ELEMENTS OF UNCERTAINTY IN TURKEY'S REFUGEE SYSTEM

Located at the crossroads of regions in turmoil, Turkey has been a safe haven for refugees for years. Refugees from Iran, Iraq, Bulgaria, Bosnia, and Kosovo have arrived in Turkey at different periods, receiving different policy responses. With the recent crisis in Syria, Turkey has received almost 700,000 Syrians, a figure reflecting only those refugees who are registered under a temporary protection regime. The aim of this article is to revisit Turkey's varying responses to major refugee movements of the past, and analyze their potential implications for the current refugee crisis of Syria.

Deniz Sert*

TURKISH POLICY
QUARTERLY
Spring 2014

* Dr. Deniz Sert is Assistant Professor of International Relations at Özyeğin University, Istanbul.

In the early 20th century, the founding fathers of Turkey had two main demographic concerns: The first one was the issue of the decline of the population of the country from 16 million in 1914 to around 13 million in the 1920s.[1] The second one was the perceived need to establish a homogenous national identity in an otherwise ethnically and culturally diverse country. The perception of this need was caused by a deep-rooted belief that the Ottoman Empire had collapsed because of its multiethnic and multicultural disposition.[2] This latter concern was not unique to Turkey. The first half of the 20th century was very much marked by state and nation-building in Europe, generating large waves of forced migrations and deportations.[3] Thus, the immigration policy pursued during this period was to nurture and receive immigrants that could speak the Turkish language and had an attachment to Turkishness. In practice, this meant that those who belonged to a Sunni-Hanafi religious background were granted preferential entry.[4] The 2510 Law on Settlement, dated 1934, which is still a primary source of legislature on immigration to Turkey, institutionalized these concerns. Accordingly, since the foundation of the Turkish Republic in 1923, more than 1.6 million immigrants have come and settled in Turkey just from the Balkans.[5]

From 1945 to 1990, also in line with evolutions in the international approaches, Turkey's immigration policy transformed drastically into one that hindered immigration on the grounds that Turkey's population had grown sufficiently, and that land to allocate to immigrants had become limited. Still, by the time Professor Kemal Kirişci's article –which was the first academic article on the refugee movements in Turkey– was published in *International Migration* in 1991, one million refugees from neighboring countries had already poured into Turkey's borders.[6] The first wave of refugees was from Iran, following the 1979 Revolution. Other major refugee flows were Kurds escaping from Iraq in 1988, numbered at almost 60,000; and in 1991, when half a million people found safe haven in Turkey. In 1989, with

1 Youssef Courbage and Philippe Fargues, *Christians and Jews under Islam* (London: I.B. Tauris 1998), p. 128.
2 Feroz Ahmad, *The making of modern Turkey* (London and New York: Routledge, 1993).
3 See: Michael R. Marrus, *The Unwanted: European refugees in the twentieth century* (Oxford: Oxford University Press, 1985); Aristide Zolberg, "The Formation of New States as a Refugee-generating Process." *ANNALS*, Vol.467 (May 1983) pp. 24-38.
4 Kemal Kirişci, "Disaggregating Turkish citizenship and immigration practices," *Middle Eastern Studies*, Vol.36, No.3 (2000), pp.1-22.
5 For more information of the migratory flows during this period see: Ahmet İçduygu and Deniz Sert, "The Changing Waves of Migration from the Balkans to Turkey: An Historical Account," in Hans Vermeulen et al. (eds.), *Migration in the Southern Balkans* (Amsterdam: University of Amsterdam Press, Forthcoming 2014).
6 Kemal Kirisci, "Refugee Movements and Turkey," *International Migration*, Vol.29 (1991), pp.545–560. Professor Kemal Kirişci is the TÜSİAD senior fellow and director of the Center on the United States and Europe's Turkey Project at Brookings Institute. Before joining Brookings, he was a professor of international relations at Boğaziçi University with research interests in European integration, asylum, border management, and immigration issues in the European Union, ethnic conflicts, and refugee movements.

the Bulgaria's "Revival Process" –an assimilation campaign against the minorities– almost 310,000 ethnic Turks sought refuge in Turkey. In the following years, during the wars in Bosnia and Herzegovina, and Kosovo, Turkey granted asylum to 25,000 Bosnians and 18,000 Kosovars. The reactions of the Turkish state towards these crises were quite different from each other.

"The first half of the 20th century was very much marked by state and nation-building in Europe, generating large waves of forced migrations and deportations."

