugees."¹⁸² While the Turkish state provides the rights and protection for

¹⁷⁷ Similar to Turkey, Congo, Madagaskar and Monaco preserve the geographical limitation among 142 states which are parties to both Convention and the Protocol.

¹⁷⁸ Kemal Kirisci, *Justice and Home Affairs Issues in Turkish-EU Relations* (Istanbul, Turkey: TESEV Publications, 2001), 14.

¹⁷⁹ Saime Ozcurumez and Sirin Turkay, "Türkiye'de İltica Politikası, Aktörleri ve Çalışmaları," in *İltica, Uluslararası Goc ve Vatansizlik: Kuram, Gözlem ve Politika*, ed. Ozlen Celebi and Saime Ozcurumez (Ankara: UNHCR, 2011), 34.

¹⁸⁰ Kirisci, *Justice and Home Affairs*, 20.

¹⁸¹ Kemal Kirisci, "Turkey's New Draft Law on Asylum: What to Make of it?" in *Turkey, Migration and the EU: Potentials, Challenges and Opportunities*, ed. Seçil Pacaci Elitok and Thomas Straubhaar (Hamburg, Germany: Hamburg University Press, 2012), 65.

¹⁸² Kemal Kirisci, "Is Turkey Lifting the 'Geographical Limitation'?" *International Journal of Refugee Law* 8, no. 3 (1996)

convention refugees in line with the Geneva Convention, it does not accept the responsibility of providing these rights to non-Convention refugees due to the geographical limitation.¹⁸³

This policy difference has always been criticized by the EU and international refugee advocacy groups. Regarding the issue, the criticisms of the EU carry great importance because as a candidate country for EU membership, Turkey must harmonize its domestic law with EU legislation to be granted full membership. In line with this harmonization process, the Turkish legislation and practice regarding the asylum and migration issues also has been closely monitored by the EU.¹⁸⁴ Indeed, the removal of the geographical limitation is one of the conditions that Turkey has to meet for membership.¹⁸⁵

After Turkey achieved candidate status in 1999 in almost every progress report prepared by the European Commission in order to evaluate its preparation for EU membership, its preservation of the geographical limitation was criticized. In response to these criticisms, Turkey stated that the removal of geographical limitation could be considered after the membership negotiations had been opened. After the negotiations opened in 2005, in the successive National Action Plans prepared by Turkey, it was indicated that the geographical limitation would be maintained.¹⁸⁶

Indeed, Turkey insists on the maintenance of the geographical limitation on the grounds that lifting it would make Turkey a dumping ground for the refugees as it

¹⁸³ Kaya, "Procedural Rights Under Turkish," Republic of Turkey Ministry of Justice, 33.

¹⁸⁴ Ibid., 31-32.

¹⁸⁵ Kirisci, "Turkey's New Draft Law on Asylum," in *Turkey, Migration and the EU: Potentials*, 64.

¹⁸⁶ Karolina Edsbäcker, "Turkey's Asylum Policy in the Light of EU Accession: The Impact of Its Geographical Limitation to the Geneva Convention" (MA Thesis, Lund University, 2011), 30-33.

is geographically surrounded by refugee generating areas. In other words, its fear of being a buffer zone between the Western European Countries and refugee generating countries led to its refusal to lift the geographical limitation. Thus, despite the criticism of the EU, the geographical limitation was maintained and continued to be the main pillar of Turkey's asylum policy.¹⁸⁷

Although the criticisms did not lead to Turkey's removal of the geographical limitation, they pushed it to prepare its own legislation regarding asylum. Already before the EU harmonization process, in the early 1990s the discriminatory approach of the Turkish state towards non-Convention refugees had been harshly criticized by Amnesty International and the UNHCR.¹⁸⁸ Faced with a mass influx of non-Convention refugees, such as Iraqi refugees in the early 1990s, it did not want to accept them inside its borders as asylum-seekers and had disputes with the UNHCR over their status. The UNHCR criticized Turkey for breaching its international obligations by deporting asylum seekers and thus by not respecting their non-refoulement rights. Under increasing criticism and growing disputes with the UNHCR, in 1994 the Turkish state had felt the need to introduce its own regulation which established its current asylum regime.¹⁸⁹

¹⁸⁷ Kirisci, *Justice and Home Affairs*, 26.

¹⁸⁸ Ibid.

¹⁸⁹ Kirisci, "Is Turkey Lifting the 'Geographical,'" 299.

The 1994 Asylum Regulation

Until the adoption of the 1994 Asylum Regulation,¹⁹⁰ Turkey did not have a national legislation regarding the status of asylum-seekers who arrived in Turkey from outside Europe.¹⁹¹ Likewise, there is not any separate law in force nor there is any provision in the constitution concerning asylum. Thus, the adoption of this administrative regulation in 1994 enabled the state to establish rules and procedures for the state's manner towards refugees and asylum-seekers.¹⁹²

Prior to this regulation, the task of status determination of non-European asylum-seekers was in the hands of the UNHCR's Turkish office. This office decided the applicants' status, whether the applicant was an asylum seeker or not. Throughout this determination process, Turkey's only role was to provide temporary residence permits for asylum seeking applicants until their status had been finalized by the UNHCR so they could be resettled in a third country.¹⁹³

With the adoption of the Regulation,¹⁹⁴ all the issues pertaining to asylum were taken under the control of the Turkish state. Comprised of five parts, the regulation introduces the procedures and principles related to the asylum of individuals and groups.¹⁹⁵ The first part of the regulation covers the general

¹⁹⁰ The full name of the regulation is "Regulation on Procedures and Principles Related to Mass Influx and Foreigners Arriving in Turkey Either as Individuals or in Groups Wishing to Seek Asylum Either from Turkey or Requesting Residence Permits with the intention of Seeking Asylum from a Third Country."

¹⁹¹ Kirisci, "Is Turkey Lifting the 'Geographical,'" 297.

¹⁹² Kaya, "Procedural Rights Under Turkish," Republic of Turkey Ministry of Justice, 36.

¹⁹³ Kirisci, "Is Turkey Lifting the 'Geographical,'" 298.

¹⁹⁴ Republic of Turkey, *T.C Resmi Gazete*, no.22127, 30 November 1994.

¹⁹⁵ The English versions of the Regulation provided in Kirisci's article of "Is Turkey Lifting the 'Geographical Limitation'?" and in UNHCR's website were used in the discussion of the articles.

provisions and describes the purpose of the regulation. In the Article 1 of this part, also four groups of asylum-seekers are identified. The first group comprises aliens who arrive in Turkey as individuals and seek refuge in line with the Geneva Convention. The second group refers to aliens who seek residence permits in Turkey in order to seek asylum in a third country. The third group includes aliens who collectively arrive to Turkey and seek mass asylum. Finally, the last group refers to population movements on the borders of Turkey.¹⁹⁶

From the classification of these groups as well as from the definitions of the statutory terms provided in the first part, it can be seen that the geographical limitation to the Geneva Convention is maintained with the Regulation. Especially, the definitions of statutory terms such as asylum-seeker (*sığınmacı*) and refugee (*mülteci*) are reproduced in the regulation in line with the geographical limitation. In Article 3 of the regulation, the definition of the term “asylum-seeker” is completely borrowed from the definition of refugee in the 1951 Geneva Convention amended by the 1967 protocol. Accordingly, an asylum-seeker is,

A foreigner who owing to the 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.¹⁹⁷

In the same article, this definition appears word for word in order to define a refugee with an additional phrase addressing to the arrival of aliens “as a results of events occurring in Europe.” Thus, the regulation reasserts the prevailing practice of the Turkish state not granting refugee status to people coming from outside Europe.

¹⁹⁶ Kirisci, "Is Turkey Lifting the 'Geographical,'" 301.

¹⁹⁷ Ibid., 312.

The definitions provided in the regulation, however, are different from general conceptualization of the terms “refugee” and “asylum-seeker.” In the general understanding, the term “refugee” refers to people who proved their eligibility for refugee status to their host countries, and thus qualified for asylum in those countries. Meanwhile, the term “asylum-seeker” generally refers to people who are in the process of convincing the host countries that they are refugees.¹⁹⁸ However, in the Turkish asylum system, “asylum-seeker” refers to people who come from non-European countries and seek temporary refuge in Turkey, to be a refugee in a third host country and be resettled there permanently.¹⁹⁹

This differentiation between the general formulation of “asylum-seeker” and “refugee” can also be seen in the second part of the regulation. This part of the regulation presents the principles and procedures regarding the asylum applications of individuals. Also, the process of status determination and the authorities to be applied is explained in this section. Basically, with the rules listed in this part of the regulation Turkish state took over the task of status of determination for individual non-European asylum seekers were taken from UNHCR. Instead, Turkish state became the primary authority in status determination. Accordingly, the individual asylum-seekers are first obliged to convince the Turkish state that they are eligible to apply for asylum to be resettled in the third countries.²⁰⁰

¹⁹⁸ Steiner, *International Migration and Citizenship*, 66.

¹⁹⁹ Nuray Ekşi, "Türkiye'de Bulunan Suriyelilerin Hukuki Statüsü" [Legal Status of Syrians in Turkey], Amnesty International Turkey, accessed February 20, 2014, <http://www.amnesty.org.tr/ai/node/2361>.

²⁰⁰ Kirisci, *Justice and Home Affairs*, 20.

The third and the fourth parts of the regulation concern massive cross- border population movements,²⁰¹ while the last part governs the common provisions to be applied to aliens arriving in Turkey as individuals or in groups wishing to seek asylum either from Turkey or from a third country.

As can be seen, apart from the first and last part, the provisions listed were categorically separated for different target groups; simply, for those arriving in Turkey individually and for those arriving collectively. For the concerns of this thesis, the parts covering procedures and principles related to aliens arriving in groups to Turkey will be examined more in detail.

In the third part of the regulation, titled “The Precautions to be Taken against a Possible Mass Influx and Foreigners Arriving in Turkey in Groups Wishing to Seek Asylum.”(*Sığınmak Amacıyla Topluca Sınırlarımıza Gelen Yabancılar ve Olabilecek Nüfus Hareketlerine Karşı Alınacak Tedbirler*), comprising only Article 8, the actions and the precautions to be taken in case of mass asylum were indicated.

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.²⁰²

In the fourth part of the regulation, titled “The Actions and the Precautions to be Taken in Case of Acceptance of Refugees and Asylum-seekers Who Come to Our Borders or Enter into Turkish Territory in Groups” (*Sınırlarımıza Topluca Gelen veya Sınırlarımızı Topluca Geçen Mülteci ve Sığınmacıların Ülkemize Kabul Edilmeleri Halinde Yapılacak İşlemler ve Alınacak Tedbirler*), the actions and the

²⁰¹ Kirisci, " Is Turkey Lifting the ‘Geographical,'" 302.

²⁰² "Turkey: Regulation No. 1994/6169," The UN Refugee Agency, accessed January 24, 2014, <http://www.refworld.org/docid/49746cc62.html>.

precautions to be taken in case of the acceptance of people due to mass asylum are listed. This section of the regulation deals with various related and unrelated aspects of processing, aiding and housing displaced people. Article 9 and 10 of this part comprise the disarmament and the protection of the refugees and asylum seekers, respectively. Article 11 of the regulation outlines the procedures for the establishment of camps for asylum seekers and refugees.

Areas for reception centers for the sheltering of the asylum seekers and those who take refuge in Turkey shall be established by the Governorates at nearest possible locations to the borders as determined by the Ministry of the Interior in coordination with the Turkish General Staff.²⁰³

Article 12 explains the procedures related to the registration, identification, and settlement of the refugees. It is emphasized that in the process of identification, special attention is to be given to distinguish terrorists, spies, and saboteurs from the refugees and asylum-seekers. From Articles 13 to 16, the administrative issues concerning the appointment of personnel and the organization of the institutions and authorities responsible for the sheltering of the refugees in the camps are explained. Accordingly, the accommodation centers and camps are to be managed by the local governorates and each of which is responsible for the protection and discipline of the refugees and asylum seekers in the reception centers and in the camps.

Article 16 stipulates that, with the permission of Ministry of the Interior, representatives of foreign states and the international organizations can visit the refugee reception centers and the camps. These visits can be restricted temporarily due to military obligations and national security requirements. Articles 17 to 24 list the provisions of humanitarian assistance by international agencies and basic services that are to be provided to the refugees by the Turkish state such as health care, and

²⁰³ Kirisci, "Is Turkey Lifting the 'Geographical,'" 314.

communication services, and religious ceremonies. In the last two articles of this part, the obligations of the Turkish Red Crescent and the role of the coordination committee in governing the issues of mass asylum are described. According to Article 24, in order to implement the procedures that concern mass asylum, a provisional high coordination committee under the head of a Minister of State or the Ministry of the Interior as appointed by the Prime Minister shall be formed. This committee will consist of representatives from the Turkish General Staff, the Ministry of National Defense, the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Health, the Ministry of Communications, the Ministry of Agriculture and Village Affairs, other ministries and organizations as well as representatives of the National Intelligence Services and the Turkish Red Crescent Society. The decisions taken by this coordination committee shall be implemented by the ministries and concerned organizations according to their own regulations.

Last, the final part of the regulation introduces the common provisions for asylum-seekers arriving in Turkey individually or collectively. Article 26 regulates the repatriation. This article states that the repatriation of groups and individuals will be carried out by the Ministry of the Interior and for those seeking mass asylum, the repatriation shall take place when the armed conflict or war that prompted refugee's arrival ends. According to Kirişçi, even if it is not stated explicitly, this article means that Turkey grants only temporary protection to displaced people in cases of mass asylum.²⁰⁴ Article 29 declares the conditions for deportation of refugees or asylum seekers saying that the deportation can only take place under the terms of the 1951 Geneva Convention relating to the Status of Refugees or for reasons of national

²⁰⁴ Ibid., 315.

security and public order. Article 31 states that the regulation was framed in accordance with the 1951 Geneva Convention relating to the Status of Refugees and its 1967 protocol.

The adoption of the regulation was seen as a positive step at the time as it was the first legislative reference on the issues of asylum. For instance, Kirişçi notes that the regulation, despite its complications and inadequacies, brought clarity and transparency to the asylum practice of the Turkish state as for the first time it framed the obligations and rights of all parties related to the asylum.²⁰⁵

Kaya notes, however, that issues related to the status of refugees and asylum seekers were already defined by international law. Thus, a national legislation pertaining to asylum issues needed to bear an enforcement capacity as much as the international law. For that reason, according to Kaya, the asylum issues should be regulated by a national law instead of an administrative regulation (*yönetmelik*)²⁰⁶ which gives broad autonomy to the political authorities in its implementation and amendment without consultation.²⁰⁷

Similarly, Soykan claims that although the regulation is legally binding, its wording as a secondary legislation provides great discretion to its practitioners. Indeed, different and contrasting practices of civil servants can be witnessed in the

²⁰⁵ Ibid., 303.

²⁰⁶ Article 124 of the Turkish constitution stipulates that “The Prime Ministry, the ministries, and public corporate bodies may issue *yönetmelik* in order to ensure the implementation of laws and regulations relating to their jurisdiction, as long as they are not contrary to these laws and regulations.” *Yönetmelik* is issued in order to regulate the internal duties of the issuing party. However, if it is provided by a law, it can be issued by the Council of Ministers. See Introduction to Turkish law by Tuğrul Ansay and Don Wallace, Jr.

²⁰⁷ Kaya, "Procedural Rights Under Turkish," Republic of Turkey Ministry of Justice, 36.

implementation of the regulation. Thus, the adoption of a law regulating the asylum system is deemed necessary.²⁰⁸

Indeed, the necessity of codifying a national law on asylum and migration emerged with the EU harmonization process, which transformed the Turkish domestic law in accordance with the EU legislation. Already in 2005, with Turkey's adoption of the National Action Plan for Migration and Asylum, its preparation of an Asylum Law had been set as a target to be achieved in 2012. Correspondingly, a draft law (the Law on Foreigners and International Protection) was prepared and presented to the Turkish parliament on May 2012.²⁰⁹

Law on Foreigners and International Protection

The Law on Foreigners and International Protection²¹⁰ was drafted by the Bureau for the Development and Implementation of Asylum and Migration Legislation and Strengthening the Administrative Capacity which was founded in 2008 under the Ministry of the Interior. The preparation of the draft law started in early 2010. The law took its final shape in 2011 with the contributions of scholars and experts from NGOs working in the field. It was adopted by the Turkish Parliament in April 2013.²¹¹ The provisions of the law came into force in April 2014.

²⁰⁸ Cavidan Soykan, "The New Draft Law on Foreigners and International Protection in Turkey," *Oxford Monitor of Forced Migration* 2, no. 2 (November 2012) 40.

²⁰⁹ *Ibid.*, 38.

²¹⁰ Republic of Turkey, T.C. Resmi Gazete, no. 28615, 11 April 2013.

²¹¹ *Ibid.*, 38.

Comprised of five chapters, the purpose of the law can be simply defined as to designate the procedures and principles regarding foreigners' entry into, stay in and exit from Turkey and regarding the protection of foreigners.

Accordingly, the first chapter of the law introduces the purpose and the scope of the law as well as the definitions of the terms used in the law and the *non-refoulement* principle. The second chapter contains the procedures and principles concerning foreigners' entry into, exit from and residency in Turkey. Basically, it covers administrative procedures for the documental issues such as the issuing of visas and residence permits for foreigners. In addition, it includes provisions pertaining to general conditions for the deportation of foreigners as well as the principles and procedures related to the status determination of stateless people.

Chapter three presents the types of international protection and the general procedures for its implementation and application. Additionally, it lists the rights and obligations of the people who can benefit from international protection. Also, in this chapter the principles regarding the temporary protection are introduced. The fourth chapter covers the common provisions on foreigners and international protection. Finally, last chapter describes the establishment, duties and authorities of the Directorate General of Migration Administration under the Ministry of Interior.

From these chapters, I will examine only the parts relevant to the content of this thesis. Thus, I will go through only some articles of the third chapter in order to show the asylum system designated by this law.

As it was mentioned, the third chapter of the law gives the different types of international protection. As defined in Article 3 of the first chapter, the term international protection refers to the statuses of refugee (*mülteci*), conditional refugee (*şartlı mülteci*) and subsidiary protection (*ikincil koruma*). Accordingly, Articles 61,

62, 63 in the first section of this chapter present three different types of international protection.

The first type of the protection is presented in Article 61. This article gives the definition of a refugee (*mülteci*) by using the exact definition of 1994 Regulation, only with an additional phrase stating that the refugee status shall be recognized following the refugee status determination process. The maintenance of the preexisting refugee definition shows that the geographical limitation to the Geneva Convention is maintained and only the individuals who arrive in Turkey due to events occurring in Europe would be granted refugee status.

The status differentiation according to the origin of the arrivals reflected in Article 62, which provides a second type of protection with conditional refugee status. Accordingly, a conditional refugee (*şarhı mülteci*) is a person who is unwilling or unable to return to his or her country of origin because of the fear of being persecuted there due to reasons of race, religion, nationality, membership in a particular social group, or political opinion as a result of events occurring outside European countries. As stated in the article, the bearer of this status will be allowed to reside in Turkey until he/she is resettled in a third country.

The third type of protection is the subsidiary protection (*ikincil koruma*) introduced in Article 63. This status is given to a person who cannot be qualified as a refugee or conditional refugee but cannot be returned to his/her country of origin where he/she might be subjected to the death penalty, torture, inhuman punishment, or where there is an indiscriminate violence due to an armed conflict.

Although the introduction of different international protection regimes expands Turkey's protective scope towards displaced persons,²¹² the wording of the

²¹² Soykan, "The New Draft Law on Foreigners," 41.

articles explaining the general procedures regarding the international protection shows that international protection is a status to be applied for by individuals.²¹³ That is to say, it involves a detailed bureaucratic procedure, such as the application can be submitted only personally by the applicant, or the evaluation of the application takes certain period of time. Thus, although it is not indicated in the law explicitly, it is understood that these protection types cannot be applied to emergency cases that need immediate response caused by the mass asylum.

In that sense, the only reference to cases of mass asylum is made in Article 91, titled as temporary protection (*geçici koruma*). According to this article,

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. 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 organizations; determination of the duties and mandate of the central and provincial institutions and organizations shall be stipulated in a Directive to be issued by the Council of Ministers.²¹⁴

It is understood from the this article that in the case of a mass influx of displaced people into Turkey, there are not standard procedures to be applied to them,²¹⁵ apart from the general protective capacity of temporary protection. Instead, the measures

²¹³ Güçer, Karaca, and Dinçer, *Sınırlar arasında Yaşam Savaşı*, 26.

²¹⁴ "Law on Foreigners and International Protection," Republic of Turkey Ministry of Interior Directorate General of Migration Management, accessed August 2014, [http://www.goc.gov.tr/files/files/YUKK_I%CC%87NGI%CC%87LI%CC%87ZCE_BASKI\(1\)\(1\).pdf](http://www.goc.gov.tr/files/files/YUKK_I%CC%87NGI%CC%87LI%CC%87ZCE_BASKI(1)(1).pdf)

²¹⁵ Metin Çorabatır, "BM'ye Anket Bile Yaptırmadılar," interview, *Taraf Gazetesi*, last modified November 5, 2013, accessed April 21, 2014, <http://www.taraf.com.tr/haber-bm-ye-anket-bile-yaptirmadilar-138673/>.

to be taken are left in the hands of the political authority to be codified by a directive²¹⁶ of the Council of Ministers.

Conclusion

The legal framework discussed shows that the Turkish asylum policy is shaped by the strict maintenance of geographical limitation of the Geneva Convention. Accordingly, only displaced people arriving in Turkey due to events outside of Europe are granted refugee status. Obviously, this principle also is reflected on the national legislations concerning asylum. Both in the 1994 Regulation and the Law on Foreigners and the International Protection conceptualizations of refugee status are framed in accordance with the geographical limitation. Additionally, in both of these regulations as a response to mass arrivals, temporary protection is guaranteed. It is guaranteed implicitly with Articles 8 to 26 in the former and explicitly with Article 91 in the latter. However, this guarantee has not been set with standard procedures and principles in the domestic legislation yet. Instead, the procedures to be applied have been left at the discretion of the political authorities by attributing the responsibility and the control of the mass asylum to the cabinet. Therefore, apart from the recognition of a temporary protection regime, it is not easy to talk about a standard Turkish asylum policy in the face of mass asylum.²¹⁷

²¹⁶ In the official website of the Directorate General of Migration Management of Ministry of Interior, it is stated that the process for the preparation of this directive continues by August 2014.

²¹⁷ Ibid.

CHAPTER IV

ASYLUM POLICY TOWARDS SYRIANS

As mentioned in the previous chapters, states are the final arbiters of asylum policy and they are the sole authority in devising this policy area in line with their national interests. In this respect, historical experience of the Turkish state as well as its current legal framework reveals that the asylum policy to be followed in cases of mass refugee movements is left at the discretion of the ruling government. The governments determine the priority and the scope of the refugee admissions in line with their domestic and foreign policy considerations. Due to the centrality of the government in policy making process regarding the mass asylum, in the first part of this chapter, I will examine the discourse of the ruling government regarding the Turkey's asylum policy towards Syrians without dismissing the fact that this examination will leave me within the confines of policy visions portrayed by the official statements without revealing the hidden pragmatic motives behind them. Despite its limitations, I believe that the analysis of the official discourse is significant. This is because through this discourse the government legitimizes its actions and shapes the public perceptions regarding its reception policy towards Syrians.

