

TAZEEN QURESHI

FRACTIONING THE REFUGEE LABEL – A CASE STUDY OF
SYRIAN REFUGEES IN TURKEY

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FRACTIONING THE REFUGEE LABEL – A CASE STUDY
OF SYRIAN REFUGEES IN TURKEY

A Master's Thesis

by
TAZEEN QURESHI

Department of
International Relations
İhsan Doğramacı Bilkent University
Ankara
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TAZEEN QURESHI

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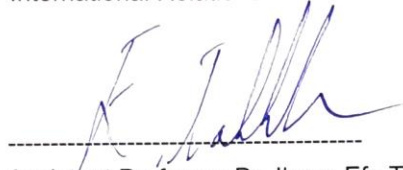
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Assistant Professor Dr. Berk Esen, Bilkent University
Supervisor

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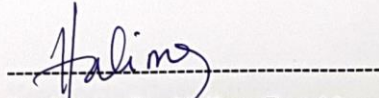
Assistant Professor Dr. Ihsan Efe Tokdemir, Bilkent University
Examining Committee Member

I certify that I have read this thesis and have found that it is fully adequate, in scope and in quality, as a thesis for the degree of Master of Arts in International Relations



Assistant Professor Dr. Kadir Onur Unutulmaz, Social Sciences University of Ankara
Examining Committee Member

Approval of the Graduate School of Economics and Social Sciences



Professor Dr. Halime Demirkan
Director

ABSTRACT

FRACTIONING THE REFUGEE LABEL – A CASE STUDY OF SYRIAN REFUGEES IN TURKEY

Qureshi, Tazeen

M.A., Department of International Relations

Supervisor: Assistant Professor Dr. Berk Esen

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This research analyzes Turkey's national asylum policies to determine if they result in the fractioning of the refugee label – as theorized by Roger Zetter. Fractioning of the refugee label occurs when states utilize legal and bureaucratic measures that are based on arbitrary or discriminatory requisites to restrict and exclude selected individuals from claiming unconditional refugee status within their territory. Refugees who suffer the consequences of disjunctive labels are unable to obtain legal status in the host country, unable to permanently settle or integrate in host society, and cannot avail the full gamut of rights accorded to them by the 1951 Refugee Convention – as in the case of Syrian refugees in Turkey. The question then arises as to why Turkey continues to host the largest refugee population in the world since 2013, even when it does not legally recognize Syrians as refugees and has no obligation towards them under the 1951 Refugee Convention. One finding is that Turkey's approach towards the Syrian refugee crisis has been somewhat myopic since the beginning. This is evident from Turkish government's changing stances on Syrian 'guests' and the impromptu laws that have been adopted since 2011. A second finding is that Turkey continues to host Syrian refugees for opportunistic foreign policy reasons. This is evident from Turkey's recent bout of 'refugee rentierism' – as theorized by Gerasimos Tsourapas – where Turkey is using its geo-strategic location and its large refugee population as a resource to extract strategic rent from the European Union through blackmail.

Keywords: Case Study, International Migration, Refugee Labelling, Refugee Rentier States, Turkey.

ÖZET

MÜLTECI ETİKETİNİ PARÇALARINA AYIRMAK: TÜRKİYE'DEKİ SURİYELİ MÜLTECİLERE İLİŞKİN BİR VAKA ÇALIŞMASI

Qureshi, Tazeen
Yüksek Lisans, Uluslararası İlişkiler Bölümü
Tez Danışmanı: Dr. Öğr. Üyesi Berk Esen

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Bu araştırma Türkiye'nin milli sığınma politikalarını analiz etmekte ve Roger Zetter'in kuramlaştırması ışığında bu politikaların mülteci etiketinin parçalanmasına sebep olup olmadığını araştırmaktadır. Söz konusu parçalanma, devletlerin keyfi veya ayrımcı şartlara dayanan birtakım hukuki ve idari tedbirleri kullanarak belli bireylerin kendi topraklarında koşulsuz mülteci statüsünü talep etmelerinin önüne geçmesi ya da bu bireylerin bu statüden dışlanması ile ortaya çıkmaktadır. Türkiye'deki Suriyeliler bir örneği olmak üzere, bu tür ayrıştırıcı etiketleme uygulamalarına maruz kalan mülteciler ev sahibi ülkede hukuki statü kazanamamakta, sürekli olarak yerleşme ve topluma entegre olma fırsatını bulamamakta ve kendilerine 1951 Mülteci Sözleşmesi ile verilen haklardan istifade edememektedir. Bu durumda ise Türkiye'nin 1951 Sözleşmesi'ne göre hiçbir sorumluluğu yokken ve onlara mülteci statüsünü hukuken teslim etmemesine rağmen halen neden 2013'ten beri en yüksek sayıdaki Suriyeli mültecilere ev sahipliği yaptığı sorusu ortaya çıkmaktadır. Bir bulguya göre, Türkiye'nin Suriyeli mülteci krizine yaklaşımının daha baştan miyopik olduğudur. Bunun önemli göstergeleri süreçte hükümetlerin Suriyeli "misafirlere" yönelik değişen tutumları ile 2011 yılından beri irticalen çıkarılan kanuni düzenlemelerdir. İkinci bir bulguya göre ise Türkiye'nin halen Suriyeli mültecilere ev sahipliği yapmasının sebebi dış politika fırsatlarından istifade etmektir. Gerosimos Tsouparas'ın kuramlaştırmasına göre, Türkiye, jeostratejik konumu ve yıllardır ev sahipliği yaptığı büyük mülteci nüfusunu Avrupa Birliği'nden şantaj yoluyla birtakım stratejik rant elde etmekte ve "mülteci rantçılığı" yapmaktadır.

Anahtar Kelimeler: Mülteci Etiketlemesi, Mülteci Kiralayıcı Devletleri, Örnek Olay İncelemesi, Türkiye, Uluslararası Göç.

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CHAPTER 1

INTRODUCTION

The Syrian Refugee Crisis¹ is the largest humanitarian emergency in the world since the Second World War. The Syrian Civil War, which triggered this crisis, has resulted in the displacement of approximately 13 million Syrians since 2011. Almost half of them, about 5.6 million, are currently under asylum in neighboring countries of Turkey, Jordan, Lebanon, and in North Africa. In 2011, when the crisis first began, Turkey opened its borders to approximately 20,000 Syrian asylum seekers. Today, this number has risen to 3.6 million and Sarioglu (2018) predicts that it is further expected to rise to 5 million in the next ten years.

Over the course of the past eight years, the presence of millions of Syrian refugees in Turkey has exposed numerous issues with Turkey's migration and asylum regime. One major issue is that Syrian asylum seekers in Turkey are not legally recognized as refugees by the Turkish government. Turkey's asylum regime has spatially discriminated against non-European asylum seekers since the 1960s. This due to Turkey's geographic limitation against the 1951 Geneva (Refugee) Convention relating to the status of refugees. As a consequence of this limitation, Turkey only grants legal (unconditional) refugee status to European asylum seekers. Moreover, because of this

¹ Technically, Syrians are not legally recognized as refugees in Turkey but this research uses the term 'Syrian refugees' as an analytical term that includes Syrian asylum seekers that have arrived in Turkey since 2011.

limitation Turkey does not have any legal obligation towards non-European asylum seekers as per the Refugee Convention.

This geographic distinction was maintained and reproduced in Turkey's first landmark asylum regulation in 1994 – that was in force when the Syrian refugee crisis began. Moreover, the 1994 Asylum Regulation strictly stipulated that "...it is essential that population movements be stopped at the border, and that asylum seekers be prevented from crossing over into Turkey..." (Regulation No. 1994/6169: art. 8). As a matter of fact, while the government did introduce proper temporary protection measures for Syrians in the 2013 Law on Foreigners and International Protection, it did not abolish the spatial requisites for refugee status determination.

For Zetter (2007), over the past 30 years, refugee label has been fractioned into various bureaucratic categories which has resulted in the politicization of refugees and has ended up obscuring the 'refugee' label itself. This research uses Zetter's framework to determine if Turkey's continued preservation of a spatial pre-requisite for refugee status determination results in the fractioning of the refugee label. It also looks at how, and why, this requisite came into being, historical justifications for the institution of selective criteria for refugee status determination, and the implications that such requisites have on non-European/non-Convention asylum seekers in Turkey.

Regardless, what is perplexing is that in 2011, the AKP government (the ruling AK Parti or Justice and Development Part – JDP) instituted an open-door policy that welcomed Syrian asylum seekers as 'guests' en masse instead of following the 1994 Asylum Regulation. In fact, Turkey's welcoming of the Syrian asylum seekers was not only in opposition to the 1994 Asylum Regulation, it was also in contrast to precedents set by past Turkish governments. This begs the question as to why did AKP institute an open border policy for Syrian asylum seekers when Turkey's national asylum laws do not legally recognize Syrian asylum seekers as refugees? Moreover, if the Turkish government had no intention to lift its geographic limit for non-convention refugees in 2013, why did AKP stick to its open border policy for Syrian asylum seekers until late 2015?

Since 2015, more or less, Syrian refugees have made up for approximately 5% of the total Turkish population. This has made Turkey the largest refugee hosting country in the world by a substantial margin. But Turkey officially closed its borders to Syrian asylum seekers in the late 2015. This move marked a drastic change in AKP's approach towards Syrian asylum seekers. In a few short years, Syrians went from being 'Muslim brothers' and 'guests' to being an unwelcome presence. This change in approach was not just in AKP's policies, but also noticeable in public discourse surrounding Syrian refugees.

Naturally, hosting 3.6 million Syrian refugees and providing them with basic services has put significant strain on the Turkish economy, institutions, and public services. For example, President Erdogan has stated that since 2011 the Turkish government has already spent approximately \$37 billion on Syrian refugees. The change in AKP's approach is also motivated by the recent economic downturn in Turkey that has resulted in a rise in social problems such as unemployment, inflation, etc.

To further exacerbate the situation, the complexity of the Syrian Civil War indicates that it is not likely to end anytime soon. Whereas non-convention asylum seekers of the past usually returned to their countries of origin or resettled in a third country within a decade or less of temporary stay in Turkey. Syrian refugees have already been in Turkey for the past 8 years and show no sign of leaving any time soon because of the intractability of the Syrian Civil War. As such, Syrian asylum seekers present a long-term problem for the AKP that non-convention refugees of the past did not.

This has resulted in AKP's political opposition questioning the viability and utility of AKP's refugee policy. It has also given rise to public resentment towards Syrian refugees – blaming them for various social and economic trouble. Yet, it wasn't until 2018 that the Turkish government stopped registering any new Syrian asylum seekers and prohibited non-government organizations from providing assistance to any non-registered Syrian refugees. Perhaps this move came a little too late, but it is worth questioning as to why did AKP continue to be the largest refugee hosting country in the

world since 2015, despite incurring significant social, economic, and political costs in the process?

Between 2011 and 2018, AKP changed its strategy for handling the Syrian refugee crisis at least thrice. Before 2013, it followed an ideationally motivated 'humanitarian diplomacy' strategy that was based on AKP's foreign policy ambitions in the Middle East. Between 2013 and 2015, Turkey tried to negotiate with the US and Russia to establish a no-fly zone in Northern Syria motivated by three main factors: (i) its support for Syrian rebels to overthrow Bashar Al Assad, (i) in an attempt to establish a safe haven for Syrian refugees to return to, and (ii) to limit the growing influence of PKK in Northern Syria (especially in regards to their alliance with the US for fighting ISIS). When these negotiations did not yield any results, AKP recalibrated its strategy to become a 'refugee rentier state' – as theorized by Gerasimos Tsourapas (2019). Turkey's rentier project began with a 'backscratching' attitude with the EU. In 2016, Turkey signed the EU-Turkey Deal - promising cooperation in containing refugees in exchange for economic and political benefits including €3 billion and visa liberalization for the Schengen Area for Turkish citizens. While the monetary aspect (€3 billion) of this deal is negligible compared to the \$37 billion that Turkey has single handedly spent on Syrian refugees since 2011, the political benefits promised to Turkey as a part of this deal were significant. For instance, when the German Chancellor, Angela Merkel visited Turkey in 2015 to finalize the Deal, amongst other things, she assured 'the resumption of frozen negotiations on Turkey's EU membership bid along with a promise for stronger burden sharing in the future (that would depart from Turkey's treatment as an outsider), visa liberalization, and lifting EU's visa requirements for Turkish citizens' (Connolly, Traynor, & Letsch, 2015). The EU also granted Turkey a 'safe country' status in return for cooperation – ignoring the fact that Turkey's asylum policy was spatially discriminatory and Turkey did not legally recognize Syrians as refugees (Connolly, Traynor, & Letsch, 2015).

When the EU did not deliver on its political promises, Turkey changed its rentier attitude to 'blackmailing' in 2016 - departing from its ideational and

political motivations for welcoming/hosting Syrian refugees between 2011 and 2015. Turkey's shift from 'back-scratching' to 'blackmailing' stems from AKP's acute realization of Turkey's geostrategic advantage vis-à-vis the EU. In theoretical terms, Turkey – like any refugee rentier state – has tried to extract material and political (and diplomatic) benefits from the EU by threatening to open the borders and allow refugees to 'flood' developed states. Of course, this entire premise is based on the unfounded fear that developed countries have of refugees. To Turkey's dismay, the EU only delivered on its material promises – that too partially and through EU Facility Projects instead of directly giving Turkish government the funding. Moreover, as of 2019, the EU has not fulfilled any political commitments to Turkey made under the EU-Turkey Deal. As such, the political elite in Turkey are quite disillusioned with the EU today.

Overall, in the past eight years, Turkey has failed to convert any of its major strategies into concrete deliverables when it comes to using Syrian refugees as a bargaining chip. However, this change in strategies has shed considerable light on AKP's paradoxical refugee policies. Therefore, in order to understand Turkish government's assumingly paradoxical migration policies for the Syrian refugees, this research questions ***“how has the Turkish government used migration as a policy tool?”***

To answer this question, the research is divided into two thematic areas. The first area draws upon Roger Zetter's theory on refugee labelling to investigate the why, and how, of Turkey's spatially disjunctive asylum regime. Chapter 3 of this research, will use process tracing methodology to study Turkey's migration and asylum policies since its formation in 1923 till present day. In doing so, the research identifies key laws and practices that determine if the refugee label has been fractioned in Turkey using examples from various refugee flows in history.

The second thematic area uses Gerasimos Tsourapas's theory on refugee rentier states to determine if Turkey's strategic responses to the Syrian refugee crisis constitute refugee rentierism in any form. To do so, chapter 4 of this research traces key changes in Turkey's stance towards the Syrian

refugees in a chronological manner starting with 2011 and ending in 2018. In linking Zetter's theory to Tsourapas's, this research deduces that antecedent state practices such as politicizing the refugee label can result in the development of rentier opportunities for host states in the future. After all, if the figure of refugee was not stigmatized or politicized to begin with, how could host states extort refugee rent from target states in exchange for maintaining and containing refugees? In Turkey's case, this interconnectedness is quite clear because AKP's initial response to Syrian refugees (open border policy) and Turkey's continued status as the largest refugee hosting country since 2015 are indicative of AKP's use of migration as a (domestic and foreign) policy tool.

Nevertheless, this research comes at a time when Turkey's increasing prominence as a transit migration state makes it likely that the Syrian refugees may not be the last wave of refugees making their way to (and through) Turkey. And with western states progressively adopting restrictive asylum policies in the face of unprecedented refugee crises, Turkey's title as the world largest refugee hosting country – given its historical migration and asylum policies – makes this research a compelling contribution to the literature on migration and foreign policy.

1.1. Research Methodology

The following section discusses the research design and methodology employed while conducting this study. The research adopts an interpretivist approach, which is often synonymous with qualitative research methodology. Interpretivist research relies on primary and secondary instruments such as interviews, observations, archival documents, etc. to collect data for a research. This research is interpretivist because it relies on the study of a collection of archival documents, texts of national and international agreements between Turkey and the EU, national level statistics and laws, and selected electronic sources such as newspapers, websites, etc. to determine if Turkey's management of Syrian refugees since the onset of Syrian civil war in 2012 is in line with Roger Zetter's (2007) and Gerasimos Tsourapas's (2019) theories on refugee labelling and politicization and

refugee rentier states, which are discussed in more detail in the following sections. Since this research focuses on Turkey specifically, it is primarily a single-outcome case study that seeks to explain a specific outcome or an event in a single case (Gerring, 2006).

For this study, primary data sources include, but are not limited to the following:

- Turkey's Reservation to Geneva Convention Relating to the Status of Refugees (UNGA, 1951),
- The Additional Protocol to the Convention Relating to the Status of Refugees (UNGA, 1967),
- The 1934 Law on Settlement (Law No. 2510/1934),
- The 1994 Asylum Regulation (Regulation No. 1994/6169)
- The 2013 Law on Foreigners and International Protection (Law No. 6458/2013),
- Temporary Protection Regulation (TPR) - Article 91 of LFIP (2014),
- EU-Turkey Joint Action Plan (2015) and EU-Turkey Statement (2016),
- UNHCR Data Centre and Directorate General of Migration Management, Republic of Turkey's Statistics on Refugees,
- Roger Zetter's article, titled 'More labels, fewer refugees: Remaking the refugee label in an era of globalization' (2007), and
- Gerasimos Tsourapas's article, titled 'The Syrian refugee crisis and foreign policy decision-making in Jordan, Lebanon, and Turkey' (2019).

Secondary research for this study was done in the form of a literature review of books, articles, websites, and electronic sources. The two main types of secondary sources used for this research included: (i) Generalized sources

that mainly focused on a discussion of events and processes which result in the fractioning of refugee label and the politicization of refugees using a wide range of empirical data, cases, and/or anecdotal evidence. Such sources present a discourse on the evolution of the refugee label and refugee regime throughout history and a discussion on how refugees are politicized in different ways and under various circumstances. These sources help place Zetter's and Tsourapas's theories within the broader literature on refugee labelling and politicization and form the bulk of the literature on the subject;

(ii) Case specific sources that focused on Turkish government's asylum policies and practices since 1923 and in reference to Syrian refugees – its success and failures, impacts, and future implications. Secondary case specific sources complement the primary sources above in laying the groundwork and providing detailed literature on the single-outcome case study.

To analyze the data collected through the sources mentioned above, this research utilizes process tracing method. As illustrated in John L. Mackie's article 'Cause and Conditions' (1965), the purpose of explaining outcome process tracing is to produce a 'minimally sufficient explanation' of a specific event that takes into account all the important aspects of the said event while also ensuring the elimination of any redundant factors.

