

MPC – MIGRATION POLICY CENTRE

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MPC - MIGRATION PROFILE

Turkey

The Demographic-Economic Framework of Migration

The Legal Framework of Migration

The Socio-Political Framework of Migration

Report written by

Ahmet İçduygu

Zeynep Gülru Göker

Lami Bertan Tokuzlu

Seçil Paçacı Elitok

June, 2013

The Demographic-Economic Framework of Migration

In the last decades, emigration from Turkey has diversified with the movement of family members of labour migrants to Europe, with asylum flows in the 1980s and 1990s and with movements of professionals and students. Destinations also diversified as people moved from Turkey to the Middle East and North Africa (MENA) and especially after the dissolution of the USSR, to the Commonwealth of Independent States (CIS) countries. Emigration increasingly becomes an issue of transnational diaspora communities. For the first time in 2010, fifty years past the beginning of extensive migration from Turkey to Europe, the number of migrants to Turkey exceeds that of the number of migrants from Turkey. Added to this is an increase in the number of returnees.¹ Turkey's former role as a "migrant-sending country" is now supplemented with the role of a "migrant-receiving country". International migratory movements to Turkey since the end of 1970s have included the migration of transit migrants, irregular migrant workers (mostly from the former USSR and Eastern European countries), asylum-seekers and refugees (from Afghanistan, Iran, Iraq and various other Asian and African countries). The migration of professionals and retirees are also taking place. In sum, a migratory transition has taken place in Turkey in the last decades. Turkey, in addition to its role as a country of emigration and "transit" has increasingly become a country of immigration. The factual transition in migration is accompanied by discursive and policy developments that take place on a terrain wrought with tension between nationalist legacies, that is, the politics of the past and current worldviews based on globalism, transnationalism, and EU-zation. As such, the Turkish state steadily adopts itself to the role the country plays in emigration and immigration in a globalized world.

Outward migration		Inward migration																																																																																															
<p>Stock</p> <p>In 2005, an estimated 3 million Turkish citizens were living in Europe, approximately 105,000 Turkish workers in the Middle East countries and 75,000 workers in the CIS states.² Some 350,000 Turkish citizens were reported in other countries such as Australia, Canada and the USA. The total number of expatriates equalled 3.3 million (which excludes the number of emigrants from Turkey who were naturalized in receiving countries). This number implies 5% of the nation's total population living outside of Turkey. By 2010, the number has increased to 3.7 million, while the migrant stock in Germany has decreased over the years.</p> <p>Turkish Migrant Stock Abroad in 1995, 2005 and 2010</p> <table border="1"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">1995</th> <th colspan="2">2005</th> <th colspan="2">2010</th> </tr> <tr> <th># (x 1000)</th> <th>%</th> <th># (x 1000)</th> <th>%</th> <th># (x 1000)</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Germany</td> <td>2 049.9</td> <td>62.0</td> <td>1 912.0</td> <td>57.9</td> <td>1 629.4</td> <td>43.2</td> </tr> <tr> <td>Total Europe</td> <td>2 841.3</td> <td>85.9</td> <td>2 714.3</td> <td>82.1</td> <td>3 052.1</td> <td>81.0</td> </tr> <tr> <td>The ME Countries</td> <td>127.0</td> <td>3.8</td> <td>105.0</td> <td>3.2</td> <td>162.6</td> <td>4.3</td> </tr> <tr> <td>Australia</td> <td>45.0</td> <td>1.4</td> <td>60.0</td> <td>1.8</td> <td>71.0</td> <td>1.8</td> </tr> <tr> <td>CIS Countries</td> <td>50.0</td> <td>1.4</td> <td>75.0</td> <td>2.3</td> <td>104.9</td> <td>2.7</td> </tr> <tr> <td>Other Countries</td> <td>245.0</td> <td>7.4</td> <td>350.0</td> <td>10.6</td> <td>375.5</td> <td>9.9</td> </tr> <tr> <td>Total</td> <td>3 308.3</td> <td>100</td> <td>3 304.3</td> <td>100</td> <td>3 765.1</td> <td>100</td> </tr> </tbody> </table> <p>Source: Figures are compiled from various files of the Ministry of Labour and Social Security.</p>			1995		2005		2010		# (x 1000)	%	# (x 1000)	%	# (x 1000)	%	Germany	2 049.9	62.0	1 912.0	57.9	1 629.4	43.2	Total Europe	2 841.3	85.9	2 714.3	82.1	3 052.1	81.0	The ME Countries	127.0	3.8	105.0	3.2	162.6	4.3	Australia	45.0	1.4	60.0	1.8	71.0	1.8	CIS Countries	50.0	1.4	75.0	2.3	104.9	2.7	Other Countries	245.0	7.4	350.0	10.6	375.5	9.9	Total	3 308.3	100	3 304.3	100	3 765.1	100	<p>Stock</p> <p>The most recent reliable data on the foreign-born population in Turkey is taken from the 2000 Census; data was disseminated by the State Institute of Statistics in 2002. According to the Census, 1,278,671 foreign-born persons were in Turkey in 2000 which is less than 2% of the Turkish population. First five foreign-born groups were Bulgarian-, German-, Greek-, Macedonian- and Romanian-born.</p> <p>Turkey- and Foreign country-born Population in Turkey</p> <table border="1"> <thead> <tr> <th>Place of Birth</th> <th>Male</th> <th>Female</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Turkey</td> <td>33 732 479</td> <td>32 793 638</td> <td>66 525 256</td> </tr> <tr> <td>Outside Turkey – Total</td> <td>614 256</td> <td>663 554</td> <td>1 278 671</td> </tr> <tr> <td>Bulgaria</td> <td>228 363</td> <td>252 454</td> <td>480 817</td> </tr> <tr> <td>Germany</td> <td>132 937</td> <td>140 598</td> <td>273 535</td> </tr> <tr> <td>Greece</td> <td>26 967</td> <td>32 250</td> <td>59 217</td> </tr> <tr> <td>Romania</td> <td>8 330</td> <td>12 356</td> <td>20 736</td> </tr> <tr> <td>Total</td> <td>34 346 735</td> <td>33 457 192</td> <td>67 803 927</td> </tr> </tbody> </table> <p>Source: '2000 Census of Population Social and Economic Characteristics of Population', State Institute of Statistics (SIS) Printing Division, Ankara, March 2003.</p>		Place of Birth	Male	Female	Total	Turkey	33 732 479	32 793 638	66 525 256	Outside Turkey – Total	614 256	663 554	1 278 671	Bulgaria	228 363	252 454	480 817	Germany	132 937	140 598	273 535	Greece	26 967	32 250	59 217	Romania	8 330	12 356	20 736	Total	34 346 735	33 457 192	67 803 927
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¹ İçduygu, A. 2010. International Migration and Turkey, 2010 OECD SOPEMI Report, Istanbul.

² See various issues of the OECD SOPEMI Reports for Turkey prepared by A. İçduygu since 2000.

Emigration and the Labour Market

The proportion of Turkish migrant labourers abroad has steadily increased from the mid-1970s to the mid-2000s. 5-6% of the total Turkish labour force has been employed abroad in the last three decades. The nature of emigration has changed over the decades. While emigrant labour mostly consisted of unskilled workers in the 1960s and 1970s, in the last two decades, emigrant labour has become highly qualified, university trained and internationally oriented. Indirect evidence of this change is derived from a number of statistics.³

Remittances have become an important element of the Turkish economy. In the 1980s, remittances helped cover, on average, 50% of the balance of trade deficits and 35% in the 1990s. As Turkey integrated with the world economy, the relative size of remittances declined. The decline could be related to the fact that more Turkish migrants are becoming permanent settlers in countries abroad. Significant increases were observed in the amount of remittances in 2006 followed by a considerable decline in 2009. Remittances equalled US\$ 1 million in 2011, indicating a rise. The revenue from the "suitcase trade" of migrants, especially from former communist countries, is significantly higher when compared to the total remittance income in Turkey. In 1996-2003, the amount gained from the former was always higher. The revenues from the "suitcase trade" were nearly US\$ 3.5 billion in 2005 and US\$6.0 billion in 2007. Remittances as a percentage of the "suitcase trade" declined at a rapid pace but fluctuated from 154.7% in 2000 to 18.4% in 2003, 23% in 2008, and 16.7% in 2010 and finally increase to 23.6% in 2011.