In this analysis, I identify within which context the decisions and the discourse of the Turkish government relevant to the mass asylum of the Syrians emerged. In this attempt, I will build on the discussion of the first chapter which emphasizes the significance of foreign policy context in the formation of refugee policies. I will briefly benefit from the literature which analyzes Turkey's foreign

policy towards Syria in the past decade. Simply because, it is hard to describe the refugee policy of the Turkish government unilaterally in isolation of its bilateral relations with Syria which is the source state of refugees.

Through the analysis of government's discourse, it will be shown that the government explains its refugee policy towards Syrians not only on the basis of humanitarian values and its political stance against the Syrian regime but also on the basis of Turkey's responsibility towards Syrians due to the cultural, historical and religious ties stemming from the Ottoman past.

After this analysis, in the second part of this chapter I will review the opposition parties' stance towards the AKP government's asylum policy regarding Syrians. Through the examination of parliamentary questions and discussions' content, it will be shown that opposition parties consider the foreign policy and the asylum policy of Turkey as a whole in their critiques. The focus of these critiques reveals that the opposition parties regard Turkey's asylum policy as a foreign policy tool which would have implications on the security of Turkey.

Backdrop of Turkey- Syria Relations

Turkey's relations with Syria have been historically problematic. The Syrian Republic never recognized the annexation of Hatay province to Turkey under the French-mandate and kept showing this province in its maps as a territory of Syria since 1950's. Starting from 1960's, the dispute over the downstream flow of Euraphates became part of the problematic relations. During the 1990's the bilateral relations between Syria and Turkey were mainly shaped by the two problems. The first problem was the dispute over the equal sharing of the waters of Euraphates and

Tigris and the second one was Syria's support for the PKK, Kurdish militant organization. In that period since Turkey perceived the PKK insurgency as the main threat to Turkey's national unity and security, the dispute over the water issue remained secondary and it was used as a bargaining chip by Turkey in its negotiations with Syria. Turkey refused to meet Syria's demands over equal distribution of water on the grounds that Syria provided PKK logistical and military support at the detriment of Turkey's national security.²¹⁸ Accordingly, the escalation of PKK insurgency during the 1990's increased the tension between the two states. At the height of the tension, in September 1998 Turkey declared that it would coercively respond if Syria continues to host the PKK leader and to support the PKK militant organization by mobilizing the troops in the Turkish-Syrian border.²¹⁹ In response to Turkey's threat of force, the PKK leader was expelled from Syria. Subsequently, a diplomatic resolution of the problem was achieved with the signing of Adana Accords between the two states in October 1998. By signing Adana Accords, Syria recognized officially that PKK is a terrorist organization and promised not to support it.²²⁰

After the signing of Adana Accords, the relations between the two states began to normalize at the beginning of the 2000's²²¹ and Turkish president's attendance of Hafez Al-Assad's funeral in July 2000 was the first major sign of this

²¹⁸ Raymond Hinnebusch and Özlem Tür, eds., *Turkey-Syria Relations: Between Enmity and Amity* (Burlington, USA: Ashgate, 2013).

²¹⁹ Baskın Oran, ed., *Türk Dış Politikası: Kurtuluş Savaşından Bugüne Olgular, Belgeler, Yorumlar (Cilt III: 2001-2012)* (Istanbul, Turkey: İletişim Yayınları, 2013), 157.

²²⁰ Yasemin Akbaba and Özgür Özdamar, "Ethnicity, Religion and Foreign Policy: Turkish-Syrian Relations since the 1980's," in *Turkey-Syria Relations: Between Enmity and Amity*, ed. Raymond Hinnebusch and Özlem Tür (Burlington, USA: Ashgate, 2013), 129.

²²¹ Ibid.

normalization.²²² The status of the bilateral relations later even shifted to the strategic partnership with arrival of the Justice and Development Party's (AKP) to power in Turkey in 2002.²²³

The Development of Close Relations

AKP's arrival to power transformed Turkey's passive foreign policy in the Middle East into a proactive one.²²⁴ The decision makers of AKP, mainly the Prime Minister Tayyip Erdoğan and his advisor later on the Foreign Minister of Turkey, Ahmet Davutoğlu were seen as the bearers of this transformation in Turkey's foreign policy towards the Middle East by many. Especially after Davutoğlu became the Foreign Minister in 2009, his publication *Stratejik Derinlik* (Strategic Depth) outlining his foreign policy vision for Turkey became the focus of the scholarly works.²²⁵ Through analyzing the foreign policy vision in this work, scholars tried to evaluate the underlying factors in Turkey's active foreign policy in the Middle East.

The work of Davutoğlu puts great emphasis on the Ottoman legacy of Turkey. According to Davutoğlu, the historical and geopolitical potential of Turkey stemming from its Ottoman heritage was not appreciated by the previous

²²² Sami Moubayed, "Milking the Male Goat and Syrian-Turkish Relations," in *Turkey-Syria Relations: Between Enmity and Amity*, ed. Raymond Hinnebusch and Özlem Tür (Burlington, USA: Ashgate, 2013), 73.

²²³ Zeynep Oktav, "The Syrian Uprising and the Iran -Turkey Quasi Alliance: A View from Turkey," in *Turkey-Syria Relations : Between Enmity and Amity*, ed. Raymond Hinnebusch and Özlem Tür (Burlington, USA: Ashgate, 2013), 196.

²²⁴ Ahmed K. Han, "Paradise Lost: A Neoclassical Realist Analysis of Turkish Foreign Policy and the case of Turkish Syrian Relations," in *Turkey-Syria Relations: Between Enmity and Amity*, ed. Raymond Hinnebusch and Özlem Tür (Burlington, USA: Ashgate, 2013), 58-59.

²²⁵ Nuri Yeşilyurt and Atay Akdevelioğlu, "Turkey's Middle East Policy under the JDP Rule," *The Turkish Yearbook of International Relations* 40 (2009):40.

governments. For Davutoğlu, the appreciation of this potential starts with breaking prejudices against the Middle East through building cultural and economic ties with the region while leaving the security considerations behind.²²⁶

This foreign policy vision of Davutoğlu coupled with his active foreign policy initiatives in the Middle East was interpreted differently by the scholars. Some scholars sees his references to Ottoman heritage with the region as symbolic gestures claiming that the aim of improving relations with the Middle East stems from pragmatic²²⁷ or economic²²⁸ motives more than ideological ones. While others acknowledging the pragmatic motives, they put more emphasis on the ideology by referring to the ideological background of the AKP elite claiming that AKP cadres are keen on building ties with the Islamic Middle East due to their neo-Ottoman tendencies²²⁹ and pro-Islamist background which rejects “anti-Arab Westernism and anti-Islamist secularism”²³⁰ unlike the Kemalist political elite.

Following the ideology-based perspectives, Han believes that worldview of the policy makers outweighs in explaining the transformation of Turkey’s foreign policy in the Middle East. According to Han, AKP’s arrival to power transformed Turkey’s passive foreign policy in the Middle East into a proactive one along with the pro-Islamist worldview of the prominent decision makers of this party. For Han,

²²⁶ Cited in Nuri Yeşilyurt and Atay Akdevelioğlu, "Turkey's Middle East Policy under the JDP Rule," *The Turkish Yearbook of International Relations* 40 (2009):40-41.

²²⁷ Ioannis N. Grigoriadis, "Matching Ambitions with Realities: Turkish Foreign Policy in the Middle East," *Hellenic Studies* 20, no. 1 (Spring 2012) 120.

²²⁸ Kemal Kirişçi, "The Transformation of Turkish Foreign Policy: The Rise of the Trading State," *New Perspectives on Turkey* 40 (Spring 2009):29-57.

²²⁹ Ömer Taşpınar, "Turkey's Strategic Vision and Syria," *Washington Quarterly* 35, no. 3 (Summer 2012): 127-140.

²³⁰ Gönül Tol, "The “Turkish Model” in the Middle East," *Current History* 111, no. 749 (December 2012): 350.

the role of the worldviews in foreign policy decisions can be understood from the discourse of Foreign Minister Davutoğlu and the Prime Minister Erdoğan. He argues that their discourse puts emphasis on Turkey's historical responsibility and its role as an order-setter in the region. According to this discourse Turkey is tied to the other states in the region on the grounds of "brotherhood, shared religion, tradition and culture."²³¹

As mentioned, while different scholars use different variables in explaining Turkey's active foreign policy in the Middle East, all of them acknowledge government's utilization of historical heritage and responsibility discourse for its foreign policy initiatives in the region. Not surprisingly, this discourse reflected on Turkey's foreign policy toward Syria.

Turkey's rapprochement with Syria described by government as "coming together of long lost brothers" who have "common destiny, history and future."²³² Apart from the rapprochement on the rhetorical level, the relations between the two states culminated due to the emergence of de facto Kurdish state in Iraq after the US invasion in 2003. The common concern of both states about the demonstration effect of the Kurdish state in Iraq over their dissident Kurdish minorities draw two states closer.²³³ On the Syrian side also there was a willingness to break its international isolation.²³⁴ In January 2004, Bashar Al-Assad came to Turkey and became the first Syrian president in-office to visit Turkey since the Republic of Turkey was

²³¹ Ibid.

²³² Oktav, "The Syrian Uprising and the Iran," in *Turkey-Syria Relations: Between*, 196.

²³³ Nuri Yeşilyurt, "Ortadoğu'yla İlişkiler," in *Türk Dış Politikası: Kurtuluş Savaşından Bugüne Olgular, Belgeler, Yorumlar (Cilt III: 2001-2012)*, ed. Baskın Oran (Istanbul, Turkey: İletişim Yayınları, 2013), 414.

²³⁴ Samir Al-Taqi and Raymond Hinnebusch, "As Seen From Damascus: the Transformation in Syrian-Turkish Relations," in *Turkey-Syria Relations: Between Enmity and Amity*, ed. Raymond Hinnebusch and Özlem Tür (Burlington, USA: Ashgate, 2013), 108.

established.²³⁵ In October 2004, the Cooperation Protocol was signed in order to increase trade and investment between the two countries. In December 2004, during the Turkish PM Erdoğan's visit to Syria, a Free Trade Agreement was signed which allowed the entry of Syrian industrial goods into Turkey free of any custom duties and decided to decrease the custom duties on Turkish goods gradually over a period of twelve years. Similarly, at the same year a Memorandum of Understanding (*Anlayış Muhtırası*) was signed. According to this, the Turkish-Syrian Regional Cooperation program was set in order to increase economic cooperation between the two states.²³⁶ In addition to the economic cooperation, cooperation on the issues of security was realized. In 2005, for the first time, Syria officially condemned a PKK attack. In 2007, two states made a joint operation towards PKK fighters and captured the leader of PKK's Syrian branch.²³⁷ In 2009, the first joint military exercises were held.²³⁸ In the same year, Turkey and Syria agreed to lift the visa requirements as well as held the first Ministerial meeting of the Turkey-Syria High Level Strategic Cooperation Council. To strengthen the relations further, 51 protocols were signed aiming to increase ties between the two countries on the issues of education, development and trade.²³⁹ By 2010, the bilateral trade between the two states reached to almost 2.5 billion dollars.²⁴⁰ The close relations led to declaration of joint projects

²³⁵ Moubayed, "Milking the Male Goat," in *Turkey-Syria Relations: Between Enmity*, 73.

²³⁶ Özlem Tür, "The Political Economy of Turkish-Syrian Relations in the 2000's-The Rise and Fall of Trade, Investment and Integration," in *Turkey-Syria Relations: Between Enmity and Amity*, ed. Raymond Hinnebusch and Özlem Tür (Burlington, USA: Ashgate, 2013), 160-163.

²³⁷ Yeşilyurt, "Ortadoğu'yla İlişkiler," in *Türk Dış Politikası: Kurtuluş*, 414.

²³⁸ Han, "Paradise Lost: A Neoclassical," in *Turkey-Syria Relations: Between Enmity*, 65.

²³⁹ Oktav, "The Syrian Uprising and the Iran," in *Turkey-Syria Relations: Between*, 196.

²⁴⁰ Tür, "The Political Economy of Turkish-Syrian," in *Turkey-Syria Relations: Between Enmity*, 163.

such as building a dam of friendship on Orontes and establishing a Turkish-Syrian joint oil exploration company.²⁴¹

Above all, warm diplomatic relations between the two states gained a personal dimension with the cordial relationship among the leaders of the states; Assad and Erdoğan to extent that they vacationed together with their spouses.²⁴² However, this close relationship soured with the start of uprising in Syria due to the Arab Spring.

The Deterioration of Relations

The Arab spring started in Tunisia in December 2010 spread across to Middle Eastern countries causing waves of demonstrations of massed who are dissatisfied with their authoritarian regimes. The Arab spring struck Syria in February 2011 causing the initial protests of the dissidents in Damascus. However, these demonstrations did not attract the masses. The real spark of the mass demonstrations came from Deraa in March as a result of the regime's abuse and torturing of the children protestors there.²⁴³

The initial response of the Turkish government towards the Syrian regime during the uprising was soft. At the beginning, Erdoğan urged Assad to initiate far-reaching political reforms such as making a space for Syrian Muslim Brotherhood in the Syrian political arena by legalizing the Muslim Brotherhood membership and by

²⁴¹ Ibid.,170-171.

²⁴² Emile Hokayem, *Syria's Uprising and the Fracturing of the Levant* (London, UK: Routledge, 2013), 107.

²⁴³ Hokayem, *Syria's Uprising and the Fracturing*, 42.

including its members into his cabinet.²⁴⁴ Additionally, he offered Turkey's assistance and support in the reform process. However, when Turkey realized that Assad is not eager to initiate transformative political reforms, Turkey increased the pressure on Assad without breaking the relations. Thus, at first Turkey stood against the imposition of economic sanctions by the Western countries as it would also led Turkey's economic loss as the trade partner of Syria.²⁴⁵

However Turkish government's efforts in convincing Assad to initiate reforms had failed as the Syrian regime responded to demonstrations throughout the summer of 2011 with military operations.²⁴⁶ As the violence escalated, the situation in Syria became a great concern for the Turkish government. The PM showed this concern by declaring that "the situation in Syria is our domestic issue."²⁴⁷ Following this statement the last diplomatic initiative of Turkish government, took place in August 2011 between Davutoğlu and Assad lasting 6 hours, had also failed. After this move, Turkish government began to condemn overtly the attitude of the Syrian regime towards the demonstrators.²⁴⁸ In September 2011, the Turkish PM declared that he lost his confidence in the Syrian regime²⁴⁹ and warned Assad that "those who repress their own people in Syria will not survive. The time of the autocracies is over. Totalitarian regimes are disappearing. The rule of the people is coming."²⁵⁰ Subsequently, Turkey played an active role in the Arab League and United Nations

²⁴⁴ Ibid., 112.

²⁴⁵ Moubayed, "Milking the Male Goat," in *Turkey-Syria Relations: Between Enmity*, 75.

²⁴⁶ Hokayem, *Syria's Uprising and the Fracturing*, 112.

²⁴⁷ Han, "Paradise Lost: A Neoclassical," in *Turkey-Syria Relations: Between Enmity*, 67.

²⁴⁸ Hokayem, *Syria's Uprising and the Fracturing*, 112.

²⁴⁹ Tür, "The Political Economy of Turkish-Syrian," in *Turkey-Syria Relations: Between Enmity*, 173.

²⁵⁰ Hokayem, *Syria's Uprising and the Fracturing*, 114.

for the imposition of sanctions against the Assad regime.²⁵¹ In November, Turkey imposed a series of sanctions including freezing the personal assets of the prominent members of the Assad regime and putting travel restrictions on them as well as ban on military sales and military equipment transfers from the third countries to the Syrian regime.²⁵²

With the escalation of Syrian regime's repression, the uprising has been militarized. The Free Syrian Army composed of the Syrian army deserters and the dissidents was established in the summer of 2011 and its fighters allegedly found sanctuary in Turkey.²⁵³ Free Syrian Army allegedly based itself in Turkey and the Turkish border became the main route for the arms smuggling to the Syrian opposition fighters.²⁵⁴ Despite Turkey officially denied its support of opposition fighters, the indication of Turkish border province of Hatay as the address of Free Syrian Army's main base in its official website overshadowed this denial.²⁵⁵

Although Turkey denied the allegations of military support of the Syrian opposition, it actively supported the opposition politically in the diplomatic arena. For instance, the second Friends of Syria Summit, which became a diplomatic arena for the countries demanding regime change in Syria, was held in Istanbul in April 2012.²⁵⁶ Apart from that Turkey tried to exert its influence on the Syrian opposition by maintaining its support of the Syrian Muslim Brotherhood in the Syrian National

²⁵¹ Moubayed, "Milking the Male Goat," in *Turkey-Syria Relations: Between Enmity*, 29.

²⁵² Tür, "The Political Economy of Turkish-Syrian," in *Turkey-Syria Relations: Between Enmity*, 173.

²⁵³ Hokayem, *Syria's Uprising and the Fracturing*, 82.

²⁵⁴ *Ibid.*, 116.

²⁵⁵ Oran, *Türk Dış Politikası: Kurtuluş*, 161.

²⁵⁶ Oktav, "The Syrian Uprising and the Iran," in *Turkey-Syria Relations : Between*, 200.

Coalition which had become an umbrella group for the representation of the diverse opposition groups in November 2012.²⁵⁷

Turkey's stance in the Syrian uprising was criticized by the Syrian regime in the personality of Erdoğan. The Turkish prime minister has been accused by the regime of acting with sectarian motives²⁵⁸ in order to "further his duplicitous Islamist and neo-Ottoman designs on the region."²⁵⁹ The tense relations between the two states reached its peak when a Turkish jet allegedly shot down by the Syrian air force on June 2012. Parallel to this, Turkey's position towards the Syrian regime continued to be hardened. In September 2012, Erdoğan accused the Syrian regime of turning Syria into a terrorist state and called for a tougher stance from the international community towards it.²⁶⁰ The international community remained reluctant to conduct military intervention to Syria. However, after an artillery shell hit the Turkish border town in October 2012, NATO decided to deploy anti-missile Patriot batteries in southern Turkey to protect Turkey against the Syrian threats.²⁶¹ Last, in March 2014, a Syrian military jet was shot down by the Turkish army on the grounds that it had allegedly violated Turkish airspace.

²⁵⁷ Hokayem, *Syria's Uprising and the Fracturing*, 76.

²⁵⁸ Akbaba and Özdamar, "Ethnicity, Religion and Foreign," in *Turkey-Syria Relations: Between Enmity*, 131.

²⁵⁹ Hokayem, *Syria's Uprising and the Fracturing*, 113.

²⁶⁰ "Erdogan Vows to Pray in Damascus' Umayyad Mosque," Middle East Monitor, last modified September 7, 2012, accessed April 30, 2014, <https://www.middleeastmonitor.com/news/europe/4272-erdogan-vows-to-pray-in-damascus-umayyad-mosque>.

²⁶¹ "NATO: Patriot Missile Battery Operational on Syrian Border," CNN International, last modified January 28, 2013, accessed April 30, 2014, <http://edition.cnn.com/2013/01/26/world/meast/syria-civil-war/>.

The Government's Policy

As mentioned although the relations between the Turkish government and the Assad regime soured, Turkey did not stay out of the crisis in Syria. Turkey became the host to the Syrian opposition members as well as the hundred thousands of displaced Syrians fleeing from the violence in Syria.

From the beginning of the Syrian uprising, Turkey followed an open door policy for the fleeing Syrians. The first group came to Turkey in March 2011, when 250 displaced Syrians entered Hatay.²⁶² In May 2011, the Turkish Foreign Minister, Davutoğlu declared that Turkey would keep its borders open to fleeing Syrians and the no visa regime between the two countries would be maintained.²⁶³ In June 2011, the heavy shelling of Jisr al Shughour, in northwestern Syria, led to the flow of thousands of Syrians into Turkey reaching 7000.²⁶⁴ Subsequently, the Turkish government stated that Turkey would continue to receive them even if their numbers exceed 10,000.²⁶⁵ Initially, five tent cities in Hatay and a container camp in Kilis were built to house the Syrians.²⁶⁶ In early 2012, the conflict intensified as the Assad regime increased its military repression towards the civilians using heavy artillery.

²⁶² Elizabeth Ferris, Kemal Kirişci, and Salman Shaikh, *Syrian Crisis: Massive Displacement, Dire Needs and a Shortage of Solutions* (Washington, US: Brookings Institution, 2013), 6, accessed April 29, 2014, <http://www.brookings.edu/research/reports/2013/09/18-syria-humanitarian-political-crisis-ferris-shaikh-kirisci>.

²⁶³ "Preparing for Possible Refugees, Ankara Wants Syrians' Well-being," *Today's Zaman*, May 1, 2011], accessed April 30, 2014, <http://www.todayszaman.com/news-242525-preparing-for-possible-refugees-ankara-wants-syrians-well-being.html>.

²⁶⁴ Ferris, Kirişci, and Shaikh, *Syrian Crisis: Massive Displacement*, 6.

²⁶⁵ "Turkish FM Visits Refugee Camps, Meets Syria Envoy," *Hürriyet Daily News*, June 15, 2011, accessed April 30, 2014, <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=turkish-fm-visits-refugee-camps-meets-syria-envoy-2011-06-15>.

²⁶⁶ "Suriye İnsani Yardım Operasyonu Üçüncü Yılında" [Humanitarian Aid Operation to Syria in Its Third Year], *Türk Kızılayı*, last modified March 14, 2014, accessed April 30, 2014, <http://www.kizilay.org.tr/Haber/HaberArsiviDetay/1196>.

The number of refugees steadily climbed,²⁶⁷ and led to a dramatic change in Turkey's ranking among the refugee-hosting countries, from 59th to 10th.²⁶⁸

According to the UNHCR, by July 2014 there were 804,391 registered Syrians in Turkey and 219,084 of them were hosted in 22 camps located in ten provinces.²⁶⁹

Indeed, it is estimated by the Deputy Prime Minister of Turkey that this number had already exceeded 1 million by June 2014.²⁷⁰ Even if Turkey intended to resettle them in third countries, it is likely that Syrians will continue to stay in Turkey as the UNHCR's representative claims that the UNHCR does not have any permanent resettlement plan for them as their priority is to keep them in the region.²⁷¹

Currently, the region countries share the burden of Syrian refugees.²⁷² Lebanon hosts the highest number of refugees among the region's countries with three million Syrians. It is followed by Turkey and Jordan, with 804,391 and 607,193 respectively. Among them, Iraq and Egypt have the least with 220,000 and 138,000

²⁶⁷ Ferris, Kirişci, and Shaikh, *Syrian Crisis: Massive Displacement*, 6.

²⁶⁸ "Turkey Refugee Ranking Skyrockets Within a Year," *Hürriyet Daily News*, July 20, 2013, accessed April 30, 2014, <http://www.hurriyetdailynews.com/turkey-refugee-ranking-skyrockets-within-a-year.aspx?pageID=238&nID=49106&NewsCatID=352>.