Also known as 'explaining outcome process tracing', this method of analysis studies a combination of systematic and non-systematic mechanisms (Beach & Pedersen, 2013) that lead to an event. In simpler words, it goes beyond a rule-specific understanding of a case to include a study of all systematic and non-systematic sequence of events and/or processes leading to an event. This differentiates process tracing from other positivist analysis techniques that rely heavily on analyzing systematic mechanisms only. Furthermore, as opposed to other 'by-the-book' analysis techniques, instead of using just one theory to explain a case explaining outcome process tracing often combines multiple theories that are specific to the case to develop a sufficient explanation (also known as eclectic theorization). The process tracing steps for this study are as follows:

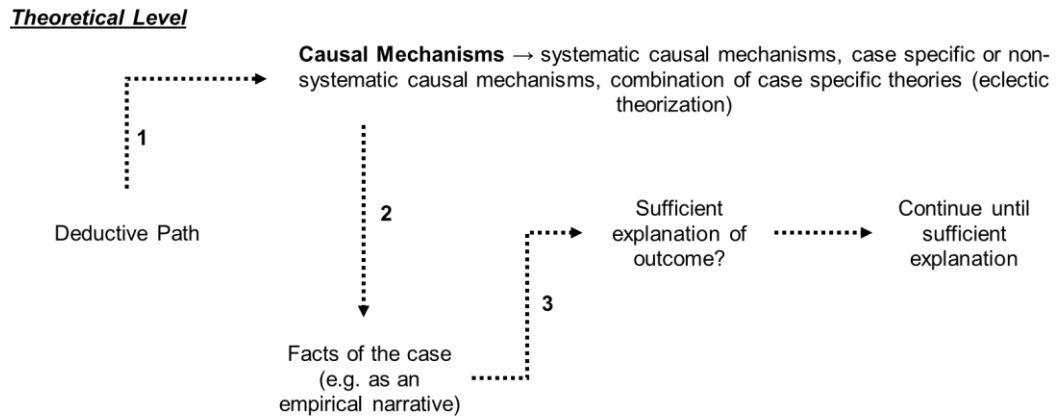


Figure 1: Explaining Outcome Process Tracing (Deductive Path)

Source: Adapted from Beach and Pedersen (2013)

According to Collier (2011) providing a thorough description of the event or process being observed is a building block of process tracing analysis and without it process tracing is likely to fail. Following this guidance, chapter 3 of this study will discuss migration and asylum policies in Turkey since 1923 and the Syrian refugee crisis since 2011 using a combination of statistics, literature, and archival documents to present an in-depth picture of how Turkish government has adopted unprecedented measures and policies that result in de facto labelling of non-European (and Syrian) refugees, which affects their access to international protection and other benefits accorded to them by the ‘refugee’ label as established by various international instruments such as the 1951 Geneva Convention.

Lastly, in terms of this study’s validity, because this study uses process tracing to analyze a single case study (also called ‘within case analyses’) it favors internal validity more than external validity. This is because while case study analysis cannot be used for wider generalizations and is difficult to replicate universally, it can result in producing intensive and relatively complete explanations for a specific event (Waldner, 2012). The benefit for conducting a thorough study of one case is that it can aid in the revelation of nuanced concepts and processes that cannot be ignored (Flyvbjerg, 2006). Therefore, case study analysis is critical in order to encourage further

research investigating a myriad of variables that make each event unique, instead of relying on a static rule-governed explanation of an event.

1.2. Thesis Structure

This thesis is divided into four chapters, namely:

1. Introduction
2. Going Beyond Humanitarianism: The Politics of Being Labelled a Refugee
3. The Curious Case of Turkish Migration Governance – A Historical Review
4. Understanding the Labelling of Syrian Refugees in Turkey Using a Foreign Policy Lens
5. Conclusion

Chapter 1 of this research introduces the study by providing a summary of the core arguments under discussion, a brief overview of the case study, and laying out the structure of this research. This chapter also puts forth the methodological framework employed while conducting this research including research design, data collection, and methods of analysis.

Chapter 2 of this research informs the reader about what it means to politicize refugees and why it is relevant to contemporary international politics. The chapter covers major debates on refugee politicization in the past, including Zetter's theoretical work that forms the basis for this study's hypothesis and conceptual framework. In addition to a review of literature, this chapter also looks at the historical trends in how refugee movements were perceived before and after the Second World War. The literature shows that there has been a notable shift in how refugees from Global South are treated differently to refugees from Global North since the end of WWII. This shift has been reflected in changes in policies, institutions, and discourse surrounding refugee movements. This has led to a reluctance, on the part of

many developed states, to admit or resettle refugee populations within their territories; instead preferring to economically support refugee hosting states in developing world – leading to a ‘grand compromise’ in the international refugee regime. The chapter ends with a review of Tsourapas’s theoretical work on Refugee Rentier States – refugee hosting states that use massive refugee populations and their geostrategic importance to extract revenues from state and non-state actors through blackmail or backscratching strategies.

Chapter 3 of this research reviews key asylum laws and policies in Turkey’s history (1923-present) to determine if Turkish policies have resulted in the fractioning of the refugee label – as per Zetter’s theorization. To do so, the chapter analyzes 1926, 1934, and 2006 Laws on Settlement, Turkey’s geographic reservations to the 1951 Geneva Convention and the 1967 Protocol of the Refugee Convention, 2013 Law on Foreigners and International Protection (LFIP), Article 91 of the LFIP on Temporary Protection Statuses, and EU influence on Turkey’s migration and asylum governance. The chapter goes on to argue that these instruments (international, regional, and national) have resulted in direct and indirect consequences for refugees residing in Turkey and are reflective of how Turkish state’s nationalistic policy motivations have always been critical in how refugees are governed.

Chapter 4 of this reviews the Syrian Refugee Crisis in Turkey since 2011. Since the refugee crisis began, Turkey has changed its stance (strategy and policy) on Syrian refugees at least thrice. Some of these strategies and policies have been paradoxical in nature. Together, they reveal the varying foreign policy motivations that have influenced Turkey’s Syria policy since day one. Since 2015, Turkey’s refugee policy is also somewhat congruent with Tsourapas’s definition of refugee rentier states. What originally began as a ‘backscratching’ dynamic, has since turned into ‘blackmail’ – where Turkey has capitalized on Syrian refugees as a resource to extract material and political rents from the EU.

Chapter 5 of this research concludes the study by reiterating the research question, case study analysis, and major findings of this research.

CHAPTER 2

GOING BEYOND HUMANITARIANISM: THE POLITICS OF BEING LABELLED A REFUGEE

The following chapter will inform the reader about what it means to politicize refugees and why it is relevant to contemporary international politics. In addition to a review of literature, this chapter will briefly overview the history of refugee label and universally accepted definitions. Owing to the notable shift in how modern refugees are treated differently to their historical counterparts, this chapter also reviews varying perceptions of refugees throughout history. More importantly, the refugee regime today is markedly different from its inception; state practices have changed drastically and so have the volume and nature of labels – these changes will be explored in the section on dominant agencies in refugee governance.

As a part of the theoretical framework that forms the conceptual basis for this research, this chapter will also examine Roger Zetter's theory about the relevance of labels in refugee governance and the fractioning of the refugee label. Lastly, the chapter will investigate as to why states continue to host large refugee populations – even when the labels are so contested and their intentions are not entirely humanitarian in nature. In order to do so, the chapter will examine Gerasimos Tsourapas's theory on 'refugee rentier states'. Refugee rentier states use refugee populations within their territory as leverage for material gains by either blackmailing or negotiating with other state and non-state actors.

2.1. History of the Refugee Label

Historically, the Peace of Westphalia (1648) is accredited with the founding of nation states as we know them today. Westphalian treaties ensured a state's sovereignty, territorial integrity, and equality in international law (Haddad, 2008). Ironically, it was these concepts of sovereignty and territorial integrity that created a backdrop for the 'displacement of people' across Europe (Barnett, 2002). The Peace of Westphalia introduced the concept of '*jus emigrandi*' (translation: right to emigration), that gave citizens the right to leave a state to become member of another state for religious reasons (Betts & Loescher, 2011; Haddad, 2008). According to Hemaadri (2017), with the advent of nation states came the 'language of nation state', which created an absolute differentiation between citizens and others (Keely, 1996). This idea bound the citizen to a spatial boundary, citizenry, and singular identity of the nation state (Kibreab, 2003). And, as Haddad (2008) argues, the consolidation of national identity was crucial for the nation-building process.

Before the founding of nation states, issues concerning refugee movements, displacement of persons, and cross-border migration were mostly apolitical in nature and while refugee flows were not uncommon they were treated as political anomalies by imperial states in Europe (Bundy, 2016). In this period, refugees were individuals who sought sanctuary mostly from political or religious persecution (Betts & Loescher, 2011: 2). A large part of discourses and literature on refugees, during this period, was predominantly based on the experiences of French Protestant (Huguenots) refugees (circa 1687), French émigré following the French Revolution of 1789, Jewish refugees fleeing persecution in Eastern Europe and Russia (circa 1881), displaced persons in Italy, France, Austria, and Germany due to the democratic/liberal Revolutions of 1848, White émigré following the Russian Civil War of 1917, Armenian refugees fleeing persecution from 1915 onwards, and others. Therefore, the resultant institutions, policies, and practices dealing with refugees were exclusively European – which later became the basis for the formation of the international refugee regime. Yet, labels such as 'refugee',

‘migrant’, ‘illegal migrant’, or ‘asylum seeker’ did not formally exist in this period.

This change came in the 20th century with the establishment of the League of Nations in 1920. As Goodwin-Gill puts it, “the history of international refugee law is also the modern history of international organization” (2017: 24). The international refugee regime, as we know it today, was established in the aftermath of the First World War when the League of Nations realized the need for an agency that could manage massive refugee flows resulting from the devastation caused by the war and the dissolution of large multi-ethnic Hapsburg, Romanov, Ottoman, and Prussian empires into nation states (Betts & Loescher, 2011).

According to Gatrell (2014), approximately 10 million men, women, and children were displaced (internally and externally) in the aftermath of the WWI. A majority of these people were essentially stateless, excluded from citizenship of new nations on the basis of ethnicity, religion, geography, or language, lacking proper identification documents – seeking ‘refuge’ (Loescher, 1994). In fact, the term ‘refugee’, as is widely used today, was first coined in 1921 by Dr. Fridtjof Nansen, the first High Commissioner for the League of Nations in specific reference to Russian refugees after the First World War (Feller, 2001). And even though the High Commissioner’s office was relatively informal and depended strictly on discretionary funds from member states, it did devise procedures to protect refugees, such as the Nansen Passports which allowed stateless refugees to travel to a country that would let them integrate (Goodwin-Gill, 2017).

However, it wasn’t until the end of Second World War, that nation states recognized the need for a permanent agency to deal with refugee governance holistically. In 1945, there were approximately 40 million displaced men, women, and children in Europe alone (DePillis, Saluja, & Lu, 2015). Under the auspices of United Nations, the Geneva Convention Relating to the Status of Refugees in 1951 (hereon referred to as 1951 Convention or Refugee Convention) was ratified. The 1951 Convention adopted a universal definition of who a refugee is and what rights are

refugees entitled to. According to Gilad, the components of international protection afforded to refugees under convention are “admission to safety, exemption from forcible return, non-discrimination, and assistance for survival” (2002: 712). Additionally, United Nations High Commissioner for Refugees (UNHCR) was established as a permanent agency responsible for supervising states’ implementation of the 1951 Convention. Before this, coalition of states, such as the League of Nations, dealt with various refugee crises on ad hoc basis (Ben Nun, 2015).

The 1951 Convention changed the perceptions surrounding who is a refugee and how are refugees to be governed. States who ratified the 1951 Convention had two reasons to do so:

- (i) They were concerned about the protection of Europe’s refugees, seeking to re-integrate these people to ensure the regions stability and security, and
- (ii) To promote values of justice and human rights as part reparation for the unprecedented devastation caused during the Second World War (Betts & Loescher, 2011: 8).

Nevertheless, the legal label of ‘refugee’ was reserved exclusively for the protection of those fleeing the destruction of WWII or ‘persecution’ of totalitarian or communist regimes in Europe until the Additional Protocol to the Geneva Convention (hereon referred to as 1967 Protocol) was ratified sixteen years later.

2.2. Who is a Refugee?

According to Hurrell, “a great deal of the struggle of refugee politics has been about notions of definition and labelling” (2011: 88). In the 1951 Convention, Article 1 defines refugee as any person who:

As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or

who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (1951: 3)

This universal definition of refugee has been widely contested as being too narrow in scope (Gilad, 2002: 217). For example: people fleeing generalized violence as a result of civil war in their country are not legally eligible to receive refugee status as per the 1951 Convention. To address this issue, various regional organizations have added to, or edited, this definition to address particular refugee flows in their regions.

For instance, in addition to the definition above, the Organization of African Unity's (OAU) Convention governing specific aspects of the refugee problem in Africa recognizes refugee as any person:

...who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality. (OAU, 1969: 3)

Similarly, in addition to the definition set out in the 1951 Convention, 1967 Protocol, and OAU Convention, the Cartagena Declaration on Refugees, adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico, and Panama on behalf of ten Latin American states, recognizes refugee as any person:

...who [has] fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order. (1984: 3)

Initially, Article 2 of the 1951 Convention allowed signatories to decide on the eligibility of refugees in line with a geographical limitation. It was up to the state parties' discretion to interpret events occurring before 1 January 1951 as events that took place only 'in Europe' or 'in Europe and elsewhere'. If a state party did interpret it as events occurring before 1 January 1951 in Europe, then it would only grant unconditional refugee status to people coming from states in the Council of Europe (Foca, 2011).

This geographical limitation was particularly important given the political environment of the time. Against the backdrop of the Cold War, refugees became symbolic instruments of ideological warfare in a bipolar world (Stedman & Tanner, 2003). Therefore, non-communist western states utilized the refugee regime to give preference to 'politically persecuted' persons in an attempt to exhibit their ideal superiority over the Soviet Bloc (Loescher, 1994). For instance, political dissidents fleeing from communist states in the East were hailed as heroes in West.

At the same time, patterns of global migration in this period were also affected by an increase in movement of people due to globalization and its related development in transportation and technology. In addition to people seeking refuge from conflicts, this stream of refugees sought asylum in developed countries often to improve their socio-economic circumstances. Thus, the label 'economic migrants' was introduced to differentiate between people fleeing from persecution and those migrating for economic reasons. According to Crisp (2003), it was economic migration from Africa to Europe and from Latin America to North America that led to the overburdening of asylum systems, which consequently resulted in an emergence of stricter policies and practices to control migration in the 1990s.

However, for migrants fleeing poverty and socio-economic hardships in the developing world, moving to developed countries presented itself as an opportunity to live a better life. From a state's perspective, Scholte (2008) argues that globalization, as a process, is inherently non-territorial – meaning that globalized processes go beyond state borders and are difficult to contain. However, in reviewing Sassen's work on the sociology of globalization, Robinson (2009) argues that globalized processes, such as international migration, create a dilemma for states because they challenge a state's right to contain its political body of citizens within a well-defined, homogenous, spatial and legal territory.

Between 1990 and 2010, the international society also experienced an emergence of 'new wars' in Balkans, Sub-Saharan Africa, and the Caucasus. Refugee flows created in these new wars, specifically during the Gulf War

and the Yugoslav Wars, were thought to threaten global peace and security by, both, the international refugee regime and states. As a result, states used the prevention of refugee flows as a justification for international intervention and created a new label of 'internally displaced person' (IDP) to ensure protection of vulnerable people 'before' they crossed international borders as a result of endemic conflicts in Iraq, Bosnia, Kosovo, Somalia, and Chechnya (Weiss, 2003). It was also during this period, that governments began to shift their focus from protecting or integrating refugees to containing refugees, regardless of why refugees flee their countries or origin.

More recently, the rise in instances of global terrorism post 9/11 and the new security agenda is also closely associated with how states define and perceive refugees. In the 21st century, the label of refugee has been closely linked with state's concern about transnational terrorism, which has led to stricter border controls and more rigorous migration governance (Betts & Loescher, 2011: 9). For instance, Jaji (2013), finds that states consider people who are displaced by conflict or trapped in refugee situations to be more susceptible to recruitment by terrorist organizations. Therefore, in this day and age, the rise in violent extremism and terrorism has resulted in states in an indiscriminate treatment of refugees by states in the Global North and the Global South (Sepp, 2016).

Lastly, in addition to the recognition of economic migrants, refugees, and internally displaced persons as separate legal categories, there has also been an increase in addressing a wide range of people in 'refugee-like' situations over the past few decades. This is observable by the fact the UNHCR's mandate now includes a broad label of 'people of concern' in addition to refugees, IDPs, and asylum-seekers. In expanding the reason for refugee flight beyond persecution, labels such as people of concern can include those fleeing human right violations, natural disasters, failed states, etc. However, as explained in the following sections - and as Zetter (2007) argues - it is often difficult to starkly categorize refugees by these new labels because a difference in label does not automatically connote a difference in circumstances.

2.3. Varying Perceptions of Refugees throughout History

With the evolution of 'refugee' label, the perceptions surrounding refugees have also changed drastically since the end of WWII. There has been a notable shift in how refugees from Global South are treated differently to refugees from Global North. As briefly discussed above, this shift has been reflected in changes in policies, institutions, and discourse surrounding refugee movements. Whereas, before Cold War refugees were perceived as 'White European Heroes' who were victims of persecution by oppressive, and often violent, dictatorial regimes; after the Cold War refugees were instead perceived as 'Nameless Masses' – deprived people of color escaping extreme poverty of local conflicts (Chimni, 1998).

Gatrell (2013) traces this shift in general perception to the late 19th and early 20th century, when refugees were seen as a 'problem that required a solution'. And in order to solve this problem, governments, humanitarian actors, politicians, and private entities came together to construct the figure of refugee (Sicakkan, 2004). At the same time, refugees had no voice in this process at any stage. For example, Gatrell (2013) compares refugee populations after WWI and in the Inter War Era to show that while WWI refugees could easily live and integrate within the local populace, in the interwar period refugee camps became a common occurrence. These camps became a way for states to put distance between refugees and local populations as well as to monitor refugee populations with ease (Gatrell, 2013). By limiting the physical presence of refugee populations to camps, states found a way to stay culturally and ethnically homogenous, even in the face of mass displacements following WWI and WWII.

Chimni (1998) goes on to present a case for an 'exilic bias', observed throughout 1950s, where states only had two options when dealing with 'white, European, anti-communist' refugees: integration or resettlement (Chimni, 1998). These states were reluctant to voluntarily repatriate refugees because that would challenge the entire narrative of despotic oppressive regimes in their home countries. Clearly, this is different from how refugees, even political dissidents, are perceived today by Western states. At the same

time, while political dissent or persecution was a just reason for claiming refugee status, causes of displacement such as poverty, natural disasters, wars and invasions were not good enough reasons for claiming refugee status (Loescher, 1994).