Export, Workers' Remittances and Luggage Trade Revenues (million US\$), and Share of Worker's Remittances in Exports and Luggage Trade

Year	Export	Luggage trade	Workers' remittances	As a % of exports	As a % of luggage trade
2001	31 334	3 039	2 786	8.9	91.3
2003	47 253	3 953	729	1.5	18.4
2006	85 535	6 408	1 111	1.3	17.3
2009	102 128	4 783	934	0.9	19.5
2010	113 889	4 951	829	0.7	16.7
2011	132 027	4 424	1 045	0.7	23.6

Source: <http://hazine.gov.tr/yayinhazineistatistikleri/6-1-Dev.xls> May 10, 2004; Central Bank of Turkey (2011).

Residence permits (issued by the General Directorate of Security) are an indirect source of stock data. Foreign nationals who hold a residence permit are registered to the System of Address-based Population Register run by the Ministry of Interior. The table below shows the number of non-nationals who were living in Turkey for one year or more. In 2011, there were 241,128 foreign nationals registered in the system, their ratio to the total population was 0,32%.

The Number of Foreign Nationals with Residence Permits and Their Ratio to the Total Population

Years	Total Population	Non-nationals	Ratio of Non-nationals to the Total Population
2007	70 586 256	272 803	0,14
2008	71 517 100	104 441	0,15
2009	72 561 312	167 344	0,23
2010	73 722 988	190 531	0,26
2011	74 724 269	242 128	0,32

Source: Turkish Statistical Institute (TurkStat) based on data compiled from the Ministry of Interior (The System of Address-based Population Register)

Immigration and the Labour Market

Ministry of Labour and Social Security provides work permit data since 2003. Most recent statistics reveal a striking jump in numbers from 2003 to 2004. The numbers of issued work permits continued to increase with some fluctuations in 2011, and reached nearly 17,000. In 2011, almost 67% of total issues work permits were granted for a definite time, while 30% were extensions of previous permits. The use of illegal migrant labour is rapidly increasing in Turkey. Domestic work and employment sectors are the largest employers of illegal migrant female workers while construction and agriculture sectors employ large number of illegal migrant male workers. A rough estimate of 20,000-40,000 foreign workers is illegally employed in Turkey.

Number of Work Permits Issued to Foreign Nationals by Types of Permission and Years

Years	Definite	Extension	Indefinite	Independent	Total
2003	509	295	50	1	855
2005	5484	3764	159	31	9438
2007	5816	3007	96	11	8930
2008	6999	3583	107	16	10705
2009	9238	4693	83	9	14023
2010	9338	4760	101	2	14201
2011	11634	5073	161	22	16890

Source: Ministry of Labour and Social Security

³ Akçapar, Şebnem (2009). "Turkish Brain Drain to the USA", in İçduygu, A and Kirişçi, K. Lands of Diverse Migration, İstanbul: İstanbul Bilgi University Yayınları pp.109-248.

Flow

In Turkey, the lack of direct and reliable data sources concerning total emigration and immigration flows has to be noted. Variety of sources needs to be consulted for a general picture of overall emigration.⁴ Emigration has, in recent decades, taken on five forms: family-related emigration, asylum seeking, irregular (undocumented or clandestine) labour emigration, contract-related (low-skilled) labour emigration, and emigration of professionals and high-skilled people.⁵

Contract-dependent labour migration constitutes the largest part of Turkish emigration. In 2000, 13,645 workers obtained employment via the Turkish Employment Office (TEO). The numbers reached 81,000 in 2006, dropped to 57,000 in 2008 and continued to fall until 2011. In 2009, nearly 60,000 workers were sent abroad *via* contract-based schemes. The share of workers sent to MENA countries increased in 2009 and while a visible decline was noted in the outflows to CIS countries. In 2011, the number of Turkish workers sent to the Middle East dropped while those sent to CIS countries increased. Major political determinants of migration-related practices and policies in Turkey in this period are associated with the Arab Spring.⁶ In 2011, the top five destination countries of workers from Turkey were Iraq, Russia, Saudi Arabia, Turkmenistan and Qatar.

Number of Workers Sent Abroad by the Turkish Employment Office (TEO)

Receiving country	2000	2006	2009	2010	2011
European Union countries	2 264	1 330	1 637	1 323	1 619
The ME countries	2 507	39 823	32 546	33 993	28 331
CIS	7 145	36 898	17 264	14 307	18 235
Australia, Canada, USA	51	59	97	27	21
Israel	1 322	602	541	401	50
Other	273	2 635	5 628	4 718	5 526
Total	13 645	81 379	59 479	54 847	53 828

Source: Turkish Employment Office (TEO), <http://iskur.gov.tr>, Ministry of Labour and Social Security.

Flow

Until recently, immigration to Turkey was constituted exclusively by an ethnically Turkish population. In recent decades, however, Turkey has experienced the immigration of transit migrants, clandestine labourers, asylum-seekers and refugees. The influx of foreign nationals mostly from bordering and neighbouring countries has continued to increase. Added to this are the more recent legal migrations of professionals and skilled migrants and the ongoing immigration of foreign-national ethnic-Turks living in other countries.¹⁰ Arrival and departure statistics provide a basis for estimating people's mobility in and out of Turkey. From 2006 to 2011, the number of non-nationals arriving in Turkey (one third from neighbouring regions, the Middle East, EU and CIS countries) increased to over 52%. Arrivals from CIS countries were markedly higher in 2010 and 2011.

Total Number of Arrivals and Departures of Non-nationals by Year

	Arrivals	Departures
2001	11 619 909	11 276 531
2005	21 124 886	20 522 621
2009	27 077 114	27 347 977
2010	28 632 204	28 510 852
2011	29 956 591	31 324 528

Source: Turkish Statistics Institute (TURKSTAT).

Main types of inflows are the **migration of ethnic-Turks** in the form of asylum, transit migration flows, illegal labour migration and registered migration of non-nationals (first three types often overlap).

Indicative Number of Migration to Turkey

	2001	2003	2006	2009	2010	2011
Undocumented Migration	92 400	56 200	51 983	34 345	32 667	42 576
Illegal entries	57 300	30 348	18 876	22 975	25 637	30 700
Overstays	35 100	25 852	33 107	11 370	7 030	11 876
Asylum application	5 200	3 966	4 548	7 834	9 226	16 020
Residence Permit	161254	152203	186586	163326	176944	219. 217

Source: UNHCR Ankara Office (2000-2011), Bureau of Foreigners, Borders and Asylum at the Directorate of General Security of the Ministry of Interior

⁴ Emigration estimates are derived from Ministry of Labour and Social Security, the Ministry of Interior, OECD SOPEMI, Eurostat, UNHCR, UNFPA, and country-specific reports and documents.

⁵ İçduygu, A. 2012. Turkey and International Migration, 2011 OECD SOPEMI Report, Istanbul.

⁶ İçduygu, A. 2012. Turkey and International Migration, 2011 OECD SOPEMI Report, Istanbul.

¹⁰ İçduygu, A. 2012. Turkey and International Migration, 2011 OECD SOPEMI Report, Istanbul.

There has also been a considerable outflow of **university graduates and skilled labour** (computer sciences, finance, and management) of 4000-5000 individuals annually in the late 2000s. The main destination countries are Australia, Canada, the USA and some European countries.

Family-related migration continues due to active networks between the sizeable migrant Turkish community in migrant-receiving countries and their families in Turkey. A rough estimate derived from the number of arrivals of Turkish citizens in migrant-receiving countries shows an annual number of 100,000 emigrants leaving Turkey in the mid-1990s (nearly half due to family ties). After the mid-1990s a considerable decline took place in the total number of emigrants to Europe, with numbers falling to less than 50,000 *per year* in the early 2000s and nearly one third are family-related flows.⁷

UNHCR data shows the annual flows of **asylum-seekers** from Turkey to Europe to be around 28,000 in 2000 steadily decreasing in the last 10 years.⁸ Turkey generates asylum-seekers to Europe directly, or indirectly as a transit country.