²⁶⁹ "UNHCR Turkey Syrian Refugee Daily Sitrep," Syria Regional Refugee Response, last modified July 18, 2014, accessed July 21, 2014, <http://data.unhcr.org/syrianrefugees/country.php?id=224>.

²⁷⁰ "Number of Syrian Refugees in Turkey Exceeds 1 million," *Today's Zaman*, June 19, 2014, accessed July 21, 2014, <http://www.todayszaman.com/news-350757-number-of-syrian-refugees-in-turkey-exceeds-1-million-says-minister.html>.

²⁷¹ "UN to resettle Syrian Refugees in Europe, US," *Hürriyet Daily News*, June 12, 2013, accessed May 7, 2014, <http://www.hurriyetdailynews.com/un-to-resettle-syrian-refugees-in-europe-us.aspx?pageID=238&nid=48641>.

²⁷² Turkey and Lebanon maintain open borders policy since the onset of the Syrian conflict. However, Jordan and Iraq including Kurdish Regional Government limits, blocks and reopens their borders for the entry of Syrians occasionally. Egypt allowed the access of Syrians without visas under the rule of President Morsi but with the ouster of him visa requirements were put into force for Syrians and Egypt is the only country among those without refugee camps for Syrians. See: Elizabeth Ferris, Kemal Kirişci, and Salman Shaikh, *Syrian Crisis: Massive Displacement, Dire Needs and a Shortage of Solutions* (Washington, US: Brookings Institution, 2013)

refugees, respectively.²⁷³ For now, the Syrian refugees seem to be contained in the region.

Indeed, the policies of the Western states towards the Syrian refugees also confirm this containment. According to the report of International Amnesty, only 14 countries in the West, including ten EU countries as well as Australia and Canada, have offered places for the temporary and permanent settlement of Syrians. However, the number of total offered places remained in 15,244. Apart from these countries, the rest of the world remained silent for the humanitarian admission. Similarly, the countries of Gulf Cooperation Council such as Saudi Arabia and Qatar did not offer to take Syrians for resettlement.²⁷⁴

Since there is no immediate prospect of resettlement or repatriation of Syrians, they are likely to stay in Turkey for a longer period of time. Although the Syrians in Turkey constitute roughly one percent of the Turkish population, their stay has sparked a great controversy in the political realm. The government has been strongly criticized by the opposition parties for not being transparent in its refugee policy.

Throughout the flow of the Syrians into Turkey, the government followed different policies. Initially, Turkey took on the financial burden of the Syrian refugees without receiving aid from the international community.²⁷⁵ With only one exception, the Turkish government did not allow Turkish and international NGOs'

²⁷³ These represent the numbers of registered refugees and they are taken from the UNHCR's official website. See: "Syria Regional Refugee Response," UNHCR, accessed July 8, 2014, <http://data.unhcr.org/syrianrefugees/regional.php>.

²⁷⁴ *An International Failure: The Syrian Refugee Crisis*, 1-3, December 13, 2013, accessed April 29, 2014, <http://www.amnesty.org/en/library/asset/ACT34/001/2013/en/8a376b76-d031-48a6-9588-ed9aee651d52/act340012013en.pdf>.

²⁷⁵ Tolay, *The EU and Turkey's*, 1-6.

access to the refugee camps which host the Syrian refugees,²⁷⁶ claiming that it is necessary to centralize the management and control of the camps.²⁷⁷ The only NGO that had the access to the refugee camps was the Turkish relief organization, IHH (Humanitarian Relief Foundation) and it was also known as close to the ruling government.²⁷⁸ The Turkish government did not allow the access of independent observers, journalists and international and national NGOs to access the refugee camps.²⁷⁹ Even when the doors of the refugee camps were opened to the press, the journalists were not allowed to communicate with the refugees on the grounds that this would create a risk to the refugees' privacy and security.²⁸⁰ Their public exposure was seen as risky as the authorities fear that refugees could be "marked by the Syrian regime."²⁸¹ Occasionally, the visits of international delegations to the camps are allowed to the camps.²⁸² However, the UN presence in the camps is not

²⁷⁶ "Intellectuals Call for Humanitarian Access to Syrian Refugees in Turkey," *Today's Zaman*, November 27, 2012, accessed May 3, 2014, <http://www.todayszaman.com/news-299446-intellectuals-call-for-humanitarian-access-to-syrian-refugees-in-turkey.html>.

²⁷⁷ *Blurring the Borders: Syrian Spillover Risks for Turkey*, Europe Report 225 (Brussels, Belgium: International Crisis Group, 2013), 17, accessed April 29, 2014, <http://www.crisisgroup.org/~media/Files/europe/turkey-cyprus/turkey/225-blurring-the-borders-syrian-spillover-risks-for-turkey.pdf>.

²⁷⁸ *Syrian Refugees in Turkey: A Status in Limbo* (Copenhagen, Denmark: Euro-Mediterranean Human Rights Network, 2011), 1-18.

²⁷⁹ Senay Ozden, *Syrian Refugees in Turkey* (San Domenico di Fiesole, Italy: MPC European University Institute, 2013) 8.

²⁸⁰ "Turkey Allows Limited Access to Syrian Refugee Camp," *Hürriyet Daily News*, June 19, 2011, accessed May 3, 2014, <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=turkey-allows-limited-access-to-syrian-refugee-camp-2011-06-19>.

²⁸¹ *Blurring the Borders: Syrian*, 17.

²⁸² *Ibid.*, 15.

accepted on the grounds that Turkey keeps its sovereign rights by not giving up the control of the camps to the UNHCR.²⁸³

The self-reliant manner of the Turkish government changed in early 2012 when the number of refugees drastically increased. In April 2012, Turkey sent its first letter to the EU asking for aid.²⁸⁴ As the spending of the Turkish government for refugees had reached two billion dollars excluding the funds spent by the Turkish NGOS and the local municipalities and governorates, the Foreign Minister of Turkey complained that there was a lack of international burden sharing that the international contributions remained inadequate. Thus, he urged the international community to increase its contributions.²⁸⁵ However, Turkey's demand in cash from international donors on a project basis led to the international community's hesitance on providing aid as donors prefer to provide assistance to refugees through UN bodies instead of giving cash to the Turkish government.²⁸⁶

By the summer of 2012, the Turkish government started to declare the necessity of establishing a buffer zone inside Syria in order to host the Syrian refugees there. In August 2012, the Foreign Minister of Turkey declared that a UN-led buffer zone should be established if the number of refugees exceeds 100.000 as Turkey would have difficulties in accommodating them.²⁸⁷ Subsequently, he

²⁸³ "West, Turkey Split Over Aid For Syrians," *Hürriyet Daily News*, September 25, 2012, accessed April 30, 2014, <http://www.hurriyetdailynews.com/west-turkey-split-over-aid-for-syrians.aspx?pageID=238&nID=30893&NewsCatID=338>.

²⁸⁴ *Blurring the Borders: Syrian*, 13.

²⁸⁵ Ferris, Kirişci, and Shaikh, *Syrian Crisis: Massive Displacement*, 38-39.

²⁸⁶ "West, Turkey Split Over" .

²⁸⁷ "Turkey Says It Can Take No More than 100,000 Syrian Refugees," *Hürriyet Daily News*, August 20, 2012, accessed May 3, 2014, <http://www.hurriyetdailynews.com/turkey-says-it-can-take-no-more-than-100000-syrian-refugees-.aspx?pageID=238&nID=28169&NewsCatID=338>.

proposed this idea at the UN General Assembly, but he was not able to obtain the support of the major powers on the issue.²⁸⁸

The government's call for the imposition of a buffer zone was criticized by the MPs of the main opposition party (the Republican People's Party) and interpreted it as using the presence of refugees as a pretext for military intervention in Syria. In other words, the government was accused of by what Zolberg et.al. recounts as "the positive contribution to the formation of refugee flows"²⁸⁹ of the host state by following a generous reception policy. This allegation was voiced by the Republican People's Party MP, Osman Korutük. He claimed that the establishment of camps in Turkey immediately after the incidents started in Syria before the possibility of refugee flow emerged, raised his suspicions on the issue of military intervention.²⁹⁰ Likewise, Gaziantep MP from Republican People's Party stated that,

There is no doubt that Turkey should give hand to the people seeking asylum in Turkey due to humanitarian reasons but Turkey should not invite them. Unfortunately, by following wrong policies Turkey invited them . Before incidents erupt [in Syria], a container camp was established in Kilis and then they said [to Syrian people] "Come"! Why? Because if the number of refugees exceeds 100.000, then, a new concept can be introduced.²⁹¹

However, the Foreign Minister of Turkey denied these allegations on the grounds that Turkey's help to refugees was out of humanitarian and moral values.²⁹² Despite

²⁸⁸ Ferris, Kirişci, and Shaikh, *Syrian Crisis: Massive Displacement*, VIII.

²⁸⁹ Aristide R. Zolberg, Astri Suhrke, and Sergio Aguayo, "International Factors in the Formation of Refugee Movements," *International Migration Review* 20, no. 2 (Summer 1986): 155.

²⁹⁰ Republic of Turkey, *TBMM Tutanak Dergisi*, Term 24, Legislative Year 2, Session 100, Vol.20, 26 April 2012.

²⁹¹ Republic of Turkey, *TBMM Tutanak Dergisi*, Term 24, Legislative Year 3, Session 88, Vol.48, 4 April 2013.

²⁹² Republic of Turkey, *TBMM Tutanak Dergisi*, Term 24, Legislative Year 2, Session 100, Vol.20, 26 April 2012.

his emphasis on humanitarianism, the discussion in the first chapter of this thesis has shown that states' responses to refugees are the outcome of domestic or foreign policy considerations dressed in a humanitarian cloth. As Benard notes, unless a government does not want to gain political capital out of a refugee flow, the refugees are seen as destabilizing factors in the receiving country's domestic politics and are not easily welcomed.²⁹³ Thus, it is worth evaluating whether the Turkish government's generous reception policy of Syrians is out of an expectation of a political capital in domestic politics.

Governments can find it hard to reject some groups of refugees due to the pressure of the public. The public concern could put political pressure on the government for generous admission of refugees.²⁹⁴ However, in the Syrians' case, it is hard to explain the Turkish government's admission policy with the positive public attention. A survey by Ekonomi ve Dış Araştırmalar Merkezi, conducted on January 2014, reveals that 86 percent of those questioned were in favor of the termination of refugee admissions from Syria. The survey also shows that while the supporters of the ruling party advocate restricting the number of refugees, the supporters of the main opposition parties defend the *refoulement* of the refugees already in Turkey.²⁹⁵ Moreover, the local incidents in which Syrians are targeted and attacked show the public resentment and anger towards self-settled Syrians in urban areas.²⁹⁶ Thus, it is

²⁹³ Benard, "Politics and the Refugee," 623.

²⁹⁴ Çatır, "Long Waited Brothers or Unwelcome," 33.

²⁹⁵ *Reaction Mounting Against Syrian Refugees in Turkey*, Public Opinion Surveys of Turkish Foreign Policy 2014/1 (Istanbul: Centre for Economics and Foreign Policy Studies, 2014), 1, accessed July 9, 2014, <http://www.edam.org.tr/Media/Files/1152/EdamSurvey2014.1.pdf>.

²⁹⁶ "Mültecilere Karşı Nefret Giderek Büyüyor" [The Growing Hatred Towards Refugees], AGOS, July 4, 2014, accessed July 9, 2014, <http://www.agos.com.tr/multecilere-karsi-nefret-giderek-buyuyor-7588.html>.

hard to say that domestic policy concerns, shaped by public pressure, are in effect in the formation of government's refugee policy.

The discourse of the Foreign Minister reveals the role of foreign policy concerns in government's refugee policy. In his discourse, the historic and cultural ties of the Turkish people with the Syrians are invoked in manner that the Turkish state is responsible for a state-transcending community due to its Ottoman heritage. This discursive tool was used to justify the government's policy and responsibility towards Syrian refugees. Additionally, the admission of Syrian refugees was not only presented as a humanitarian duty of the Turkish state, but also it was presented as a necessity due to government's stance against the Syrian regime. For instance, in one of the parliamentary sessions describing Turkey's position towards the crisis in Syria and responding the criticisms of the opposition parties on this matter, Davutoğlu stated that,

To care about Syria is not a choice for us but it is an obligation ...Planning what measures can be taken in case thousands of refugees flow into our border ...is a necessity of being a great state....We kept our doors open to all Syrians and we will continue to do so...From now on, as Turkey, we will lead this great change of wave...It is not possible to be understood by those who prefer policies of Baath ...What is important to us is that the streets of Damascus, Deraa, Hama and Homs understand us.²⁹⁷

Not only the discourse of the Foreign Minister reveals this approach but also the ruling party's manifest explains the foreign policy of the Turkish government towards the Syrian Uprising. In the manifest it is stated that,

Against the Syrian regime's brutal policies of killing, collective punishment and political games, Turkey took a clear stance in solidarity with the people of Syria. We opened our borders to thousands of refugees fleeing their country. As a human and moral responsibility, we have accepted our Syrian

²⁹⁷ Republic of Turkey, *TBMM Tutanak Dergisi*, Term 24, Legislative Year 2, Session 100, Vol.20, 26 April 2012.

brothers and sisters into our country and will continue to do so until the Syrian conflict is resolved.²⁹⁸

Additionally, in the party manifest it is stated that the foreign policy mission of the party is to “fulfill its historic responsibility on the basis of our history, culture, civilization”²⁹⁹ by “making peace with its own history and geography.”³⁰⁰ Clearly, by the history and geography that would be made peace with refers to the Ottoman past of the Turkish state. As mentioned previously, this past was repeatedly invoked while dealing with the Middle Eastern countries, including Syria. Not surprisingly, this reference to the Ottoman past is also used in explaining Turkey’s policy and responsibility towards the Syrian refugees by the Foreign Minister of Turkey. He stated that,

We cannot remain indifferent to tragedies and developments in Syria...During the Çanakkale naval battle [in 1915] among the provinces of today’s Turkey Bursa had the highest numbers of martyrs with 3400. However, [in this war] Damascus had 6000 and Aleppo had 4000 martyrs. Just as our brothers from Aleppo and Damascus shared a common fate with us [at that time], now we are going to do the same. Their pain is our pain their need is our need.³⁰¹

In a similar manner, Prime Minister Erdoğan uses the same rhetoric when facing the criticisms. For instance, as a response to the RPP leaders’ criticism about the uncontrolled refugee policy of the government, he gave the example of protection provided by the Ottoman Empire to fleeing Russians in 1849. In giving the Ottoman

²⁹⁸ "The World: Target 2023," *Political Vision of Ak Parti (Justice and Development Party): 2023*, September 30, 2012, 65, accessed May 3, 2014, http://www.akparti.org.tr/english/akparti/2023-political-vision#bolum_.

²⁹⁹ "The World: Target 2023," 56.

³⁰⁰ "The World: Target 2023," 65.

³⁰¹ "Davutoğlu, Fas Dışişleri Bakanı Osmani ile Görüştü" [Davutoğlu meets Foreign Minister of Morocco], Haberler, last modified March 19, 2012, accessed May 3, 2014, <http://www.haberler.com/davutoglu-fas-disisleri-bakani-osmani-ile-gorustu-3462944-haberi/>.

example, he said that “we are their grandsons,” then referring to the RPP leader he said that “but I do not know whose grandson you are.”³⁰²

In explaining its refugee policy since the government uses the same rhetorical tools that were utilized in foreign policy making, the opposition parties include the refugee policy in their criticisms of the government’s foreign policy. In other words, at the discursive level, the opposition parties do not distinguish the humanitarian policy of the government from its foreign policy. Although they acknowledge the humanitarian aspect of the situation, the analysis of parliamentary discussions and questions on the Syrians in Turkey reveals that the opposition parties evaluate the presence of Syrians in Turkey from the perspective of security more compared to a humanitarian one.³⁰³ More precisely, the debates and concerns of the opposition revolve around the possibility of Syrians’ admission to citizenship as well as around the issues that can directly or indirectly affect the security of Turkey such as the weakening of the border control and the alleged presence of refugee-combatants in the camps.

³⁰²“Erdoğan'dan Kılıçdaroğlu'na Mülteci Tepkisi: Sen Kimin Torunusun?,"*Zaman*, September 5, 2012, accessed May 3, 2014, http://www.zaman.com.tr/politika_erdogandan-kilicdarogluna-multeci-tepkisi-sen-kimin-torunusun_1341386.html.

³⁰³ From the online database provided in the official website of the Turkish Grand Assembly , hundreds of parliamentary questions are given by the opposition parties can be seen. These questions evaluate and question Syrians’presence in Turkey from all aspects ranging from humanitarian, economic, to social and political ones. However, in this thesis only the subjects which were repeatedly raised by the opposition through numerous parliamentary questions and discussions will be mentioned here as they constitute the majority.

Reactions from the Opposition

The Citizenship Controversy

To start with the citizenship controversy, it seems that the access of Syrians to Turkish citizenship has become a great concern for the opposition parties. My review of parliamentary questions shows that regarding this issue, dozens of parliamentary questions have been submitted repeatedly. From the content of these questions, it is not plausible to claim that their emphasis on the naturalization of Syrians derives from ethnic concerns. Rather, the formulation of these questions shows that their concerns derive from the Syrians' access to political rights. The parliamentary questions question not only the number of Syrians who obtained Turkish citizenship, but also the number of Syrians, who would vote in the coming elections.

The controversy about the Syrians' obtaining Turkish citizenship is apparent in the national media. Allegations of manipulating elections results through giving the right to vote to Syrians have been made by the main opposition party, against the ruling government.³⁰⁴ As a response, the government has claimed that the allegations are unfounded.³⁰⁵ Likewise, the head of the Supreme Board of Election(*Yüksek Seçim*

³⁰⁴ "Turkish Government to Let Syrian Refugees Vote in Elections, CHP claims," *Hürriyet Daily News*, November 25, 2013, accessed May 3, 2014, <http://www.hurriyetdailynews.com/turkish-government-to-let-syrian-refugees-vote-in-elections-chp-claims.aspx?pageID=238&nID=58449&NewsCatID=338>.

³⁰⁵ "Gürsel Tekin'in iddiası yalan çıktı!," *Yenişafak*, November 26, 2013, accessed May 3, 2014, <http://yenisafak.com.tr/politika-haber/gursel-tekinin-iddiasi-yanan-cikti-26.11.2013-586317>.

Kurulu), Sadi Güven, also has denied these allegations, saying that Syrian are not entitled to vote as they do not have Turkish citizenship.³⁰⁶

Although these allegations were refuted by the government on the grounds that they are unsubstantiated, the review of the responses to parliamentary questions shows that the refutation of these allegations is vague in terms of the reasoning. In other words, for each question simply asking about the possibility of the Syrians' admission to the Turkish citizenship it was provided different and vague answers. For instance, from the response to the parliamentary question no.7/32241 it is understood that Syrians were treated as other foreign nationals who apply for the Turkish citizenship. In the response it is stated that "the criteria for the acquisition of the Turkish citizenship were defined in the Turkish citizenship law no.5901. This legislation is applicable equally for everyone; including for people of Syrian origin who wish to acquire Turkish citizenship."³⁰⁷ Thus, it is understood from this response that if Syrians qualifies the conditions in the citizenship law, they can acquire citizenship.

Likewise, this response seemed to be repeated when replying to the parliamentary question no. 7/32020.³⁰⁸ In the response, referring to Articles 11 and 12 of the Turkish citizenship law, it is stated that these articles are applicable for aliens of Syrian origins as well as they are applicable to other foreign nationals.

³⁰⁶ "YSK Başkanı Güven: Suriyeli sığınmacılar oy kullanamaz," *Zaman*, December 17, 2013, accessed May 3, 2014, http://www.zaman.com.tr/gundem_ysk-baskani-guven-suriyeli-siginmacilar-oy-kullanamaz_2184777.html.

³⁰⁷ "7/32241 Sayılı Soru Önergesi" [Parliamentary Question no:7/32241], The Grand National Assembly of Turkey, accessed May 3, 2014, <http://www2.tbmm.gov.tr/d24/7/7-32241sgc.pdf>.

³⁰⁸ "7/32020 Sayılı Soru Önergesi" [Parliamentary Question no:7/32020], The Grand National Assembly of Turkey, accessed May 3, 2014, <http://www2.tbmm.gov.tr/d24/7/7-32020sgc.pdf>.

When looked at the referred articles, it is seen that Article 11 lists the conditions for the application of Turkish citizenship, while Article 12 regulates the exceptional conditions in the acquisition of Turkish citizenship. Article 11(b) states that “an alien who wishes to acquire Turkish citizenship shall have been resident in Turkey without interruption for five years preceding the date of his/her application.”³⁰⁹ At first sight, by looking at this clause alone, it could be considered that displaced Syrians who reside in Turkey for five years without interruption can apply to Turkish citizenship. Highly likely in order to prevent this consideration, in the same response no.7/32020 referring to Article 71(ç) of the Implementation Directive for the Turkish Citizenship Law No.5901 it is stated that “[the period of] residing in Turkey as an asylum seeker (*sığınmacı*) will not be taken into account as a valid residence period in the acquisition of Turkish citizenship” thus the application of Syrian asylum seekers for Turkish citizenship cannot be possible. Indeed, this explanation was repeated in other responses to parliamentary questions no: 7/21597³¹⁰, 7/24913³¹¹ and 7/16981³¹² underlining that temporary resident permits given to Syrians will not be counted in the citizenship applications.

However, as seen from the response to 7/32020, the reasoning provided for non-admission of Syrians to Turkish citizenship that they reside in Turkey as asylum seekers.³¹³ This reasoning creates confusion because in another response to the

³⁰⁹ "Turkish Citizenship Law no:5901," EUDO Observatory on Citizenship, accessed May 7, 2014, <http://eudo-citizenship.eu/databases/national-citizenship-laws>.

³¹⁰ "7/21597 Sayılı Soru Önergesi" [Parliamentary Question no:7/21597], The Grand National Assembly of Turkey, accessed May 3, 2014, <http://www2.tbmm.gov.tr/d24/7/7-21597sgc.pdf>.

³¹¹ Ibid.

³¹² "7/16981 Sayılı Soru Önergesi" [Parliamentary Question no:7/16981], The Grand National Assembly of Turkey, accessed May 3, 2014, <http://www2.tbmm.gov.tr/d24/7/7-16981sgc.pdf>.

³¹³ "7/32020 Sayılı Soru Önergesi," The Grand National Assembly of Turkey.

parliamentary question no.7/16981 it is stated that Syrians in Turkey are under temporary protection status, thus they cannot be regarded neither as refugee (*mülteci*) or asylum-seeker (*sığınmacı*).³¹⁴

Apart from the confusion on this subject matter, the number of Syrians who obtained Turkish citizenship was clarified in these answers. By December 2013, the number of Syrian people who were granted Turkish citizenship between 2008 and 2013 was 3,577 in total and 753 for 2013.³¹⁵ Clearly, these numbers represent a very small portion of Syrian refugees in Turkey. Therefore, rather than these numbers the lack of transparency about the legal basis of Syrians' naturalization seems to be a great concern for the opposition.