In the 1960s and 1970s, refugee governance again changed because of a wave of independence movements that took place in Asia and Africa. Refugees originating as a result of these movements conformed to neither the geographical nor the temporal requirements of the 1951 Convention. As a result, the geographical limitation mentioned in Article 2 of the 1951 Convention was lifted by the Additional Protocol of the Geneva Convention in 1967 to permit persons originating from outside Europe to be eligible for claiming refugee status. Yet, these refugees were perceived differently from earlier European refugees for two reasons: (a) these refugee populations were thought to be massive in number and (b) the reason for their fleeing was not political persecution but poverty and national/local violent/ethnic conflicts (Loescher, 1994).

The size of refugee population, more so than its characteristics, has always been used as a tool by states in the Global North to justify their restrictive policies when dealing with new refugees from the Global South (Chimni, 1998). Even at the height of the Cold War, the size of the 'massive' wave of new refugees coming from the Global South was thought to be a threat to the government systems, public services, and social cultures of Western states (Marrus, 1990). However, Marrus (1990), rejects this claim of 'massive' or 'overwhelming' number of refugees coming to North, instead finding that "the number of new refugees, who appeared in 1985, were less than 0.005% of total West European refugees" (1990: 49). Furthermore, Chimni cites the World Refugee Survey data from 1991 to 1997, to show that in 1991 alone, Sudan hosted more refugees from the Global South than the number of asylum seekers in Western Europe and North America combined (Chimni, 1998: 359). In fact, between 1990 and 1997, Netherlands, Germany, and United Kingdom had a refugee to host population ration of 1:686, 1:869, and 1:3,860, respectively (Chimni, 1998: 359). Towards the end of the Cold War,

countries such as Pakistan, Iran, and Jordan were hosts to the largest number of refugees in the Global South (Chimni, 1998: 359). And while Turkey now tops the list of countries hosting the largest refugee population in the world, refugee populations in Pakistan, Jordan, and Iran have only enlarged since the end of the Cold War.

This difference in perception, or 'myth of difference' as Chimni (1998) calls it, was formally institutionalized after the end of Cold War when states in the Global North adopted countless immigration policies to become 'non-entrée' states (Hathaway & Gammeltoft Hansen, 2014: 6). If the normal refugee before this period was 'white, anti-communist', the new refugees were a depoliticized mass of racialized people from Global South. It was a common misconception that refugees from the Global South would abuse the host nation's hospitality, were dirty and unruly, even going so far as to suggest of their propensity to commit crimes (Long, 2013). This laid the foundation for a loss of the moral and political importance of refugees, while simultaneously stoking state paranoia about security, nationalistic fervor, and a rise of xenophobic sentiments (Chimni, 1998: 357).

2.4. Dominant Agency in Refugee Governance – International Institutions or States?

Refugees, regardless of their reason for flight, are an integral part of international politics. Ever since the inception of an international refugee regime and the two fundamental actors responsible for deciding on how refugees are to be managed in an international society are states and international organizations. So, on a systemic level, refugee governance is closely linked with the evolution of supra-national organizations such as the UNHCR. Whereas, on a state level, refugee governance is bound by state's response to refugee flows and crises. However, more often than not, how states respond to refugee flows also has far reaching impacts on international organizations and vice versa.

Nevertheless, along with a shift in the refugee label and perceptions associated with it, there has also been a shift in how the international society,

as a whole, deals with refugees. Even as the 1951 Convention relating to the Status of Refugees and its 1967 Protocol are the very embodiment of liberal thought – state practices dealing with refugees have been (and still are) reminiscent of realism throughout history. For liberal scholars and policy-makers, re-situating the protection of refugees as a humanitarian project has not resulted in a similar re-alignment of how states view refugee movements. For states, refugees are still very much a project that is ‘political’ in nature, regardless of the vast majority of conventions and treaties that imply otherwise.

Furthermore, when it comes to refugee governance, Long (2013) and Hemaadri (2017) both argue for inter-disciplinary scholarship to go beyond addressing the need for having global refugee governance, its effectiveness, and how refugees have been perceived throughout history – to focus more on how being a refugee became a ‘political construct’ and the differences between legal notions and state practices, i.e. what states say versus what they do. It is clear that the standoff between humanitarian ‘language of protection’ (Long, 2013) and state practices of rejection (securitization) lead to the contradiction between the objectives of international organizations and state interests.

As it has been established in the previous sections, modern refugees, as opposed to their historical European counterparts, are increasingly met with exclusionary or even hostile migration policies and practices around the world. Today, states in the Global North and South are equally skeptical of refugees for many reasons. For one, this skepticism stems from the historical misperceptions associated with the figure of refugee based on a range of ethnic and social biases. Secondly, as conflicts grow in size and scope, so does the refugee problem. As a result, there has been a marked proliferation of labels for refugees in the past decade or two. This has also resulted in a similar growth policies and practices to contain refugees. And lastly, while the control of territory (borders) and migration (people) were always central to state sovereignty, the increased securitization of migration after 9/11 has

added to state concerns for nationhood and national security. This has clearly brought the discourse on refugees into the fold of national politics.

When looking at state responses to refugees, Haddad (2008) argues that refugees symbolize a failure of state's responsibility in managing the state-citizen-territory triad, which is critical for maintaining order and justice.

Therefore, state response to forced migration or refugee flows is inherently a political decision because in choosing how to respond to refugee flows, states have to consider the rights of their citizens vs. refugees (non-citizens) (Snyder, 2011). For example, when states host refugees, they have to re-allocate limited resources from citizens to refugees. In some cases, states may also support refugee resettlement, integration, or repatriation in times of crises. Furthermore, given that the development of international refugee regime has been closely linked to the evolution of international organizations and state systems, states may or may not respond to refugee flows by cooperating internationally with other state and non-state actors to find durable solutions for refugee crises (Barnett, 2002). For instance, states may allocate funds for agencies such as the UNHCR as the main international organization responsible for refugee protection.

Yet, over the years, a dichotomy between how international organizations approach refugees and how states respond to refugees has been observed. For instance: while international organizations aim to provide indiscriminate humanitarian assistance to those in need, states are often reluctant to cede their sovereign rights to other state or non-state actors for any reason. These rights can be related to national security, national interests, national identity, or even domestic politics (Feng & Ruizhuang, 2006).

Unfortunately, the success or failure of the international refugee regime, as a whole, is dependent on factors such as whether a state is party to the convention, if it is willing to cooperate with other states to protect refugees, and if it is in a state's common interest to preserve refugee rights. Hence, the decision to assist refugees remains in the hands of the states. Therefore, it is not surprising that as states have gained more control over international migration, the dominant discourse concerning refugees has also transformed

from viewing 'causes of displacement' as the main problem in refugee studies to viewing the 'figure of refugee' itself as being problematic (Hemaadri, 2017: 4). Similarly, Long (2013) argues that when the individualistic approach to managing refugees was adopted in 1951, states' were more intent on protecting asylum spaces instead of protecting refugees.

This is apparent from an abbreviated review of how the definition (and label) of refugee in the nascent stages of the international refugee regime.

According to Hathaway (1984), the international society employed three different approaches when dealing with refugees between 1920 and 1950:

- (i) Juridical Approach in the Interwar Period (1920-1935): This initial approach used for responding to refugee flows resulted from the displacement, statelessness, and lack of identification of approximately 10 million men, women, and children after the First World War. The first order of business for these displaced persons was to improve their living conditions by migrating to a society that would be open to integrating them. According to Hathaway (1984), a common perception at the time was that mass displacement would threaten the sovereignty and stability of states in an international society. Using this approach, refugees were defined as "a member of a group that has no freedom of international movement because its members have been effectively deprived of the formal protection of their government" (Hathaway, 1984: 350). Therefore the 'juridical approach' to managing refugee flows stressed on the importance of assisting those groups of people (with their freedom of movement) who were considered anomalies and did not have the legal protection of any state. This was not for humanitarian reasons, but for reasons pertaining to statehood.
- (ii) Social approach before the Second World War (1935-1939): The social approach for responding to refugees combined a concern for their physical safety with a concern for their social circumstances. Following the exodus of people fleeing Nazi persecution and pogroms in 1930s Europe, the social approach sought to "provide

protection to all of members of a group facing abuse” (Hathaway, 1984: 380). Therefore, using this approach, refugees were defined as “groups of people whose personal safety or basic human rights were seriously jeopardized by the actions of their governments” (Hathaway, 1984: 379). This approach came about in an era when the protection of displaced individuals took precedence over preserving the status quo of the international system – undoubtedly owing to the establishment of inter-governmental and humanitarian organizations such as the League of Nations and the Office of the High Commissioner for Refugees.

- (iii) Individualistic approach during and after the Second World War (1939-1951): Following the establishment of states in Eastern Europe with politically charged national ideologies, the individualist approach gained prominence when it became clear that individuals who were unable or unwilling to reside in their countries of origins needed assistance in migrating. This approach was commonly embraced for two reasons: (i) it contributed towards easing the load on European migration and asylum systems, and (ii) it enabled states to acquire more control over individual migration. According to Hathaway (1984: 377), the individualistic approach affected the refugee determination process when international actors began seeing refugees not as ‘groups of people persecuted on the basis of a specific religion, ethnicity, or nation’ but as individuals whose personal “characteristics and convictions were discordant with the political systems in their original countries” (Hathaway, 1984: 378). Therefore, while individuals were to be assessed on a case-by-case basis, the causes and conditions for flight had to manifest clearly in each case and had to be “objectively demonstrated” by each person (Hathaway, 1984: 378).

Today, states manage refugee flows in one of the two manners: (i) by restricting access to refugee populations using methods such as legislative measures, deportation, detention, off-shore processing, etc. or (ii) by

welcoming refugees using methods such as temporary protection measures, humanitarian visas, etc. (Fassin, 2013: 52). Moreover, according to Long (2008), in the past two decades, voluntary or forced repatriation has replaced integration and resettlement as the preferred state response to refugees. Other than repatriation, states have also devised policies such as offshore processing, temporary protection, safe havens and safe third countries, sanctions on carriers, detentions, etc. (Watson, 2011). Hathaway and Gammeltoft Hansen (2014) add to this list of exclusionary migration practices by explaining how developed states often coopt states of origin and/or transit to limit refugees and asylum seekers from reaching their destinations; often by offering states of origin/transit financial inducements or legal and technological assistance and trainings. Naturally, this is not an exhaustive list, but it shows the diversity of methods in which states attempt to regulate refugees today.

2.5. The Relevance of Labels in Refugee Governance

“Labels reveal the political in the apolitical” (Zetter, 2007: 188)

It is an irrefutable fact that the refugee label, owing to its origin, has for a large part of history intended to serve the states that formulated it. In analyzing Hannah Arendt’s article on the politicization of minorities, titled ‘We Refugees’ (1943), Heuer (2007) calls Europe’s fixation with borders, governmentality, and camps the ‘real-politik’ of refugee governance, which is still relevant after all these years.

Similar to Zetter’s (1991) argument, Heuer argues that politicization of refugees reduces the multi-faceted issue of forced migration to “a planning process where migrants become anonymous figures” (2007: 1171). In this way, few [states or governments] obtain the legitimacy to practice domination over massive refugee populations, even in democratic societies – and labels are one way to do this (Arendt, 1943; Heuer, 2007). Squire calls this the ‘politics of mobility’ that is “constituted in the relations between migration and control” (2011: 7). In linking labels to politicization of refugees, Torpey (1998) argues that labels are inseparable from state’s attempt to control legitimate

forms of migration. And control over legitimate forms of migration through categorization of refugees reaffirms a state's capacity to include or exclude people from its territory, by practicing its sovereign agency in deciding over its population.

In a similar vein, Zetter's work on 'refugee labelling' is concerned with the innately political nature of assigning labels to people, allowing for the governance and representation of refugees in accordance to "historically contingent notions" of perception, persecution, and sovereignty (1991: 40). Zetter (2007) argues that the 'fractioning' of refugee label into various sub-labels is driven by the need to manage globalized processes, patterns of migration, and forced migration. This fractioning has negative effects on those people that are labelled. The main agents transforming the refugee label are government, not NGOs as in the past. By the process of fractioning, the refugee label becomes politicized in multiple ways and by coining new labels, states often force a re-determination of who qualifies as a refugee and what are the entitlements afforded to a refugee, not as promised to them by international law but as assumed adequate by the state (Zetter, 2007).

Adding to Thomaz (2017), refugee labelling is crucial because "it determines whether people live or not, and under what conditions, because they ascribe identities and appropriate policies, and because they reproduce the authority of the categorizer [which is, in most cases, the state]" (Thomaz, 2017: 201). In any case, it is imperative to look at how states choose to bureaucratically label refugees within their borders because, as Zetter (1991) puts it, it reflects more on a state's self-interests than the effects such labels can have on the refugee populace. Again, this is within a broader framework of institutional agency that governments practice as a part of refugee governance.

Bureaucratic labelling and categorization of refugees can have several political implications. The most important implication is that such labels can have dire impacts on refugee's rights and, in some cases, pose credible risks to their lives (Thomaz, 2017). While, labels such as 'migrants', 'IDPs', 'refugees', 'temporary protection', 'asylum seekers', etc. are meant to represent political interventions on the basis of what constitutes normal forms

of migration, they can result in shaping popular perceptions about a specific group of people and their needs even when such labels are not reflective of the actual attributes of the refugee group in question – as discussed in the previous section. This is why Nyers, quoted in Thomaz (2017: 201), defines labelling as a process of allotting attributes or identity to a group of people as per a state's rationalization of how this group should be positioned, regulated, and policed in society. When framed in this manner, Chimni's (1998) finding of how changing perceptions of refugee populace has severe impacts on refugee governance begins to make more sense.

2.6. Why Politicize the Refugee Label?

According to Zetter (2007), the refugee label has experienced severe bureaucratic fractioning since its inception; driven by the state's need to manage forced migration and patterns of migration. This 'fractioning of the refugee label' takes place in the following ways:

1. States adopt various legal instruments with an aim to interdict refugees. For example, offshore processing, third country settlement, bilateral return agreements, etc. are all bureaucratic and legal instruments that prevent an individual access to unconditional refugee status (Zetter, 2007: 181).
2. Mainstreaming labels such as 'asylum seeker', separating genuine refugees from pseudo-refugees. These categories reduce refugee rights by not offering them core services such as fast track appeals, non-refoulement, judicial reviews, etc. (Zetter, 2007: 181). Additionally, introducing temporary protection as a 'B' category for refugees that is not clearly defined in the 1951 Convention (Zetter, 2007: 181). Temporary protection is problematic because it puts individuals in uncertain conditions for indefinite amount of time. Temporary protection lets bureaucratic departments control migration, which also includes denying refugee claims if an individual has temporary status.
3. Setting up new government agencies and institutions and complex procedures to determine refugee statuses as a part of managing

refugee flows. Entire government agencies are often involved in setting up and operating detention centres, camps, or accommodation schemes. These procedures seek to monitor refugees, control their movements, and keep them alienated from citizens of the host country (Zetter, 2007: 182).

4. Changing domestic policy and practice to often apply the 1951 Convention in a limited manner, or not at all (Zetter, 2007: 182). For example, policies such as systems and offshore processing are suggestive of institutional discrimination, which is directly in contrast with what the 1951 Convention embodies.
5. Infusing the label of economic migrant and refugee by using a set of indiscriminate policies that do not take into consideration the causes of flight. Whereas, it is difficult to clearly distinguish between people fleeing due to socio-economic exclusion and those fleeing persecution because the two events are often interlinked; the set of requirements of economic migrants differ from refugees (Zetter, 2007: 183). Refugees under temporary protection, for example, often have their right to work restricted which leads them to work illegally in the informal sector. On the other hand, entry for economic migrants is often dependent on the labour market needs of the state.

Regardless of the method by which it is done, the act of fractioning the refugee label can have impact on the politics of a state. The political issue does not lie in how or why states assign specific labels to refugees, it is when refugees do not abide by their given labels and its entitlements. In most cases, a separate set of labels are operationalized - such as 'illegal immigrant', 'undocumented migrant', 'bogus asylum seeker', 'over-stayer', etc. - that have a negative connotation attached to them (Zetter, 2007: 184). For instance, illegal immigrants are perceived to be dishonest, threatening, burdensome, and criminal. It is often these negative portrayals of refugees that are politically mobilized by the bureaucracy to control and restrict existing and incoming refugees in a state. This bureaucratically supported aversion to refugees is "politicized" through policy, practice, and public discourse.

For Schmitter (1969: 166), politicization refers to:

A process whereby the controversiality of joint decision making goes up. This in turn is likely to lead to a widening of the audience or clientele interested and active in integration. Somewhere along the line a manifest redefinition of mutual objectives will probably occur...ultimately... there will be a shift in actor expectations and loyalty toward the new cause [sic]. (Schmitter, 1969: 166)

Therefore, in fractioning the refugee label, states often also incorporate public unease over various social concerns, national interests, and the political agenda of ruling elite into their policy making. For instance, let us assume that State A has a high unemployment rate. State A has also recently experienced a surge in illegal immigration due to an ongoing conflict in a neighboring country. These immigrants do not have the right to work in State A, but their livelihoods are dependent on their working. As a result, many undocumented immigrants in State A work illegally in the informal sector without job security, wage security, or any employment rights.

To dissuade business from hiring undocumented immigrants or asylum seekers, State A introduces policies that penalize businesses hiring undocumented immigrants or asylum seekers. Through this policy, State A also intends to limit illegal immigration – migrants might be discouraged to come to State A if there is no incentive of earning their livelihoods. In trying to promote this policy, State A launches a public campaign which incorporates public concern over unemployment. Now, while the state does not explicitly link unemployment, employment rights, or illegal immigration, the policy implies a link between the three. As a result, citizens of State A begin to associate working-class or poor immigrants (with and without employment licenses) with unemployment.

This example can be applied to a range of social concerns that citizens have. Therefore, when states adopt any anti-immigration rhetoric, a large part of its citizens see it as a pro-active solution to their social concerns instead of an infringement on the rights of refugees. Hence, in labelling refugees, and then politicizing those labels, states often antagonize the citizen vs. the refugee. The wave of anti-immigrant sentiments gaining momentum around the world

is based on a clash of identities (national identity vs. alien identity). Zetter sums this up by stating that “...states incorporate wider communities as agents of national immigration policies, whilst criminalizing their non-compliance, to further their legitimacy over the control of immigration” (2007: 185). Furthermore, in their paper ‘Immigration, social cohesion, and social capital’, Zetter, Griffiths, Sigona, Flynn, Pasha, and Beynon (2006) argue that refugee governance is often considered as a political problem because immigrants are thought to endanger the norms, values, and identities of states – pitting migration against a state’s national identity. And factors such as public anxiety about ‘illegal aliens’ combined with restrictive domestic policies, an aggressive media propaganda against refugees, and the proliferation of nationalist political parties around the world acts further legitimize a state’s hostile stance towards refugees (Zetter, 2015).