Irregular labour migration includes “illegal entries”, “overstayers” and “rejected asylum-seekers”, thus estimating is difficult. In 2008-2009, the number of Turkish citizens arriving in Central and Eastern European countries as irregular migrants declined to around 1,000 annually. As of 2004, the number of apprehended Turkish **irregular migrants** in Central and Eastern Europe was 2,350. This figure dropped to 1,400 in 2008.⁹

In 2001, over 258,000 foreign nationals were recorded as migrants in Turkey. Less than two-thirds were legal immigrants, and 92,000 irregular and/or transit migrants. 2009 figures show 205,500 regular/irregular migrants and asylum-seekers. An indirect measure of regular immigration to Turkey is the number of residence permits issued by the Directorate of General Security. In 2009, there were over 118,000 foreign nationals and 163,326 non-nationals holding residence permits. 17,483 were those with work permits, 27,063 with study permits, and the remainder were dependants of the former two groups. In 2011, the number jumped to 273,000 due to a marked increase in residence permit figures (220,000 regular migrants with residence permit). Top ten source countries of non-nationals with residence permits are Bulgaria, Azerbaijan, Russian Federation, Germany, United Kingdom, Iraq, Kazakhstan, Afghanistan, Iran and Greece. The vast majority of the remaining residence permits were issued to ethnic-Turk foreign nationals. Other groups are high-skilled workers employed in Turkish companies or foreign investment projects located in Turkey.

Number of First-time Issued Resident Permits*

CITIZENSHIP	2007	2008	2009	2010
TOTAL	19300	20821	22470	29905
AFGHANISTAN	935	772	1008	2188
IRAQ	902	1802	462	1165
KAZAKHSTAN	855	687	1642	1365
RUSSIAN FEDERATION	1351	1051	1412	1778
TURKMENISTAN	340	602	1211	1186

*Issued to foreign nationals who intend to stay 12 months and longer in Turkey

Source : TurkStat, based on data compiled by the Ministry of Interior, General Directorate of Security

Turkey has become a major country of asylum since the 1980s. From late 1990s to the early 2000s, Turkey received approximately 5000-6000 asylum applications a year. The number reached 16,000 in 2011 leading UNHCR to announce Turkey as among the top five asylum-receiving countries in the world. Mass migration from Syria triggered by the uprisings and the civil war, started in spring 2011, has made of Turkey the third largest receiver of Syrian refugees after Lebanon and Jordan.

⁷ İçduygu, A. 2012. Turkey and International Migration, 2011 OECD SOPEMI Report, Istanbul.

⁸ UNHCR United Nations High Commissioner for Refugees, available online at <http://www.unhcr.ch>.

⁹ Figures obtained from the International Centre for Migration Policy Development (ICMPD)

	<p>At the time of writing (26 April 2013) UNHCR estimated that Turkey is sheltering some 313,872 Syrian refugees, or 280,687 registered refugees and 33,185 persons awaiting registration, living both in camps and in normal neighbourhoods.¹¹ The Turkish government estimates the number of Syrians in Turkey at 400,000 as a result of the war in Syria.</p> <p>Irregular migration flows consist of the flows of clandestine workers, transit migrants, and rejected asylum-seekers. Clandestine workers are mostly foreign nationals from Eastern European countries (Moldova, Ukraine, Romania and CIS countries) in search of employment in various economic sectors that rely on cheap labour such as textile making, sex, entertainment and construction. Upper and middle-class families employ female domestic helpers as babysitters and carers for the sick and elderly. Most enter Turkey legally with a visa and overstay, thus becoming illegal in the country. Transit migrants mostly come from the Middle East (Iran, Iraq, and Afghanistan) and from Asia and Africa (Pakistan, Bangladesh, Sri Lanka, Nigeria, Somalia and Congo). Rejected asylum-seekers, who are reluctant to go home, are illegally employed in Turkey. There is no direct, reliable data on undocumented migration aside from some indicative numbers available from the reports of the Bureau of Foreigners, Borders, and Asylum at the Directorate of General Security of the Ministry of Interior. In 2000, there were 95,000 reported cases and the numbers are steadily declining.</p>
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¹¹ UNHCR, Syria Regional Refugee Response Inter-agency Information Sharing Portal (data retrieved on 29 Apr 2013), <http://data.unhcr.org/syrianrefugees/regional.php>

The Legal Framework of Migration

Turkish migration law is currently governed by a series of codes such as the Passport Law and the Law on Residence and Travel of Aliens in Turkey, which date back to the 1950s. This system lacked coherence, institutional capacity and human rights safeguards. These were all necessary for Turkey, given that the country has recently become the most prominent transit point for migration in the Euro-Mediterranean zone.¹² The Turkish authorities have been under pressure from the European Union as well as the Council of Europe to reform its migration and asylum regime. Although, the Government had earlier undertaken to adopt laws on foreigners and asylum before 2006,¹³ such plans were, however, delayed until 2013, due to burden-sharing concerns on the Turkish side. The conclusion of a readmission agreement between Turkey and the Union, which was set as a condition for full membership by the European Union¹⁴, also resulted in a deadlock between the parties due to the same concern.¹⁵ Turkey fears that accepting these kinds of legal commitments might result in a huge burden of irregular migrants from Africa and Asia for itself.¹⁶ Despite this fact, the Government negotiated and initialled the text of a draft readmission agreement with the Union in June 2012, on condition of visa liberalization for Turkish citizens at EU borders.¹⁷ Turkey requested a roadmap for visa liberalization before putting the readmission agreement into force. The Commission finalized the drafting of the said road map in December 2012 and delivered it to the Turkish Government. The Government however, found the conditions such as would require the modification of “its entire asylum system”, “[changing] its visa system towards non-EU countries” and “ratification of the additional Protocols of the European Convention on Human Rights to which not even all EU Member States are party”. The Turkish state judged these unacceptable¹⁸ and insisted that the implementation of the readmission agreement and visa exemption should be simultaneous.¹⁹ No further steps could be taken for putting the said agreement into force in this political environment. On the other hand, there has been ample improvement with regard to replacing the out dated Turkish migration and asylum legislation. A bureau was commissioned, 15 October 2008, in order to work on drafting laws on asylum and migration under the supervision of the Undersecretary of the Ministry of Interior.²⁰ The Law on Foreigners and International Protection (Law No. 6458) was adopted by the Turkish Grand National Assembly, 4 April, 2013, and published in the Official Gazette, 11 April, 2013, upon approval of the President. The Law is going to cause fundamental changes in the practice of Turkish migration and asylum law as it repeals the provisions of the Law on Residence and Travel of Aliens in Turkey (Law No. 5683) entirely and the Passport Law (Law No. 5682) partially. In this regard, an entirely new entry and residence regime is going to be established for foreign nationals in Turkey. In addition to these changes, the Law contains a comprehensive section on international protection, which is going to change the existing Turkish international protection regime

¹² Tineke Strik, *‘Migration and asylum: mounting tensions in the Eastern Mediterranean’*, Report Presented to the Parliamentary Assembly of Council of Europe, 23 January 2013, <http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=19349&Language=en>

¹³ Council of Ministers Decree on the National Program For Acquiring EU Acquis, Bakanlar Kurulu Kararı (Resmi Gazete Tarihi: 24 Temmuz 2003 Sayısı: 25178 Mükerrer) Karar Sayısı : 2003/5930

¹⁴ See Council Decision 2001/235/EC, 8 March 2001, on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Turkey, [OJ L 85/13], 24.03.2001; Council Decision 2003/398/EC of 19 May 2003 on the Principles, Priorities, Intermediate Objectives and Conditions in the Accession Partnership with the Republic of Turkey, [OJ L145], 12.06.2003.; Council Decision 2008/157/EC, 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the Republic of Turkey [OJ L51], 26.02.2008.

¹⁵ Lami Bertan Tokuzlu, *‘Burden--sharing Games for Asylum Seekers between Turkey and the European Union’*, 2010, EUI Working Papers: RSCAS 2010/05, European University Institute, Florence, pp. 15-16.