Porous Borders

The criticisms of the opposition regarding the border security focused on two intermingling issues; the uncontrolled flow of refugees and the government's failure in controlling Turkey's borders with Syria which allow the cross-border mobilization of the non-state actors such as the militant groups under the guise of a refugee. In other words, the discourse of the opposition show that there is a strong belief that there are other actors coming to Turkey under the guise of a refugee as the entries to Turkey in the borders are not checked or registered properly.³¹⁶ Thus, the

³¹⁴ "7/16981 Sayılı Soru Önergesi," The Grand National Assembly of Turkey.

³¹⁵ "7/32020 Sayılı Soru Önergesi," The Grand National Assembly of Turkey.

³¹⁶ "Kılıçdaroğlu: İstihbarat Zafiyeti Var" [Kılıçdaroğlu: Weakness in intelligence], *Sabah*, May 14, 2013, accessed May 3, 2014, <http://www.sabah.com.tr/Gundem/2013/05/14/kilicdaroglu-istihbarat-zafiyeti-var>.

government was accused of “importing refugees and terrorism”³¹⁷ through its foreign policy. One of the MP of the Peace and Democracy Party, Ertuğrul Kürkçü said,

There is no border security. From the south to the north, cities and towns are surrounded by uncontrolled migration [of Syrians]...By letting uncontrolled border crossings Turkey led to the dissolving of the border between Syria and Turkey, inevitably led to the transfer of the war from Syria to Turkey because in general people fleeing from the war took side in this conflict in one way or another.³¹⁸

Referring to the lack of registration and control on the refugees’ identity by the authorities, another MP from the Republican People Party, Ali Serindağ reveals his doubts on the refugee status of the people crossing the border of Turkey. He stated that,

Now in Turkey there are 285.984 people who came from Syria but out of these 93.000 returned [to Syria]...the violence is intensified there but these people went back. Why? This means, people who are coming to here are not all fleeing from the violence. We do not know from where these people come. They say we come from Syria but how do we know they are actually coming from Syria...We do not have any information about them.³¹⁹

However, the government’s failure to control who comes in and goes out from the borders is not considered to be stemmed from the weak state capacity which is overwhelmed by the mass refugee flow. Rather this failure is seen as a deliberate strategy which aimed at creating control-free sites of mobilization for the Syrian opposition fighters. This is because the Turkish opposition parties believe that the political bias of the Turkish government in favor of the Syrian opposition and its foreign policy along this bias led to Turkey’s over engagement with the conflict in

³¹⁷ Republic of Turkey, *TBMM Tutanak Dergisi*, Term 24,Legislative Year 3,Session 65,Vol.43, 13 February 2013.

³¹⁸ Republic of Turkey, *TBMM Tutanak Dergisi*, Term 24,Legislative Year 3,Session 104,Vol.51, 15 May 2013.

³¹⁹ Republic of Turkey, *TBMM Tutanak Dergisi*, Term 24,Legislative Year 3,Session 88,Vol.48, 4 April 2013.

Syria³²⁰ to the extent that the opposition even claims that the Turkish government provides logistic, military, and financial aid to the Syrian opposition fighters.

Yet, these accusations, as with those regarding the citizenship issue, are backed by little in the way of investigative research by the opposition.³²¹ Instead, these accusations are mainly based on news reports in the national or international media. This can be seen from the numerous parliamentary questions which question the allegations about Turkey's military support of the Syrian opposition fighters at different times and places as portrayed in the national and international media.³²²

However, in the response letters of the government all of these allegations were officially denied on the grounds that they are unsubstantiated. While the government denies the charges of military and logistic support, it justifies the activities and meetings of the Syrian opposition groups in Turkey. It justifies them on the grounds that since the Syrian regime does not allow the emergence of opposition groups in Syria, the formation and the organization of these groups in abroad as well as in Turkey is necessary for Syria's transition to democracy.³²³

³²⁰ "Turkish Parliament passes Syria motion amid opposition," *Hürriyet Daily News*, October 3, 2013, accessed May 7, 2014, <http://www.hurriyetdailynews.com/turkish-parliament-passes-syria-motion-amid-opposition.aspx?pageID=238&nID=55657&NewsCatID=338>.

³²¹ One could also argue that there is not much room for an investigative research in the current political atmosphere. The latest example of this can be given from an incident in Adana. On 19 January 2014, seven trucks loaded with heavy weapons on their way to Syria were seized by the gendarme. Later on, reporters who took photographs of the trucks were detained and a lawsuit is opened against the gendarme on charges of spying the activities of the Turkish Intelligence Service. The government strongly criticized the public display of the incident.

³²² See parliamentary letters no :7/20678, 7/20679, 7/21223, 7/21771, 7/21223, 7/10593, 7/16193, 7/21334.

³²³ "7/2134 Sayılı Soru Önergesi" [Parliamentary Question no:7/2134], The Grand National Assembly of Turkey, accessed May 3, 2014, <http://www.tbmm.gov.tr/d24/7/7-2134sgc.pdf>.

Refugee Combatants

The denial of the claims does not seem to influence the opposition side. Indeed, the opposition parties evaluate the refugee policy of the government parallel to their critical stance towards the government's foreign policy on Syria. It seems that the opposition parties do not distinguish between the humanitarian policy of the AKP government and its foreign policy because they consider the refugee policy is used as an instrument of foreign policy by the government. Therefore, while the parliamentarians of the opposition party are criticizing the AKP's foreign policy towards Syria, the refugee policy is included in these criticisms regardless.

In the criticisms of the government's refugee policy, the alleged presence of refugee-combatants in the camps is targeted by the opposition. More precisely, the government is accused of supporting what Zolberg et.al. define as a "refugee-warrior community"³²⁴ by allowing the accommodation of refugees "who engage in military action against the government of their country of origin."³²⁵

These accusations can be seen from the speeches of the different opposition party members. In these speeches it is argued that some refugee camps are used as military training bases for the Syrian opposition fighters³²⁶ to an extent that even the tactical plans to topple the Assad regime as well as the decision on the fighters' cadres and commanders are made in these camps.³²⁷ For instance, the RPP's MP

³²⁴ Aristide Zolberg, Astri Shurke, and Sergio Aguayo, *Escape From Violence: Conflict and the Refugee Crisis in the Developing World* (Oxford, UK: Oxford University Press, 1989), 275-278.

³²⁵ Zolberg, Suhrke, and Aguayo, "International Factors in the Formation," 156.

³²⁶ Republic of Turkey, *TBMM Tutanak Dergisi*, Term24, Legislative Year 2, Session 86, Vol.18, 30 March 2012.

³²⁷ Republic of Turkey, *TBMM Tutanak Dergisi*, Term24, Legislative Year 3, Session 8, Vol.31, 12 October 2012.

Mehmet Şeker charges the Turkish government with showing tolerance to the presence of the Syrian opposition fighters in the camps. Pointing out the accommodation of fighters in the refugee camps, he claims that this is a mistaken policy of the government which eventually caused the spread of the Syrian conflict to Turkey with Reyhanlı attacks. He states that,

In Reyhanlı...a car loaded with bombs exploded and our 53 citizens lost their lives. All these stemmed from mistakes in our policy towards Syria...What did we do? Those staying in the [refugee] camp can cut their hands with a knife or can break his leg but people staying in the camp cannot be injured by a gunshot. ...They crossed to the other side [of the border], fought and then came back to the camps [in Turkey] after they got wounded.³²⁸

Similar to the speeches of the parliamentarians, the parliamentary questions also reveal the concerns about the usage of refugee camps as a military base for the opposition fighters. It is seen that the numerous parliamentary questions questioning the Turkey's alleged logistical and military aid to the Syrian opposition fighters who stay in the refugee camps. For instance, in parliamentary question no.10450, the government was asked whether the allegations about hosting Free Syrian Army members and providing them with military training in the refugee camps as well as allowing them to cross to the Syrian side of border at night for fighting are true or not. All of these allegations were denied by the government.³²⁹ However, it seems that the answer of the government did not satisfy the opposition as this issue was brought up in other parliamentary questions. For instance, in parliamentary question no.7/16753, it was asked whether 3000 refugees in the Kahramanmaraş camp disappear at night with the knowledge of government or not, and it was demanded

³²⁸ Republic of Turkey, *TBMM Tutanak Dergisi*, Term 24, Legislative Year 4, Session 18, Vol.62, 19 November 2013.

³²⁹ "7/10450 Sayılı Soru Önergesi" [Parliamentary Question no: 7/10450], The Grand National Assembly of Turkey, accessed May 3, 2014, <http://www2.tbmm.gov.tr/d24/7/7-10450sgc.pdf>.

that government should share the information with the public if it knew where these people went.

Although this allegation was serious in nature and content, it was not backed by any evidence or by the real information.³³⁰ The source of the allegation was not indicated in the question despite the seriousness of the claim. In an equally ironic manner, this parliamentary question was not directly answered with a yes or no by the government. The alleged disappearance of the refugees at the nights was not mentioned in the answer- even to be refuted. Instead technical information about the leave permission for camp residents was provided. It was stated that leave permissions to the camp residents are given by the local governorates as the camps are under their authority and the residents of this camp occasionally leave the camp to shop during the day time with the permission of the camp authorities.³³¹

Revealing the same concerns, the Apaydın camp for the Syrian army defectors also stirred a hot debate. The presence of a separate camp for the Syrian army defectors coupled with the restrictions on the monitoring of these camps led to rumors of undercover military activities in this camp. These rumors were repeated in the press after the main opposition party, the RPP publicized the issue. The RPP leader claimed that the authorities did not allow his party's parliamentarians to visit Apaydın camp in order to hide that military training is given in these camps against the law. After the RPP's leader raised the issue, the Human Rights Commission of

³³⁰ The opposition does not have an investigative research of its own to prove its allegations of refugee combatants staying in the refugee camps. However, there are international reports repeating these allegations. For instance, as early as 2012 the policy brief of Peace Research Institute Oslo draws our attention to the conflation of refugee and rebel spaces in the Southern Turkey. See: Mark Naftalin and Kristian Berg Harpviken, *Rebels and Refugees: Syrians in Southern Turkey*, report no. 10 (Oslo, Norway: Peace Research Institute Oslo, 2012).

³³¹ "7/16753 Sayılı Soru Önergesi" [Parliamentary Question no:7/16753], The Grand National Assembly of Turkey, accessed May 3, 2014, <http://www2.tbmm.gov.tr/d24/7/7-16753sgc.pdf>.

the Grand Assembly was invited to visit the Apaydın camp in order to investigate the allegations. However, the RPP members did not join the Commission's visit on the grounds that the camp had been cleared of the possible evidence in a week and rearranged for the Commission's visit. After their visit, the Commission rejected the allegations of the RPP leader about the military training in this camp on the grounds that the physical conditions of the camp is not suitable to conduct military training.³³²

However, the Commission's rejection did not seem to convince the opposition parliamentarians as they added their dissenting opinion (*muhalefet şerhi*) to the Commission's report, which refutes the allegations. For instance, in his dissenting opinion, the parliamentarian of the Peace and Democracy Party, Ertuğrul Kürkçü criticized the Commission for not investigating and clarifying the allegations appeared in the international media about the use of Apaydın camp for military purposes.³³³

Not surprisingly, these allegations also reflected in the parliamentary questions that asked the legal basis for the establishment of the Apaydın camp and the reasoning behind the denial of the MP's access to this camp as well as the charges of undercover military training in this camp.

The charges of military training are officially denied in all the parliamentary responses. In explaining the denial of permission for the visits, it was stated that this

³³² "Commission Denies Rumors of Militant Training Camp at Apaydın," *Hürriyet Daily News*, September 4, 2012, accessed May 3, 2014, <http://www.hurriyetdailynews.com/commission-denies-rumors-of-militant-training-camp-at-apaydin-.aspx?pageID=238&nID=29351&NewsCatID=338>.

³³³ "Ülkemize Sığınan Suriye Vatandaşlarının Barındıkları Çadırkentler Hakkında İnceleme Raporuna Muhalefet Şerhi" [Dissenting Opinion to Human Rights Commission's Report on the Camps Hosting the Syrian Citizens], The Grand National Assembly of Turkey, last modified October 17, 2012, accessed May 12, 2014, <http://www.tbmm.gov.tr/komisyon/insanhaklari/belge/Suriyeliler%20Muhalefet%20%C5%9Eerhleri.pdf>.

practice is in line with the demands of the camp residents³³⁴ and it is necessary for their personal security as they are former higher rank bureaucrats and soldiers of the Syrian regime.³³⁵ For the legal basis of the establishment of this camp, it was stipulated that keeping the army defectors separately in a different camp is in line with the 1994 Regulation.³³⁶

Likewise, the Foreign Minister of Turkey claimed that the establishment of a separate camp for military members was in accordance with the Law no.4104 on Combatant Members of Foreign Armies Seeking Asylum in Turkey (*Türkiye'ye İltica Eden Muharip Yabancı Askerler Hakkındaki Kanun*) and its related by-law, Regulation no.7473,³³⁷ his explanation was also not found convincing because, the related legislation only defined the “combative foreign military member” (*muharip yabancı ordu mensubu*) as a soldier whose armed forces were engaged in a war or a conflict with a third country. In other words, this legislation does not regulate the status of soldiers whose armed forces were engaged in a civil war as was the case for the Syrian army defectors.³³⁸

Indeed, all these accusations of the opposition and the way they were denied by the government show the difficulty of obtaining reliable information on the issue of Syrians in Turkey. On the one hand, the opposition’s accusations of the

³³⁴ "7/10646 Sayılı Soru Önergesi" [Parliamentary Question no:7/10646], The Grand National Assembly of Turkey, accessed May 3, 2014, <http://www2.tbmm.gov.tr/d24/7/7-10646sgc.pdf>.

³³⁵ "7/10450 Sayılı Soru Önergesi," The Grand National Assembly of Turkey.

³³⁶ "7/6198 Sayılı Soru Önergesi" [Parliamentary Question no:7/6198], The Grand National Assembly of Turkey, accessed May 3, 2014, <http://www2.tbmm.gov.tr/d24/7/7-6198sgc.pdf>.

³³⁷ "Davutoğlu'ndan Apaydın kampı açıklaması" [The statement of Davutoğlu on Apaydın camp], BBC Türkçe, last modified August 29, 2012, accessed May 12, 2014, http://www.bbc.co.uk/turkce/haberler/2012/08/120829_turkishfm_syria.shtml.

³³⁸ "On Soruda Apaydın" [Apaydın in ten questions], *Hürriyet Pazar*, September 2, 2012, accessed May 12, 2014, <http://www.hurriyet.com.tr/pazar/21362483.asp>.

government of using a non-transparent asylum policy to pursue its foreign policy objectives are little backed by evidence. While the opposition does not conduct a detailed investigative research on the issue to provide evidence, even government's supposed efforts of investigating are strained with accusations of manipulation. On the other hand, the government's denial of these accusations does not explain on which legal basis the Syrian opposition and refugees in Turkey are being treated. Because of this surprisingly consistent Syria-related "information deficit," it is difficult to obtain a sense of even the main motivations and objectives involved regarding the issue.

Conclusion

This chapter showed that rather than domestic policy considerations foreign policy concerns shape the government's asylum policy towards Syria. The government's policy does not correspond to any tendencies erupt in domestic politics as there is not a strong public support for the generous admission of Syrian refugees. Instead, its stance corresponds to its foreign policy approach. Through its refugee policy, the Turkish government makes a statement about its foreign policy which defends the illegitimacy of the Syrian regime and Turkey's role in the region. This can be seen from the use of the same discursive tools in the justification of its asylum and foreign policies. For the justification of policies conducted in both arenas, the responsibility of Turkey towards Syria and Syrians with references to the historic and cultural ties, due to the shared Ottoman past is continuously voiced.

Meanwhile, government's intermingling of the two issues at the discursive level reflects on the oppositions' evaluation of the subject matter. My review of the

parliamentary discussions and questions has shown that the opposition parties consider Turkey's asylum policy as a foreign policy tool of the government. Thus while evaluating Turkey's asylum policy they focus on the security aspects of the issue rather than its humanitarian aspects. The opposition parties intensify their criticisms on the government about three issues; the possibility of Syrian's acquisition of Turkish citizenship, the loss of border controls and the presence of refugee combatants. In other words, the opposition accuses the government of granting Turkish citizenship to Syrians as well as providing under cover assistance to Syrian opposition fighters by removing the borders and by hosting them in the refugee camps.

Although these accusations are serious in nature and content, the opposition parties do not seem to spend any effort to prove them. Instead, the opposition uses the sources of international and national media to base its allegations without conducting any research on its own. However, regardless of whether they are true or not, these accusations are consistent in showing the government's lack of transparency in its policy towards Syrians in Turkey. The incoherent or superficial responses of the government to serious accusations of the opposition verify this lack of transparency. As portrayed throughout this chapter, even for the questions enquiring the legal basis for the possibility of Syrians' citizenship or for the Syrian army defectors in the camps, different series of answers are provided. Thus, it is fair to say that there is an information deficit in regards to the government's conduct of the Syrians' asylum.

CHAPTER V

THE STATUS OF SYRIANS IN TURKEY

The previous chapter showed that government's conduct of Syrians' asylum remains controversial at the political level. Leaving these controversies aside, this chapter will look at the government's humanitarian treatment of Syrians. Thus, the regulations and practices of the government regarding the displaced Syrians in Turkey will be examined. Through this examination, first, the general status of Syrians will be looked at in the light of the temporary protection regime. Then, the legal framework will be explored in order to understand within which legal setting the sheltering, health, and educational needs of the Syrians living in Turkey are being addressed. Additionally, personal narratives of the Syrians will be given in order to understand the extent of the existing regulations' reflections on their lived experiences.

These experiences were extracted from the interviews I conducted. Indeed, semi-structured and in-depth interviews were conducted with 39 Syrians, but only 21 of them were used in this thesis due to the limited space. The geographical distribution of interviews was based on the practical issue of access. The majority of them took place in Istanbul. Only my interviews with the seasonal agricultural workers were conducted in the town of Polatlı, Ankara. Each interview covered certain questions listed and determined before, related to the experiences of Syrians in Turkey. The interviews were conducted in informal settings, usually in coffee shops or in the homes of the interviewees.

The interviewees were chosen through referrals from other interviewees. The name of the interviewees made anonymous with letters in order to make sure that their personal information is not revealed. Only the gender, age and ethnic background of the informants are given in order to emphasize their diversity. The second informant group that I interviewed in a formal setting consisted of representatives of NGOs that deal with Syrians in the educational field.

The Legal Status of Syrians

The first groups of Syrians who arrived in 2011 and sought refuge in Turkey were defined as “guests” by the government. Then, a national legal framework for Syrians was drawn with a regulation issued on 30 March 2012, known as the Directive Number 62 Related to the Sheltering and Admission of the Nationals and the Stateless people of Syrian Arab Republic Arriving in Groups to Turkey with the Aim of Seeking Asylum(*Türkiye'ye Toplu Sığınma Amacıyla Gelen Suriye Arap Cumhuriyeti Vatandaşlarının ve Suriye Arap Cumhuriyetinde İkamet Eden Vatansız Kişilerin Kabulüne ve Barındırılmasına İlişkin Yönerge*). However, the content of this directive was kept confidential with no explanation given and closed to the public.³³⁹ Although the government has made references to this directive in relation to questions regarding the residency of Syrian nationals in Turkey, the only information provided about the directive is its title and number.³⁴⁰ In spite of the demands from

³³⁹ Halim Yilmaz and Zehra Bayrak, *Syrian Refugees in Turkey- Istanbul Case* (Istanbul, Turkey: MAZLUMDER, 2013) 8.

³⁴⁰ "7/24914 Esas Nolu Yazılı Soru Önergesi" [Parliamentary Question], Grand National Assembly of Turkey, accessed January 13, 2014, <http://www2.tbmm.gov.tr/d24/7/7-24914c.pdf>.

NGOs and from parliament members, the content of the directive has not been disclosed on the grounds of confidentiality.³⁴¹

For now, it is known that the status of Syrians in Turkey is defined in line with the temporary protection regime. In the international context, the temporary protection regime is structured in order to respond to emergency situations which occur with the mass displacement of people. As conceived by the UNHCR, the temporary protection regime has four principles: admission of the displaced people to safety, meeting their basic human rights requirements, protecting them from forcible returns and providing safe repatriation when conditions permit. The logic behind the temporary protection regime is to refrain from dealing with the procedures of refugee status and to keep the possibility of repatriation when the conflict finishes.³⁴²

The Turkish government has stated that the Syrians are under the temporary protection regime of the Turkish government in line with international law³⁴³ as well as in line with the 1994 Asylum Regulation³⁴⁴ and the Directive Number 62 Related to the Sheltering and Admission of the Nationals and the Stateless people of Syrian Arab Republic Arriving in Groups to Turkey with the Aim of Seeking Asylum.

In the Foreigners and International Protection Law that came into force in April 2014, the temporary protection regime is acknowledged in the fourth section with Article 91. However, the law has not been taken as a reference point for

³⁴¹ "Suriyeli Mülteciler" [Syrian Refugees], *Zaman Gazetesi*, May 14, 2013, Yorum, accessed April 20, 2014, http://www.zaman.com.tr/yorum_suriyeli-multeciler_2089308.html.

³⁴² Samira Trad and Ghida Frangieh, "Iraqi refugees in Lebanon: Continuous lack of protection," *Forced Migration Review*, nos. Special Issue (June 2007): 35-37.

³⁴³ "7/31738 Sayılı Soru Önergesi" [Parliamentary Question], The Grand National Assembly of Turkey, accessed January 13, 2014, <http://www2.tbmm.gov.tr/d24/7/7-31738c.pdf>.

³⁴⁴ The full name of the regulation is "Regulation on Procedures and Principles Related to Mass Influx and Foreigners Arriving in Turkey Either as Individuals or in Groups Wishing to Seek Asylum Either from Turkey or Requesting Residence Permits with the intention of Seeking Asylum from a Third Country."

Syrians' temporary protection according to the Directorate General of Migration Management of Ministry of Interior. Even if it was recognized as a legal reference point for Syrians' protection, the scope of this protection is vague in terms of the rights of the people under this regime. It is stated that the rights and obligations of the people who are subject to temporary protection regime will be defined with the directives of the Council of Ministers (*Bakanlar Kurulu*).³⁴⁵

Currently, the temporary protection regime guarantees the Syrians an open border policy, no forcible return, and the protection and assistance of the Turkish government.³⁴⁶ However, within the context of the temporary protection regime, they are not legally regarded as refugees. Therefore, they are not subject to the procedures and rights that are granted to refugees. For instance, they are not registered by the UNHCR for refugee status determination; instead, they are registered by the Turkish authorities for protection and are denied the right to resettle in the third country.³⁴⁷ As a result, the Syrians are left in a state of limbo and legal uncertainty as neither refugees nor non-refugees officially.³⁴⁸

Although one of the principles of temporary protection is an open door policy, Şenay Özden claims that it is not always in practice for Syrians who do not

³⁴⁵ As mentioned in the third chapter of this thesis, temporary protection is not explicitly acknowledged in the 1994 Asylum Regulation. However, in the official website of the Directorate General of Migration Management of Ministry of Interior, it is stated that temporary protection for Syrians is provided in accordance with both the 1994 Asylum Regulation and the Directive Number 62 Related to the Sheltering and Admission of the Nationals and the Stateless people of Syrian Arab Republic Arriving in Groups to Turkey with the Aim of Seeking Asylum. The Law on Foreigners and International Protection was not mentioned as the legal basis for Syrians' temporary protection. See: Geçici Korumanın Unsurları" [The Aspects of Temporary Protection], Republic of Turkey Directorate General for Migration Management, accessed August 2014, http://www.goc.gov.tr/icerik3/gecici-korumanin-unsurlari_409_558_1095.