Similar to Zetter’s argument, Squire (2009) explains that under all the political discourse over restricting migration for national security, etc. lies a fundamental obsession states have with preserving their sovereignty. Therefore, this ‘exclusionary politics of asylum’ is closely linked with not only how the figure of refugee has changed but also how state borders and boundaries have evolved in a globalized world (Squire, 2009). Walker (2006) uses borders as an umbrella term inclusive of state practices, literal geographical territory, and institutional laws enacted on the basis of principles, jurisdiction, and identities.

According to Thomaz (2017), it is important to look at the role state borders play in politics because they are a prominent element of state sovereignty. The proliferation of physical borders reflect on the changing stance on migration – any changes in borders are influenced by a state’s perception of refugees and forms the basis for a state’s determination of labels – especially when it comes to managing refugees. Physical borders politicize refugees by either portraying them as opportunists who abuse the system for economic benefit or as threats to national security of a state (Thomaz, 2017: 207).

From the perspective of refugee governance, states often utilize borders to differentiate, discriminate, and categorize various groups of refugees.

Therefore, borders too become a tool of labelling and politicization or de-politicization of refugees (Walker, 2006). For instance, the off shore processing centres in Northern Territory, Nauru, and Papua New Guinea to process migrants and refugees, such as in Australia, is a prime example of how states redefine their border demarcations depending of refugee governance laws (Andrew & Renata Kaldor Centre for International Refugee Law, 2018). These offshore processing centres or detention centres put migrants into different categories by labelling them as per a state's national laws not only to identify them but to also control their movement.

The second [and more relevant] interpretation of borders, i.e. laws enacted on the basis of principles, jurisdiction, and identities, also have a role in impeding a refugee's access to asylum by introduction of new legal categories that provide temporary or conditional assistance to refugees. Since the 1990s, states around the world have introduced labels such as 'humanitarian protection' or 'temporary protection' in line with the global trends in refugee governance (Adelman & Barkan, 2011). While such labels help in boosting a state's 'humanitarian' image around the world, they actively restrict individuals from claiming unconditional refugee status. However, states justify the use of temporary protection labels in two ways: first, temporary protection statuses provide some form of assistance to people they do not consider as legitimate refugees but who require humanitarian assistance (Long, 2008). Secondly, temporary or conditional protection improves the credibility of a state in an international system – as being a champion of humanitarianism, without putting any burden or entrapping them into providing permanent assistance to refugees (Adelman & Barkan, 2011). For Thomaz, temporary protection is a way for states to restrict the admission of people they think are “too different, too numerous, or too dangerous” into their territory (2017: 208). This allows for a state to control their population, going so far as to denying refugee status to vulnerable people because they do not belong to (or identify with) the state's national identity.

Long (2008) and Barnett (2001) argue that introducing labels such as temporary protected status or humanitarian protection is closely linked with the emergence of a 'repatriation culture' (Barnett, 2001: 33). The label of 'Temporary Protected Status' (hereon referred to as TPS), was first established by United States in 1990, to provide humanitarian assistance to refugees from El Salvador fleeing conflict and natural disasters (Felter & Shendruk, 2018). Since then, European countries have granted TPS to refugees fleeing the Yugoslav Wars (1991-99) and conflict in Kosovo (1998-99). Most recently, Turkey has granted millions of Syrian refugees TPS, allowing them to reside and work in Turkey (Felter & Shendruk, 2018).

The justification behind the institution of temporary statuses is that displaced persons will at some point in time return to their countries of origin, which means that a state does not have to integrate or resettle them. UNHCR supported the use of TPS for most part because refugees (such as those in the Balkans or from Syria) were fleeing violent conflicts in large numbers, not due to individual persecution as outlined in the 1951 Convention (UNHCR, 2000). However, the use of TPS brought with it a distinct set of issues. For instance, while the temporariness of those protected under TPS was clear – the protection and rights afforded to them were not. Similarly, it was unclear whether states should return temporarily protected refugees voluntarily or forcibly or if they should be returned to their countries of origin or to safe third countries – in case they were unable to return to their countries of origin for some reason.

According to Zetter (2015), temporary protection labels show that states do realize the need to protect vulnerable people that might not be eligible for receiving full refugee status. On the other hand, states realize that such labels lend legitimacy to their actions even when state responsibility and the amount of people receiving full refugee status have contracted (2015: 18). At the same time, states are cognizant of the fact that temporary protection labels do not offer the same rights to refugees as the Refugee Convention does (Zetter, 2015: 19). Yet, in the absence of clearly defined international regulations and norms for TPS, states remain the main actors deciding on

the fates of those protected under TPS. And so, TPS becomes a way for states to govern refugees, control forced migration, and reassure state sovereignty.

2.7. Rationalizing the Politicization of Refugees using a Foreign Policy Lens

Discussing the inner workings of temporary protection is especially relevant to this research not only because labels such as TPS are gaining increasing popularity in refugee governance but also because, more recently, states are using labels such as TPS as means for preferred ends. For instance, while it is clear that Turkey does not legally recognize a citizen of non-European country as a refugee, it currently hosts the largest refugee population in the world. As of April 2019, Turkey is host to 3.9 million persons of concern, out of which 3.6 million refugees are Syrians with TPS (UNHCR, 2019). Given the intractability of the Syrian Civil War and the fact that Turkey does not have any intentions to permanently settle Syrian refugees within its borders, the question arises as to ‘why is Turkey host to the world’s largest refugee population – even when it cannot grant this population unconditional refugee status?

One argument is that states, such as Turkey, host massive refugee populations in order to further their foreign policy goals². Today more than ever, states have a significant role in regulating international migration - as it has been established in the previous sections. As a result, states are open to pursuing their self-interests using domestic and foreign when it comes to refugee movements at home, which may or may not overshadow the ethics of refugee governance. On this subject, Aras and Mencutek find that a state’s foreign policy preferences, decisions, and practices have an effect on international migration patterns (2015: 195), which inadvertently links international migration with national migration governance and international politics (Aras & Mencutek, 2018: 86).

² It is worth mentioning here that while foreign policy might not be the entire reason why states host massive refugee populations, it does have some bearing on why Turkey continues to host approximately 3.6 million Syrian refugees since the start of the Syrian Civil War in 2012. This will be further explored in the following sections.

Similarly, Teitelbaum (1984), an early proponent of the argument that a state's response to migration is influenced by its foreign policy motivations, argues that states use migrants to pursue foreign policy interests in two main ways:

1. To either "destabilize or embarrass foreign policy adversaries" by hosting popular figures of dissent and/or rebellions, by using refugees to support extra-territorial insurgencies and protests in country of origin, funding refugee rebellion outfits, supporting refugee militants in camps or exile, etc. (Teitelbaum, 1984: 438).
2. To pursue national security priorities that can result in a state's reassessment of international cooperation, re-shaping a state's physical borders and re-structuring a state's immigration policies and practices. For instance, instituting and controlling buffer zones, negotiating with transit countries, offering funding and other privileges to countries of origin or neighboring countries to limit refugee flow, etc. (Teitelbaum, 1984)

Even though Teitelbaum's study was based on cases prior to 1984, both of these findings are still pertinent to contemporary migration governance. Furthermore, Hollifield, quoted in Karapinar argues that international migration and international politics are related because that state controls migration and borders, this has an impact on international institutions and international society, sovereignty, and national security, which invokes the use of ideas such as identity, citizenship, rights, etc. (2017: 106). To link the domestic with the international, Mitchell emphasizes that "domestic immigration laws and policies may have an unavoidable international political projection" – transforming migration from low politics issue to a high politics issue (1989: 683). Notably, Hollifield and Mitchell's arguments also explain how varying refugee perceptions, refugee labels, and the politicization of refugee labels all ties into the ambit of state responses to immigration motivated by its foreign policies.

The literature on refugee politics shows that it is not uncommon for states and non-state actors to manipulate refugee populations as resources of war and peace – which are both prompted by a state's foreign policy considerations in an international arena (Stedman & Tanner, 2003). Stedman and Tanner (2003), in Chapter 1 of their book '*Refugee Manipulation*', argue that refugees and the refugee regime has been used by great powers and exiled groups in conflicts in the past, which has had serious impacts on international security. To add, Lischer (2005) argues that states use refugee populations for shaping conflicts. For example, during the Cold War the United States armed Afghan militant fighters, who were refugees in Pakistan at the time, to fight against the communist regime in Afghanistan, which resulted in soviet backed regime retaliating by bombing border areas in Pakistan (Lischer, 2005: 12). She further adds that the "origin of refugee crisis, policy of host state, and influence of external state and non-state actors can determine the relationship between refugee populations and conflict escalation" (2005: 18-19).

Then again, under the right circumstances, states may also use refugees to facilitate peace-making and peace-building (Betts & Loescher, 2011). Scholars such as Last (2003) and Fischer (2004) argue that refugees may assist in peace negotiations, encouraging voluntary repatriation to country of origin, and in post-conflict reconstruction and peace-building. For example, following the 1995 attack on Tuzla during the Bosnian War, the German-Bosnian NGO Ipak introduced projects for conflict resolution amongst youth that focused on integrating returning Bosnian refugees and youth from Serb villages by offering a place for gathering for youth for activities such as income-generating skills workshops, recreation, professional trainings, etc. (Fischer, 2004: 385-386).

However, in line with Teitelbaum, Hollifield, and Mitchell's findings, Gerasimos Tsourapas (2019) also finds that in addition to using refugees as resources for war and peace, states can also use refugees as a commodity for extracting rents. In his article on '*Syrian Refugee Crisis and Foreign Policy Decision Making in Jordan, Lebanon, and Turkey*', Gerasimos

Tsourapas asks “How does forced migration affect the politics of host states, and, in particular, how do the latter employ the presence of refugees in their foreign policy decision making?” (2019: 2). In response, he develops a theory of ‘refugee rentier states’ that use refugee populations within their borders to extract revenue (rent) from other state and non-state actors (2019: 12). In this article, Tsourapas (2019) argues that from a range of foreign policy strategies, states extract rent by either blackmailing or backscratching – depending on their geo-strategic significance and the size of refugee population they host (Tsourapas, 2019). As such, in introducing rentier state theory into international migration studies, Tsourapas’s arguments have significant implications for the future of refugee governance. And this is partly why Tsourapas’s (2019) theory of refugee rentier states is employed as a part of the theoretical framework in this research.

2.8. Explicating Gerasimos Tsourapas’s Framework on Refugee Rentier States

What Tsourapas (2019) describes as ‘refugee rent seeking behavior’ is somewhat similar to ‘foreign aid rentierism’. Aid rentierism, as described by Isar (2014), refers to states that extract rents (in the form of foreign aid) for the purposes of state building in a post-conflict setting³. But while aid rentierism is not a novel concept, the practice of ‘refugee rent seeking’ has gained more popularity amongst refugee hosting states in the recent decades (Tsourapas, 2019).

The idea of refugee rentier states is derived from an understanding of Cuellar’s arguments on the ‘grand compromise’ in refugee governance (2006). While examining the power asymmetry between states in the Global North and South in reference to refugee protection, Cuellar (2006) argues that the entire refugee protection system is based on a compromise between states in the Global North, states in the Global South, UNHCR, and refugees. The rules of this compromise dictate that developed states in the Global

³ Isar applies the concept of aid rentierism on the case of Afghanistan following United States declaration for a political transition and reconstruction programme in Afghanistan since October 2001 (2014: para. 1).

North takes on marginal burden for refugees, while they fund and create 'policing' regimes to manage migration in developing and underdeveloped states in the Global South (Cuellar, 2006: 588). Therefore, while states in the Global South become hosts to overwhelming number of refugee populations, states in the Global North are only marginally affected by these populations. Furthermore, owing to the negative perceptions associated with the figure of refugee and the damaging politicization of refugee labels, states in the Global North often do not prefer resettling a large number of refugees within their territories. By limiting the number of refugees entering their territories – states in the Global North ensure that the few who do come are carefully “selected”, and thoroughly “vetted” before they can enter the country (Arar, 2017: 300). This can be justified either as a move to preserve sovereignty or as a concern for national security – but in most cases, it is an exercise in both.

Arar builds up on Cuellar's argument by demonstrating that, in 2016, 84% of the world's refugees were hosted by states in the Global South and states in the Global North only resettled less than 1% of the world's refugees (2017: 300). This was at the peak of the Syrian Civil War. Instead of resettling refugees, for states in the Global North the preferred response to a refugee crisis is to provide economic support to host countries in the form of donations, as a sign of 'calculated kindness' (Tsourapas, 2019: 3). This is the premise of Cuellar's argument on the grand compromise in refugee governance (2006).

Based on the reluctance of developed states such as US, Australia, Canada, and those in Europe to admit refugees and their readiness to instead give monetary support to refugee hosting countries – refugees are treated as a means of earning revenue or other privileges by host countries (Tsourapas, 2019: 3). For host state's the situation is a win-win situation – where developed states will either continue to provide economic support for refugees in the host countries or host states can use refugees as a leverage for one-sided demands for economic support from target states (Tsourapas, 2019: 3). In both cases target states are likely to comply out of fear of being “capacity swamped” by large refugee populations (Greenhill, 2016: 26).

To illustrate, Tsourapas (2019: 3) provides the example of the transactions between Australia and Nauru concerning Australian government's offshore processing and detention centers for refugees and asylum seekers located in Nauru. Beldi (2018), reports that in 2013-14, offshore processing and detention centers for refugees, asylum seekers, and other immigrants were re-opened by Australia on Nauru's territory (2018: para. 15). In the same year, Nauru's income from visa fees was approximately 18% of the country's total domestic income (Beldi, 2018: para. 15). Additionally, Nauru's government began charging asylum seekers \$1,000 per person – per month – in visa fee (Beldi, 2018: para. 16). At the end of 2015, Australia had paid Nauru approximately \$29 million in visa fees alone (Beldi, 2018: para. 17). Additionally, Australia has also provided economic support for building and operating offshore processing centers worth approximately \$135 million in 2015 and funding to upgrade hospitals and teacher's accommodations worth approximately \$23 million and \$28 million, respectively (Beldi, 2018: para. 18-19). In total, since 2012, Australia has given approximately \$5 billion in funding to Nauru (and Manus) in exchange for containing and processing refugees who seek entry into Australia (Beldi, 2018: para. 20).

In some ways, Nauru's behavior can be perceived to be 'opportunistic', as in taking advantage of its circumstances, but Tsourapas (2019) clarifies that not all host states consciously admit refugees to earn strategic rents. In some cases, host states consider rent seeking as a means to share the burden of hosting large refugee populations through international cooperation (Tsourapas, 2019). Yet, it is ironic that an increasing number of host states are exhibiting the same 'opportunistic' behavior expected of refugees by developed states and anti-immigrant societies.

To further explore this incentive-based association between Australia and Nauru, Tsourapas's (2019) article provides a within case analysis of Syrian refugees in Lebanon, Jordan, and Turkey. He argues that, like Nauru, these three refugee hosting states have not shied away from 'using' Syrian refugees as a resource for material gain – which makes them 'refugee rentier states' (Tsourapas, 2019: 12).

In his research, Tsourapas (2019) interprets rent seeking as indicative of a state's lobbying (attempting to influence) another state and non-state actors to extract revenue or funding for a specific cause. Therefore, a rentier state receives a substantive portion of its income through external rents from 'foreign individuals, non-state actors, or states' (Shambayati, 1994: 308; Isar, 2014: para. 4). Applying the concept of rentier states to refugee hosting countries, Tsourapas (2019) provides a definition of 'refugee rentier states' as follows:

...a refugee rentier state is a state that hosts forcibly displaced population group(s) and relies financially on external income linked to its treatment of these group(s). *Refugee rent* may come from international organizations or third states in a variety of forms, including direct economic aid or grants, debt relief, preferential trade treatment, and so on...refugee host state actors are not engaged in the generation of such rent, but on its distribution or utilization, which may or may not directly relate to the domestic management of forcibly displaced population group(s). Finally, a refugee rentier state's government remains the principal recipient of this rent. (Tsourapas, 2019: 4)

According to Costello, states participate in rentier practices for many different reasons; but the usual reason is so that the elites or ruling class can gain power afforded by rent seeking (2016: 209). And though Costello (2016) does not clarify if this power gained is from (and for use in) the domestic or international arena; this research assumes it is both.

In theory, refugee rents fall under the category of strategic rents. Like Isar (2014), Schwarz argues that states who extract or collect strategic rents practice a form of 'aid rentierism' (2007: 10). For underdeveloped states, 'aid rentierism' is very important because it forms a significant portion of their economies (Costello, 2016). However, Verkoren and Kamphius argue that aid rentierism is complicated for three reasons: (i) states cannot control how much aid is given, who gives it, and how it is given, (ii) it gives decision making powers to the actors giving aid instead of states, and (iii) it is unreliable because aid can be suddenly withdrawn or withheld at any time or for any reason (2013: 509). Even so, Henderson (n.d.) argues that rent seeking or rentierism is not inherently a negative activity. As a matter of fact,

foreign aid can help struggling states economically and socially, especially when aid programs and objectives are clearly defined (Isar, 2014: para. 6).