¹⁶ See Tokuzlu, *passim*.

¹⁷ Statement by EU Commissioner Cecilia Malmström on the initialling of the EU-Turkey Readmission Agreement, 21 June, 2012, http://europa.eu/rapid/press-release_MEMO-12-477_en.htm [access date: 28 May, 2013]; See also Cutting the Visa Knot How Turks can travel freely to Europe, European Stability Initiative, 21 May, 2013, p. 5. http://www.esiweb.org/index.php?lang=en&id=156&document_ID=139 [access date: 25.05.2013]

¹⁸ Cutting the Visa Knot How Turks can travel freely to Europe, *op. cit.*, p. 5.

¹⁹ Statement by Egemen Bagis, 50th session of the Association Council, Brussels, 22 June 2012. http://www.europa-nu.nl/id/vj0w4jq6s6zn/50th_meeting_of_the_eu_turkey [access date: 29.05.2013].

²⁰ http://gib.icisleri.gov.tr/default_B0.aspx?content=1001

radically. Finally, a General Directorate of Migration Administration has been established under the Ministry of Interior. This is a civilian and expert body dealing with migration and international protection affairs. Article 125 of the Law provides that the provisions of the Law are going to come into force one year after the Law is published in the Official Gazette, except for Chapter Five which regulates the status of General Directorate of Migration Administration which came into force, instead, at the date of publication.²¹

Legal Framework	Outward migration	Inward migration
General Legal References	<ul style="list-style-type: none"> • Law on Foreigners and International Protection, Law No. 6458 of 4 April, 2013, Official Gazette, No. 28615, dated 11 April, 2013. • Law on Work Permits for Aliens, Law No. 4817 of 27 Feb. 2003, Official Gazette No. 25040 of 6 March 2003. • Passport Law, Law No. 5682 of 15.07.1950, Official Gazette No.7564 of 24.07.1950. • Law on Residence and Travel of Aliens in Turkey, Law No. 5683 of 15 July, 1950, Official Gazette No. 7564 dated 24 July, 1950. • Settlement Law, Law No. 5543, 19 September, 2006, Official Gazette No. 26301, dated 26 September, 2006. • Turkish Citizenship Law, Law No 5901 of 29 May, 2009, Official Gazette 27256 dated 12 June, 2009. • Law on the Establishment and Duties of the Directorate on Turks and Relative Communities Living Abroad, Law No. 5978 of 24 March 2010, published in the Official Gazette No. 27544, dated 6 April, 2010. 	
Entry and Exit	<p style="text-align: center;">Visa</p> <p>Article 7 of Law No. 5682 provides that no exit visa is required in order to leave Turkey. On the other hand, holders of those passports granted to foreign nationals by Turkish authorities are subject to an exit visa in the event that such passport is not used to leave Turkish territory within one month of the date of issue.</p> <p>This Article is going to be repealed by Law No. 6458 on 11 April 2014, as it does not address exit visa requirement.</p>	<p style="text-align: center;">Visa</p> <p>Citizens of the Republic of Turkey are not subject to any visa requirement in order to return to Turkey according to the Article 5 of the Law No. 5682.</p> <p>Under the current law, there are three types of regimes for visits, up to 90 days, which are generally regulated by bilateral treaties. The type of treatment varies from country to country and also according to the type of travel document held by the traveller.</p> <ol style="list-style-type: none"> 1. Article 5 of Law No 5682 stipulates that, unless otherwise provided, foreigners who are willing to come to Turkey shall obtain a visa at Turkish consulates before arriving in Turkish territory. 2. The second option is to provide visa immunity to the citizens of a specific country.²² 3. The third option is to provide the right to obtain a sticker visa at the border gates or an e-visa, which has recently been endorsed.²³ <p>The Law No. 6458 is going to repeal Articles 4 (Foreign nationals who arrive without holding a passport or travel document), 6 (Visa immunity), 7 (Exit visa), 8 (Persons who are prohibited to enter Turkey), 9 (Reciprocity principle), 10</p>

²¹ Articles 122, 124 and the 1st, 2nd., 5th and 7th paragraphs of Article 123 of Chapter Five are going to come into force one year after publication.

²² <http://www.mfa.gov.tr/visa-information-for-foreigners.en.mfa> [access date: 19 April, 2013]

²³ See <https://www.evisa.gov.tr/en/> [access date: 19 April, 2013]

		<p>(Exceptional passport and visa facilitation) and 11 (Exceptional measures in cases of war or emergency) of the Passport Law which relate to the visa regime. Article 13 of the new law is among several noteworthy amendments as it is going to confine the term of the sticker visa to 15 days, which may be extended by the Council of Ministers. In this regard, the law is going to bring a more restrictive approach compared to the current practice that allows a right to stay of between one and three months. Despite that, amendments relating to the visa regime are comparably less important than the ones under some other areas, such as the residence permits. As with the current system, the visa regime is going to be administered by the Ministry of Foreign Affairs outside of Turkey (Turkish Consulates) and the Ministry of Interior within or at the borders of Turkey. The new Law allows Turkey to continue with its current flexible visa regime, which has been subject to criticism by the European Union as it does not require visas from countries for which the EU requires visas.</p>
<p>Irregular Migration</p>	<p>Irregular exit:</p> <p>Turkey is party to the Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime²⁴</p> <p>Article 79 of the Turkish Penal Code (Law No:5237) which came into force, 1 June, 2005, and which defines migrant smuggling including irregular exit. This article stipulates penalties of 3 to 8 years of imprisonment and judicial fines corresponding to 10000 days for those who commit the crime of migrant smuggling. If perpetrators acting as an organization commit the crime, the penalty to be imposed shall be increased by half. Article 79 also provides for coercive measures (confiscation of assets, etc.) on legal entities involved in migrant smuggling.</p>	<p>Irregular entry:</p> <p>Article 79 of the Turkish Penal Code, which penalizes migrant smuggling, also applies to irregular entry.</p> <p>Article 34 of the Law No. 5682 stipulates a specific fine for Turkish nationals and foreign nationals who enter Turkish territory illegally. These persons shall be fined between 1000 to 3000TL. The Article further indicates that those foreigners who get apprehended as such shall be deported. Although the second sentence of the Article is going to be repealed by Law No. 6458, the new law also lists violation of the entry rules among deportation grounds in its Article 54(h). The new law is going to bring a comprehensive administrative detention mechanism for deportation purposes under which detention and deportation decisions can be challenged by the judiciary. In the past, Turkey faced a number of violation orders by the European Court of Human Rights for lack of proper legal framework in this respect.²⁵</p>

²⁴ Council of Ministers Decree 2003/5329, 26 February, 2003, Official Gazette dated 18 March, 2003.

²⁵ See Case of Abdolkhani and Karimnia v. Turkey (*Application no. 30471/08*) Judgment 22 September 2009; Case of Charahili v. Turkey (*Application no. 46605/07*) Judgment 13 April 2010; Case of Keshmiri v. Turkey (*Application no. 36370/08*) Judgment 13 April 2010; Case of M.B. and Others v. Turkey (*Application no. 36009/08*) Judgment 15 June 2010; Case of Ranjbar and Others v. Turkey (*Application no. 37040/07*) Judgment 13 April 2010; Case of Tehrani and Others v. Turkey (*Applications nos. 32940/08, 41626/08, 43616/08*) Judgment 13 April 2010; Case of Z.N.S. v. Turkey (*Application no. 21896/08*) Judgment 19 January 2010; Case of Ahmadpour v. Turkey (*Application no. 12717/08*) Judgment 15 June 2010; Case of Alipour and Hosseinzadgan v. Turkey (*Applications nos. 6909/08, 12792/08 and 28960/08*) Judgment 13 July 2010; Case of D.B. v. Turkey (*Application no. 33526/08*) Judgment 13 July 2010.

According to Article 33 of the Law No. 5682, those who exit or attempt to exit Turkish territory without a valid passport or any other travel document, shall be fined 1000 to 3000TL. This article however, is going to be repealed by Law No. 6458. The new Law does not contain a penalty correlating to this one, but lists violation of the exit rules, among the deportation grounds in its Article 54(h).