³⁴⁶ Senay Ozden, *Syrian Refugees in Turkey* (San Domenico di Fiesole, Italy: MPC European University Institute, 2013) 5.

³⁴⁷ UNHCR Turkey, accessed January 13, 2014, <http://www.unhcr.org.tr/uploads/root/faqenglish.pdf>.

³⁴⁸ Ozden, *Syrian Refugees in Turkey*, 5.

have valid passports.³⁴⁹ My interviews³⁵⁰ with Syrians also showed that the implementation of the open border policy is not always in place for those who try to enter Turkey with no passports or with expired passports.

My family came a month ago [to visit me in Istanbul]...They came for only fifteen days and they went back [to Syria]. After they have passports, they will come here again legally... [Through] the lines with Turkey Syrian people can enter to Turkey but if the police see people come, they will stop them. When my family came and entered the lines [in the border], the police did not let them in ... made them go back. When the police car went far away, my family entered [Turkey] without problem.³⁵¹ (Arab, Male, 20)

My family (parents and four siblings) crossed over the border at the midnight. On the other side of the border they were caught by the Turkish police...They slept over there. [Then] they were transported to another police station over there. [In the police station] they told them either we are going to send you back to Syria or you find somebody who will guarantee your stay. You need somebody to say this person is on my name here. ... My father has a friend on the Turkish side who knows somebody who will do this [job of being guarantor] for money. So my parents were guaranteed through money and the police let them in....My parents have non-valid passports so the police took their photos and said okay you are staying on this name...They took a private bus and came to Istanbul...We went to the police station in Fatih and we told them that we want to register [my family]. They said no registration without passports, it did not work.³⁵² (Arab, Male, 25)

For Syrians who have valid passports, the open border policy of Turkey is the main reason in their choice of destination country. Almost all of the Syrians I interviewed stated that they chose to come to Turkey instead of an Arab country because Turkey was the only country that allowed Syrians easy entry and residency in its territory.

Arab countries are not good with us after the war. Turkey helped us a lot. [In Turkey] they gave us so much opportunity. For Syrian people they make

³⁴⁹ Ibid.

³⁵⁰ Texts have been written as spoken by the interviewees and they have been left in original form to maintain the voice of the interviewees.

³⁵¹ A, interview by the author, Istanbul, Turkey, 20 November 2013.

³⁵² B, interview by the author, Istanbul, Turkey, 29 September 2013.

things easy, but Arab countries do not. For example, all the Syrians used to go to Egypt because it was cheap but now we have to get a visa to go Egypt for the last two months.³⁵³ (Arab,Female, 18)

I went to Saudi Arabia before I came to Turkey. I stayed there three months, but when I was there Saudi Arabia closed its consulate office. They told us that they were not going to take Syrians anymore. I was there and I was rejected. They said that I had to go back to Syria. I went back to Syria after that. In my opinion, the only country which helps us is Turkey because all the Gulf countries have closed their borders to Syrians. Jordan closed its border in 2012 for visa entry. Lebanon and Egypt are not safe to go.³⁵⁴ (Arab, Male, 18)

[The] Arab countries are not accepting Syrians. I cannot go to [the] Arab countries. I can go to these countries only *kaçak* (illegal). I will be *kaçak* there if I go. There are a lot of good things with Turkey, like Turkey allows me to enter. I would like to go to Dubai but they do not give *ikamet* (residency) for Syrians. It is very difficult and complicated.³⁵⁵ (Arab, Male, 20)

Lebanon is poor, no jobs and no chance there. As for Jordan, I cannot enter. Before Turkey I went to Egypt and stayed there for two months. But the new government in Egypt is not friendly with Syrians, so I came to Turkey. Living conditions for Syrians are better here. My plan is to study and find a good job in Turkey.³⁵⁶ (Arab, Male, 29)

The Residency of Syrians in Turkey

Syrians in the Camps

Under the temporary protection regime the Turkish government is responsible for the protection of and assistance to Syrians in Turkey. It established camps for the displaced Syrians. Currently, there are 21 camps operating in ten provinces of

³⁵³ C, interview by the author, Istanbul, Turkey, 28 October 2013.

³⁵⁴ D, interview by the author, Istanbul, Turkey, 30 October 2013.

³⁵⁵ A, interview by the author, Istanbul, Turkey, 20 November 2013

³⁵⁶ E, interview by the author, Istanbul, Turkey, 30 October 2013.

southeastern Turkey, including Adana, Gaziantep, Adıyaman, Hatay, Kahramanmaraş, Kilis, Malatya, Mardin, Osmaniye, and Şanlıurfa. These camps are officially classified as tent cities, accommodation centers, and container cities, but not defined as refugee camps.³⁵⁷

As of July 2014, there were 219,084 Syrians registered in these camps.³⁵⁸ The Disaster and Emergency Management Agency of Turkey (AFAD) is the main body responsible for the organization and the functioning of these camps. AFAD, in corporation with the Turkish Red Crescent, provides accommodation, food, health care, and education services to cover the basic needs of the people in these camps.³⁵⁹ The Syrians living in the camps registered with the camp authorities. Upon registration they were given identification cards which allow access to the services provided in the camps. The admission and the placement of Syrians in the camps are at the discretion of the Turkish authorities.³⁶⁰

Self-settled Syrians

In addition to those living in the camps, it is estimated that more than 500,000 Syrians live outside camps in urban areas. According to UNHCR, as of July 2014,

³⁵⁷ Turkish Disaster and Emergency Management Directorate(AFAD), accessed January 12, 2014, <https://www.afad.gov.tr/TR/IcerikDetay1.aspx?IcerikID=747&ID=16>.

³⁵⁸ UNHCR Turkey Syrian Refugee Daily Sitrep," Syria Regional Refugee Response, last modified July 18, 2014, accessed July 21, 2014, <http://data.unhcr.org/syrianrefugees/country.php?id=224>.

³⁵⁹ Turkish Disaster and Emergency Management Directorate(AFAD).

³⁶⁰ UNHCR Turkey, accessed January 13, 2014, <http://www.unhcr.org.tr/uploads/root/faqenglish.pdf>.

the total number of Syrians registered in Turkey is 804,391 and the self-settled Syrians comprise almost 70 percent of it.³⁶¹

The self-settled Syrians living in urban areas registered with the Foreigners Police (*Emniyet Müdürlüğü Yabancılar Şube*) when they applied for residency permits. Temporary residence permits are given to Syrians who entered Turkey legally with passports. They are able to obtain residence permits from the Foreigners Police in every province apart from Hatay and Şırnak. The duration of the permits is one year and it is renewable thereafter.³⁶² When they receive residence permits, they are also given identity numbers.³⁶³ While they are exempt from paying the standard residence fee paid by other foreigners in Turkey, they are obliged to pay the fee for the residence permit booklet.³⁶⁴ Although Syrians are allowed to obtain residence permits, the rate of the residence permit holders is very low. A report by AFAD, titled “Syrian Refugees in Turkey 2013,”³⁶⁵ suggests that only 20 percent of the self-settled Syrians hold residence permits.³⁶⁶

My interviews confirm that the self-settled Syrians tend not to obtain residence permits unless they need them, largely because of their cost. From their

³⁶¹ "UNHCR Turkey Syrian Refugee Daily Sitrep," Syria Regional Refugee Response, last modified July 18, 2014, accessed July 21, 2014, <http://data.unhcr.org/syrianrefugees/country.php?id=224>.

³⁶² UNHCR Turkey, accessed January 13, 2014, <http://www.unhcr.org.tr/uploads/root/faqenglish.pdf>.

³⁶³ "7/24914 Esas Nolu Yazılı Soru Önergesi" [Parliamentary Question], Grand National Assembly of Turkey, accessed January 13, 2014, <http://www2.tbmm.gov.tr/d24/7/7-24914c.pdf>.

³⁶⁴ UNHCR Turkey, accessed January 13, 2014, <http://www.unhcr.org.tr/uploads/root/faqenglish.pdf>.

³⁶⁵ This report is based on a field survey conducted in the ten border cities of Turkey where the camps for Syrians located. It was conducted during the period of June 23, 2013-July 7, 2013 and included 2,700 households of which 1,500 were in the camps and 1,200 were out of the camps. In this thesis, it will be referred as “the report of AFAD 2013.”

³⁶⁶ AFAD Disaster and Emergency Management Presidency, *Syrian refugees in Turkey: 2013 Field Survey Results*, November 11, 2013, accessed April 20, 2014, https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013_print_12.11.2013_eng.pdf.

accounts, it seems that they do not necessarily need to obtain residence permits in order to meet their basic needs.

I have been in Turkey more than a year and I have been a student at a private university since two months now. I don't have an *ikamet* (residence permit) and I do not need it to stay in Turkey...Syrians do not have to buy *ikamet*. Syrians have big families for each person 200 ytl is too much. [As a Syrian] If you are not going to leave Turkey, you do not need an *ikamet* [for anything]. Without *ikamet*, I rented a house, I registered to a university...It is not necessary.³⁶⁷ (Arab, male,25)

I do not have *ikamet* (residence permit) now. I have been living in Turkey for seven months...When I came to the border they just put a stamp in my passport. They only registered my passport. They did not give an ID card...I did not know that I could get [residence permit].I learned about it after four or five months I came...I will get it. It will help me in a lot of thing, like if I want to rent an apartment, open electricity and water [in my name], they will ask me *ikamet*. [Now] I live in a shared flat with other people.³⁶⁸ (Arab, Male,20)

I have been in Turkey for fifteen months now...I lived in Kilis for nine months. There are no problems for us to live in border cities without *ikamet* (residency permit) and they do not give residency permits in the border cities until 40 kms away from the border...[but] we did not need *ikamet* there. We rented house easily. We had Syrian schools and hospitals there. In Istanbul now I need *ikamet* because I want to work [legally] here.³⁶⁹ (Arab, Female, 34)

For those who enter Turkey without passports and live outside the camps, the registration procedure can also be done in the coordination centers in Gaziantep and Şanlıurfa province. The coordination centers are administered by AFAD and the governorate authorities in these provinces. Upon registration to these centers, Syrians are given identification cards which would provide their access to the medical care and other assistance given by the sub-governorates.³⁷⁰ Though so far, the registration

³⁶⁷ F, interview by the author, Istanbul, Turkey,5 November 2013.

³⁶⁸ A, interview by the author, Istanbul, Turkey, 20 November 2013.

³⁶⁹ G, interview by the author, Istanbul, Turkey, 23 November 2013.

³⁷⁰ UNHCR Turkey, accessed January 13, 2014, <http://www.unhcr.org.tr/uploads/root/faqenglish.pdf>.

of Syrians remained limited. According to the report of AFAD 2013, only 45 percent of the Syrians living outside the camps were registered by AFAD.³⁷¹ Probably being aware of this low rate of registration, the number of coordination centers throughout Turkey was decided to be increased. By 17 September 2013, a new circular was sent to Provincial Security Directorates of twenty provinces notifying them the coordination centers will also be in these twenty provinces for the registration of Syrians living in urban areas. These twenty provinces comprise the ten provinces where the camps are located and the other provinces from central and western parts of Turkey such as Istanbul, Ankara, Konya, Mersin, Izmir, Bursa, Balıkesir, Eskisehir, Kayseri, and Antalya.³⁷²

Access to Health Care

Health care services are provided for thousands of Syrians in primary health care centers, in camp hospitals, and in ambulatory care service stations. Until now, for more than 1,5 million patient consultations have been provided for Syrians in outpatient clinics. 6051 babies have been born in the camp hospitals.³⁷³

For the Syrians both residing in the camps and outside the camps, free medical treatment is provided. Specifically for Syrians who live outside the camps, a circular was issued by AFAD on 18 January 2013 stipulating that Syrian nationals who reside outside the camps can receive medical treatment from hospitals and health centers free of charge in the ten provinces of Turkey where the camps are

³⁷¹ AFAD Disaster and Emergency Management Presidency, *Syrian refugees in Turkey*, 21.

³⁷² Ibid.

³⁷³ Turkish Disaster and Emergency Management Directorate(AFAD). Accessed January 12, 2014. <https://www.afad.gov.tr/TR/IcerikDetay1.aspx?IcerikID=747&ID=16>.

located.³⁷⁴ On 8 September 2013, the geographical scope of this free medical treatment to Syrian nationals was extended to the 81 provinces of Turkey with a new circular. The circular states that the treatment costs of the self-settled Syrians who benefit from the medical treatment in the hospitals of Turkey will be covered by the governorate of each province.³⁷⁵ However, for obvious reasons, the access of the Syrians in camps to the health services is easier than for the self-settled Syrians. The report of AFAD 2013 indicates that while the ratio of Syrians who benefited from the health services 90 percent among the Syrians in the camps, this ratio falls to 59.5 among the self-settled Syrians.³⁷⁶

Besides, in corporation with the Chamber of Pharmacists and select pharmacies AFAD has undertaken to cover 80 percent of the prescription costs for the medication received by Syrians in Şanlıurfa and Gaziantep provinces.³⁷⁷ The rate of Syrians' access to medication both in the camps and the outside the camps was indicated in the report of AFAD 2013 with 50 percent.³⁷⁸

So far the Syrians that I have cited verified that they have free access to health care services, but not in every public hospital as was mentioned in the regulations.

I registered my name at the *belediye* (municipality) so I can go to the hospital just like Turkish people, for free. Even if I need to pay something they told me I do not need to pay much, it would be like 15 tl.³⁷⁹ (Female, Arab, 34)

³⁷⁴ UNHCR Turkey, accessed January 13, 2014, <http://www.unhcr.org.tr/uploads/root/faqenglish.pdf>.

³⁷⁵ Turkish Disaster and Emergency Management Directorate(AFAD). Accessed January 12, 2014. <https://www.afad.gov.tr/TR/IcerikDetay1.aspx?IcerikID=747&ID=16>.

³⁷⁶ AFAD Disaster and Emergency Management Presidency, *Syrian refugees in Turkey*, 39.

³⁷⁷ UNHCR Turkey, accessed January 13, 2014, <http://www.unhcr.org.tr/uploads/root/faqenglish.pdf>.

³⁷⁸ AFAD Disaster and Emergency Management Presidency, *Syrian refugees in Turkey*, 39.

³⁷⁹ G, interview by the author, Istanbul, Turkey, 23 November 2013.

When I first came to Turkey in Gaziantep, they gave us an ID. With this ID we had free access to public hospitals and we had discounts for medicine in some pharmacies.³⁸⁰(Arab, Male, 25)

I went to Cerrahpasa University. They ask for 80 ytl. If the doctor has to see you, you have to pay 80 ytl. Then the police there told me that the other hospitals ask for less than this, so I went to Samatya Hospital. They asked for 100 ytl. The doctors there told me in Haseki [was] less than this so I went to Haseki hospital. The doctor will see you there [in Haseki] for free. We paid for 15 ytl only for a test [that we needed] but the appointment, [the examination] is free.³⁸¹(Kurdish, Male, 27)

Access to Employment

With the death of two Syrian workers in an explosion of a factory in Gaziantep on 30 January 2013, the illegal employment of the Syrians was exposed. This incident triggered the Turkish Ministry of Labor and Social Security to take a decision in order to regulate the employment of Syrians in Turkey. The decision stated that Syrian nationals who have residence permits will be able to obtain work permits during their residence in Turkey on the condition that the duration of the work permit does not exceed the duration of their residence permit. In addition, Syrian nationals will not be subjected to the evaluation criteria required by the implementation directive of Law Number 4871 about the work permits of foreigners (*4817 sayılı Yabancıların Çalışma İzinleri Hakkında Kanunun Uygulama Yönetmeliğinin 13 üncü Maddesi Uyarınca Belirlenen Yabancıların Çalışma İzin Taleplerine İlişkin Olarak*

³⁸⁰ F, interview by the author, Istanbul, Turkey, 5 November 2013.

³⁸¹ H, interview by the author, Istanbul, Turkey, 15 December 2013.

*Başvuru Sahibi İşyerlerinin ve Yabancıların Karşılması Zorunlu Olan Değerlendirme Kriterleri)*³⁸²

Another regulation related to the employment of Syrians is a regulation about the working of Syrian health care professionals in the camps. On 16 July 2013, a temporary article was added to the Directive on the Procedures and the Principles Related to the Working of Foreign Healthcare Professionals at Private Health Institutions in Turkey (*Yabancı Sağlık Meslek Mensuplarının Türkiye’de Özel Sağlık Kuruluşlarında Çalışma Usul ve Esaslarına Dair Yönetmelik*). This temporary article stipulates that health care professionals among the Syrian nationals who want to work in the accommodation centers established by AFAD are exempted from satisfying the working conditions that are required for foreign health care professionals.³⁸³

Despite the presence of regulations facilitating Syrians’ access to job market, the number of Syrians who have work permits is very low. According to the response of parliamentary question no. 7/29961, the number of Syrians who were given work permits was 912 by January 2014. In the same response, it is stated that the number of Syrians who worked unregistered was 104 for 2013.³⁸⁴ However, this number does not show the realities on the ground. Most Syrians are exploited by employers as they work at temporary jobs without work permits or contracts.

³⁸² "Suriyeli Mülteciye Çalışma İzni Onayı" [The approval of work permits for Syrian Refugees], *Hürriyet*, February 13, 2013, Ekonomi, accessed April 20, 2014, <http://hurarsiv.hurriyet.com.tr/goster/haber.aspx?id=22584058&tarih=2013-02-13>.

³⁸³ Republic of Turkey, *T.C Resmi Gazete*, No.28709, 16 July 2013.

³⁸⁴ "7/29961 Sayılı Soru Onergesi" [Parliamentary Question no: 7/29961], Grand National Assembly of Turkey, accessed April 20, 2014, <http://www2.tbmm.gov.tr/d24/7/7-29961sgc.pdf>.

The interviews I conducted with the Syrians in Istanbul prove the presence of labor exploitation as well as job prospects for white collar Syrians in Turkey's job market.

I have been in Turkey for seven months...I found my first job by walking around and asking around. Four days after I came to Istanbul I found a job. I worked in a factory putting clothes into plastic bags. I worked there 24 days and after that [my boss] told me I do not need you anymore....He said come next week maybe I will have a job [for you]. He paid me 550 ytl. After, I worked in a factory for a month making clothes. [Then], I worked as a translator in a shop selling clothes. I worked for a week and [my boss] told me I do not need you anymore... [So] I worked for *mobilyacı* (furniture shop)...I have had seven jobs [until now] ³⁸⁵ (Arab, Male, 20)

I worked here [in Istanbul] in a textile factory for 1.5 months as a worker. I worked from eight to seven every day. The salary was so little, 650 ytl...They accepted me in the factory [without legal permit] because they pay to Syrians less than Turkish people. ³⁸⁶ (Arab, Female, 34)

I have been in Turkey for two years. I came after the incidents started in Syria...I am a Sales Engineer. I have been working [in my company in Istanbul] for one year and three months. I found the job through the Internet and I applied. [The company] took a work permit for me, they applied for me....but [normally] nobody does it because they do not have to do it... at the beginning I was working for 1550 ytl...now it is more than 2000tl.It is good. It is not bad but it is not like Europe or Arabic Gulf. ³⁸⁷ (Kurdish, Male,27)

I came to Turkey in 2012...I did not want to do military service in Syria... I decided to do a master's here. I studied [for a] master's in electrical engineering [at a private university]. After I graduated, I tried to find a job in my field but I could not. Then I found a job through a friend in sales for a Turkish company. It is not a good job...I work ten hours per day and I get nothing more than 2000 ytl together with sales commission. I have been working in this company for two months and now the company is trying to obtain a work permit for me. ³⁸⁸(Arab, Male, 29)

Some Syrians who do not have the means to go and live in the big cities find work as seasonal agricultural workers. During my interviews with Syrian agricultural

³⁸⁵ A, interview by the author, Istanbul, Turkey, 20 November 2013.

³⁸⁶ G, interview by the author, Istanbul, Turkey, 23 November 2013.

³⁸⁷ H, interview by the author, Istanbul, Turkey, 12 December 2013.

³⁸⁸ I, interview by the author, Istanbul, Turkey, 19 April 2014.

workers in Polatlı, I witnessed that most of them lived and worked in dire situations.

Their accounts reveal their working and living conditions in Turkey.

I arrived in Turkey six months ago. I pick onions. I work one day, I do not work in the next...only when they need us. I work 12 hours a day and earn 31.5 TL per day. We are four [people] with my wife and children in the house; we live in a house with only one room and a kitchen...we do not have a bathroom. I pay 100ytl for the monthly rent...Life is expensive here. I got food aid from [Polatlı] *belediye* (municipality) twice. I will go to work Urfa in the summertime for cotton-picking.³⁸⁹ (Arab, Male, 37)

I have been in Turkey for a year. I went to Urfa first, and then I came to Polatlı. I was told [in Urfa that] there are jobs here [in Polatlı]... I used to work as a construction worker in Syria; here I work at this job (onion picking) for 14 hours a day. We are six in the house and I am the only one working. My children are too little to work...It is not enough [to survive] I pay 200 TL for the rent. Wealthy locals help us. They sometimes bring food to us.³⁹⁰ (Kurdish, Male, 32)

From the official numbers of Syrian work permit holders, it is understood that the majority of Syrians work illegally. Their accounts show that those with lesser means who are constrained to work at temporary jobs without work permits tend to have a more precarious existence than Syrians who work legally and able to make ends meet.

Access to Education

Primary Education

On 26 September 2013, a circular was sent to the Provincial Education Directorates of all provinces in Turkey notifying them that the Turkish Ministry of Education is

³⁸⁹ J, interview, Polatlı, Ankara, Turkey, 27 March 2014.