Yet, Tsourapas's theory sheds light on the complexities of foreign policy strategies employed by refugee hosting states to seek external rents. He argues that regardless of their dependence on foreign aid, states utilize two main strategies when seeking refugee rent: "(i) blackmailing – threatening to flood a target state(s) with refugee population within its borders unless compensated and (ii) backscratching – promising to maintain refugee populations within its borders, if compensated" (2019: 2). These strategies have been developed by Tsourapas using the literature on issue-linkages in international relations. Oye, quoted in Keohane and Nye (1987: 735) define blackmailing as "making a threat one does not wish to carry out" and backscratching as "offering a quid pro quo bargain". However, Tsourapas (2019) goes one step further to explain that:

...blackmailing strategy often includes threats of unilateral actions to be taken by a refugee host state and such states often frame their actions around potential losses that a target state(s) may incur and show little interest in international laws or norms", while backscratching "is usually framed around common benefits accrued by cooperation and such states tend to value multilateral negotiations rather than bilateral ones, and they believe that references to international laws or norms strengthen their case. (Tsourapas, 2019: 5)

Historically, states whose elites consider it to be of a geo-strategic significance as compared to the target region/states and are hosts to massive refugee populations are prone to using blackmail as a foreign policy strategy (Tsourapas, 2019: 14). For instance, Tsourapas finds that in 2009 Libyan leader Gaddafi demanded €5 billion per year from EU to block the flow of illegal immigrants from Africa to Europe – through Italy (2017: 2377). Squires (2010) reports on Gaddafi stating that:

...unless his request for money was met, Europe would otherwise become "another Africa" as a result of the "advance of millions of immigrants". Tomorrow Europe might no longer be European and even black as there are millions who want to come in. We don't know if Europe will remain an advanced and united continent or if it will be

destroyed, as happened with the barbarian invasions. (Squires, 2010: para. 2-4)

Similarly, Waterfield (2015) reports that in 2015, Greece's defense minister, Panos Kammenos, threatened to open its borders to refugees if it did not receive support for its debt crisis. Greece's defense minister, Panos Kammenos, stated that:

If Europe leaves us in the crisis, we will flood it with migrants, and it will be even worse for Berlin if in that wave of millions of economic migrants there will be some jihadists of the Islamic State too. (Waterfield, 2015: para. 7)

On the other end of the scale, some refugee rentier states choose to adopt backscratching as their foreign policy strategy. Tsourapas (2019) argues that states whose elites either do not consider it to be of geostrategic importance as compared to the target region/states or they do not host an extraordinarily large refugee population⁴ are more likely to adopt backscratching as a strategy. For instance, Tsourapas (2019: 14), gives the example of EU signing 'Mobility Partnership' agreements with Morocco (June 2013), Tunisia (March 2014), and Jordan (October 2014) to manage irregular migration and Syrian refugee flows in return for the following:

...to improve the information available to qualified Moroccan (also Jordanian and Tunisian) citizens on employment, education and training opportunities available in the EU and also to make mutual recognition of professional and university qualifications easier. (European Commission, 2013: para. 4, 2014a: para. 4, 2014b: para. 4)

...the EU and Jordan (also Tunisia) will begin negotiations on an agreement to facilitate the visa issuing procedures. (European Commission, 2014a: para. 3, 2014b: para. 5)

...to support the integration of Moroccan (and Tunisian) citizens who regularly visit (or live in) an EU Member State. (European Commission, 2013: para. 4, 2014a: para. 5)

In both the cases, Tsourapas argues that a host state's domestic elites play a very important role in "approaching refugee communities as potential sources

⁴ Tsourapas (2019) uses examples indicating that backscratching may occur if (a) a state is geo-strategically important as compared to the target state but does not host a large enough refugee population or (b) a state is host to a large refugee population but might is not geo-strategically important as compared to the target state.

of revenue” (2019: 2). Here the term ‘domestic elites’ refers to what political science scholars such as Robert A. Dahl, Harold Lasswell, and C. Wright Mills define as:

“A minority of individuals who hold top political power [in a state] ... and are in positions to make decisions having major consequences... in command of major hierarchies and organizations of society... whose preference regularly prevails on key political issues.” (quoted in Zuckerman, 1977: 326)

Gilpin (2001: 18) adds to these definitions by pointing out that, in international political economy, a state’s national interests and policies are dependent on its governing political elite. Tsourapas explains that a state’s decision to blackmail or back-scratch depends on how its domestic elites assess its relative position (not just geographical, but also strategic) as compared to the target state and how they evaluate its relative strength (size of its refugee population) as compared to the target state (2019: 5). Therefore, Tsourapas (2019) finds that Lebanon and Jordan adopted backscratching as a strategy – even when they were hosts to second and third largest Syrian refugee populations – only because the elites did not consider themselves geopolitically important in relation to EU. This means that they could not drive Syrian migrants and refugees directly into EU territory. On the other hand, as discussed above, elites [i.e. AKP government] in Turkey adopted blackmailing because they understood their geo-strategic importance in relation to EU and are hosting approximately 3.6 million Syrian refugees (UNHCR, 2019).

2.9. Theoretical Interlinkages

The main reason for using Roger Zetter’s theory on the fractioning of refugee label in tandem with Gerasimos Tsourapas’s theory on refugee rentier states is because these theories are interconnected. Roger Zetter demonstrates how benign political processes – developed to simplify refugee governance – end up politicizing the very figure of refugee they are meant to safeguard. These processes are fueled by complex cursory and normative reasons such as the stigma associated with the figure of refugee, state’s concerns for preserving sovereignty over people and territories, society’s obsession with

national security national identity, the attempts at containing and controlling international and forced migration by state and non-state actors, and most of all the developed world's fear of being 'overrun' with large refugee populations.

As a result, developed states such as United States, Europe, Australia, Canada, and others use these reasons as a legitimate excuse for shirking their responsibility towards admitting, integrating, or even resettling refugees within their territories. Instead, these states are adept at providing economic support to refugee hosting states as a way to assist them in managing – and at the same time containing – refugees. This move is motivated partly as a compensation for shirking their responsibilities and partly due to their fears of refugees – which are exaggerated and unfounded. Therefore, it is hardly surprising if (or maybe when) refugee hosting states choose to take advantage of this fear that developed states have of refugees. And even though Tsourapas (2019) insists that refugee hosting states do not purposefully admit refugee populations to extract refugee rents, it is not entirely unorthodox if host states use refugee populations to further their foreign policy goals because – as this research shows – developed states have done the same in the past.

For instance, literature shows that developed states such as United States have repeatedly used refugees in the past as tools for pursuing bold foreign policy declarations (Teitelbaum, 1984); evidence from the past two or three decades also shows that developed states have also used the excuse of 'massive' refugee flows to come up with complex institutional and bureaucratic procedures that, on one hand, have adverse effects on refugees and, on the other hand, serve the interests of states (Betts & Loescher, 2011); many a times – developed states have willingly problematized refugee populations as a justification for modifying their physical and metaphoric borders (Thomaz, 2017); and more recently, political figures in developed states routinely demonize refugees to adopt blatant anti-immigrant rhetoric as a part and package of their domestic policies and international policies.

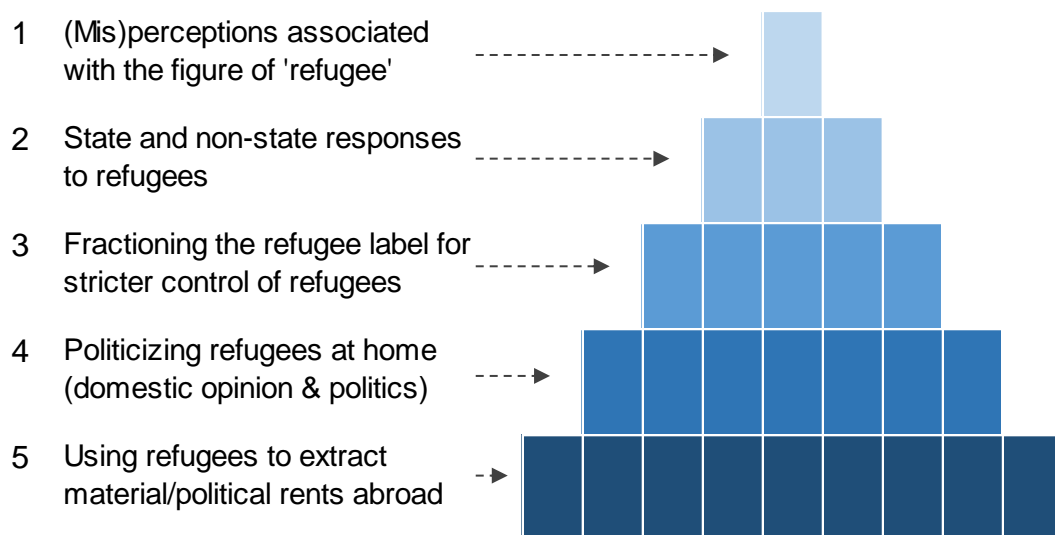


Figure 2: Theoretical Framework for the Research

Therefore, looking at the figure above, this research deduces that antecedent state practices such as politicizing the refugee label can result in the development of opportunities for host states in the future. After all, if refugees were not problematic to begin with, how could host states extort revenue from developed states for maintaining and containing refugees? This is why this research infers that Zetter's findings have a potent impact on Tsourapas's framework. To further analyze this, the next chapter will present a case analysis of Turkey – its migration practices, changing stances on Syrian refugees since 2012, its refugee rent seeking behavior, and its implications on Syrian refugees.

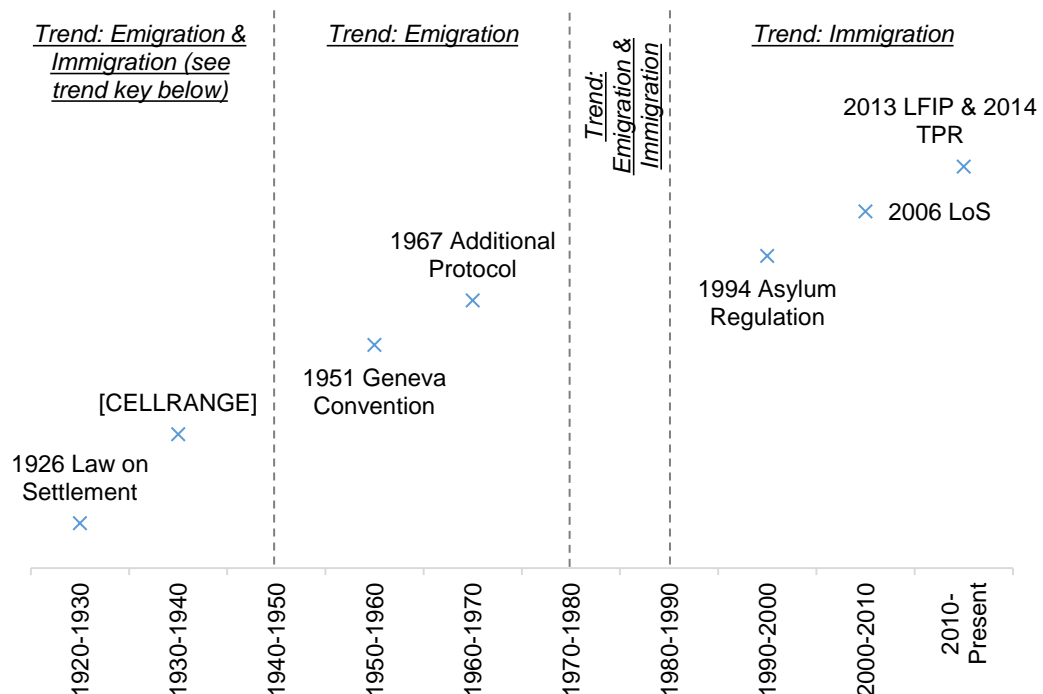
CHAPTER 3

THE CURIOUS CASE OF TURKISH MIGRATION GOVERNANCE – A HISTORICAL REVIEW

The previous chapter examined the theoretical works of Roger Zetter (2007) and Gerasimos Tsourapas (2019) and located their findings within the broader literature on refugee labels, refugee politicization, and refugee rentierism. Using Turkey as case study, the following chapter will operationalize Zetter's theoretical underpinnings to be applied to in the case of Turkey. This chapter will be divided into thematic areas based on dominant motivations, legislations, and policies on migration and asylum in Turkey since 1923. More specifically, this chapter seeks to document the history of migration/asylum governance in Turkey, analyze national laws and legislation pertaining to refugees in Turkey, and discuss Turkey's geographical limitation to the 1951 Geneva Convention in accordance with Zetter's theory.

Like its predecessor, the Ottoman Empire, the Turkish republic has been an active migrant sending and migrant receiving country since its establishment in 1923 (Zeldin, 2016: 256). However, Turkey did not have a dedicated migration policy until the 1950s (Kirisci, 2000; Latif, 2002; Oner & Genc, 2015). It also did not have a dedicated government institution dealing with refugees until 2013. Instead, the state largely dealt with various migrations to (and from) Turkey on an ad hoc basis, both, bureaucratically and legally (Icduygu & Aksel, 2013; Oner & Genc, 2015). It wasn't until the end of the Second World War, with the ratification of the 1951 Geneva Convention, that Turkey's refugee regime began to evolve in response to various global and regional refugee trends (Latif, 2002).

For most of the 20th century, Turkey's migration policy has been mainly motivated by two issues: (a) to nurture a newly formed Turkish state into a homogenous Muslim/Turkish nation with a singular national identity and (b) to ensure that emigration-immigration paradigm served towards economic recovery and national development of the state. From 1980 onwards, Turkey increasingly saw itself become a transit state owing to its strategic geographical location in relation to new wars in the region. More recently, Turkey has adopted more liberal migration policies fueled by its efforts to accede to the European Union. In most of the literature on the subject, these migratory trends are summarized into the following time periods:



Key: Major Trends and Their Central Motivations

1920-50 (Emigration & Immigration)	Homogenous nation building (emigration of non-Turkish, non-Muslim minorities and immigration of ethnic-Turk and Muslims)
1950-80 (Emigration)	Economic development, urbanization, and modernization (labor emigration from Turkey to industrialized countries)
1980-1990 (Emigration & Immigration)	Globalization, end of the Cold War, and rise in new wars (labor emigration as before, labor immigration as after)

Immigration)	from Eastern Europe, plus transit immigration from Asia, Africa, and Middle East)
1991-Present (Immigration)	Geopolitical location (country of first asylum for neighboring states and transit for refugees seeking entry into Europe)

Figure 3: Major Migration Policies and Trends in Turkey, 1920 - Present

National laws and policies adopted during each of these phases have had their impact on shaping Turkey's migration and asylum policies in the long term. For example, the 3.6 million Syrian refugees currently residing in Turkey cannot claim unconditional refugee status, instead they can only live in Turkey under temporary protection until Turkish government conducts a case-by-case assessment to resettle them in a third country. This is because the 1926 and 1934 Laws on Settlement (Law No. 8850 and 2510) stipulate that only people of a Turkish ethnic background can settle permanently in Turkey⁵. Additionally, the 1994 Asylum Regulation does not legally recognize non-Europeans as refugees in Turkey. To further complicate matters, Turkey only recognizes persons originating in Europe legally as refugees due to the geographic limitation in the 1951 Geneva Convention. As a result, even as Turkey's asylum and migration policies have become more institutionalized in the past decade, the access to refugee label continues to be an 'exclusive' right afforded to selected populations since 1923.

3.1. Turkey's Asylum Laws and Policies since 1923: Key Influences and Outcomes

3.1.1. Nation Building Processes and the Laws on Settlement between 1923 and 1950

Turkey's migration policy between 1923 and 1950 was mostly reactionary in nature (Kirisci, 2000; Latif, 2002; Icduygu & Aksel, 2013). In addition to the

⁵ The 1934 Law on Settlement was amended in 2006 (Law No. 5543) but it continues to only allow people of 'Turkish descent and culture' as formal immigrants.

First and Second World Wars, migration policies were determined by a changing political landscape marked by the Ottoman Empire's defeat in the First World War, the Turkish War of Independence (1919-1923), and the subsequent formation of a new Turkish republic in 1923. As a result, key refugee policies in this era were influenced by the efforts to consolidate a national identity, which was crucial for nation-building. The newly established state bound the concept of 'Turkishness' closely with its spatial boundaries, citizenry, and national identity. As a result, in order to build an ethnically homogenous state, with a singular Turkish identity, the state's effort to socially engineer, or Turkify, society made it easier for people of Turkish ethnic descent or culture to claim citizenship or refugee status in Turkey (Kirisçi, 2003). At the same time, non-Turk and non-Muslim populations were either encouraged to voluntarily emigrate, forcefully expatriated, or exchanged under agreements of reciprocity with other countries using various legal and administrative tactics such as the 1926 Law on Settlement, 1934 Law on Settlement, the 1913 and 1925 bilateral agreements with Bulgaria, or the 1923 population exchange with Greece (İcduygu & Aksel, 2013: 171).

In this period, a majority of migration flows into Turkey were from the Balkan region - as shown in the figure below. This is because, according to Latif, the newly formed Turkish state became the de facto custodian of former subjects of the Ottoman empire, which is why the Turkish state "felt a responsibility" for ethnic Turks and Muslim migrants from the Balkans (2002: 20). This sense of responsibility was further substantiated by nation building processes of the new Turkish state. Turkish state at the time assumed that it would be relatively easier to assimilate Muslim ethnic-Turks from Balkan region into Turkish culture, language, and society because their culture, language, and value systems were the closest to Turks (Ulker, 2003).

In addition to the ethnicity, religion was also a critical factor in determining the eligibility of legal migrants coming to Turkey. Waxman (2000) argues that Islam was a critical component of Turkish national identity even at the height of Kemalism between 1923 and 1950. In its nascent days, Turkish state

established a bond between Islam and the “republic’s national identity” evident from its immigration and naturalization policies (Waxman, 2000: 10). For instance, in addition to ethno-Turks, Muslims who were not ethnically Turkish such as refugees from Albania, Bosnia, and Pomaks from Bulgaria were also easily granted refugee status or citizenship in Turkey (Latif, 2002: 22).

According to Ali Haydar, cited in Waxman, the Turkish republic considered it impossible to make “non-Muslims into [sic] sincere Turkish citizens” – as early on as 1926 (2000: 10). Lewis (1968) agrees with Waxman but argues that religion, more than ethnicity, was an operative factor for Turkish nation building – much like it was for the Ottomans. This is evident from repeated examples throughout history.

For instance, while the ethno-religious tensions that led to the Ottoman expulsion of Armenian populations have been widely documented, Turkish state also followed in the footsteps of the Empire by forcefully expatriating non-Muslim minority populations⁶ such as Turkish Jews in 1920-30s and Christians and Greek Turks during the 1923 population exchange between Greece and Turkey (Seker, 2013). As a result of various emigrations and expatriations, Icduygu, Toktas, and Soner find that the total percentage of non-Muslim population in Turkey reduced from 19.1% in 1914 to 2.5% in 1927 (2008: 363)⁷.

According to Zetter’s framework, shown in the figure below, a fractioning of the refugee label occurs when states institute legal and bureaucratic instruments that aim to interdict ‘selected’ people from claiming unconditional refugee status within their territory. In Turkey’s case, evidence shows that the refugee label was fractioned by the creation of a dichotomy of ethnic/cultural

⁶ For a discussion on the forced emigration of Jewish populations from Turkey as a result of anti-Semitic and anti-Minority policies, see Poulton, H. (1997). *The top hat, the grey wolf, and the crescent: Turkish nationalism and the Turkish Republic*. London: Hurst. For a complete history of the forced (violent) emigration of Armenians, see Kevorkian, R. H. (2011). *The Armenian genocide: A complete history*. London: I. B. Taurus. For a discussion on other historical emigrations from Turkey since early 20th century, see Lewis, B. (2002). *The emergence of modern Turkey*. New York: Oxford University Press.