Article 36 of the Law No. 5682 stipulates a crime for drivers or pilots of land, sea, air vehicles who deliberately carry passengers to places other than those determined for document control. These persons shall be penalised with 1 month to 2 years imprisonment. This Article, however, is going to be repealed by Law No. 5682. No correlating penalty exists in the new law.

Deportation orders may be rendered by the Provincial Directorates *ex officio* or by a directive of the General Directorate of Migration Administration.

The person who is handed a deportation order may challenge this order at the Administrative Courts within 15 days. The decision of the first instance Administrative Court is final.

According to the second paragraph of Article 57 of the Law, those foreign nationals who are subject to a deportation measure, shall be detained by the Provincial Directorate if: there is a risk of evasion or getting lost; or the person concerned violates entry or exit rules; uses forged documents; does not leave Turkish territory within the provided time limit despite not having an acceptable excuse; poses a threat to public order, public security and public health. Detention measures will be enforced at Deportation Centers. The Detention period shall not exceed six months, subject to monthly periodic review, except for those cases where the procedure cannot be completed due to lack of cooperation of the person with the authorities or to provide correct information and documents concerning the country of origin. In this case, the detention measure can be extended for another six months. It is possible to challenge the detention order in the Criminal Courts.

Human Trafficking

Penalisations:

- Turkey is a party to the United Nations Convention Against Transnational Organized Crime and its additional Protocol on Trafficking in Human Beings.
- Article 80 of the new Criminal Code which came into force, 1 June 2005, defines human trafficking as a crime and stipulates between 8 to 12 years of imprisonment and judicial fines up to 10,000 lira for those who commit human trafficking crime.
- 19 December 2006 "forced into prostitution" was included in the description of crime of human trafficking in article 80 of Turkish Criminal Code. Thus, forced prostitution, the most important dimension of human trafficking, has become a crime punishable under this article.
- The Ministry of Transportation adopted a Road Transport By-law in 2004 (published in the Official Gazette No. 25384, dated 25 February, 2004), which prohibits extension of transportation permits for three years if the carrier is sentenced for committing the crimes of human trafficking or human smuggling.

Protection of victims

- The current human trafficking protection regime lacks an effective legal background. The Turkish authorities, however, make use of their extensive discretionary powers in order to protect trafficking victims.
- Humanitarian visa and short-term residence permits are going to be issued to victims in order to enable them to stay legally in Turkey during their rehabilitation period. The Ministry of Health adopted a decree in January 2004, in order to extend free medical care to victims of trafficking.
- Protection of the victims of trafficking is not a focus of the Law on Foreigners and

	<p>International Protection, Law No. 6458 as another draft law is in the process of been prepared concerning the fight against human trafficking.²⁶ Yet, there are noteworthy provisions in this law that concern the victims of human trafficking. Among these is the establishment of the Chamber for Protection of Human Trafficking Victims under the General Directorate of Migration Administration. Moreover, the General Directorate has been commissioned to establish and operate shelters for human trafficking victims under Article 108. Article 48 of the Law provides that Provincial Directorates shall grant 30 days of residence permit to foreigners who are strongly suspected to be victims of human trafficking in order to help them to release themselves from the effects of this experience and decide whether or not they intend to cooperate with the authorities. Obtaining this type of residence permit is immune from the conditions required for other residence permits. Article 49 further indicates that a human-trafficking victim's residence permit may be extended by, six months intervals for safety, health and for the special circumstances of the victim. In no circumstances, however, may this period exceed three years in total. The residence permit in question shall be cancelled if the protected human trafficking victim keeps in contact with the perpetrators of the human trafficking crime on his/her own initiative. Article 55 contains a provision indicating that victims of human trafficking shall not be deported while they receive services under the victim support program. Finally, the Law stipulates that victims of human trafficking should be immune from residence permit fees.</p>	
	<p style="text-align: center;">Agreements regarding irregular migration</p> <p>Readmission Agreements:</p> <ul style="list-style-type: none"> - Ukraine, Council of Ministers Decree 2005/9535 of 17 October 2005, R.G. No. 25996, 17.11.2005. - Greece, Council of Ministers Decree 2002/3914 of 12 March 2002, R.G. No. 24735, 24.03.2002. - Syria, Law No. 4901 of 17 June 2003, R.G. No. 25148, 24.06.2003. - Kirghizstan, Law No. 5097 of 12 February 2004, R.G. No 25376, 17.02.2004. - Romania, Law No. 5249 of 21 October 2004, R.G. No. 25626, 27.11.2004. - Readmission agreements with the following countries are at the ratification stage: Bosnia-Herzegovina (2012), Moldova (2012), Nigeria (2011), Pakistan (2010), Russian Federation (2011), Yemen (2011), Belarus (2013).²⁷ <p>http://www.mfa.gov.tr/turkiye_nin-yasadisi-gocle-mucadelesi-tr.mfa [access date: 20 April, 2013]</p>	
<p>Rights and Settlement</p>	<p style="text-align: center;">Right to exit</p> <p>Although no exit visa is required for Turkish citizens to leave Turkey, the right to exit has become a controversial issue under the Turkish Law due to the restrictions imposed under Articles 22, 23 and 24 of the Law No. 5682. Article 22 provides that no passport or travel document shall be granted to those persons prohibited to travel abroad by the courts or considered to be prejudicial to general safety by the Ministry of Interior. This Article used to contain an additional reference to tax evaders, without clarifying the amount and type of debt. Moreover, Article 15 of the Banks Act, Law No. 4389 contained a similar provision that broadened the scope of</p>	<p>Right to return: Article 23 of the Constitution stipulates that no citizen may be deprived of the right to return to the country.</p> <p>Residence permits:</p> <p>A noteworthy aspect of Law No. 6458 is that it is going to change the decision making process with regard to the granting of residence permits. Under the current system, the responsibility for granting residence permits is granted to the Ministry of Interior. In this respect, residence permit applications shall be filed at this Ministry. This can be effected by coming to Turkey with a visa or under a visa immunity scheme. The new Law is going to reverse this system and require residence permit applications to be filed at the Turkish Consulates abroad. (Article 21).</p>

²⁶ See http://gib.icisleri.gov.tr/default_B0.aspx?id=177 [access date: 22 April, 2013]

²⁷ <http://www.euractiv.com.tr/politika-000110/article/belarus-ile-vizeler-kalkiyor-027478> [access date: 22 April, 2013]