While they may seem like contradictions within policy, these varying reactions mirror the progression of international response approaches to refugee crises. To illustrate, since the early stages of intergovernmental cooperation in the 1980s to the Amsterdam Treaty and the Charter of Fundamental Rights, the developing European Union refugee policies have alternated between the contradictory policy structures of internal security on the one hand and human rights on the other.[7] An additional dynamic in the Turkish context is the preferential treatment that "national" refugees have been historically receiving.[8]

In looking at different refugee movements within this context, Iran particularly stands out as being a country of origin of asylum seekers in Turkey. During the 1979 Iranian Revolution, Turkey had –and still has– a visa-free policy that enabled Iranians to enter the country easily and stay in the country temporarily.[9] Kirişci mentioned that between 1980 and 1991, 1.5 million people benefited from such an arrangement.[10] While a majority of these people were resettled in third countries, few were able to obtain residence permits to stay in Turkey, and acquire citizenship. Turkey still receives a substantial number of asylum seekers from Iran. Based on the figures provided by the United Nations Refugee Agency (UNHCR), as of March 2014, of the total 42,421 refugees and asylum seekers in Turkey, 8,344 are Iranian.[11]

7 Sandra Lavenex, *The Europeanisation of refugee policies: between human rights and internal security* (Florence: European University Institute, 1999).

8 Kirişci identified three types of refugees in Turkey: Convention refugees that are covered by the 1951 Geneva Convention, non-convention refugees that are subject to the geographical limitation, and the national-refugees whose movement is governed by the 1934 Law on Settlement. See: Kemal Kirişci, "Refugees of Turkish origin: 'coerced immigrants' to Turkey since 1945," *International Migration,* Vol.34, No:3 (1996), pp. 385-412.

9 Ordinary and official passport holders of Iran are exempted from visa for their travels up to 90 days. See: the official website of the Ministry of Foreign Affairs, http://www.mfa.gov.tr/visa-information-for-foreigners.en.mfa

10 Kirişci (2000).

11 The official website of the United Nations High Commissioner for Refugees (UNHCR), http://www.unhcr.org.tr/uploads/root/all_mart_tr(1).pdf

"The policy response to the refugee crises during the wars in Bosnia and Kosovo resembled neither the hesitant reaction towards the Kurdish refugees, nor the welcoming attitude towards the flows from Bulgaria."

For the same period, there are 17,447 asylum seekers and refugees from Iraq, constituting the largest group of people that is either waiting for their asylum applications to be processed or to be resettled in third countries.[12] Historically, there were two large-scale movements of Kurdish refugees from Iraq: one in 1988 and one in 1991. In 1988, the conflict in southeast Turkey was escalating and the state was pursuing a policy of denial of the existence of a distinct Kurdish identity in Turkey. At the same time, while Turkey is a signatory of the 1951 Geneva Convention, the geographical limitation that Turkey maintained limited its obligations to asylum seekers and refugees from Europe only. Thus, Turkey accepted the Kurdish refugees with some hesitation and with reluctance to refer to them as Kurds or refugees.[13] They were relocated in three separate camps, and subsequently either left for Iran, returned to northern Iraq, or resettled in third countries.[14] In 1991, the Kurdish issue in Turkey was further exacerbated, but the influx at the border was unstoppable. Following a heated public debate, the national and international humanitarian and military mobilization resulted in the repatriation of many refugees to northern Iraq. The remaining were either resettled in third countries or stayed in Turkey on residence permits; Turkmen refugees from Kirkuk and Mosul constituted a large part of this latter preferential treatment.[15]

While hesitations about Turkish national security generated a rapid return-home policy in relation to the Kurdish refugee movements of 1988 and 1991, the policy response to the refugee movements from Bulgaria in 1989 was completely different. The border was opened immediately, welcoming the refugees with humanitarian assistance; legal provisions were provided in order to enable refugees to exchange their currency, import their cars, and acquire Turkish citizenship in an accelerated manner, followed by a number of housing projects and assistance in finding employment.[16] While some of these refugees returned to Bulgaria in the 1990s, of those that remained, many are acquiring dual citizenship especially after the accession of Bulgaria to the European Union. While the Kurdish refugees of

12 The official website of the Ministry of Foreign Affairs, www.mfa.gov.tr.
13 Kirişci (2000).
14 Kirişci (2000).
15 Kirişci (2000).
16 Kirişci (2000).