⁷ The total non-Muslim population in Turkey further reduced to 1.5% in 1945, 0.8% in 1965, 0.3% in 1990, and 0.2% in 2005 (Icduygu, Toktas, and Soner, 2008: 363).

Turkish migrants versus other migrants under the 1926 and 1934 Laws on Settlement (İskân Kanunu). As discussed in the previous section, in the Turkish case, national laws and procedures adopted during the early days of Turkish republic continue to have an impact on Turkey's refugee governance today. Therefore, in order to understand how refugee label is fractioned in Turkey, it is important to analyze national laws and legislations from the very beginning.

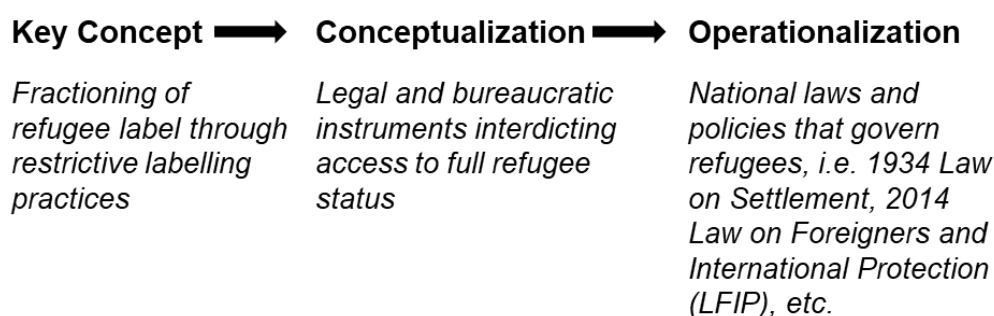


Figure 4: First Key Concept of Zetter's Theory on Fractioning the Refugee Label

Source: Zetter (2007)

It is important to mention here that until 1994 the terms 'migrant' and 'refugee' were used interchangeably in legal and administrative matters in Turkey⁸ – a practice that has been widely criticized. In the past, Tokuzlu finds that in multiple cases Turkey's judiciary referred to the same person as a migrant and a refugee in the same case (2007: 11). Even though the 1926 and 1934 laws legally and administratively regulated, both, migrants and refugees – the 1926 law did not have a separate set of regulation or definition for refugees. The 1934 law was the first law that put forth a legal definition of refugee in Turkey. However, this definition was very limited in scope and not in line with internationally adopted instruments. Lastly, the 2006 law eliminated regulations concerning refugees entirely because the 1994 Asylum Regulation had already been passed at that point.

⁸ Due to the lack of a clear categorization in primary documents, this research also uses the term 'migrant' while analyzing 1926 and 1934 laws on settlement.

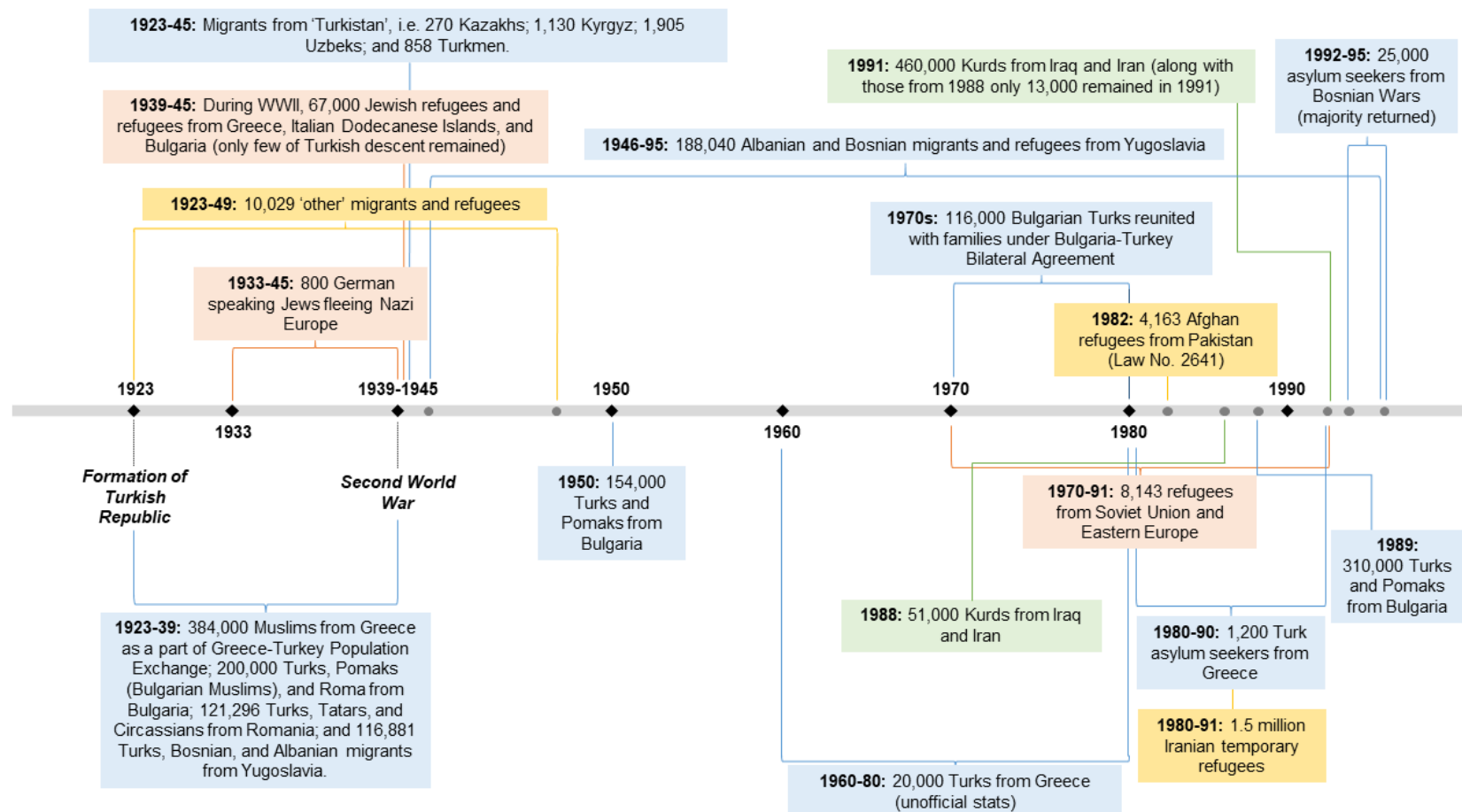


Figure 5: Major Migration Movements to Turkey between 1923 and 1995

Source: Based on estimations presented in Kirisci (2000)

Note: Movements to Turkey from the Balkan region are shown in blue, Orange boxes show movements from Europe in general, Kurdish movements are highlighted in green, and non-Turk or 'other' movements are shown in yellow boxes.

3.1.2. Analysis of the 1926, 1934, and 2006 Laws on Settlement

The Law on Settlement of 1926 (Law No. 8850; adopted on 31st May 1926) and its related Memorandum of Settlement (issued 1st August 1926) were the first instances of bureaucratic labelling of migrants in Turkey. The end goal of this law was to (i) repopulate areas vacated by non-Muslim emigrants and expatriates and (ii) to socially engineer a society which was inherently Turkish in culture, language, and values – while simultaneously excluding all non-Turk and non-Muslims from gaining entry or settlement in Turkey (Ulker, 2008; Ungor, 2008). While it did not differentiate between migrants and refugees per say, it strictly defined who could and could not be admitted into Turkey based on culture, ethnicity, and linguistic background (Ulker, 2003: 67). The 1926 law, quoted in Ulker⁹ (2003), stipulated that:

...people who do not belong to Turkish culture, who are infected with syphilis, who are subject to leprosy and their families, who are imprisoned because of committing murder except political and military reasons, anarchists, spies, gypsies, and who are exiled outside of the country cannot be admitted. (Ulker, 2003: 66)

This provision demonstrates that a migrant's nationality was a bigger concern as compared to national security at the time (Ungor, 2008). Therefore, the 'migrant' label could be utilized by those who committed murder for political or military reasons but not by people who did not belong to Turkish culture. Moreover, through labelling people who did not belong to Turkish culture were lumped in the same category as people with medical ailments and ostracized groups such as anarchists, gypsies, and spies, which hints at Turkish state's antipathy towards non-Turkish migrants. This is also indicative of Turkish state's eugenicist projects of the time. As a matter of fact, Kirisci confirms this by finding that when Sukru Kaya, interior minister of Turkey at the time, introduced the draft of 1934 law he clearly pronounced that "this law aimed to "create" a citizen that the Turkish state would not need to fear or suspect" (2013: 10).

⁹ The original Law of Settlement (1926) and the Memorandum of Settlement is in Turkish language. Ulker (2003) and Ozturk (2017) have translated selected passages in their research.

Also noteworthy is the fact that this law constructed labels based on arbitrary cultural grounds because it is difficult to define or quantify culture. To clear these misunderstandings, the Memorandum of Settlement (1926) specified that:

...Pomaks, Bosnians, Tatars [in addition to Muslim Turks] are deemed as bounded to Turkish culture and the applications of Albanians, who came to Turkey before and were registered, with respect to the admission of their families are being granted. (Ulker, 2003: 67)

Given the complexity of proving one's culture, the succeeding Law on Settlement adopted on 14th June 1934 added an additional provision of that 'Turkish ethnicity and descent' for admitting migrants, which was relatively easier to prove (Ulker, 2007). In fact, the 1934 law clearly stipulated that:

...the settled or nomad individuals or tribes of Turkish descent and the inhabited individuals o Turkish culture, who wish to come from outside separately or collectively with the intention of settling in Turkey, can be admitted with the order of Ministry of Interior according to the decrees of the present law. (Ulker, 2003: 68)

By all means, the 1934 law upheld the labels put forth by the 1926 law because it was also prompted by the state's efforts to Turkify society (Icduygu, Toktas, Soner, 2008). And similar to the Memorandum of 1926, the 1934 law was accompanied by a 'Circular concerning the Completion of Settlement and Demographic Works Quickly' (issued 7th August 1934) which guided resettlement projects in the eastern provinces of Turkey. This circular further clarified the obscurities attached with discerning whether a migrant was of Turkish culture or not by stating that "...the individuals of Turkish race or the individuals bounded to Turkish culture who speak Turkish and do not know any other language" could receive immigrant status (Ulker, 2003: 70).

In its essence, the 1934 law fractioned the refugee label because from the start its intentions were to institute complex bureaucratic and legal instruments that created a false dichotomy of Muslim Turks vs. others. In doing so, the Turkish state had complete authority to socially or demographically engineer society. Kirisci (2013) argues that the 1934 law "engaged in shaping the way a population is located in a country and the actual composition of that population" (2013: 1). Much like the 1926 law, the

1934 law also intended to facilitate migration and integration of people of Turkish origin and culture as migrants (*Türk soyu ve kültürüne bağlı fertler*) and, at the same time, prevent and obstruct entrance of migrants who were not of Turkish origin and culture (Icduygu & Aksel, 2013: 171).

The Turkish government, at the time, gave the label of ‘migrant’ only to people of Turkish origin moving to Turkey. It specifically did not consider people of other origins coming to Turkey or non-Muslim populations (even if they were ethnically Turkish) who left Turkey as migrants or refugees (Icduygu & Aksel, 2013). Various administrative and legal instruments such as the Ministry of Population Exchange, Development, and Settlement (est. 1923) and the Turkish Citizenship Law (1928) were established to regulate and reproduce this selective understanding of who was and who was not a migrant. Ultimately, this understanding was solely based on ethno-religious nationalistic sentiments of the period (Elitok, 2018: 3).

As mentioned above, the 1934 law was the first to establish a distinction between a migrant and a refugee, even though that distinction was quite blurry (Law No. 2510/1934: art. 1). Under this law, a refugee was defined as any person who needed “temporary shelter or protection for compelling reasons, but had no intention of settling in Turkey” (Law No. 2510/1934: art. 1; Ulker, 2003: 68). If a refugee could prove his/her attachment to Turkish culture, it was possible for them to become naturalized citizens of Turkey – but under no circumstances could non-ethnic Turk refugees settle in Turkey permanently. Turkey continued to use the 1934 law to define and regulate migrants and refugees until 1994. But upon the ratification of the 1951 Geneva Convention, Turkey’s continued use of the 1934 law for defining and regulating refugees was heavily criticized for its divergence from international law. Not only was the inclusion of discretionary factors such as ‘temporariness and intentionality’ while assessing refugee claims not in accordance with international law, the law was also criticized for preserving a politically motivated legal framework to control migration within Turkey.

In order to solve the discrepancy between national and international legal instruments, Turkey amended the Law on Settlement on 19th September

2006 (Law No. 5543). In doing so, it left out legislations concerning refugees altogether. On the other hand, the amendments introduced more discretionary factors for migrants. For instance, it specified that individuals who are of “Turkish culture, but have been deported from Turkey in the past, or whose settlement is a threat to national or public security” cannot be admitted to Turkey as migrants (Tokuzlu, 2007: 11). At the same time, this law also created a new set of labels, specific to migrants, such as immigrants, settled immigrants, unengaged immigrants, individual immigrants, group immigrants, and nomads (Law No. 5543/2006: art. 3). There is a very minor degree of difference between each of these categories¹⁰. Yet, under each of these categories, the migrant label is still reserved for individuals of Turkish descent and culture, who are [Sunni] Muslims, and have “ability and willingness to adopt Turkish language” (Icduygu & Aksel, 2013: 181). Therefore, this law continues to set up obstacles for legal immigration of non-Muslims and non-Turk minorities (Zeldin, 2016).

From a historical perspective, evidence suggest that it is not uncommon for nation states to place ethnic and religious stipulations on status determination and admittance of refugees and migrants as a part of their nation building processes. For example, colonial settlements in America were partaking in population exchange and relocation on the basis of ethnicity as early as in the 18th century (Bookman, 2002: 36). In the early 20th century, numerous nation states made efforts at ethnic homogenization by relocating or repopulating their territories because governing elites often considered lack of homogeneity as a threat to national identity (Bookman, 2002). This was done by the institution of new physical borders and legal criteria for citizens vs. migrants. For example, along with Turkey, Bulgaria, Greece, and numerous other newly formed nation states were undertaking social engineering as a part of nation building process at the time. In 1990s, large scale forced ‘humane relocation’ between ethnic Serbs and Bosnians took place upon the creation of Bosnia-Herzegovina (Zivanovic, 2017).

¹⁰ Please see Tokuzlu (2007: 11-12) for the definitions of these labels in English.

However, in Turkey's case, this conditionality led to label of refugee being strictly reserved for non-ethnic Turk individuals, whereas ethnic-Turk refugees were often labelled as immigrants, brothers, kinsmen, or national refugees. Turkey's adherence to only allowing ethnically homogenous refugees to settle and integrate into Turkish society was problematic because imposing an ethnic conditionality on determining refugee status (under the 1934 law) was in violation of the 1951 Geneva Convention. Article 3 of the 1951 Geneva Convention promises indiscriminate protection and assistance to all refugees regardless of their race, religion, etc. (1951, art. 3).

Furthermore, differentiating between refugees on ethnic basis inevitably results in the infringement of rights of some refugees as compared to others. For example, Bulgarian refugees fleeing ethnic persecution that arrived in Turkey in 1980s were given an 'independent or settled immigrant status' because of their Turkish descent and culture. The Turkish government facilitated their settlement in Turkey, assisting them in gaining Turkish citizenship and owning property in a few short years (Oner & Genc, 2015: 30). More importantly, the government referred to these refugees as 'soydaşlar (kinsmen)', which set the tone for sympathetic and cooperative public attitudes towards these refugees (Oner & Genc, 2015: 29). On the other hand, Iranian refugees that fled political persecution and came to Turkey around the same time were neither allowed to integrate and settle in Turkey nor granted full refugee status. Instead, they only received temporary protection status because they were not of Turkish ethnicity or descent.

Evidence from 1980s and early 1990s shows that by not granting full refugee status to Iranian and Iraqi refugees, Turkey restricted their legal access to rights and international protection. For instance, under the principle of non-refoulement¹¹, states have an obligation to not return a refugee to his/her country of origin where his/her life or freedom would be threatened. However, since Iranian and Iraqi refugees were not legally recognized in Turkey, they

¹¹ The principle of non-refoulement is codified in the 1951 Geneva Convention (Article 33) under which "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion". (UNGA, 1951: 30)

were not protected under the principle of non-refoulement. To this end, U.S. Committee for Refugees (1990) reported that:

In July [1989], Amnesty International reported that seven Iranian asylum seekers-including four who had been recognized as refugees by UNHCR and who held valid Turkish residence permits-were executed by firing squad upon being summarily returned to Iran in November 1988... In August, the deputy governor of West Azerbaijan, in northwest Iran, ...charged that Turkey had 'expelled' the [Iraqi] Kurdish refugees 'in defiance of international regulations'. (USCR, 1990: 67)

This is just one example of how disjunctive labels in have negatively affected the lives of refugees in Turkey.

3.1.3. Economic Development and Turkey's Migration Policies between 1950 and 1980

In the period between 1951 and 1980, 'national economic development' replaced 'nation building' as the main determinant of Turkish migration policy (Icduygu & Aksel, 2013). For the most part, emigration from Turkey outnumbered immigration during this period. This was because in order to encourage economic modernization and reduce unemployment, the Turkish state entered into bilateral labor emigration agreements with industrialized countries such as Turkey-Federal Germany agreement (1961), Turkey-Netherlands agreement (1964), Turkey-Switzerland agreement (1971), Turkey-Norway agreement (1981), etc. (Icduygu & Aksel, 2013: 188).

Through these agreements, Turkey hoped to benefit from temporary labor emigration, emigrant remittances, and transfer of knowledge and social capital. Akgunduz finds that between 1961 and 1973, a total of 810,500 workers were sent to Europe by the Turkish Employment of Services (1993: 174). Therefore, Turkish state's migration policy during this period was more focused on labor emigrations, specifically to facilitate remittance flows to make up for the shortage of foreign currency (Akgunduz, 1993). At the same time, Turkish state hoped that temporary labor migrants in Europe would eventually return to Turkey. For this, Turkish government launched various programs to encourage voluntary return of emigrants from Europe in the

1970s and 80s. For instance, the Presidency of Religious Affairs (Diyanet) took measures such as sending imams to European states in order to limit the cultural assimilation of Turks into European societies, which was thought to encourage their voluntary return to Turkey (Icduygu & Aksel, 2013: 174).