	<p>the prohibition above in order to cover legal representatives of entities which owed debts to a Savings and Insurance Fund (TMSF) established by law. These provisions were brought to the Constitutional Court by four different Courts based in Istanbul and Ankara. The Court quashed the rule concerning tax evasion on proportionality grounds and the later restriction on the grounds that it was contrary to Article 23 of the Constitution, on the right to travel, according to which such travel restrictions should have been imposed in the interests of a civic obligation, a criminal investigation or a prosecution.²⁸ This ruling of the Constitutional Court led to the amendment of Article 23 of the Constitution in 2010. According to the new article, the right of a Turkish citizen to travel abroad may only be restricted by a court ruling, on account of a criminal investigation or a prosecution.²⁹ It appears that Article 22 of the Passport Law still conflicts with Article 23 of the Constitution, since the latter article does not allow any restrictions on the right to travel abroad, other than the ones imposed by a court order. The Passport Law, on the contrary, allows restrictions to be imposed by the Ministry of Interior on the basis of general safety. Law No. 6458 has not solved this conflict, as it does not amend Article 22 of the Passport Law.</p> <p>Article 23 of the Passport Law contains further restrictions on the right to travel abroad in cases of emergency. Accordingly, the Council of Ministers may impose partial or total bans on traveling abroad or permit issuance of passports or travel documents only covering certain countries, in the events of threat of war or emergency cases relating to the health or safety of the Country. Article 23 is also going to remain in force after Law No. 6458 comes into force.</p> <p>On the other hand, the new law repeals Article 24 which allows certain restrictions on special passports or service passports³⁰.</p>	<p>Consulates which receive such applications shall forward the files to the General Directorate of Migration Administration. The Directorate will then make a decision and forward it back to the Consulate in question. In this respect, contrary to the current system, no residence permit applications will be filed in Turkey except for cases listed <i>numerus clausus</i> in Article 22 of the Law. Accordingly, it is going to be possible to apply for a residence permit on Turkish territory, for instance, if “requested by judicial or administrative authorities”, “it is not reasonable or possible to expect the foreigner to leave Turkey”, “a long-term residence permit application is made” or “a person who has completed his/her higher education in Turkey applies for a short-term residence permit” etc.</p> <p>The new law stipulates the types of residence permits as follows (Article 30):</p> <ul style="list-style-type: none"> – short-term residence permit (one year max.; renewable); – family residence permit (two years max.; renewable); – student residence permit (enrolment period); – long-term residence permit (infinite); – humanitarian residence permit; (one year; renewable) – human-trafficking victim residence permit. (30 days; renewable in 6 months intervals, up to 3 years) <p>Short-term residence permit:</p> <p>Short-term residence permits may be granted, for instance, in the event of “real estate owners”, “to establish commercial partnerships or networks”, “visits for touristic purposes” etc.</p> <p>Family residence permit:</p> <p>The new law is going to fill an important gap under the Turkish law with regard to family reunification, since currently there are no rules governing this issue at the legislative level.</p> <p>According to Article 34, the foreigner’s spouse, his/her or spouse’s foreigner minor child, his/her or spouse’s foreigner dependent child of Turkish citizens; persons</p>
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²⁸ Constitutional Court of the Republic of Turkey, Judgment E. 2007/4, K. 2007/81, dated 18 October, 2007. Official Gazette No. 26724, dated 8 December, 2007. Original text of the Article had contained a further restriction ground, namely the “economic well-being of the Country”. This ground however, was deleted from Article 23 by the Constitutional Amendment dated 1 October 2001 by Law No. 4709 No. 24600 1 December, 2001.

²⁹ Law No. 5982, dated 7 May, 2010, Official Gazette No. 27580, dated 13 May, 2010.

³⁰ See Article 124 of Law No. 6458 on the *acquis* to be repealed.

	<p>who, having acquired Turkish citizenship by birth, had to resume it by permission; holders of one of the residence permit types; refugees and subsidiary protection status holders may be granted family residence.</p> <p>In order to be eligible for being granted a family residence permit under Article 35, a sponsor shall be required to satisfy “income”, “residence”, “public safety”, “temporal” and “registry” standards.</p> <p>Student residence permit:</p> <p>According to Article 38, foreigners who enrol in higher education institutions in their pre-undergraduate, undergraduate, masters or doctorate programs may be granted a student residence permit.</p> <p>Long-term residence permit:</p> <p>According to the Article 42 foreigners who have resided in Turkey, continuously for 8 years may be granted a long-term residence permit. The long-term residence permit provides rights that are akin to the Turkish citizenship except military service, the right to vote and be elected, the right to have access to public service, and a vehicle importing immunity by reserving certain rules under specific laws.</p> <p>Humanitarian residence permit:</p> <p>Article 46 of the Law stipulates a humanitarian residence permit for conditions such as “cases that a foreigner cannot be deported due to personal risks of potential death penalty, torture or inhuman treatment or punishment”, “serious health problems, age or pregnancy, as well as not having any opportunity for cure at the receiving country for life threatening diseases” or “a judicial challenge against a deportation decision” etc.</p> <p>Human trafficking victims residence permit:</p> <p>Conditions for this type of residence permit is dealt with above under the Title “Human Trafficking”.</p> <p>Access to estate ownership:</p> <p>The Law regarding Amendment of the Land Registry Law, Law No. 6302, published in the Official Gazette No. 28296, dated 18 May, 2012 has resulted in noteworthy improvements in the status of foreigners with regard to the acquisition of real estate in Turkey. The most prominent improvement in this regard is that it lifted the reciprocity requirement for acquiring real estates, a rule which had been applied since 1934. According to Article 35 of the amended Land Registry Law, subject to the restrictions</p>
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		determined by law, the Council of Ministers, by due consideration of bilateral relations and the interest of the Country, may decide which country's citizens are fit to acquire real estate in Turkey. The right to acquire property is limited to 10% of the district where the property is situated and to 300.000m2 nationwide.
	The Constitution stipulates that freedom of movement and settlement shall be safeguarded (Article 23).	
Labour	<p>Bilateral agreements related to labor include: Turkey-Germany Work Force Treaty, 20 May 1964; Turkey- Australia Work Force Treaty, 5 October, 1967; Turkey-Austria Work Force Treaty 15 May, 1964; Turkey- Belgium Work Force Treaty, 16 July, 1964; Turkey- France Work Force Treaty, 8 April, 1965; Turkey-Netherlands Work Force Treaty, 19 August,1964; Turkey-Sweden Work Force Treaty, 10 March, 1967; Turkey-Turkish Republic of Northern Cyprus Work Force Treaty, 9 March, 1987; Turkey-Qatar Work Force Treaty, 1 April, 1986; Turkey- Libya Work Force Treaty, 5 January, 1975; Turkey-Jordan Work Force Treaty, 8 July, 1982.³¹</p> <p>International agreements related to labor include: - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, G.A. res. 45/158, annex, 45 U.N. GAOR Supp. (No. 49A) at 262, U.N. Doc. A/45/49 (1990), entered into force 1 July 2003; - European Convention on the Legal Status of Migrant Workers, 24 November, 1977.</p> <p>Association Agreements with the European Union: -Agreement Establishing an Association Between the European Economic Community and Turkey (Signed at Ankara, 1 September 1963) (OJ L 217, 29.12.1964.) - Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey (OJ L 361/1, 31.12.77.) - Council Decision of 13 June 2005 on the signature of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey following the enlargement of the European Union (OJ L 254/57, 30.9.2005.)</p> <p>Article 41 Paragraph 1 of the Additional Protocol which contains a standstill clause on freedom of establishment and to provide services has been a matter of dispute on the entry of Turkish citizens to the EU Member States, before the European Court of Justice. The Court has a well settled case-law on the point that a Member State shall not subject a Turkish national to freedom of establishment and to provide services on the territory of that Member State to stricter conditions other than those which applied at the time when the Additional Protocol entered into force with regard to the Member State concerned.³² A more recent debate came up with the Demirkan Case, where a Turkish citizen argued that the standstill clause could be invoked not only by those wishing to provide services themselves ("active" freedom to provide services) but also by those wishing to receive services ("passive" freedom to provide services). Advocate General Pedro Cruz Villalón refused to apply the broad interpretation of "freedom to provide services" under the European Union Treaties and took the view that the standstill clause of the Additional Protocol to the EEC-Turkey Association Agreement does not apply in respect of the passive freedom to provide services.³³ The Court's ruling is still to be published.</p>	

³¹ See <http://www.csqb.gov.tr/csqbPortal/diyih.portal?page=yv&id=2> [access date: 23 April, 2013].

³² Case C-37/98 *Savas* [2000] ECR I-2927, paragraphs 46 to 54; Joined Cases C-317/01 and C-369/01 *Abatay and Others* [2003] ECR I-12301, paragraphs 58 and 59; Case C-16/05 *Tum and Dari* [2007] ECR I-7415, paragraph 46; Case C-228/06 *Mehmet Soysal, Ibrahim Savatli v Germany* [2009] ECR 2009 I-01031, paragraph 62; Case C-186/10 *Oguz* [2011] ECR I-0000, paragraph 23; and Case C-256/11 *Dereci and Others* [2011] ECR I-0000, paragraph 87.

³³ <http://curia.europa.eu/jcms/upload/docs/application/pdf/2013-04/cp130037en.pdf> [access date: 27 may, 2013].