³⁹⁰ K, interview, Polatlı, Ankara, Turkey, 27 March 2014.

the responsible body in the control and the management of education services provided to Syrians. These education services include the education given in the schools of camps and accommodation centers. The curriculum and the content of the education programs given in these schools will be prepared by the Syrian National Coalition's education branch, by the National Commission for Learning and Higher Education. However, the preparation of the content and the curriculum also will be under the control of the Turkish Ministry of Education.³⁹¹

The circular states that AFAD will work in collaboration with the National Commission for Learning and Higher Education in order to provide the teaching materials used in the Syrian schools. High school graduates and prospective graduates who succeed in the baccalaureate exams conducted by the National Commission for Learning and Higher Education will be able apply to Turkish universities. Last, the opportunity of schooling for Syrians who reside outside the camps will be permitted in line with the existing regulation. This regulation is the "Students of Foreign Nationals Circular No: 2010/48" (2010/48 Sayılı Yabancı Uyruklu Öğrenciler Genelgesi) dated on 16 August 2010.³⁹²

This circular provides the legal basis for the schooling of Syrians in Turkey. However, neither in this circular nor in the referred circular is there any information regarding the procedures and principles regarding the establishment of Syrian schools in Turkey. In one of my interviews with a co-founder of a Syrian school in

³⁹¹"Ülkemizde Geçici Koruma Altında Bulunan Suriye Vatandaşlarına Yönelik Eğitim-Öğretim Hizmetleri" [Educational Services for Syrian Nationals under the Temporary Protection Regime], Fethiye İlçe Milli Eğitim Müdürlüğü, last modified September 26, 2013, accessed May 16, 2014, http://fethiye.meb.gov.tr/meb_iys_dosyalar/2013_10/02093016_scannedimage24.pdf.

³⁹² "Yabancı Uyruklu Öğrenciler Genelgesi" [Circular on Students of Foreign Nationals], Amnesty International Turkey, last modified August 16, 2010, accessed May 16, 2014, <http://www.amnesty.org.tr/ai/system/files/yabanciuyrukluogrencilergenelgesi.pdf>.

Fatih, when I asked about the legal permission and the bureaucratic procedure about the school she founded, she replied:

It is a sensitive issue to talk about...We went to the municipality in order to ask whether they could provide us a building to use as a school. The municipality could not give us a building, but they told us you can find a place and open up a school, it is okay with us...The owner of this *vakıf* (an endowment) gave us this building so we signed contract with the *vakıf* but did not engage in any legal agreement with the municipality.³⁹³

From her words I understood that Syrian schools can be established with the knowledge of the authorities, but not necessarily with legal permission. Confirming my observation, parliamentarian Mevlüt Duda complained about the presence of illegal Syrian schools. By giving an example of a high school of Syrian opposition in Reyhanlı, he claimed that when he questioned the authorities about the legal basis of this school, both the Reyhanlı District Governorate (*Reyhanlı Kaymakamlığı*) and the District National Education Directorate (*İlçe Milli Eğitim Müdürlüğü*) denied knowledge about the school. They said the school does not exist in their records although the school is located across from their buildings.³⁹⁴ Thus, it seems that Syrian schools can be established without a legal basis as long as the authorities tolerate them.

There is not much information about Syrian schools apart from the information given on AFAD's official website and in the Turkish media. According to AFAD, the numbers of students who attend the schools in the camps is 45,969.

³⁹³ L, interview by the author, Istanbul, Turkey, 3 December 2013.

³⁹⁴ Republic of Turkey, TBMM Tutanak Dergisi, Term 24, Session 10, Vol.60, 30 September 2013.

However, a detailed list or the number of schools in the camps is not given. The only data is the total number of the classrooms, which are 693.³⁹⁵ Meanwhile, in the Turkish media, the information about the Syrian schools is limited to those opened with the direct support and sponsorship of municipalities around Turkey.³⁹⁶

In that context, my only sources of information about Syrian schools were the websites of the Syrian Education Commission and the National Higher Commission for Learning and Higher Education. While the former refers to itself as an NGO, the latter acts as a unit of the Ministry of Education of the Syrian Interim government. Through their websites, I was able to obtain some information about these schools which cannot be found in Turkish.³⁹⁷

National Higher Commission for Learning and Higher Education

The information about this commission is limited as they do not have an official webpage apart from a page on a social media platform. According to its webpage, the main office of the Commission is located in Gaziantep. The duty of the Commission is defined as the supervision of all matters regarding to the secondary and tertiary education of Syrians.³⁹⁸ From the posts on the page, it is understood that these matters include the announcement of exam results, holding conferences, and opening

³⁹⁵ Turkish Disaster and Emergency Management Directorate(AFAD). Accessed January 12, 2014. <https://www.afad.gov.tr/TR/IcerikDetay1.aspx?IcerikID=747&ID=16>.

³⁹⁶ "Esenyurt Suriye Okulu Eğitime Başlıyor" [*Esenyurt Syrian School Start Teaching*], Zaman, October 19, 2013, [Page #], accessed April 20, 2014, http://www.zaman.com.tr/gundem_esenyurt-suriye-okulu-egitime-basliyor_2154086.html.

³⁹⁷ All content on the Syrian Education Commission's website is in Arabic, thus the data provided in this website is translated by me into English.

³⁹⁸ National Coalition of Syrian Revolution and Opposition Forces. Accessed January 12, 2014. <http://www.etilaf.org/en/coalition-units/coalition-offices/office-of-the-national-higher-commission-for-learning-and-higher-education.html>.

new schools and securing scholarships for Syrian students who wants to attend universities. For instance, each course period the Commission announces free Turkish language courses for Syrians provided by the Turkish and Foreign Languages Research and Application Center (TÖMER).

As mentioned above, the Commission is recognized as an authority to collaborate with the Turkish government in order to conduct the educational programs in the Syrian schools. However, it seems that as an authority the Commission is still in the process of building its institutional structure.³⁹⁹ In a meeting held on 6 December 2013, it had yet to decide to standardize the formal documents used in the Syrian schools located in the liberated areas of Syria and in the neighboring countries.⁴⁰⁰

The Syrian Education Commission

Founded by Syrians in exile, the Syrian Education Commission is described as a non-profit civil society organization specialized in education in their official website. Their website states that the Syrian Education Commission has been registered as an association in Turkey since February 2013 and it is located in the Fatih district of Istanbul. Its mission is defined as to spread school and university education. The geographical scope of the association's activities is indicated as the areas inside Syria, but outside of the control of the Syrian regime and the neighboring countries

³⁹⁹ The official announcements displayed in its Facebook page use official letterheads of Ministry of Education of Syrian Interim Government and National Coalition of Syrian Revolution and Opposition Forces.

⁴⁰⁰ National Higher Commission for Learning and Higher Education, accessed January 11, 2014, <https://www.facebook.com/HigherCommissionEducation>.

which host a great number of displaced Syrians and refugees. Those countries are listed as Turkey, Jordan, Iraq and Lebanon.⁴⁰¹

The news section of the website describes the operational scope of commission's activities. For instance, it is stated that 4,000,000 copies of Syrian school books with revised curriculum were published to distribute in the Syrian schools of Turkey, Jordan, Lebanon, and in the schools of liberated areas inside Syria.⁴⁰² The revision of the curriculum is described as "cleaning from the impurities of the regime" in the news. What they refer to as the impurities of the regime is the Syrian regime's propaganda. This can be understood from an article published on the website about the revision of the curriculum. In this article, it is stated that the new curriculum was reflected in the school textbooks and that the textbooks had been cleared of the traces of the current Syrian regime and made "compatible with the goals of the Syrian revolution."⁴⁰³ Some examples from the revision of the curriculum were given in the article as the replacement of the photo figures glorifying the current regime by the photos of historic leaders and the replacement of the Syrian flag by the new flag adopted by the Syrian revolution.

About the use of these books and this curriculum in Turkey, a teacher from a Syrian school in Istanbul told me that "the books we use are those printed by the Syrian Education Commission. The commission gave us the books for free. All the Syrian schools in Turkey use these books."⁴⁰⁴

⁴⁰¹ Syrian Education Commission. Accessed January 12, 2014. <http://www.syreducom.org>.

⁴⁰² Ibid.

⁴⁰³ Nahas, Dr. Mahmood Nadeem. "Lawthat Al Nizam Al Souri Fi Al Mnahej Al Taalemeye" [Impurities of Syrian regime in the curriculum]. Syrian Education Commission. Accessed January 13, 2014 <http://www.syreducom.org>.

⁴⁰⁴ L, interview by the author, Istanbul, Turkey, December 3, 2013.

The number of schools under the area of influence of the Commission is not given on the Commission's website. Nor is there any information about the total number of Syrian schools operating in Turkey. The only information that can be drawn from the news is about the distribution of stationary items in teaching centers inside Turkey. However, the list only comprises the number of schools located in the southeast of Turkey.⁴⁰⁵

The only source that gives the recent, estimated total number of Syrian schools is the news of the *Hürriyet Daily News*. According to this newspaper, there are more than 50 schools for Syrians across Turkey. Six of them are located in suburban districts of Istanbul such as Esenyurt, Esenler, Ümraniye and Başakşehir.⁴⁰⁶ The number of schools cited in this news is not plausible. At least for Istanbul, I came across more than six schools during my online research. Despite the lack of information about the total number of Syrian schools in Turkey, the collection of the information from online platforms⁴⁰⁷ and the list provided on the Commission's website can give us a general idea.

⁴⁰⁵ Syrian Education Commission. Accessed January 12, 2014. <http://www.syreducom.org>

⁴⁰⁶ "Syrians building a life in Turkey," *Hürriyet Daily News*, November 15, 2013, accessed April 20, 2014, <http://www.hurriyetdailynews.com/syrians-building-a-life-in-turkey.aspx?PageID=238&NID=57949&NewsCatID=341>.

⁴⁰⁷ The information about non-referenced schools in the table were taken from their official Facebook pages.

The List of the Syrian Schools

The name of the school	Location	Number of students
The Syrian School in Bursa	Bursa	Not known
Belad Alsham Center in Gaziantep	Gaziantep	Not known
Generations of Freedom School in Mersin	Mersin	Not known
Al Banafsaj Syrian School	Mersin	Not known
Albashayr Syrian School	Antakya	Not known
School of Shariaa	Antakya	Not known
Hamza and Hajer School	Islahiyye camp	2250
Al Noor High School	Islahiyye	210
The Syrian School	Kilis	not given
Al-Irfan School	Nizip	750
'Return to Sham' School	Nizip	950
Nizip Camps School	Nizip	2128
Ceylanpınar School for Syrian refugees	Ceylanpınar	348
The Syrian School in Kahramanmaraş	Kahramanmaraş	3150
Mokhiam High school for the Syrian refugees	Kahramanmaraş camp	not given
The School of Msha'el al Horriye	Kahramanmaraş	500
The Syrian School in Osmaniye camp for the Syrian refugees	Osmaniye camp	2140
The Syrian School	Adana	1600
Al Amal Al Moshreq	Istanbul-Fatih	400 ⁴⁰⁸
Alawael Syrian School	Istanbul-Fatih	300 ⁴⁰⁹
Al Qademoon School	Istanbul -Esenyurt	620 ⁴¹⁰
Al Aqsa Private Syrian School	Istanbul-Başakşehir	450 ⁴¹¹
Al Fatih Private School	Istanbul-Fatih	not known
Rsa'el Al Noor Private School	Istanbul-Zeytinburnu	Not known
Al Ward Syrian School	Istanbul-Ümraniye	Not known
The School Ilaf	Istanbul-Fatih	200
Boonyan Al Rahmah School	Istanbul-Bahçelievler	480 ⁴¹²
The School of Renaissance Education Foundation	Istanbul- Sultangazi	Not known
Al Islam Private School	Istanbul-Fatih	Not known
Al Yasmin Kindergarten	Istanbul-Başakşehir	Not known

⁴⁰⁸ "Free School for Syrian Refugees Calls for More Support," *Today's Zaman*, January 27, 2013, accessed April 20, 2014, <http://www.todayszaman.com/news-305220-free-school-for-syrian-refugees-calls-for-more-support.html>.

⁴⁰⁹ "Şamlı öğrenciler ders başı yaptı" [Damascene Students Start School], *Yenişafak*, October 1, 2013, accessed April 20, 2014, <http://yenisafak.com.tr:999/gundem-haber/samli-ogrenciler-ders-basi-yapti-02.10.2013-570165?ref=manset-15.1>.

⁴¹⁰ "Syrians building a life,".

⁴¹¹ "Başakşehir'de Suriye Okulu açıldı" [Syrian school was opened in Basaksehir], *Zaman*, October 11, 2013, accessed April 20, 2014, http://www.zaman.com.tr/gundem_basaksehirde-suriye-okulu-acildi_2150990.html.

⁴¹² Social Reform Association of Kuwait, accessed December 10, 2013, https://www.khaironline.net/News_view_Syria.aspx?ArticleId=415.

Higher Education

The admission of Syrians to universities in Turkey has been a matter of a heated debate. While this issue was presented by some newspapers as “the admission of Syrians to the Turkish universities without exams,”⁴¹³ it was regarded by some as “the admission of Syrian terrorists without exams.”⁴¹⁴ Especially the initial decision, which was accepted on September 2012 by the Council of Higher Education about Syrians’ admission, was harshly criticized. The decision allowed the admission of Syrians to the universities in the seven border cities of Turkey without certified documents proving their student status. The statements of the Syrians were accepted as proof for their student status. For instance, Gaziantep MP Mehmet Şeker from the Republican People’s Party demanded to know “are those people students or terrorists? Are they militants of Al-Qaeda or the PKK? How logical is the admission of these people just based on their statements [about their student status]?”⁴¹⁵

Although the regulations issued since 2012 have facilitated Syrian admission to the Turkish universities, it seems that their access to higher education in Turkey is not a new issue. Already before the crisis, an Agreement on Cooperation in the field of Higher Education between the government of the Republic of Turkey and the government of the Syrian Arab Republic had been signed in December 2009

⁴¹³ "Suriyelilere Sınavsız Üniversite İmkânı Sevindirdi" [Syrians' admission to the Turkish universities without exams made them happy], *Hürriyet*, October 26, 2013, accessed April 20, 2014, <http://www.hurriyet.com.tr/egitim/24986375.asp>.

⁴¹⁴ "Ya Darbe Ya İç Savaş" [Either Military Coup or Civil War], *Aydınlık*, September 25, 2012, accessed April 20, 2014, <http://www.aydinligazete.com/yazarlar/sabahattin-onkibar/15572-ya-darbe-ya-ic-savas.html>.

⁴¹⁵ "Sınavsız üniversite" [University without entrance examination], *Sözcü*, September 23, 2012, accessed April 20, 2014, <http://sozcu.com.tr/2012/gunun-icinden/sinavsiz-universite-52787/>.

allowing Syrian students' admission to Turkish universities. Article 9 of the agreement stipulates that "The two parties shall accept the students who are eligible for higher education according to the current laws and regulations in both countries to the undergraduate and graduate programs in their higher education institutions."⁴¹⁶

This trend could be read parallel to the changing attitude of the state policy towards all international students since March 2009. In March 2009, a decision was taken that suggested granting foreign students the opportunity to study in all Turkish universities. Referring to this decision, the Council of Higher Education decided to relax the admission conditions for international students in March 2010.⁴¹⁷

The relaxation of admission procedures included the abolition of the central Exam for Foreign Nationals (*Yabancı Uyruklu Öğrenci Sınavı; YÖS*) and the increase in the quotas for international students. Between 2007 and 2011, the quotas allocated to international students almost tripled.⁴¹⁸ Moreover, the central placement of international students was replaced by a new system which gave autonomy to the universities in determining the admission conditions and quotas for international students.⁴¹⁹

It is difficult to estimate the effect of the relaxation of procedures for international students on the application of Syrians to Turkish universities due to the lack of statistical data for comparison. Considering that regulations specifically addressing to Syrian students started to be made after September 2012, the data

⁴¹⁶ Republic of Turkey, *T.C Resmi Gazete*, no.27919, 29 April 2011.

⁴¹⁷ Bekir Gür, İpek Coşkun, and Murat Özoğlu, *Küresel eğilimler ışığında Türkiye'de uluslararası öğrenciler* (Ankara, Turkey: SETA, 2012), 164.

⁴¹⁸ *Ibid.*, 52-53.

⁴¹⁹ *Ibid.*, 75.

provided by the Student Selection and Placement Center (ÖSYM) preceding for the academic year 2013-2014 is not adequate to see the effects of recent regulations.

The regulations specifically made for Syrians that differentiated them from the other international students were transfer procedures, exemption from paying tuition fees, and scholarships provided by the Turkish state.

Transfer Students

Changes were made to the directive of the Council of Higher Education (YÖK) regarding the provisions of inter-institutional credits transfer for undergraduate and for post high school two year programs. This change can be seen in the articles added to the directive in 2013. An additional article was added to Article 2 with the title “Undergraduate Transfers in Special Conditions” (*Özel Durumlarda Yatay Geçiş*). The article stipulates that students from countries in humanitarian crisis or violent conflicts can apply for transfer admission. The procedures and principles for transfer admission will be determined by the Council of Higher Education (YÖK).⁴²⁰

The procedures and principles for transfer admission were determined by the Council of Higher Education on 9 October 2013 and they were announced on the Council’s official website.⁴²¹ In the announcement, it was stated that, students of Syrian, Egyptian, and Turkish origin, and foreign nationals who had already started their studies at universities in Egypt and Syria before the academic year of 2013-2014 could transfer to the universities and programs in Turkey. The condition to be

⁴²⁰ Republic of Turkey, *T.C: Resmi Gazete*, No.28772, 21 September 2013.

⁴²¹ "Suriye ve Mısır Ülkelerinden Yurdumuzda Bulunan Yükseköğretim Kurumlarına Yatay Geçiş," The Council of Higher Education, accessed November 4, 2013, <http://www.yok.gov.tr/>.

met for the transfer admission was indicated as the possession of the required documents. While the usual procedure did not allow transfer admission during the first year and the fourth year of the undergraduate programs, the Syrians and Egyptians were allowed to transfer their degrees at any stage of their study. However, their transfer admissions would not exceed the ten percent of the annual student quota of each department. In addition, it was stated that students who did not have the required document for transfer admission could pursue their studies at the universities of Gaziantep, Kilis 7 Aralık, Harran, Mustafa Kemal, Osmaniye Korkut Ata, Çukurova and Mersin as special students.

Scholarships from the Turkish state

Referring to Article 4(2), cabinets decree number 2013/5172, the Higher Education Council announced that students of Syrian nationals who were currently enrolled at the universities in Turkey and those who would be enrolled in the coming academic year would not pay tuition fees for their degree programs unlike other international students. The tuition fees for the Syrian Nationals would be financed by the Department for Turks Abroad and Related Communities (*Yurtdışı Türkler ve Akraba Topluluklar Başkanlığı*) on behalf of the students.⁴²²

Apart from the Syrian students' exemption from paying tuition fees, Department for Turks Abroad and Related Communities announced that full scholarships would be granted to a limited number of Syrian nationals who wanted to study at Turkish universities. The scholarship would cover the tuition fees, accommodation, and monthly maintenance grants. The eligibility requirements for

⁴²² Republic of Turkey, *T.C Resmi Gazete*, no.28751, 31 August 2013.

the scholarship were a high school diploma verifying 60 percent success and knowledge of the Turkish language.⁴²³

In theory, although the scholarships given by the Turkish state were supposedly for the Syrians, my interviews with Syrian students revealed that Syrians of Turkmen origin were more likely to be awarded Turkish state scholarships.

The Global Platform for Syrian Students

The Global Platform for Syrian Students is a multi-stakeholders initiative launched by former President of Portugal, Jorge Sampaio aiming to support financially Syrian youth who “have refugee status in Lebanon, Turkey or Iraq or be currently residing in one of these countries,”⁴²⁴ and who would like to continue studying at the tertiary level. From Turkey, Anadolu University and Gaziantep University confirmed their participation in the initiative and promised to give scholarships to Syrian students. Anadolu University promised to grant scholarships covering the annual fees of 500 Syrian students, whereas Gaziantep University agreed to grant scholarship to five students.⁴²⁵

As discussed above, it is hard to estimate the effect of the regulations on Syrians from statistics on the ground. However, I consider the narratives of the

⁴²³ "Sınavsız üniversite" [University without entrance examination], *Sözcü*, September 23, 2012, accessed April 20, 2014, <http://sozcu.com.tr/2012/gunun-icinden/sinavsiz-universite-52787/>.

⁴²⁴ "Global Platform for Syrian Students," Jorge Sampaio, accessed November 23, 2013, http://jorgesampaio.pt/wp-content/uploads/2013/08/faq_1stcall_globalplatform4syrianstudents_2sept.pdf.

⁴²⁵ "Suriyeli Öğrenciler için Küresel Platform Girişimi" [The Global Platform for Syrian Students], Higher Education Council, accessed January 10, 2013, <http://www.yok.gov.tr/>.

Syrian students studying in Turkey and the practices in real life can give us clues about the effect of the regulations facilitating the access of Syrians to universities.

The Transfer Procedures and the Exemption from Tuition Fees

In order to understand the effect of the regulations that facilitate Syrians' access to the universities in Turkey, I interviewed 26 Syrian students who study in Istanbul. From those students, while 17 of them studied in the private universities, 9 of them studied in the public universities. Those who could afford choose private universities as they could benefit from the scholarships provided to the Syrian students by these universities. The type of the scholarship changes from one university to the other, but it usually covers the 50 percent or 75 percent of the annual tuition fee. From the students who studied at public universities, five of them had been granted full-scholarship from the Turkish state, and all of them are Syrians of Turkic origin, more specifically Turkmens. Out of the total number, only seven of the students were transfer students; the rest of them were either freshman undergraduate students or master students.

The accounts of the Syrian students in Istanbul suggest that the regulations that facilitate the transfer of the students encouraged the Syrian students to study at Turkish universities. However, it is also understood that the regulations facilitating the Syrians' transfer to universities and exempting Syrians from paying tuition fees are not put into practice easily by the public universities in Istanbul. Despite the presence of legal regulations facilitating Syrians' transfers and their exemption from the tuition fees, the practitioners of these regulations are not inclined to implement

them. The private universities seemed to show more flexibility in transfer procedures as it is likely that they saw the students as a source of income.

The Accounts of Syrian Students

I was accepted as a transfer student to the Medicine Faculty [of a public university in Istanbul]. I will be a fourth year student... but before the university will send me to a Turkish language course for one year. I was lucky, almost 40 people applied and I was the only one that got accepted. I applied to another Medicine Faculty in Istanbul [but] they did not accept me. They said I applied with missing documents. They accepted only two people out of 64[applicants]. ⁴²⁶(Arab, Male, 22)

I will be a transfer student at the Pharmacy Faculty of [a public university in Istanbul] for the second year. Sixteen people applied for transfer to the Pharmacy Faculty and all of them were accepted. That's what I heard... After I got accepted, I did a Turkish placement test. If I cannot pass the test then I have to study Turkish first, [my university] will send me to Turkish course. I do not have to pay anything, but if I want to study in other [language course] centers on my account, I will pay. ⁴²⁷ (Arab, Female, 21)

I am student of architecture [at a private university in Istanbul]. This is my last year and last semester I came to Turkey because of the war. Before Turkey I stayed in Jordan then I moved to Turkey. I tried to go to Arabic speaking countries to study but these universities demand high GPA score and even if my GPA were higher I would have to start from the beginning. But at this university I transferred most of the courses I took and I was able to start from the third year. ⁴²⁸(Arab, Male, 24)

I have been studying economics [at a public university in Istanbul] since September 2013. I came to Turkey because of the war and I did not want any interruption in my studies. I studied biology for two years at Damascus University, but when I came here I was not able to transfer my courses so I started studying a new major here. Now they say there is a new regulation about Syrian students that we can transfer our degrees, but I asked to the office in my university they told me there is no such a thing. But I saw the regulation, I do not know what is true or not...I started over from with a new degree here ...I applied with my *YÖS* exam result, high school diploma equivalence certificate, transcript of my grades and Turkish language

⁴²⁶ M, interview by the author, Istanbul, Turkey, 13 December 2013.