Apart from economic migration, the emigration of non-Muslim populations from Turkey continued between 1950 and 1980, in light of events such as the September 1955 riots against non-Muslims (Guven, 2011), expulsion of Rum Orthodox community when Turkey did not re-sign the Greek-Turkish Friendship Agreement over the Cyprus issue in 1964 (Yannas, 2007), violence against minorities before and after the Turkish invasion of Northern Cyprus in 1974 (Icduygu & Aksel, 2013), and Jewish emigration to newly formed state of Israel from 1968 onwards. At the same time, Turkish government was reluctant to admit Muslim immigrants regardless of their descent. Instead government officials introduced terminology such as 'external Turks' into public discourse. External Turks were Muslim populations of Turkish ethnicity living in former Ottoman territories who were claimed to be "co-ethnics settled in their historical homelands" and Turkey was a "second or relative homeland" for these people (Icduygu & Aksel, 2013: 173).

For the most part, Icduygu and Aksel (2013) find that migration policy was left out of Turkey's high politics during the 1980s and 1990s – even as thousands of refugees from Iran and Iraq came to Turkey during this period. This is because Turkish state at the time assumed that these refugee flows were a one-off occurrence and temporary. As a result, Turkey did not consider itself a "country of immigration", so it did not "develop effect migration policies" aside from labor emigration agreements with selected states (Icduygu & Keyman, 2000: 385). For example, in 1963, Turkey gained full membership to the European Economic Community. As a part of the Ankara Agreement (1963) and its Additional Protocol (1973), Turkish emigrant workers in Europe were to be granted the freedom of movement within EU member states by December 1986. However, in 1992 this clause was taken out from the agreement (Akgunduz, 1993). Instead, the freedom of movement for capital

and goods was granted by the establishment of Customs Union between Turkey and EU in 1996.

3.1.4. Analysis of Turkey's Ratification of the 1951 Geneva Convention and 1967 Protocol

Globally, in the context of the Cold War, Turkey allied with Western powers and assumed the role of a buffer state, whose purpose was to counter the communist threat in Europe (Icduygu & Keyman, 2000: 384). Thus, Turkey ratified the 1951 Geneva Convention relating to the status of refugees and its 1967 Protocol, while maintaining a geographic limitation that would allow it to apply the convention only to asylum seekers as a result of events in [communist] Europe – especially due to ethnic Turks in Eastern European countries such as the Bulgarian Turks. Since the refugee flow from Eastern Europe was not heavy to begin with, Turkey maintained its emigrant sending status. The relevance of this convention, to the Turkish case, lies in its temporal and spatial stipulations concerning the legal status determination of refugees by states.

The Geneva Convention Relating to the Status of Refugees (1951) was, and continues to be, the core legal instrument adjudicating the rights of refugees since the end of Second World War. The initial Convention Relating to the Status of Refugees was adopted in July 1951 and entered into force on 22nd April 1954. Article 1-B of the convention stipulates:

B. (1) For the purposes of this Convention, the words "events occurring before 1 January 1951" in article 1, section A, shall be understood to mean either as

(a) "*events occurring in Europe before 1 January 1951*"; or

(b) "*events occurring in Europe or elsewhere before 1 January 1951*"; and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention. (UNGA, 1951: 154)

(2) *Any Contracting State which has adopted alternative (a) may at any time extend its obligations by adopting alternative (b) by means of a notification addressed to the Secretary-General of the United Nations.* (UNGA, 1951: 154)

Furthermore, Article 42 of the 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. (UNGA, 1951: 182)

Turkey was one of the 26 states that participated in the drafting of the Convention. It signed the convention on 24th August 1951. Upon signature, Turkey chose to interpret refugees as any persons who were affected by events occurring in Europe [only] before 1 January 1951. At the time of signature, Mr. Tilat Miras, representative from Turkey and the Vice President of the Conference in which the Convention was drafted, delivered these remarks:

The Government of the Turkish Republic, in signing this Convention, states that, so far as the commitments accepted by it under the Convention are concerned, *the term "events occurring before 1 January 1951" in article 1, Part A, shall be understood to refer to events occurring in Europe before 1 January. It does not therefore intend to accept any commitment in connection [sic] with events occurring outside of Europe...* The Turkish Government will, at the time of ratification, enter reservations which it could make under article 42 of the Convention. (UNGA, 1951: 196)

The Convention was ratified by Turkey almost 11 years later on 30th March 1962. In the 24th Meeting of the Turkish Grand National Assembly, Hamza Eroglu, a member of the Turkish Grand Assembly in 1960, blamed the short-sightedness and anti-human rights approach of the preceding government as the main reason for delay in Turkey's ratification of the 1951 Convention (The Grand National Assembly of Turkey, 1961: 309). Furthermore, in order to catalyze the ratification of the Convention, Eroglu proposed the addition of the following clauses to the reservations:

...no provision of this Convention may be interpreted as granting to refugees' greater rights than those accorded to Turkish citizens in Turkey...[instead] Article 13 of the new [Turkish] Constitution will provide a wide range of rights and opportunities to foreigners that is in line with Turkey's vision. (Grand National Assembly of Turkey, 1961: 309)

In 1967, The Additional Protocol to the Refugee Convention eliminated the temporal and geographic restrictions of the 1951 Convention owing to the

wave of decolonization in the world at the time. However, Article 1(3) of the protocol gave signatory members an option to retain existing geographic limitations. Article 1(2) of the 1967 protocol stipulates:

The present Protocol shall be applied by the States Parties hereto without any geographic limitation, save that existing declarations made by States already Parties to the Convention in accordance with article 1-B(1)(a) of the Convention, shall, unless extended under article 1-B (2) thereof, apply also under the present Protocol. (UNGA, 1967: art. 1(3))

The 1967 Protocol entered into force on 4th October 1967. Turkey acceded to the Protocol on 31st July 1968. Upon its accession, Turkey lifted the temporal restriction but maintained its geographic limitation by declaring that:

... the provisions of the declaration made under section B of article 1 of the Convention relating to the Status of Refugees, done at Geneva on 28 July 1951, according to which it applies the Convention only to persons who have become refugees as a result of events occurring in Europe, and also the reservation clause made upon ratification of the Convention to the effect that no provision of this Convention may be interpreted as granting to refugees greater rights than those accorded to Turkish citizens in Turkey. (UNTS, 1967: 4)

According to Hathaway (1990: 145), the geographical limitation in the 1951 Convention reflected an ideologically divided bipolar world of that time. The drafting of the convention itself was influenced by Western powers¹² and the Soviet Block withdrew from the drafting process due to ideological differences (Hathaway, 1990: 145). In her research, Kir finds that the limitation was introduced upon the insistence of France and the clause granting member states freedom of interpretation was proposed by the Holy See (2017: 22). However, a majority of states signed and ratified the convention without any geographic limitation. As a matter of fact, along with Turkey, only Hungary, Madagascar, Malta, and Monaco chose to interpret refugees as any persons fleeing from persecution as a result of events

¹² The countries that participated in the drafting of the convention were: Australia, Austria, Belgium, Brazil, Canada, Colombia, Denmark, Egypt, France, Germany, Greece, Holy See, Iraq, Israel, Italy, Luxembourg, Monaco, Netherlands, Norway, Sweden, Switzerland, Turkey, United Kingdom, United States, Venezuela, and Yugoslavia. Observers from Cuba and Iran were also present for the drafting process.

occurring in Europe. Tarhanli (2004), quoted in Kir (2017: 71), finds that “Western states specifically requested Turkey to place a reservation against Article 1-B (1) during the preparatory phase because they assumed that non-European refugees in Turkey would subsequently try to cross into Europe as irregular migrants”. While the veracity of this finding is arguable, it is in line with common state perceptions associated with the ‘overwhelming’ volume of refugees from the Global South at the time.

Turkey’s choice to geographically limit refugee claims can also be better understood in reference to its geo-strategic location at the crossroad of Europe – Asia and Africa. According to Latif, the main reason for Turkey’s limited interpretation of Article 1-B (1) of the convention was that Turkey “wanted to eliminate the possible social, economic [sic], and political problems by means of closing its doors to Middle East and Asia where refugee movements were and [sic] are experienced intensively” (Latif, 2002: 21). At the time that this convention was signed, several political movements were taking place in the Arab World. For instance, Palestinian expulsion and Jewish immigration to a newly formed State of Israel in 1948 had led to the uniting of Arab League, which resulted in multiple Arab-Israeli Wars that created further refugee flows. While, Turkey was pro-Palestine at the time, its foreign policy in the Middle East was neutral (Kir, 2017: 70).

At present, Turkey is the only country in the world that has ratified the 1951 Convention and 1967 Protocol but continues to differentiate between refugees originating from and outside Europe while assessing claimants. And even as various international organizations have been pressurizing Turkey to lift this geographical restriction, Amnesty International finds that “[Turkish] government has steadfastly refused to consider such an option. Officials at both the Ministry of Foreign Affairs and Ministry of Interior told Amnesty International that there were no plans to reconsider this position” (Amnesty International, 1994: 4). Moreover, “Turkish officials often complain that pressure from European governments to remove the limitation is unfair since these governments are shielded from potential refugee flows from the Middle East and Asia, whereas Turkey is not” (Amnesty International, 1994: 4). Be

that as it may, Kirisci (1996) argues that until the 1934 law on settlement is not amended, it is unlikely for Turkey to lift the geographic limitation to the 1951 Convention.

Nevertheless, Zetter (2007) argues that any state that applies the 1951 Geneva Convention in a limited manner – or not at all – fractions the refugee label (see figure below). This is especially true in Turkey’s case because since 1951 spatial discrimination in refugee status determination has led to the emergence of a “two-tiered asylum policy” (Myers, 2017). This policy is based on a legal and bureaucratic distinction between ‘convention’ and ‘non-convention’ refugees (Ihlamur Oner, 2013: 194). Convention refugees are all the refugees coming from Europe who can be granted legal refugee status (Myers, 2017: 1). A subset of convention refugees are all refugees who belong to Turkish ethnicity or culture that are treated like ‘migrants’ and labelled as ‘national refugees’ (Latif, 2002). Non-convention refugees are all non-European refugees who are not granted legal refugee status in Turkey (Mannaert, 2003: 8). Since Turkey does not legally recognize non-convention refugees under the 1951 Convention, they are mainly regulated by a set of national alien laws, foreigner laws, and asylum regulations (Ihlamur Oner, 2013: 194).

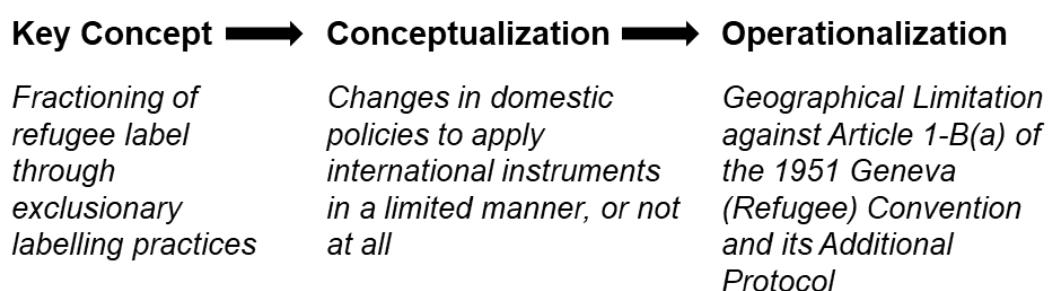


Figure 6: Second Key Concept of Zetter's Theory on Fractioning the Refugee Label

Source: Zetter (2007)

In differentiating between migrants and refugees on ethnic/cultural and spatial basis, Turkey has created an environment where the refugee label

means different things to different people simply because of the complexity of the bureaucratic instruments governing refugees. For individuals, labels such as 'migrants of Turkish descent' or 'non-convention refugees' result in (a) a limited access to claiming full refugee status and its related rights and protections, (b) impeding their right to settle in Turkey, and (c) receiving a limited number of basic services and administrative or legal facilities during their stay in Turkey. For example, a Council of Europe Resolution found that:

The Turkish authorities clearly wish to integrate some 200,000 Bulgarian refugees in the country into Turkish society as quickly as possible by offering them the possibility of acquiring Turkish nationality after twelve months' stay in Turkey.... In December 1989, the Council of Europe's Social Development Fund granted a loan to Turkey for the construction of 20 000 housing units for Bulgarian refugees. (Council of Europe Parliamentary Assembly, 1991: 1)

The same Turkish authorities seem to be conducting a policy towards Iraqi refugees which is intended rather to discourage their integration, in particular by letting living conditions in the camps deteriorate, by not authorizing education for refugee children and by preventing international humanitarian aid organizations from entering the camps...In April 1990, Turkey withdrew the authorization given to the Office of the United Nations High Commissioner for Refugees (UNHCR) to build an accommodation centre for Iraqi refugees at Karabiyik, near Yozgat, although the sum needed for the project was totally covered. (Council of Europe Parliamentary Assembly, 1991: 1)

Furthermore, in worst case scenarios, fractioning of labels may result in some refugees not receiving the same degree of protection as others merely due to bureaucratic complexities. For example, in contrast to Turkey's admission of Bulgarian 'national' refugees in 1989 or Bosnian 'convention' refugees in 1991-92 who could come to Turkey without visa or travel permissions, the Turkish government instituted a policy in 2015 that restricted Syrian 'non-convention' refugees who did not have travel documents from seeking asylum in Turkey (AIDA, 2018). This could have been due to the large number of Syrian refugees arriving in Turkey on a daily basis. In the following months, security forces rejected numerous Syrian refugees from seeking protection in Turkey at the borders. Given the fact that Syrian Civil War had been ongoing for almost three years, at that point, and most of the refugees fleeing for their lives did not have valid travel documents, this policy violated the principle of non-refoulement because: (i) it effectively hindered

Syrian refugees from seeking protection in Turkey, and (ii) it caused them to return to a place where their lives were under threat. While Turkey argues that its rejection of such refugees was lawful on security basis, it is difficult to believe so. For one, Turkey did not conduct a case-by-case assessment (as is required by law) of these refugees before rejecting them (Badalic, 2019). Secondly, Turkey failed to provide evidence these refugees posed an imminent threat to Turkey's national security or public safety (Badalic, 2019).

As a result, the practice of establishing disjunctive labels that affect some refugee claimants more than others has been widely criticized by other state and non-state actors. For example, in comparing the housing and temporary accommodation of Bulgarian national refugees and Iraqi non-convention refugees in Turkey in the 1990s, the U.S. Committee for Refugees (1990) wrote:

While understanding that Turkey's accession to the 1951 refugee Convention includes a geographical reservation recognizing as refugees only those persons fleeing from Europe, the fact remains that the Iraqis and Iranians who have sought refuge in your country are no less refugees than their counterparts from Bulgaria. (USCR, 1990: 67)

3.1.5. Transit Migration and Turkey's Migration Policies between 1980 and 1990s

According to Icduygu and Keyman (2000), the nature and reasons for migration to Turkey have changed drastically since the 1980s. In recent time, Turkey has been experiencing four types of migration flows: "irregular labor migrants, transit migrants, asylum seekers and refugees, and regular migrants" (Icduygu & Aksel, 2013: 179). Irregular labor migrants are those who work or stay in Turkey without proper permits and documentation. Transit migrants generally come to Turkey in order to cross into third country, most likely Europe. Asylum seekers and refugees are those who come to Turkey seeking refuge, but are treated like irregular migrants because they enter Turkey either without proper documents or through irregular border crossing. Lastly, regular migrants are those who come to Turkey for employment, education, tourism, long or short-term residence, etc. In keeping with the past traditions, emigration from Turkey continued to

outnumber immigration in this period – as shown in the figure below. In addition to regular labor emigrants, transit emigrants (crossing into Europe) were also a part of emigrants included in these statistics.

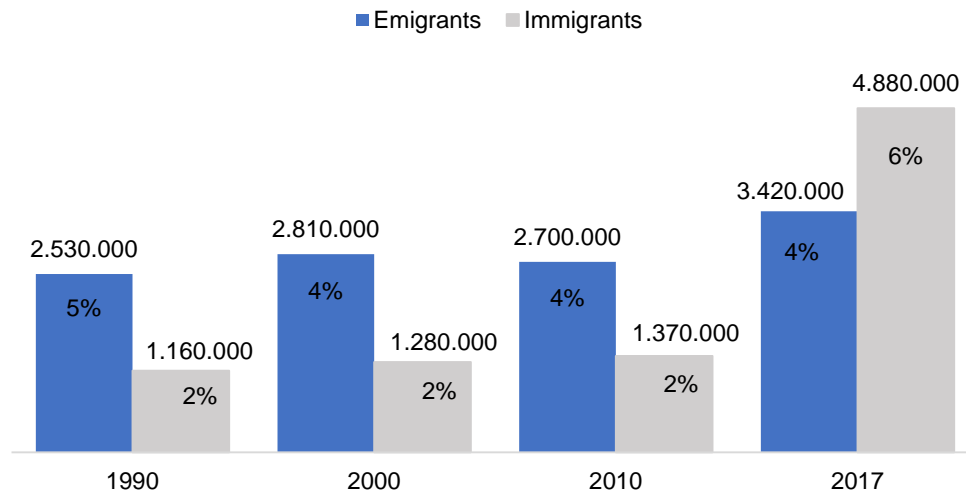


Figure 7: Number of People Emigrating (from) and Immigrating (to) Turkey between 1990 and 2017, (number of people and percentage of total population)

Source: United Nations Population Division (2017)

Since 1990s, a majority of refugees coming to Turkey were either labor migrants from Eastern Europe (following the collapse of the Soviet Union) or refugees from war torn regions in Central Asia and Middle East. For instance, 4,163 Afghan refugees were brought to Turkey from refugee camps in Pakistan in 1982 – during the Afghan-Soviet War and 1.5 million Iranian refugees fleeing after the 1979 Islamic Revolution were admitted in Turkey under temporary status (Kircisci, 2000; Mannaert, 2003: 2). As a result, Turkey experienced an increase in the number of ‘foreigners’ – immigrants and refugees – who are neither of Turkish descent nor Muslims, which resulted in an emergence of binary labels such as Turk/Muslim vs. Foreigner. As such, both Eastern European migrants and refugees from Middle East were considered as ‘illegal’ for two reasons: (i) 1934 law on settlement only accepts people of Turkish descent or culture as a regular migrant and Eastern European migrants were not of Turkish ethnicity/descent and (ii)

Turkey only grants refugee status to individuals as a result of events occurring in Europe and Iranian, Afghani, and Iraqi refugees were not from Europe.

Without a national migration policy for asylum seekers and a limited application of Geneva Convention, Turkey became a popular transit state or a country of first asylum for non-European refugees and asylum seekers who wanted a way into Europe. For instance, Icduygu and Aksel (2013: 179) find that between 1995 and 2013, “more than half a million Asian, African, and Middle Eastern migrants tried to cross into Europe” from Turkey. In the same time period, an additional half a million irregular labor migrants from post-Soviet countries were staying and working in Turkey without proper permits (Icduygu & Aksel, 2013: 179).