<p>Citizenship</p>	<p>Dual citizenship: Turkish Citizenship Law, Law No 5901, which was adopted on 29 May, 2009 does not categorically prohibit dual citizenship. According to Article 11 paragraph 2 of the Law, however, foreign nationals who wish to acquire Turkish citizenship may be required to relinquish previous citizenship.</p> <p>Dual citizenship has appeared as a problematic issue under Turkish Law, as a result of the legal status of the Turkish diaspora that were forced to relinquish their Turkish citizenship by virtue of the restrictive laws of the Western countries. Law No. 6304, which amended the Turkish Citizenship Law, in 2012, and broadened an already existing special status (so called “blue card” system) for those Turks who had to relinquish Turkish citizenship. Such amendment was seen in line with the Article 62 of the Constitution which obliges the State to “take the necessary measures to ensure the family unity, the education of the children, the cultural needs, and the social security of Turkish nationals working abroad, and [...] take the necessary measures to safeguard their ties with the home country and to help them on their return home.”³⁴ Law on the Establishment and Duties of the Directorate on Turks and Relative Communities Living Abroad³⁵ was another example of the State’s interest in the Turkish diaspora. Amendment of Article 29 of the Turkish Citizenship Law by Law No. 6304 shall be seen as a reflection of this tendency as well. According to this provision “persons who had acquired Turkish citizenship by birth and relinquished it by receiving a permission for obtaining a foreign country’s citizenship and their legal inheritors, shall continue to benefit the right to residence, travel, work, inheritance, acquire movable and immovable property akin to Turkish citizens, subject to the rules concerning national security and public order.”</p>	<p>Law No. 5901 governs the conditions for acquiring Turkish citizenship. Accordingly, Turkish citizenship may be acquired by birth or after birth. Turkish citizenship by birth is automatically acquired when a child is born from a mother or father who is a Turkish citizen. Second, the Law allows a child to be granted Turkish citizenship if a child is born in Turkish territory and unable to receive any other citizenship through his/her mother or father.</p> <p>Turkish citizenship may be acquired after birth either by a decision of a competent authority or by adoption or on the basis of marriage.</p> <p>Stateless Persons:</p> <p>One noteworthy aspect of the Law No. 6458 is its provisions concerning statelessness namely the Articles 50 and 51. The Law fills a big gap in Turkish law by providing a definition, decision making procedure and rights and safeguards concerning statelessness.</p>
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³⁴ Uğur Tütüncübaşı, ‘*Türk Vatandaşlığından Çıkma ve 6304 Sayılı Kanun Kapsamında Türk Vatandaşlığından Çıkanların Hakları (Yeni ‘Mavi Kart’ Uygulaması)*’, Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi Cilt: 13, Sayı: 2, 2011, p. 171.

³⁵ Law No. 5978, which was adopted, 24 March 2010, published in the Official Gazette No. 27544, dated 6 April, 2010.

<p>International Protection</p>	<p>Turkey is a State party to the 1951 Geneva Convention on the Status of Refugees and the New York Protocol of 1967 however, with a geographical limitation. Law No. 6458 poses a step forward for Turkey in international protection terms as it contains a comprehensive section devoted to this issue. Turkish international protection practice is going to have a proper legal framework when the relevant sections of the Law comes into force, one year after the date of publication. However, the Law does not lift the geographical limitation of the Turkish Government under the Geneva Convention which limits refugee status to events that took place in European Countries. In this respect the Law repeats the definition of the Geneva Convention. For those asylum seekers arriving in Turkish territory from non-European Countries are regulated under a so called “conditional refugee” status who shall be allowed to reside in Turkey until they are resettled to a third country. The Law provides a “subsidiary protection” status for those protection seekers who are not considered to be refugees or conditional refugees but would be facing certain risks at the country of origin. The definition of this status is adapted from the Qualification Directive of the European Union. Moreover, the Law contains a “temporary protection” status for those foreigners who were forced to leave their country of origin in masses, in order to find urgent and temporary protection at the Turkish borders and can not return to their country of origin. Considering how pressing the problem of temporary protection is for Turkey, one single article that lacks protection standards and procedures is less than satisfactory. The provision indicates that this issue is going to be governed by a by-law which will be adopted by the Council of Ministers. Additionally, the Law adopts a number of mechanisms that are peculiar to the European Union’s asylum <i>acquis</i> such as the “first country of asylum”, “safe third countries”, rules, “accelerated procedures” and “reception centres”.</p>
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The Socio-Political Framework of Migration

Located at the junction of Europe, Asia and MENA (Middle East and North Africa), with Mediterranean and Black sea coasts, Turkey has always been one of the most important paths for large migration movements. Due to its geo-political significance, Turkey became the nexus of emigration, immigration and transit migration³⁶. Closeness both to the EU Area and MENA made Turkey a crucial player in terms of migratory regimes. Turkey's role became even more important in the aftermath of the Arab Spring which led to Syrian migration³⁷ to Turkey. Turkey's migration policy has changed considerably since the early 2000s in attempts to satisfy EU membership criteria.³⁸ Among the reforms harmonizing Turkey's legislation in the justice, freedom and security area with the EU *acquis*, the most important step was the Law on Foreigners and International Protection which has recently been approved by the Grand National Assembly. It will introduce a new legal and institutional framework for migration and asylum and was welcomed by the EU as a clear sign of Turkey's efforts to establish an effective migration management system in line with EU standards.

Despite the steps undertaken, there are three unresolved critical issues. First, Turkey applies a geographical limitation to refugees and does not recognize the status of refugees to persons from non-European countries. To solve this dilemma, UNHCR intervenes to identify third country resettlement opportunities for non-European asylum seekers whose applications are approved. Without the guarantee of full-membership, Turkey is reluctant to lift the geographical limitation because of the fear of becoming a buffer zone. Second, due to her stable political atmosphere and Steady economic growth, Turkey became a magnet country pulling migrants from neighboring regions. The EU's fear is not for Turkish nationals who may migrate to Europe following accession, but, instead, the irregular flow of third-country nationals who use Turkey as a transit country. Turkey's visa-free policy with some of its neighbors (Syria, Lebanon, Iran, Egypt etc.) have caused serious concerns in the EU with respect to border management, especially since the crisis in Syria. According to the 2012 Progress Report³⁹, the number of third-country nationals detected in 2011 by EU Member States when entering or attempting to enter the EU illegally and coming directly from or transiting through Turkish territory stood at 55,630. A readmission Agreement and a Visa Facilitation agreements scheme are under discussion. In June 2012, Turkey and the EU finalized the Readmission Agreement; however, it has yet to be signed due to Turkey's understandable concerns at unfair burden sharing. The agreement's ratification implies Turkey's and the EU's agreement to readmit illegal aliens within their borders. The EU, in turn, promises to lighten visa requirements for Turkish nationals⁴⁰.

In addition to these constraints, Turkey faces a major challenge in the field of migration. Since the foundation of the Republic of Turkey in 1923, migration policy has been designed within the context of nation building with the intention of establishing a homogeneous identity⁴¹. Hence, immigrants without Turkish descent and culture are seen as a threat to Turkish and Muslim identity. Turkey's current ambition to become an EU member and the accompanying political liberalization is straining the state's traditional concept of national identity⁴².

³⁶ See Kemal Kirisci, "Turkey: A Transformation from Emigration to Immigration", Migration Information Source 2003, <http://www.migrationinformation.org/Profiles/display.cfm?id=176>

³⁷ See Şenay Özden, "Syrian Refugees in Turkey", Migration Policy Center (MPC) Research Report 2013/05, http://www.migrationpolicycentre.edu/docs/MPC_RR_2013-05.pdf

³⁸ See Seçil Paçacı Elitok, "Turkey's Negotiations on Migration: One-on-One or One-on-Twenty Seven?", IPC-Mercator Policy Brief 2013 http://ipc.sabanciuniv.edu/wpcontent/uploads/2013/04/secilelitok_TR_EU_migration.pdf
The same report shows that between 1 January and 15 July 2012 the number of irregular migrants coming or crossing Turkey and being intercepted by EU Member States amounted to 25,944. In 2011, the number of irregular migrants apprehended in Turkey reached 44,415, an increase of 26% on the 2010 figures.