⁴²⁷ N, interview by the author, Istanbul, Turkey, 14 December 2013.

⁴²⁸ O, interview by the author, Istanbul, Turkey, 4 November 2013.

certificate from TÖMER language center. I paid 470 Turkish lira for registration, I will pay the same amount next semester. I heard that a decision was taken saying Syrians can study [at public universities] for free...when I heard this I asked for a refund from the office [in my university], they said no, there is no decision saying this, so I did not get a refund [of my registration fee].⁴²⁹(Arab, Female, 21)

I study international trade [at a private university in Istanbul]. ...I wanted to complete my degree; I did not want to quit my studying. I had 1.5 years to finish my degree when I was in Syria, but I have 2.5 years to study more here ... at least I am able to complete my study here. For my transfer to this university I gave my high school diploma and its equivalence certificate. In addition, I gave the transcript of my courses and I took the English proficiency exam.⁴³⁰(Armenian, Male, 22)

I was a third year management student when I was in Syria, but here I am a prep student [at a public university in Istanbul]. I will start studying at the department of City and Regional Planning next year...My high school GPA is high, I just applied with my high school diploma. I gave my transcript of high school grades and Turkish language certificate from TÖMER. I did not take YÖS exam because my GPA was high. I did not need to take YÖS...I know all the universities stopped taking tuition fees from Syrians or even if they took they made a refund after the new regulation, but the universities in Istanbul they did not obey this rule. ... When I asked for the refund from the office [in my university], they said that we did not understand the new rule. They said the rule refers to guest students and they did not know if guest students referred to the students coming to the universities without passports. I told them this was ridiculous because a person without a passport would not allow to be registered at the university. [In the end], I paid 1450 TL for [an annual tuition fee], like the other foreign students and I did not get a refund.⁴³¹(Turkmen, Male, 24)

I am a student of Business Administration [at a private university in Istanbul]. I studied the first two years of my degree in Syria, then I came to here. I chose this university because the public universities asked me to start from the first year [as a freshman.]⁴³²(Arab, Male, 22)

I am a student of architecture [at a private university in Istanbul]. I am in the last year of my study. I started studying in Istanbul September 2012...I applied many universities in Istanbul and I got acceptance from public universities as well but I did not want to repeat my semesters. I also got acceptance from one university in Canada but I did not want to start from

⁴²⁹ P, interview by the author, Istanbul, Turkey, 30 October 2013.

⁴³⁰ R, interview by the author, Istanbul, Turkey, 29 October 2013.

⁴³¹ S, interview by the author, Istanbul, Turkey, 6 November 2013.

⁴³² T, interview by the author, Istanbul, Turkey, 28 October 2013.

beginning...This University accepted to transfer my courses.⁴³³ (Arab, Male, 22)

The NGOs Assisting Syrian University Students

Throughout my interviews, I sought to understand the role of the legal regulations in attracting Syrian students to Turkish universities as well as the role of NGOs in this process. From the students I interviewed, only 6 of them receive help from NGO's to get educational or material support. I was told by the rest of my interviewees that the main reason for not contacting the NGOs was that they did not need support as they did not consider themselves to be refugees. The other reasons were counted as political reasons because the NGOs were considered to be politically involved or sympathized with the Syrian opposition. The students who do not want to seem to be taking side politically preferred not to contact with NGOs. Although there were other NGOs which provided help to the Syrian students in Turkey, in this section only two of these will be examined as these were the most frequently mentioned by the majority of my interviewees in Istanbul.

The Bab-ı Alem International Students Association

Located in the Fatih district of Istanbul, the Bab-ı Alem International Students Association was founded in 2007 with the initiative of IHH (the Humanitarian Relief Foundation). It is just one of the 19 members of the Federation of International Student Associations. It provides consultation and advising services for male international students seeking admission to universities in Turkey. In addition, it

⁴³³ U, interview by the author, Istanbul, Turkey, 4 November 2013.

provides accommodation and scholarships to students in need, and arranges courses and seminars free of charge. Among these courses are Turkish courses and YÖS exam preparation courses.⁴³⁴ The seminars ranged from religious talks such as *hadith*⁴³⁵ talks to consultancy seminars on how to apply Turkish state scholarships. In addition, the organization arranges picnics and short touristic trips for the students.⁴³⁶ The secretary general of the association; Mahmut Oğuz explains the aim of the association:

We provide assistance for fulfill both the material and moral needs of students. Our aim is to assist international students who come from all around the world and to make them feel at home...According to our belief, [these students] are like *muhajereen* (the first Muslims who followed the prophet Muhammad on his journey from Mecca to Medina) and we are trying to become *ansar* (people who helped Muhammad and muhajereen on his arrival to Medine) for them.

Regarding the situation of the Syrian students who seek help from the association another officer, Mahmud Eyyübkoca, in Bab-ı Alem states that:

I am dealing with Arab students in the association and as an association we are approximately in touch with 700-1000 Arabs annually. After the beginning of the unrest in Syria, the Syrian students constitute 40 percent of the total Arab students we deal....The Syrians who come to our association for consulting can be grouped in four categories. The first category comprises high school graduates who come to Turkey after the unrest in Syria and want to pursue higher education here....[The second category includes] undergraduate students who have been already studying in Syria and want to continue or complete their studies in Turkey The ratio of these students among all Syrian students is approximately 60 percent. [The third category contains] the postgraduate level students who hold university degree but want to obtain a masters or doctoral degree in order to be able to work and settle in

⁴³⁴ Mahmut Oğuz, interview by the author, Bab-ı Alem International Students Association, Istanbul, Turkey, November 25, 2013.

⁴³⁵ Hadith refers to reports of the deeds and sayings of Prophet Muhammad.

Turkey...[The last category] is Syrians who come to our association for humanitarian assistance...The common problem of all these people is accommodation. In order to fulfill their needs we allow them to stay in our dorms or we help them in renting houses...The 40 percent of all students staying in our dorms are Syrian students besides we provide scholarships and monthly food aid to students in need.⁴³⁷

The Wisdom Science Association of Friendship and Solidarity

Located in the Fatih district of Istanbul, the Wisdom Science Society of Friendship and Solidarity (Hikmet Bilim Dostluk ve Yardımlaşma Derneği) was founded in 2005. The aim of the association as defined by one of its administrative board member, who is a Palestinian origin Turkish citizen, Mohammad Emin, is “to share the problems of the Arab people living in Turkey.” Parallel to this aim, the association organizes cultural and social activities for the people from all age groups. It also provides Quran courses, Turkish courses, and YÖS exam preparation courses for people who want to attend these courses.

Regarding the Syrians who seek support from their association Mohammed Emin states that:

Because of the situation in Syria, there has been a striking increase in the number of Syrian people who have come to our association. For instance, before there was less demand for our Turkish courses and only students were coming to these courses, but now the demand [to Turkish course] has increased. I do not know the exact number of the students attending [Turkish courses], but for estimation if we say before 20 Syrian students were attending to Turkish courses now this has become 100 students... [Likewise] last year, we had three classes for YÖS exam preparation courses and the majority of the students in these classes were Syrians...and it is highly likely that this year the Syrians will constitute the majority of our students.⁴³⁸

⁴³⁷ Mahmut Eyyubkoca, interview by the author, Bab-ı Alem International Students Association, Istanbul, Turkey, November 25, 2013.

⁴³⁸ Mohammed Emin, interview by the author, Hikmet Bilim Dostluk ve Yardımlaşma Derneği, Istanbul, Turkey, December 1, 2013.

My one hour stay in this association proved the words of my interviewee. In one hour, six Syrian students came there to ask information about the Turkish courses and YÖS courses provided by them.

The Experiences of Syrian Students with the NGOs

The accounts of the students below show that the primary role of the NGOs is to prepare Syrian students for university entry. They do this by informing them about the admission procedures and by providing them exam preparation and language courses at a reasonable cost.

I stayed in a dorm arranged by Bab-ı Alem when I first come to Istanbul. The monthly fee for the dorm was 300 tl but I paid half and the other half was paid by them. They helped me a lot...They gave me a monthly stipend of around 125 tl. They also informed me about the scholarships of the Turkish state and they encouraged me to apply.⁴³⁹(Turkman, Male, 27)

Bab-ı Alem is the best among the associations that help students. They give education to the students at very low prices. They give courses for the YÖS exam preparation, Turkish courses all kinds of courses...They ask 200 tl from the students, but this amount is refundable if the student does not miss any classes. I mean they take money just to encourage students' attendance... They also give monthly stipend for university students registered with their association. They also provide monthly food aid to the students who are in need ...but I only get a stipend from them each month.⁴⁴⁰(Turkman, Male, 24)

I studied for the YÖS exam in an association called Hikmet...For the YÖS exam preparation courses I paid 700 ytl for a six months course. The teachers are from Palestine and Jordan. It is my native language. I understand the subjects very well. It is good, very cheap and they teach in Arabic. There are similar courses in professional *dershanes* (private course centers). [In one of these *dershane*] they charge for YÖS exam preparation course 3000 ytl, so I chose this place instead.⁴⁴¹(Arab, Male, 18)

I prepared myself for the YÖS exam at Hikmet. They provide not only in YÖS, but also I got advice about the admission and application procedures to

⁴³⁹ V, interview by the author, Istanbul, Turkey, 6 November 2013.

⁴⁴⁰ S, interview by the author, Istanbul, Turkey, 6 November 2013.

⁴⁴¹ D, interview by the author, Istanbul, Turkey, 30 October 2013.

universities in Turkey. They also gave information to me about the scholarships of the Turkish state for the foreign students. ⁴⁴²(Arab, Female, 21)

Conclusion

This chapter showed the regulations framing the legal status of displaced Syrians in Turkey. The regulations and the practices regarding the Syrians indicate that the stance of the Turkish state towards refugees originating outside of Europe has not changed. This is because Syrians are not granted refugee status. Instead, their status is defined in line with the temporary protection regime.

As discussed in the second chapter, before the Syrians, the temporary protection was provided to Iraqis after the Halabja massacre in 1988 and the first Gulf War in 1991. However, on all these occasions, Turkey externalized the issue by restricting admission as well as by encouraging voluntary repatriation and resettlement in third countries. Therefore, compared to Turkey's attitude towards massive population flows from non-European countries and of non-Turkish origin, Turkey's attitude towards the migration from Syria seems different. On the one hand, the government has not attributed a refugee status to Syrians similar to Iraqis. On the other hand, it has provided great convenience to the displaced Syrians politically and legally compared to Iraqis. In legal terms, the government allows Syrians to obtain residence and work permits, unlike Iraqis. In political terms, it maintains a generous admission policy by following an open door policy for Syrians and it recognizes the Syrian opposition as the sole authority to represent Syrians and collaborates with it on the institutional level as the practices regarding the education of Syrians show.

⁴⁴² P, interview by the author, Istanbul, Turkey, 30 October 2013.

CHAPTER 6

CONCLUSION

The majority of refugee-related studies are based on advocacy research that aims to provide empirical documentation of a particular state policy, and to improve the conditions of millions of refugees dispersed in different nation-states. In these studies, compliance with the Geneva Convention Relating to the Status of Refugees constitutes the minimum threshold for the evaluation of each state's treatment of refugees and their protective scope.

The Convention forbids the forcible return of asylum-seekers to their country of origin and hence recognizes individuals' right to seek asylum. However, the absence of the recognition of individuals' right to obtain asylum within the Convention leaves asylum-seekers at the mercy of the states. The decision to grant asylum is left at the discretion of the host states as they bear the exclusive right in controlling entries to their territories in line with the principle of sovereignty. Moreover, there is no supranational authority or agency which would force host states to grant asylum to those who claim it.

The only agency, which is entitled to provide protection and support to refugees worldwide, the United Nations High Commissioner for Refugees (UNHCR) is limited in its mandate as it does not have law enforcement capacity over states. Even if the UNHCR detects a violation of Geneva Convention by signatory states it is in no position to reverse their treatment and policy. This is because it has no power of sanction and its role is restricted to the advocacy of refugees through the monitoring of states and advising them.

The exclusive role of the state as the sole arbiter of the refugee and asylum policy draws our attention to the determinative factors behind states' policy responses to refugees and asylum-seekers. The legal framework constitutes one of the factors that determine the scope and content of the asylum policy as according to this framework the refugee determination process is conducted. The legal machinery devises under what circumstances and with what conditions the refugee status is granted. While the refugee-related legislation provides the basis for the consideration of asylum claims of the individuals, in cases of mass asylum, ethical concerns as well as political factors such as foreign and domestic policy concerns can also come to the fore in shaping host states' policy responses.

States may respond to refugees with generous admission policies on the grounds that they have historic, cultural or religious ties with the host country. Conversely, the admission of refugees can be restricted due to the domestic policy concerns of state. These concerns can involve the state's internal security as well as its social and economic stability. Foreign policy concerns can cover the bilateral relations between the source and host state.

Since the very definition of "refugee" in the international refugee regime indicates the political nature of the refugees' flight, depending on the degree of the political relations between the source and host state, the attitudes of the host state may differ in responding to refugee flows. For instance, rival states may encourage the refugee flows in order to delegitimize the regime or the government of the source state. This encouragement can go even further, to the extent that the host state may open its territories to refugee-combatants who fight in the armed conflict of their country or origin. Even it can be justified under the pretext of humanitarian assistance and protection to refugees in order to mask the wider political interests of

the host state. Conversely, the rejection of refugees by the host state may mean the political recognition of and support to the regime or government of the source state.

However, the role of political concerns in the designation of an asylum policy does not mean a legal framework setting up standard rules and procedures cannot be devised in order to tackle the unexpected massive refugee flows. On the contrary, the immediate and urgent need to respond to massive refugee flows necessitates the presence of legal provisions which sets the minimum standards to be applied in cases of mass asylum. As mentioned in the thesis, these standards were set by the European Union with the EU Council Directive 2001/55/EC framing the provisions of temporary protection regime. These provisions include the definition of duration, scope, and the content of the temporary protection regime.

When the Turkish context is examined, it is seen that the temporary protection regime was recognized with the adoption of Law on Foreigners and International Law to be applied in cases of mass asylum. However, the law has not been taken as a reference point for Syrians' temporary protection yet according to the information provided in the website of the Directorate General of Migration Management. Even if it was recognized as a legal reference point for Syrians' protection, it would not bring standard procedures and principles with itself. This is because the article of the law regulating the temporary protection leaves the procedures and measures to be applied at the discretion of the political authorities as it attributes the responsibility and the control of mass asylum to the regulation issued by the cabinet. The broad autonomy given to the executive body leaves the faith of refugees at the mercy of the government in cases of mass asylum. As shown in this thesis, the presence of this autonomy is not specific to current legal framework rather

it is a policy legacy which also exists in the Law on Settlement no.2510 and in the 1994 Asylum Regulation.

This policy legacy can be seen from the historical experience of the Turkish state regarding mass refugee flows. As presented in this thesis with the examples of Bulgarian Turks and Iraqi Kurds, the policy responses shown in the face of each groups' mass asylum differed and developed on an ad hoc basis, depending on how these flows were perceived by the ruling government. While the arrival Bulgarian Turks were encouraged, the Iraqi Kurds were not welcomed. In both cases the government found legal justification for its discriminatory treatment from the Law on Settlement no. 2510 and from Geneva Convention 1951. As the former legislation codified the right of permanent asylum for ethnically and culturally Turkish refugees and the latter provided the basis for the denial of this right to those arriving to Turkey from outside of Europe.

By looking at these examples from the past, at first sight it could be argued that the discriminatory approach in refugee protection prevails for Syrians too as they have not been granted refugee status in line with the geographical limitation of the Geneva Convention 1951. It is true that the Syrians have not been granted refugees status and are left in the status of limbo. Yet, this should not lead to the negligence of other facts on the ground. In comparison to the Turkish state's policy responses to previous refugee groups, especially to those coming from the Middle East, the state's policy response to the Syrians has been relatively generous and unique.

It is relatively generous that since the arrival of first group of displaced Syrians, Turkish government has followed an open door policy and provides legal convenience in order to ease their lives. As this thesis showed a series of regulations were issued to facilitate the residence of Syrians in cities as well as to provide their

access to health, education and employment. On the other hand, it is unique that a national legal framework for Syrians was drawn up with a regulation issued on 30 March 2012. Its content, however, was kept confidential and closed to the public until now.

This uniqueness in the policy response of the government draws attention and is worth questioning. In this regard, my attempt to trace the reasons behind this policy choice in this thesis through the analysis of government's discourse has shown that Turkey's asylum policy towards Syrians is conditioned by the government's prevailing foreign policy approach. This approach emphasizes the idea that it is necessary for Turkey to be actively involved in the affairs of the Middle East as it has exclusive ties with the region due its Ottoman past. The discourse and the practice of the government prove this argument. Aside from a humanitarian rhetoric, their discourse used in the justification of Turkey's asylum policy points to Turkey's stance against the Syrian regime as well as points to Turkey's responsibility towards Syrians due to its historic and cultural ties originates from a common Ottoman past.

The government's use of same rhetorical tools for its foreign policy and asylum policy as well as its political support of the Syrian opposition reflect on the criticisms of the opposition parties in the Turkish parliament. The content of the parliamentary questions presented in this thesis has shown that the opposition parties view the governments' asylum policy as a foreign policy tool which eases Turkey's logistical and military support to the Syrian opposition, but in return risks the security of Turkey. In other words, the opposition criticizes the government's asylum policy from the perspective of security as it fears the possible security implications of this policy in the future. The numerous parliamentary letters given by the opposition

questioning Turkey's alleged logistical, military, and financial support prove the opposition's emphasis on the subject.

Yet, these allegations of the opposition are backed by little in the way of investigative research by the opposition. Instead, these accusations are mainly based on the news reports of the national or international media. However, the way that the government denies these allegations is also very superficial, considering the seriousness of the allegations. The government suffices to claim that these allegations are simply unsubstantiated.

The allegations of the opposition and the way they are denied by the government show the difficulty of obtaining reliable information on the issue of Syrians in Turkey. On the one hand, the opposition's accusing the government of using a non-transparent asylum policy to pursue its foreign policy objectives is little backed by evidence. While the opposition does not conduct a detailed investigative research on the issue to provide evidence, any attempt to investigate is also strained with accusations of manipulation by the both sides; the government and the opposition. Because of this surprisingly consistent Syria-related "information deficit," it is difficult to have a sense of even the main motivations and objectives involved regarding the issue. Thus, as a concluding remark, it suffices to say that more transparency is needed regarding Turkey's asylum policy towards the Syrians as the lack of transparency makes a significant policy arena, which affects the lives of the refugees and their host community, prone to the speculations and political manipulations.



APPENDIXES

APPENDIX A

Partial Quotes From Parliamentary Discussions

Türkiye Büyük Millet Meclisi Genel Kurul Tutanağı 24. Dönem 2. Yasama Yılı

86. Birleşim 30 Mart 2012 Cuma

MEHMET ŞEKER- ...Maalesef AKP, Suriye konusundaki tüm adımlarını Amerika'dan aldığı direktiflerle atmaktadır. Buna buradan birçok milletvekili arkadaşımızın itiraz edeceğini biliyorum ama eminim birazdan vereceğim birkaç örnek itirazların yetersizliğini gösterecektir. Ocak ayında Kilis'in Öncüpınar Sınır Kapısı'ndan Suriye'den gelecek mülteciler için konteynerlerden oluşan bir kamp oluşturma çalışmaları başlatılmıştır. Eğer Suriyeli mülteciler erken otel rezervasyonuna benzer bir uygulama ile erken konteyner rezervasyonu yaptırmadıysa var olmayan mülteci için kamp yapma girişiminin bir tek açıklaması vardır; o da sınıra sıfır noktasındaki bu kamptan Esad muhaliflerine askerî yardım ve lojistik destek sağlamaktır çünkü Suriye'deki olayları tırmandırmak ve bir an önce sonuca ulaştırmak isteyen Amerika Birleşik Devletleri için Kilis dört dörtlük bir ildir....Bir de ihbar üzerine yakalanan tırlar var sevgili milletvekilleri. Gürbulak Sınır Kapısı'ndan Türkiye'ye giriş yapan Kilis'in Öncüpınar Sınır Kapısı'nda yakalanan silah ve patlayıcı yapımında kullanılan mühimmat yüklü tırlar gizemlerini korumaya devam etmektedir. Bu tırların nereden geldiğine, taşıdıkları silahların menşesinin ne olduğuna, Suriye'deki isyancılara gidip gitmediğine yönelik verdiğim soru önergesine süresi geçtikten iki ay sonra, dün gelen cevapta bu hususlar aydınlatılamamıştır. ...

OSMAN TANEY KORUTURK-...Suriye'deki olayların başlangıcında uzunca bir süre sessiz kalan Hükûmet, daha sonra birden Suriye içindeki iç mücadelede fiilen taraf hâline gelmiş, Suriye'deki muhalif grupları Türkiye'de organize etme çabasına girmiş, bu gruplara her türlü desteği sağlamış ve henüz ortada bir göç olgusu yokken Suriyeli göçmenlere davet çıkarmış, uluslararası alanda Suriye'ye her an bir harekât gerçekleştireceği algısını uyandırmış, soruna barışçı yollardan çözüm aranmasına yönelik olarak Birleşmiş Milletlerle Arap Ligi'nin ortaklaşa giriştikleri çabalara başta bizzat Sayın Başbakanın ağzından karşı çıktıktan sonra, muhtemelen içine düşmekte olduğu izolasyondan kurtulma amacıyla, kerhen olduğu çok belli bir şekilde, bu çabalara ve bunları analize eden Annan Planı'na destek verir gözükmüş ancak perde arkasından hep bir bahane arayarak Suriye'ye karşı bir askerî harekât içinde olma arzusu güttüğünü düşündürür bir tavır içinde kalmıştır...