1988 and 1991 received a "non-convention" refugee treatment, the refugees from Bulgaria were considered "national" refugees.[17]

The policy response to the refugee crises during the wars in Bosnia and Kosovo resembled neither the hesitant reaction towards the Kurdish refugees, nor the welcoming attitude towards the flows from Bulgaria. The refugees from Bosnia and Kosovo mostly settled with their relatives, and they voluntarily returned as the respective peace processes concluded. In both cases, the UNHCR supported the Turkish government with family reunification and repatriation of the refugees.[18] Based on data provided by the Ministry of Interior, between 1989 and 2012 only 320 people from Bosnia and Herzegovina and 169 people from Kosovo have acquired Turkish citizenship, and these were mostly acquired through marriage.

Currently, Turkey is facing yet another refugee crisis. As of March 2014, the UNHCR declared the total number of registered Syrian refugees in Turkey as 667,496 – 34 percent of which are settled in camps while the rest of the refugees are living outside the camps.[19] Since the beginning of 2014, the registered non-camp population has increased by 27 percent, which is a result of the introduction of the mobile registration centers. However, the actual number of Syrian refugees in Turkey is in fact unknown, as there are still many who are not registered with the authorities. Especially in big cities like Istanbul, the number of Syrians begging on the streets is visibly increasing. With the sudden escalation of numbers of refugees crossing the border from Syria, Turkey created a Temporary Protection regime, which guaranteed unlimited stay, protection against forcible returns, and access to reception arrangements where immediate needs are addressed.[20] The Temporary Protection regime includes Syrians without identification documents as well as Palestinians, and stateless persons from Syria. Turkey implements the Temporary Protection regime single-handedly, and the UNHCR in Turkey does not carry out registration, refugee status determination, or resettlement activities for Syrian refugees. While the Temporary Protection regime provides international protection, the future of the refugees' status remains unknown.

The response of Turkey to the Syrian refugee crisis does not resemble its policies of the past. While the immediate response to the "non-convention" refugees from Iran or Iraq has been repatriation, the "national refugees" from Bulgaria were

17 Kirişci (1996).
18 "The Global Report 1999," *UNHCR*, http://www.unhcr.org/3e2d4d681c.html
19 For an interesting account of camp life, see: Mac McClelland, "How to Build a Perfect Refugee Camp," *The New York Times Magazine*, 13 February 2014.
20 "Frequently Asked Questions: Syrian Refugees in Turkey," *UNHCR*, http://www.unhcr.org.tr/uploads/root/faq_english.pdf

presented with the chance to settle in Turkey. To date, Syrians were presented with neither of these choices.

In the long run, the Syrian refugee crisis can have a lasting impact on Turkey's regional role based on the contingency of two scenarios: In the case of normalization of the situation in Syria, the refugees can be repatriated and those Syrians who return back home can be goodwill ambassadors promoting Turkey's regional role. In the case that the crisis in Syria is not resolved, ultimately, Syrians may have the option of integration in Turkey. Turkish citizenship law (Law 5901, 29 May 2009) allows naturalization for those who have been residents in Turkey without interruption for five years, and who have income or profession to provide for the maintenance of himself/herself and his/her dependents in Turkey.[21] Considering the vibrant literature on integration, it is important to remember that it is a two-way process where not only the refugees, but also the host society needs to participate.

To date, only a few incidents of anti-migrant and anti-refugee sentiments have been reported, and the Turkish media has been relatively sensible compared to European countries where media reporting often stimulates unease about the refugees, if not explicit xenophobia.[22] Similarly, Turkish society is showing an incredible social and political resilience towards the issue, which would normally cause a moral panic in most other European countries.[23]

However, the time is coming for policymakers to take long-term decisions to combat racism and xenophobia, which may increase as the refugee flows continue. If this issue is tackled head on, Turkey can enjoy the benefits of being a host country to a large Syrian diaspora that is integrated into the Turkish society and has considerable influence in Syria. In either scenario, how Turkey acts now will have important consequences for the future. Historically, Turkey has exercised an ambiguous refugee regime in which there have been separate categories of national, conventional, and non-conventional refugees. This ambiguity often resulted in discretionary refugee policies with preferential or discriminatory treatments. Currently, Syrian refugees are treated as non-conventional refugees, but there is no reason to think that this may not change in the future. With the adoption of Law No. 6458 dated 4 April 2013 of Foreigners and International Protection, Turkey has already started heading towards a more egalitarian refugee regime.

21 For other conditions see: Article 11.

22 Franck Düvell, "Turkey, the Syrian Refugee Crisis and the Changing Dynamics of Transit Migration," in *IEMed Mediterranean Yearbook* (Barcelona: European Institute of the Mediterranean, 2013); Also, Hacettepe University Migration and Politics Research Center, HUGO, has conducted a study on Turkish citizens' level of acceptance of Syrian refugees with similar findings.

23 Düvell (2013).