⁴⁰ See Zeynep Özler, "Breaking the Vicious Circle in EU-Turkey Relations: Visa Negotiations", Turkish Policy Quarterly, Spring 2012. <http://www.turkishpolicy.com/dosyalar/files/2012-1-ZeynepOzler.pdf>

⁴¹ See Icduygu, A. and S. Deniz. (2009): Turkey. Focus Migration Country Profile, Nr.5., April 2009, http://focus-migration.hwwi.de/uploads/tx_wilpubdb/CP_05_Turkey_2009.pdf,

⁴² See Kemal Kirisci, "Turkey: A Transformation from Emigration to Immigration", Migration Information Source 2003, <http://www.migrationinformation.org/Profiles/display.cfm?id=176>

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	<ul style="list-style-type: none"> • Ministry of Foreign Affairs • The Presidency of Turks Abroad and Kin Communities • Office of Public Diplomacy under the office of Prime Minister • Turkish National Police • Director of Religious Affairs • Ministry of Customs and Trade • TIKA (Turkish International Cooperation and Coordination Agency) • Directorate General for Consular Affairs 	<ul style="list-style-type: none"> • Ministry of Justice, Ministry of Foreign Affairs • Ministry for EU Affairs, Delegation of EU to Turkey • European Council-Turkey • General Command of Gendarmerie • Turkish Coast Guard Command • Turkish National Police • Border Management Bureau • Asylum and Migration Bureau under Ministry of Interior • Provinces • Ministry of Labour and social Security Homeland Advice Bureau under Foreign Relations and Workers Abroad Services General Directorate
Governmental Strategy	<p>Government strategy is to take the necessary measures to ensure family unity, the education of the children, the cultural needs, and the social security of Turkish nationals working abroad. The government will also take the necessary measures to safeguard ties with their home country and to help them on their return home⁴³;utilizing social capital and experience to contribute to EU efforts to develop better integration policies and to cooperate with host countries, involving them in the dialogue process as a partner⁴⁴; undertaking policy measures to manage legal and regular Turkish emigration; initiating dialogue and strengthening bonds with the Turkish Diaspora; providing legal support to Turkish emigrants; attracting remittances; improving the database on Turkish nationals living abroad; setting-up labour recruitment agreements; promoting Turkish entrepreneurship abroad; providing Turkish migrants with necessary mechanisms for transferring their skills as a contribution to the development of the Turkish economy; and developing strategies for Turkish communities to better cope with their integration process in relation to their host countries.</p>	<p>Government strategy is to adopt a single, coherent legislative framework governing rights of legal and illegal migrants, as well as refugees in accordance with the EU <i>acquis</i> and international standards: e.g new Law on Foreigners and International Protection. Governmental strategy is also to develop a humanitarian approach towards migration and asylum to combat illegal migration and human trafficking; to improve living standards in removal centers and satellite cities to better fulfill the needs of asylum seekers; to strengthen institutional capacity; to assist voluntary return, training of staff working in migration management; to ensure humanitarian aid to Syrian citizens; to establish a new civilian authority coordinating the overall asylum and migration issues; to develop a visa policy that is consistent with the visa obligations imposed by the EU; alignment border management policy with Integrated Border Management System of the EU; and to foster entry and work permit procedures of highly skilled workers.</p>

⁴³The Turkish Constitution, Article 62, relating to Turkish nationals working Abroad.
http://www.anayasa.gov.tr/images/loaded/pdf_dosyalari/THE_CONSTITUTION_OF_THE_REPUBLIC_OF_TURK_EY.pdf

⁴⁴ See Kemal Kirişçi, “ Three Way Approach” to Meeting the Challenges of Migrant Incorporation in the European Union: Reflections from a Turkish Perspective”, CARIM Research Report 2008/3
http://cadmus.eui.eu/bitstream/handle/1814/8291/CARIM_RR_2008_03.pdf?sequence=1

<p>Civil Society</p>	<p>a) <u>Turkish migrant associations</u></p> <ul style="list-style-type: none"> attempts to protect rights of Turkish migrants in legal, social, political, economic and cultural fields: e.g. the Turkish Community in Germany. <p>b) <u>Religious Associations and Communities</u>⁴⁵</p> <ul style="list-style-type: none"> caters to the religious needs of its members, the establishment of mosques, conduct integration projects and socio-cultural activities (e.g. Religious Affairs Turkish Islamic Union (DİTİB) functions as an umbrella organization and has 896 branches in Germany). <p>c) <u>Professional Diaspora Networks</u></p> <ul style="list-style-type: none"> supports and consults Turkish migrant entrepreneurs (e.g. The Association of Turkish Entrepreneurs (ATU) in Germany). <p>d) <u>Research Institutions and Academic Platforms</u></p> <ul style="list-style-type: none"> conducts research into the improved promotion and teaching of Turkish culture, history, language and literature, supporting scientific studies by cooperating with various organizations (e.g. The Yunus Emre Institute). functions as a network for researchers and students interested in migration issues in, from, and through Turkey and its neighborhood: e.g. The Turkish Migration Studies Group (TurkMiS) at the University of Oxford. 	<p>a) <u>Civil society organizations</u></p> <ul style="list-style-type: none"> serving and protecting refugees, asylum seekers and irregular migrants: e.g. International Catholic Migration Commission (ICMC), Association for Solidarity with Asylum Seekers and Migrants, Helsinki Citizens Assembly, Human Rights Associations (IHD), Human Resource Development Foundation (IKGV), Amnesty International, Mülteci-Der. assisting victims of human trafficking: IKGV. supporting internally displaced: ICMC, IHD, Göç-Der, Mazlum-Der. <p>b) <u>Migrant Networks</u></p> <ul style="list-style-type: none"> Informal organizations advocating a rights-based approach: e.g. Migrant Solidarity Network. Informal networks of international migrants: e.g. network of Afghan refugees or Union of the Young Refugees in Turkey. Centers for refugee children: e.g. Yeldeğirmeni Children and Youth Center. <p>c) <u>Migration Research Centers</u></p> <ul style="list-style-type: none"> connecting the migration debate in Turkey to ongoing debates, developing collaboration between migration scholars, civil society organizations and policy makers: e.g. the Migration Research Center at Koç University, MireKoc. producing reliable information based on research findings that can contribute to realistic policy and decision-making processes: Center for Migration Research at Bilgi University. conducting national and foreign researches regarding internal and external migrations: e.g. Hacettepe University Migration and Politics research center (HUGO).
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⁴⁵ See Nermin Abadan-Unat "Turks in Europe From Guest Worker to Transnational Citizen", Berghahn Books, 2011, pp.124-130.

<p>International Cooperation</p>	<ul style="list-style-type: none"> - Signing bilateral social security agreements with countries where Turkish citizens live (currently 28 countries) - Establishing readmission agreements so as to tackle the issue of illegal migration and to encourage states to fight against the same: e.g. readmission Agreements with Syria, Kyrgyzstan, Romania, Ukraine, Greece, Bosnia, Herzegovina, Pakistan, Yemen, Russia, Nigeria, Moldova. - Working in cooperation with receiving countries in order to collect better statistics on Turkish emigration 	<ul style="list-style-type: none"> - Collaborating with international organizations (UNHCR and IOM) for asylum and human trafficking. - Implementing Twinning Projects: e.g. on "Migration and Asylum" in 2004-2005 with the cooperation of Denmark and UK and on Integrated Border Management with the cooperation of France and UK. - Cooperating dialogue with other countries to establish sustainable mechanisms in the field of migration management: e.g. the Presidency of the Budapest Process since 2006.⁴⁶ - Alignment with the EU framework in the field of Justice, Freedom and Security: e.g. Migration Strategy Document, Asylum Strategy Document, National Action Plan for Asylum and Migration. - Facilitating visa liberalization and visa facilitation agreements. - Becoming party to international agreements: e.g. UN Convention Against Transnational Organized Crime and of its two Additional Protocols (Palermo Convention), UN International Convention on the Protection of the Rights of All Migrant Workers and Member of Their Families.
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⁴⁶ Turkey has chaired the Budapest Process since 2006, an inter-governmental unofficial cooperation dialogue forum involving 53 countries' governments and 21 International Organizations. Turkey has also led the creation of Silk Route Working Group in order to develop active cooperation with source countries for regular and irregular migration