AHMET DAVUTOGLU-...Şunu üzerine basa basa bir kez daha söylüyorum:

Suriye'yle ilgilenmek bizim için bir tercih meselesi değil zorunluluktur. Eğer şimdi bu konuyla ilgilenmezsek gelecekte çok daha büyük problemlerle karşı karşıya kalırız...Suriye hakkında, Suriye dışında ne konuşulacaksa bundan sonra Ankara'da, İstanbul'da ve bizim olduğumuz mekânlarda konuşulacaktır...Suriye'de yönetimin her şeye rağmen şiddet politikasından vazgeçmemesinin, Türkiye'ye yönelik bir kitlesel göç dalgası yaşanması gibi olumsuz yansımalarının olması ihtimal dâhilindedir. Nitekim biz Suriye'deki gelişmeler karşısında kendi ulusal güvenliğimizi ve çıkarlarımızı gözeterek her türlü ihtimali düşünüyor ve dikkate alıyoruz. Sınırımızda 10 binlerce insan yığıldığı takdirde ne tür önlemler alacağımızı planlamak, büyük devlet olmanın bir gereğidir, bazılarının öne sürdüğü gibi ne

müdahale ne de savaş ıırtkanlığıdır. Burada eleştirilecek bir şey varsa, ulusal güvenliğimiz için gerekli önlemleri şimdiden düşünmemizin, her ihtimali dikkate almamızın sorgulanmasıdır. Hem yaşanan tüm gelişmelerde ezberlenmiş bir retoriği tekrar edeceksiniz, konu ne olursa olsun "Hükûmet hazırlıksız yakalandı." gibi beylik laflar edeceksiniz hem de uzun vadede her türlü ihtimali düşünen Hükûmeti savaş ıırtkanlığı yapmakla suçlayacaksınız. Bir zulümden kaçıp evlerini, akrabalarını, geçmişlerini geride bırakıp dost, kardeş kapısına gelenlere "Hayır, geri dönün." deme basiretsizliğini göstermeyeceğiz. Bütün Suriyelilere kapımızı açık tuttuk, açık tutmaya devam edeceğiz.... Suriye konusunda insanlık vicdanının sesi Ak Parti iktidarındaki Türkiye'dir. Bu ses her türlü siyasi hesabın üstünde bir erdemdir. Bu ses bizim insanlık anlayışımızın, tarih yorumumuzun ve gelecek tasavvurumuzun gereğidir ve bu ses, bu zorlu süreçte en gür şekilde çıkmaya, Suriye halkının yanında olmaya devam edecektir.

Türkiye olarak bundan sonra da Orta Doğu'daki büyük değişim dalgasını yöneteceğiz, bu değişim dalgasının öncüsü olmaya devam edeceğiz. Bugün bütün Orta Doğu toplumlarında Türkiye sadece dost ve kardeş bir ülke olarak değil, geleceği belirleme kudretine sahip yeni bir fikrin, yeni bir bölgesel düzenin öncüsü bir ülke olarak görülmektedir... Biz hem insanlığın ve bölgenin halkının vicdanı olmaya devam edeceğiz hem de ulusal çıkarlarımızı korumaya devam edeceğiz... çünkü zihnimizde nasıl yeni bir Türkiye iddiası varsa yeni bir Orta Doğu iddiası da var. Bu yeni Orta Doğu iddiasının temelinde de etnik ve mezhep farklılıklarına dayalı değil kardeşliğe dayalı yeni bir barış düzeni var. Bu barış düzeni kurulana kadar çalışacağız. Kim ne derse desin bu barış düzeninin öncüsü de sözcüsü de Türkiye olacaktır...Baas siyaset anlayışını tercih edenlerin bizi anlamaları mümkün değil,

bunu beklemiyoruz. Bizim için önemli olan, Suriye Şam sokağının, Dara sokağının, Hama'nın, Humus'un, Deyrizor'un, Lazkiye'nin bizi anlamasıdır...

Türkiye Büyük Millet Meclisi Genel Kurul Tutanağı 24. Dönem 3. Yasama Yılı

8. Birleşim 12 Ekim 2012 Cuma

BDP GRUBU ADINA NAZMİ GÜR - ...Değerli arkadaşlar, mülteci kamplarında Esed rejimini devirme planları yapılıyor, komuta kademesi buralarda şekillendiriliyor. Açıkça söylemek gerekir ki, AKP Hükûmeti tam anlamıyla ateşle oynuyor. Bu tür müdahaleler, en başta Birleşmiş Milletlerin mültecilerin korunmasına ilişkin sözleşmelerine ve diğer bütün uluslararası hukuka aykırı bir durumdur, aykırı bir tutumdur. Ayrıca, kardeş kanının akıtılmasının vebalini de biz üstümüze alamayız...

Türkiye Büyük Millet Meclisi Genel Kurul Tutanağı 24. Dönem 4. Yasama Yılı

10. Birleşim 30 Ekim 2013 Çarşamba

MEVLUT DUDU-...Değerli milletvekilleri, bu topraklarda yaşayan insanlar, tarih boyunca, zor durumdaki insanlara, mazlumlara hep kucak açtılar, şefkat gösterdiler. Bu dün böyleydi, bugün böyle, yarın da böyle olacak. O insanların barınma ve iâşe gibi en temel ihtiyaçları elbette karşılanmak zorunda. Vatanından koparılan o Suriyeli çocukların eğitim ihtiyaçlarının da karşılanması gerekir. Ama, tüm bunlar Türkiye Cumhuriyeti'nin ciddiyetine ve vakarına yakışır şekilde yapılmalıdır, devletimizin yasaları hiçe sayılmadan yapılmalıdır ve en önemlisi, bizzat devlet eliyle yapılmalıdır, ne idiği belirsiz kişilerce değil.

Bir buçuk ay kadar önce bir Reyhanlı ziyaretimde bir tabelaya rastladım, Reyhanlı Kaymakamlığının -dikkatinizi çekiyorum- ve İlçe Millî Eğitim Müdürlüğünün tam karşısında. Tabelanın bir köşesinde Türk Bayrağı, bir köşesinde ÖSO'yu simgeleyen

bayrak ve üzerinde "Züheriye Okul Lisesi" yazıyor. Bu gözlemi kamuoyuyla paylaştım. "Bu okul Türkiye Cumhuriyeti yasalarına uygun olarak mı kurulmuştur?" diye sordum. Ertesi gün Valilik ve Millî Eğitim Müdürlüğünden art arda açıklamalar geldi: "Kayıtlarımızda böyle bir okul yoktur. Bizden izin alınmamıştır. Haberimiz yoktur." dediler. Tekrar ediyorum, Kaymakamlığın tam karşısında bu okul. Böyle bir aymazlık olabilir mi değerli milletvekilleri? Daha önce bu kürsüden fotoğraflarını da paylaşmıştım...

Türkiye Büyük Millet Meclisi Genel Kurul Tutanağı -24. Dönem 3. Yasama Yılı 65.

Birleşim/ 13 Şubat 2013 Çarşamba

ÖZCAN YENİÇERİ (Ankara) - ...Akçakale'ye ve diğer sınır bölgelerine atılan top mermisi ve nihayet Cilvegözü Sınır Kapısı'nda yaşanan patlama, Suriye'deki istikrarsızlığın Türkiye'yi de giderek rahatsız edeceğini gösteriyor. Türkiye, uyguladığı politikayla sonunda Suriye'den mülteci ve terör ithal etmeyi başardı. Başbakan "Olay aydınlatıldığında hiç tereddütsüz gereken adımları atacağız." diyor. Suriye Türk savaş uçağını düşürdüğünde de savrulan tehditler ve atılmayan adımlar düşünüldüğünde Cilvegözü saldırısının da uyutulmaya terk edileceği anlaşıyor. AKP iktidarı Suriye'de çatışan taraflardan birisini desteklediği için sınırda yeterli tedbirleri almadığından zafiyet yaşanıyor. AKP yönetiminde Türkiye, hava savunması ABD Patriot'larına emanet bir Türkiye hâline gelmiştir. Türkiye ve Suriye dost ve Müslüman ülkelerdir, dost ve kardeş kalmalıdır ve kalacaklardır. Suriye'yle kalıcı düşmanlık yaratacak politikalar Türkiye'nin yararına değildir. AKP'nin Suriye politikasını ve sınır güvenliğini yeniden gözden geçirmesi ve yanlışlardan süratle vazgeçmesi kendi yararına olacaktır. İktidarı ciddiyetsiz, sorunsuz ve hamasi tavrını terk etmeye çağırıyor, saygılar sunuyorum...

CHP GRUBU ADINA ALİ SERİNDAG (Gaziantep) – Teşekkür ederim Sayın Başkan...Şimdi, değerli arkadaşlarım, biliyorsunuz, Suriye’den, oldukça fazla miktarda, biz, sığınmacı alıyoruz. Şu anda, Suriye’den Türkiye’ye gelen 285.984 kişi ve bunların 93 bini geri dönmüş değerli arkadaşlarım. Yani, 93 bin insan gelmiş ve tekrar geri dönüyorsa, o zaman, bu gelen insanların tümü oradaki şiddet ortamından, savaş ortamından kaçan insanlar değil. Bunu bizim düşünmemiz lazım. O zaman, bunlar niye geldi? Bunun üzerinde durmamız lazım. Yani, tekrar ediyorum, 100 bine yakın insan, savaş ortamından kaçtığını iddia ederek buraya geliyor, oradaki ortam daha stabil bir hâle gelmeden, tam tersine oradaki şiddet ortamı gittikçe daha da şiddetlenirken insanlar geri dönüyor. Niye? Demek ki gelenler, sadece şiddet ortamından kaçarak gelmediler. Nereden geldiklerini de bilmiyoruz. Diyorlar ki: “Biz Suriye’den geldik.” Ne bilelim Suriye’den geldiklerini. Bilmiyoruz çünkü beyana göre karar veriyoruz. Ve şu anda, Gaziantep’te kamplarda 30.649 sığınmacı var. Dikkatinizi çekiyorum, Şanlıurfa’da ne kadar var biliyor musunuz? 90.532. İki kamp var; Viranşehir’de ve Ceylânpınar’da, iki kampta toplam 90 bin. Değerli arkadaşlarım, bunlar kayıt altına alınanlar. Bir de kayıt dışı olanlar var, kaydı kuydu olmayanlar var, kim oldukları bilinmeyenler var, ne yaptıkları bilinmeyenler var, kiminle irtibatlı oldukları bilinmeyenler var. Biz, bunlarla ilgili herhangi bir bilgiye sahip değiliz...Şunu ifade edelim: Ülkemize sığınan insanlar varsa, ülkemize gelen insanlar varsa elbette onlara insanlık elimizi uzatacağız, onda hiç şüphe yok ama biz onları davet etmeyeceğiz. Türkiye, maalesef, izlediği yanlış politika sonucu, oradaki insanları buraya davet etti. Olaylar çıkmadan evvel Kilis’te konteyner kent inşa

edildi. "Gelin." dedi, "Ne kadar çok gelirse gelsinler." dedi. Niye? "Efendim, mülteci sayısı veya sığınmacı sayısı 100 bini aşarsa yeni bir konsept geliştirilebilir."

Türkiye Büyük Millet Meclisi Genel Kurul Tutanağı 24. Dönem 3. Yasama Yılı

104. Birleşim 15 Mayıs 2013 Çarşamba

ERTUĞRUL KÜRKÇÜ-...Saldırının kendisine geri döneceğim ama saldırıdan sonra ortaya çıkan tepkileri dikkatle değerlendirdiğimiz zaman şunu görebiliriz: 35 bin nüfusu olan bir ilçeye ilçe nüfusu kadar mültecinin yığılmasına herhangi bir önlem almadan rıza gösterdiğiniz zaman, ister istemez, bu saldırıdan sonra o ilçede yaşayanlar arasında sert bir gerilimin doğmuş olması kaçınılmazdır. Şikâyetleri dinlediğimizde iki önemli şeye tanık olduk. Bir tanesi "sınır güvenliği" diye bir şeyin kalmamış olması, güneyden kuzeye doğru denetimsiz, başıboş, bütün bölge kentlerini ve kasabalarını herhangi bir biçimde denetlenemeyen bir göçün kapladığını, o nedenle mülteci kamplarında... Ki Türkiye hâlâ bu insanları mülteci kabul etmiyor, onlara statü vermiyor, uluslararası bir statüye kavuşturmuyor onları ama öte yandan, bu denetimsiz geçişleri serbest bırakarak Türkiye ile Suriye arasındaki sınırın erimesine, kaçınılmaz olarak Suriye'deki savaşın Türkiye'ye intikaline yol açıyor çünkü savaştan kaçanlar, genellikle, bu savaşta, şu ya da bu şekilde, pasif ya da aktif bir biçimde taraf olmuş ya da olmuş olanlara yakın durmuş olan insanlar. Hiç yanlış anlaşılmak istemem, bu insanların her türlü yardıma, bakıma, korumaya ihtiyaçları vardır, aksi ispat edilinceye kadar hepsi masumdurlar, hepsinin de korunması gerekir. Ama bir kasabanın nüfusu kadar bir nüfusu oraya yığdığınız ve buraya bir kamu katkısı koymadığınız zaman orada olacak olan kargaşaya elbette hiçbir şekilde çare bulamazsınız. O nedenle, genel siyasetin yanlışlığı mülteci siyasetine de yanlışlık olarak yansımaktadır...

MEHMET ŞEKER- ...Bütün bunlar Suriye politikasındaki yanlışlarımızdan kaynaklandı, birilerine destek verdik. Bunu ben söylemiyorum, bunu dünyadaki bütün basın-yayın kuruluşları söylüyor, bu yönde açıklamalar yapılıyor. Yaralılar Kilis'e ve Gaziantep'e geliyor. Yaralananlar, kampta kalan, adresi kamp olan kişinin yaralanması ateşli silah yaralanması. Kampta kalan adam elini bıçakla kesebilir, düşer, ayağını da kırabilir ama kampta kalan bir adam ateşli silah yaralanmasıyla yaralanamaz. Ne yaptık? O tarafa gittiler, çatıştılar, çatışmadan sonra yaralı olarak geldiler ve bu kamplara çok rahat da girip çıkmaya başladılar...

APPENDIX B

The List of the Syrian Schools in Arabic

The name of the school	Location	Number of students
المدرسة السورية في مدينة بورصة	Bursa	Not known
مركز بلاد الشام في غازي عنتاب	Gaziantep	Not known
مدرسة أجيال الحرية في مرسين	Mersin	Not known
المدرسة السورية البنفسج فرع مرسين	Mersin	Not known
مدرسة البشائر السورية	Antakya	Not known
الثانوية الشرعية	Antakya	Not known
مدرسة حمزة و هاجر	Islahiyye camp	2250
مدرسة النور الثانوية و مدرسة النور المستحدثة	Islahiyye	210
المدرسة السورية	Kilis	not given
مدرسة العرفان	Nizip	750
مدرسة العائدون يا شام	Nizip	950
مدرسة مخيم نيزيب	Nizip	2128
مدرسة جيلان بينار للاجئين السوريين	Ceylanpınar	348
المدرسة السورية في مدينة كهرمان مرعش	Kahramanmaraş	3150
ثانوية مخيم للاجئين السوريين	Kahramanmaraş camp	not given
مدرسة مشاعل الحرية	Kahramanmaraş	500
المدرسة السورية للاجئين السوريين في مخيم العثمانية	Osmaniye camp	2140
المدرسة السورية	Adana	1600
الأمل المشرق	Istanbul-Fatih	400
مدرسة الأوائل السورية	Istanbul-Fatih	300
مدرسة قادمون	Istanbul -Esenyurt	620
مدارس الأقصى السورية الخاصة	Istanbul-Başakşehir	450
مدرسة الفاتح السورية	Istanbul-Fatih	not known
مدرسة رسائل النور	Istanbul-Zeytinburnu	Not known
مدرسة الوردة السورية	Istanbul-Ümraniye	Not known
مدرسة إيلاف النموذجية	Istanbul-Fatih	200
مدرسة " بنيان الرحمة	Istanbul-Bahçelievler	480
مؤسسة النهضة السورية التعليمية في اسطنبول	Istanbul- Sultangazi	Not known
مدرسة السلام الخاصة	Istanbul-Fatih	Not known
الياسمين الروضة السورية	Istanbul-Başakşehir	Not known

APPENDIX C

Partial Quotes From the Interviews

Mahmut Oğuz:

Bab-1 Alem Uluslararası Öğrenci Derneği SADER ismiyle 2003-2004 yılında kuruldu.SADER, Sosyal Araştırmalar Derneği olarak çalışmalarına başladı. İHH insani yardım vakfının yurtdışından gelen öğrencilerin farklı ihtiyaçları münasebetiyle vakfa müracaatları neticesinde bunun ayrı bir birim olarak ele alınması ihtiyacından doğarak böyle bir dernek kuruldu.2007 yılında da bu çalışmanın gerçek olarak büyüklüğü veya konumu daha iyi tespit edilmiş oldu sadece bir bölgeden birkaç bölgeden değil de dünyanın bir çok ülkesinden buraya okumak maksadıyla gelen öğrenciler sebebiyle Bab-1 Alem diye bir temel atılmış oldu yahut SADER ismi tam ihtiyacı karşılamadığı için bu isimle hem mekan hem isim değişikliği söz konusu oldu.Şu an için Bab-1 Alem dediğimiz İstanbul Avrupa yakasındaki erkek misafir öğrenci, yabancı öğrenci değil de misafir öğrenci biz böyle söylüyoruz.Bu öğrencilere hitap eden buraya eğitim maksadıyla gelen öğrencilere rehberlik ve danışmanlık yapan evvela bir dernek bir STK olarak ifade edebiliriz.... Asıl çalışmamız gurbetten dünyanın bir ucundan buraya eğitim maksadıyla gelen bu öğrencilere burada yabancı olmadıklarını burada dertlerini paylaşabilecekleri burada sıkıntılarını ifade edebilecekleri kederlerini ve neşelerini paylaşabilecekleri bir ortam bir kardeşlik ortamı olduğunu ifade etmek.Bunu hissettirmek. İnancımız gereği bunlar bu kardeşlerimiz hicret eden muhacirlerdir bizler de onlara olsak olsak ensar olabiliriz derdiyle bunu söylüyoruz.Yahut evini barkını ailesini eğitim maksadıyla dört beş altı yıllığına terketmiş kardeşlere burada yabancı değil sizler

ancak bizim misafirimiz olabilirsiniz derdiyle çalışmalar yapılıyor. Asıl işimiz bu insanların buradaki hayatları boyunca karşılaştıkları başta eğitim alanında üniversiteye giriş, dil öğrenimi veya İstanbul’da Türkiye’de yaşamak barınmak noktasındaki ihtiyaçları noktasında rehberlik yapıyoruz.Dertlerini dinliyoruz.Bu dertlere köprü olmaya çalışıyoruz... Bu arkadaşlara burs çalışmamız her zaman var maddi ihtiyaçları fazlaca var bu arkadaşlarımızın. Manevi ihtiyaçları konusunda eğitim çalışmaları gerek bunların mesleki eğitimleri noktasında çeşitli dersler seminerler biz tertib ediyoruz. Yahut bunu düzenleyen dernek ve kurumlarla işbirliği yapıyoruz. Türkçe takviye dersi, Türkçelerini geliştirmek için burada pratik imkanı her zaman sunuyoruz. Sınıflar açıyoruz.Yine YÖS denilen Yabancı Öğrenci Sınavı , üniversitelerin yaptığı bu sınavlara hazırlık noktasında matematik vb. temel dersler noktasında takviyemiz var. Bunlar bir STK olarak , bir vakıf çalışması içerisinde bila ücret yapıyor.Bir kurs bir ticari kaygımız yok bu anlamda.Böyle bir niyetle yapmıyoruz. Yine birçok sosyal aktivite gezi gibi piknik gibi öğrenci buluşmaları gibi bu öğrencilerin hem burada varlıklarını anlatmak Türk halkına işte devlet erkanına, basın medya yoluylaanlatabilmesi için çeşitli küçük büyük organizasyonlar yapıyoruz. Öğrenci buluşmaları bu anlamda 6 yıldır yaptığımız ve son yıl itibariyle tüm Türkiye çapına yaymaya çalıştığımız bir çalışma...

Mahmut Eyupkoca:

Bölgesel olarak bizim olduğumuz kısım Arap öğrencilerle muhatabız.Ortalama yani aktif olarak irtibatta olduğumuz sene içerisinde ortalama 700 ile 1000 arasında değişir. Bunlar kimisi sürekli gidip gelen kimisi tek seferde gelip rehberlik ve danışmanlık isteyen öğrencilerdir. Yani Senelik ortalama 1000 öğrenci civarında bir sirkülasyon oluyor. Yani Suriye olayları başladığından beri ortalama bunun yüzde kırkını Suriyeliler oluşturuyor. Gelen kesim bir...birincisi yani liseyi bitirmiş direk

burada artık orada bir gelecek görmeyip de en yakın yer Türkiye olduğu için Türkiye’yi tercih edenler eğitim için. Bunların talepleri birincisi barınma. Aslında barınma hepsinin ortak talebi. Barınma ve Türkçe. Türkçe dil kursu. Birincisi barınma, ikincisi dil, üçüncüsü yani üniversiteye yönelik rehberlik. İşte YÖS kursları vesaire. İkinci gruba girenler ise lisans öğrencileri orda üniversiteye başlamış olup olaylar sebebiyle üniversiteyi bırakıp Türkiye’de devam etmek isteyen öğrenciler. Hükümetin de buna yönelik çıkarmış olduğu bazı kolaylıklar var. Orada öğrenci olup da bazı belgeler isteniyor. Bu süreçte onların temin edilmesi de zor ama yine de ama bir kolaylık en azından. Bunların oranı öğrenci olanların arasında neredeyse yüzde 50 yüzde 60 civarında... Üçüncü grup, üniversiteyi bitirmiş orada normalde çalışan ve bu olaylar süresince Türkiye’ye gelen. Artık gidecek bir kapı bulamayan ve buraya gelip de öğrenci derneği olduğunu bildikleri için en azından yüksek lisans yapmak isteyen Türkiye’de böyle bir kolaylık gördüğü için ona yönelen grup oluşturuyor.... Barınma en büyük sorunu oluşturuyor. Bizim kendimize ait yerlerde barındırdığımız diyebilirim ki yüzde 40’ı Suriyeli yani biz bunu yapabiliyoruz. Tabi İstanbul’da barınma genel olarak sıkıntı olduğu için biz bu noktada öğrencileri yönlendiriyoruz...

Muhammed Emin:... Derneğimiz genellikle Türkiye içinde bulunan Ortadoğu kökenli ,daha çok Arap ülkelerinden gelme olan aynı kültürü paylaştığımız insanların bir araya geldiği, sorunları paylaştığı aynı zamanda kültürel, eğitim, sosyal faaliyetleri düzenleyen bir dernek. Türkçe bilmeyen kardeşlerimize Türkçe kursları düzenliyoruz. YÖS sınavına hazırlanacak Türkiye’deki üniversitelerin yaptığı yabancı öğrenci sınavına hazırlanacak öğrencilerin hazırlanabilmesi için seminerler veriliyor... Tabiki Suriye’nin durumuna göre İstanbul’daki Suriyeli aileler de hayli artmıştır , bu vesileyle bize başvuran bize gelen bizimle tanışmış olduğumuz Suriyeli

kardeşlerimiz de artış vardır. Mesela Türkçe kurslarına daha az talep vardı.Genellikle gelenlerin çoğu öğrenciydi.Bu öğrencilerin katılacağı gideceği kurslar,özellikle Türkçe kursları farklı yerlerdi, resmi kurumlar diyelim.Ama şu anda resmi kurumlara gidenler de var, bize de gelenler var.Tabiki öğrenci sayısı,yani rakamsal olarak söyleyemeyebilirm çünkü vakıf değilim rakamlara. Yani mesela eskiden 20 öğrenci gelirken şimdi yüze kadar çıkmış olabilir diyelim...YÖS ayrı bir hikaye.. ...YÖS için geçen sene iki üç sınıfımız vardı çoğunluk Suriyeliydi bu sene de sınıflarımız olursa yine çoğunluk Suriyeliler olacaktır... benim bildiğim Suriyeli öğrencilerin sayısı bir hayli artmıştır.

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