In realizing its changing role as a country of first asylum and recognizing a need for regulations to deal with non-European refugees, Turkey adopted the Regulation on the Procedures and the Principles Related to Mass Influx and the Foreigners Arriving in Turkey or Requesting Residence Permits with the Intention of Seeking Asylum from a Third Country on 15th November 1994 (Frelick, 1997). Minor amendments to this regulation were made in 1999 and 2006. The regulation mainstreamed Turkey’s national security concerns about refugees. Refugee populations from the Middle East and Asia have been traditionally considered a threat to national security by the Turkish state because these regions are perceived to be politically and economically volatile (Latif, 2002). Turkish governments, in the past, also faced a lack of economic resources required to support large (and often unpredictable) refugee populations from these regions, which was also interpreted as a security risk (Latif, 2002: 21).

For instance, in reference to Iranian refugees in the 1990s, a Turkish Interior Ministry official, in an interview with Frelick (1997), stated that:

Our first consideration is the security of the country. As Turkish citizens, we live in an uncomfortable area. We have to consider the internal security of our country when implementing domestic law and regulations. All our regulations respond to the logic of stabilizing the security of our country...If there were no terrorist incidents in Turkey,

then there would not be so much work to do. In such a situation, even the five-day period would not be necessary...Uncontrolled and uninspected travel causes trouble for our country with regard to security...When an asylum seeker applies to a security officer before being seized by the security officer, it shows his intention. (Frelick, 1997: 14)

Therefore, while Turkey has always been receptive towards Muslim refugees from the Balkan region, it largely kept its doors closed to Muslim refugees from the Middle East and Asia until the Syrian Civil War began in 2012. As a result, refugees who are not ethnically or culturally Turkish and/or Muslim have mainly migrated to Turkey during times of global or regional crises. For example, as shown in the figure above, major non-Turk or non-Muslim migrations to Turkey have included refugees of the Second World War (1939-1945), Afghan refugees during the Soviet-Afghan War (1979-1989), Kurdish refugees from Iran and Iraq, and Iranian refugees following the Iranian Revolution of 1979 and subsequent Iran-Iraq War (1980-1988) and the Gulf War (1990-1991). More often than not, such refugees have only been granted temporary protection by the state and have (voluntarily or involuntarily) returned to their countries of origin as soon as the crisis ended (Kirisici, 2000).

3.1.6. Analysis of the 1994 Asylum Regulation

Until 1994, the 1934 Law on Settlement was the sole legal document regulating the admission and settlement of migrants and refugees in Turkey. And while the 1934 law might have been adequate for early migration to and from Turkey, it was ill-equipped to handle post-Cold War forced migration for two reasons: (i) the law was intended for an entirely different time period, when Turkish state's top priority was nation building and a majority of refugees were ethnically or religiously similar to Turks from the Balkan region, and (ii) an unprecedented number of refugees coming to Turkey since 1980s were neither of Turkish ethnicity or descent, nor from Europe. For instance, between 1980-91, in addition to 1.5 million Iranian refugees, approximately 27,000 Iraqi Kurdish refugees came to Turkey – though multiple sources argue that this number was much higher (Kinsley, 1991; Kirisici, 2000).

Before the 1994 Asylum Regulation was passed, UNHCR in Turkey was responsible for the status determination and resettlement of non-European refugees (Suter, 2013: 13). This is because Turkey only had legal obligations towards European refugees and did not legally recognize non-European refugees - as discussed above. For the purpose of status determination, UNHCR defined refugees as individuals recognized under the 1951 Convention relating to the Status of Refugees; its 1967 Protocol; the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa¹³; the Cartagena Declaration; those recognized in accordance with the UNHCR Statute; individuals granted complementary forms of protection; or those enjoying temporary protection. And asylum seekers were defined as individuals who have sought international protection and whose claims for refugee status have not yet been determined, irrespective of when they may have been lodged (UNHCR, 2013).

With the 1994 Asylum Regulation Turkey assumed the complete process of status determination for European and non-European refugees, while UNHCR continued to assist in resettlement of non-European refugees to third countries (Kaya, 2009; Suter, 2013). In doing so, Turkey redefined refugee and asylum seeker as:

Refugee: An alien who as a result of events occurring in Europe and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (Regulation No. 1994/6169: art. 3 para. 1)

Asylum Seeker: An alien who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual

¹³ See section 2.2 of this research for complete definitions of refugee in 1951 Convention relating to the Status of Refugees, the Cartagena Declaration, and the 1969 OAU Convention.

residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (Regulation No. 1994/6169: art. 3 para. 2)

Both the definitions were essentially the same, with a difference of spatial conditionality that only recognized refugees as persons from Europe and all non-European refugees as asylum seekers. These definitions were incorrect as per international law. According to UNHCR, a refugee is 'forced' to flee their country because of persecution and have a right to international protection and material assistance under the 1951 Geneva Convention (2005: 444). And an 'asylum seeker' is someone who 'leaves' their country because of persecution, but has not been recognized as a refugee and is waiting for a final decision on their application (UNHCR, 2005: 441). Thus, while every refugee is an asylum seeker, not every asylum seeker will be recognized as a refugee (UNHCR, 2005: 441). However, according to the 1994 regulation, a non-European asylum seeker could under no circumstance be recognized as a refugee in Turkey.

Article 4 of this regulation stipulates that asylum seekers and refugees had to submit an asylum claim to a local police station within 'shortest reasonable time' of their entrance into Turkey (Decision No. 2006/9938, art. 1). The police stations are instructed to forward the claim to the Ministry of Interior for status determination. Ministry of Interior was to consider the "opinion of Ministry of Foreign Affairs, other relevant ministries, governorates, and national agencies" before accepting or rejecting a claim (Regulation No. 1994/6169). Furthermore, while the ministry did not seek UNHCR's and other agencies' opinion on each claim, their assistance was sought on aspects such as "accommodation, food, transportation, resettlement, voluntary repatriation, obtaining passport or visa" (Decision No. 2006/9938, art. 4).

While the adoption of Asylum Regulation was a step in the right direction, the regulation itself was riddled with various administrative red flags. These were apparent from Turkey's treatment of Iranian and Iraqi refugees – who were the first batch of asylum seekers adjudicated under this regulation. For one, the Ministry of Interior inexplicably placed a 'resettlement requisite' on approving claims for asylum (Frelick, 1997). Article 28 of the regulation stipulated:

Residence permission granted to individual aliens who seek residence permission in Turkey in order to seek asylum from another country may not be extended if after having been given reasonable time the aliens are still not able to go to a third country. Aliens in such situations shall be asked to leave the country. (Regulation No. 1994/6169: art. 28)

So, if an asylum seeker is guaranteed refugee resettlement in a third country through UNHCR or offers from third countries, it was more likely that Ministry of Interior would grant them asylum. However, if the individual is unable to show his/her possibility of resettlement within a 'reasonable' time, they could be voluntarily or involuntarily removed or repatriated from Turkey – irrespective of the risk to their life. A higher official from Turkish Ministry of Interior, in an interview with Frelick (1997), was quoted as saying:

We only accept refugees from neighboring [sic] countries on the condition that they travel to a third country. When a refugee is not granted a visa to travel to a third country, this is the point where we feel our problems. If resettlement is guaranteed, then asylum seekers present no problem. (Frelick, 1997: 11)

What is remarkable is that in making asylum contingent on resettlement for non-convention refugees, Turkey was not in violation of international law. According to UNHCR, "resettlement is not a right" and states do not have a legal obligation to resettle asylum seekers (UNHCR, 2012: 2). Yet, even if such regulations are not illegal per se, they add an undue layer of bureaucratic complexity in access to asylum that can result in severe consequences for asylum seekers.

For instance, in dealing with Iranian and Iraqi refugees under the 1994 regulation, UNHCR was generally charged with the resettlement of non-convention refugees. In order to facilitate resettlement, UNHCR had to first determine if there was a 'durable solution' for these individuals. Normally, durable solutions for refugees include voluntary repatriation (usually after the conflict/crisis in the country of origin ends), integration into host state's society, or resettlement in a third country. In Turkey, integration of non-convention refugees was out of question because of the law on settlement. For refugees fleeing humanitarian or violent persecution, such as Iranian and

Iraqi refugees, voluntary repatriation was also not a viable option. In this case, resettlement was the only option.

Moreover, granting asylum under the 1994 regulations was dependent on various discretionary criterion. For example, in the 1994 regulation, calculating 'reasonable time' to obtain resettlement was at the discretion of authorities. However, resettlement decisions are taken by third countries and therefore processing times are not standard. So, for instance, in the 1990s, UNHCR Turkey reports that it took approximately one year to complete resettlement process for one asylum seeker – given that there were no complications in the application (Frelick, 1997: 11). In 2013, Suter (2013) reports that the asylum process in Turkey took between two and five years. And more recently, AIDA reports that in 2017 the 'access to resettlement opportunities' itself was delayed by approximately 3 years for Iranian and 7 years for Iraqi asylum seekers in Turkey (AIDA, 2017: 16).

To further exacerbate the situation, there were a number of bureaucratic complexities that asylum seekers had to face during their asylum procedure because the 1994 regulation failed to provide information on these issues. For instance, Turkish government did not provide any material assistance or financial assistance to asylum seekers – even those who had already applied for resettlement. According to Suter (2013), until 2010 asylum seekers and refugees recognized by UNHCR had to pay a residence fee of 800 Turkish Lira (or 300 USD) per family member every six months to get a residence permit. This amount was criticized for being unfairly high, but a failure to pay resulted in applicants not having legal access to work permit, or public services such as transportation, health care, education, etc.

In a similar vein, the 1994 regulation introduced conditions that could justify the arbitrary rejection of asylum claims. For example, Article 29 of the regulation stipulated that:

A refugee or an asylum seeker who is residing in Turkey legally can only be deported by the Ministry of Interior under the terms of the 1951 Geneva Convention relating to the Status of Refugees *or for reasons of national security and public order*. (Regulation No. 1994/6169: art. 29)

The regulation or any related circular did not define what these ‘reasons of national security and public order’ could be; so, it was entirely up to the authorities’ interpretation. The insertion of ‘national security and public order’ to the regulation can be placed within the larger context of political environment in Turkey at the time. When Turkey first experienced mass refugee influx of Iraqi Kurds in 1988, they were welcomed on temporary basis. However, without adequate funds and resettlement offers, Iraqi Kurds were subjected to living in decrepit camps, without the permission to work, and only allowed to leave the camps for short periods of time (USCR, 1990: 67). In 1991, a second massive influx of Kurdish refugees from Iran and Iraq took place but this time tensions between the Turkish government and the Kurdish Workers Party (PKK) were at an all-time high. As a result, article 8 of the regulation was formulated to stipulate that:

As long as there are no political decisions taken to the contrary, and provided that Turkey’s obligations under international law are maintained, and considering 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. (Regulation No. 1994/6169: art. 8)

This article had direct impacts on Kurdish refugees. For example, USCR (1996) found that:

... the Turkish authorities consistently resisted applying the refugee designation to Iraqis, insisting on its geographically restrictive interpretation of the term, and not wanting to acknowledge the obligations under international law that apply to persons recognized as refugees. (USCR, 1996: 175)

Similarly, Kirisci (1996: 298) finds that in the case of Iranian asylum seekers, “Turkish officials systematically discouraged Iranians from formally seeking asylum for fear of offending the Iranian government”. So, when USCR conducted interviews with Iranian and Iraqi refugees in Turkey in 1995, a number of Iranian and Iraqi asylum seekers expressed a fear that the:

... local police and security forces situated in the midst of the conflict in Kurdish southeastern Turkey would not give them a fair hearing. This is particularly the case for those whose refugee claims stem from Kurdish separatist activities in Iran and Iraq, since separatist activities

conducted by Kurds in Turkey are considered as crimes by the Turkish authorities as well [which would make them vulnerable to forced deportations]. (USCR, 1996: 173)

As a part of its procedures, Turkey also instituted a practice of detaining foreigners in ‘guesthouses’ after the 1994 regulation was passed. In a Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in June 2009, the CPT stated:

In the course of the visit, the delegation visited a total of six “detention centres” for foreigners in different provinces. The CPT prefers to use this term rather than the misleading euphemism “guest houses”, since the persons held in these centres are undoubtedly deprived of their liberty. (CPT, 2011: 24)

According to Levitan, Kaytaz, and Durukan, asylum seekers were involuntarily detained for reasons including, but not limited to, “alleged criminal activity, illegal entry/exit from the country, failure to comply with requirements of temporary asylum system” – all resulting in the curtailing of their freedom of movement (2009: 81). In majority of the cases, detained asylum seekers were not informed if they are being held due to judicial decision or in accordance with administrative regulations (Levitan, Kaytaz, & Durukan, 2009). In 2007 and 2008 alone, more than 200 cases of arbitrary detention were observed annually – where Turkish authorities effectively blocked an individual’s access to courts (USCRI, 2009: 60). In the same years, Turkish authorities also placed restrictions (in policy and practice) on the freedom of movement and residence and right to earn a livelihood for refugees, amounting to harassment (USCRI, 2009: 60).

Most of all, as per the 1994 regulation, even if an individual was recognized as an asylum seeker and had a resettlement offer, it did not guarantee his/her protection against refoulement (Amnesty International, 1994: 3). In the period following the adoption of the regulation, U.S. Committee for Refugees and Immigrants reports that non-convention refugees in Turkey were faced with an increasingly ‘hostile and precarious situation’ (1996: 171). This was because Turkey became the primary authority for refugee status determination but since did not have a legal obligation towards non-

convention refugees, there were multiple cases where “new procedural hurdles-principally, strict time limits placed on applying-allowed the Turkish authorities to rule many Iranians and Iraqis ineligible to apply for asylum¹⁴ during the first year under the new system” (USCR, 1996: 171). Therefore, what the 1994 regulation did was create a ‘legally’ mandated regime of fear for asylum seekers, under which they often did not have access to their rights and, at times – in blatant disregard for international law – they were refouled to a place where their lives were threatened by officers who were merely following the word of law.

According to UNHCR, in 1995, 42 Iranian and 31 Iraqi refugees – who were recognized as refugees – were subject to deportation by Turkish authorities and a further 20 Iranian and 27 Iraqi refugees – who were of concern to UNHCR – were involuntarily repatriated (USCR, 1996: 175-176). In April 2008, after UNHCR had declared Iraq as unsafe for refugee or asylum seekers’ repatriation, Turkish authorities gave orders to deport 13 Iranian and Syrian men and five refugees who were already granted status by UNHCR Turkey (UNHCR, 2008). As a result, these asylum seekers and refugees were forced to swim across the border between Iraq and Turkey – during which four men and one refugee drowned (UNHCR, 2008). The U.S. Committee for Refugees found that in 2007 and 2008, more than 100 cases of refoulement were observed in Turkey indicating severe governmental violence (USCRI, 2009: 60). While the Turkish government has repeatedly asserted that these actions were lawful under its asylum regulation, NGOs following these events report that it has not given any clear explanation for a majority of these cases. Unfortunately, refugees and asylum seekers who were unlawfully deported or forcefully repatriated did not have any reparations except going to the European Court of Human Rights. However, appealing cases before the ECtHR was a time and resource consuming process, which asylum seekers usually did not have.

¹⁴ In the original Regulation, refugees had to apply for asylum within 5 days of their arrival into Turkey. In the 1999 amendment to the regulation, this time period was increased to 10 days. In the 2006 amendment to the regulation, the time period was waived, instead instructing refugees to ‘apply without delay’.

Lastly, under the 1994 regulation, there were multiple cases where asylum seekers were arbitrarily stopped from entering Turkey or rejected at the border. For example, the U.S. Committee for Refugees and Immigrants (1996) reports that, in 1995, “Turkish authorities, especially in the border region, may have pushed back many more Iraqis without having given them an opportunity to register their asylum claims” (1996: 176). Similarly, a report by the Refugee Council in UK found that, in 2008, approximately 4,000 to 5,000 people were stopped and returned from the Turkish border by the rural police (Jandarma) every month (Reynolds & Muggeridge, 2008: 61). In cases where the asylum seeker did get into Turkey by illegal means, upon their arrest Turkish authorities were quick to conduct a summary criminal proceeding and deport them without listening to their case.

Such wide scale rejections and returns were often paired with abusive practices that often-dissuaded asylum seekers from approaching authorities for their claims. For instance, Frelick reports that in 1995,

A number of cases have been documented in which Iranians and Iraqis who had succeeded in reaching Ankara were told to return to border areas to apply for asylum and were subsequently apprehended by the Turkish police and returned to Iran or Iraq without being given an opportunity to file asylum claims. (Frelick, 1997: 17)

Such practices were also reported in 2008 by an Iranian Baha’i refugee in UK as follows:

I knew that if I go near this towers I will be shot by them because these towers were exactly on the border, and they are working over there and their job is shooting every person...It was very dangerous because we knew that we should hide ourselves from any Turkish soldiers before coming to Van... it’s possible that these soldiers shoot us while crossing the border because we are doing illegally... we knew that this is dangerous to go to claim asylum to the soldiers...[he] knew many cases of people who had been intercepted crossing from Iran to Turkey and their experiences were a warning for anyone following the same route. One was beaten by Turkish guards and dragged along the ground behind a horse, until they thought he was dead. [His] cousin was intercepted by Iranian soldiers and imprisoned without food or water for two days. (Reynolds & Muggeridge, 2008: 72)

Even though Article 90 of the Turkish Constitution specifically stipulates that, “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” (1995: 39). In many cases, 1994 regulation took precedence over international law – specifically against the principle of non-refoulement mentioned in the 1951 Geneva Convention. In reference to routine summary detentions, rejections, and deportations of refugees and asylum, Durukan (2009) argues that:

These arbitrary denials do not only mock Turkey’s international law obligations including those under European Court of Human Rights (ECtHR), they are also in violation of domestic asylum rules. But this is not simply a matter of border control officials not doing what they are supposed to do. On the contrary, our observation based on countless cases that came to our attention, and the knowledge we acquired over the course of our legal battles in refugee cases, is that this is a systematic policy instructed and endorsed by Turkey’s Ministry of Interior. (Durukan, 2009: para. 21)

Ultimately, the 1994 Asylum Regulation codified state practices that had been widely criticized for being unfair instead of laying the groundwork for a comprehensive asylum regime that was in line with international refugee law. The regulation itself had no intention to lift the ethnic or spatial limits placed on refugee status determination in Turkey. As a matter of fact, the 1994 regulation took control away from UNHCR for determining refugee status – showing Turkey’s attempts at exerting more control over issues related to refugees and asylum seekers. And in doing so, Turkey not only created new labels, it also institutionalized discriminatory legal practices based on those labels. In any case, such practices – as discussed above – had various detrimental effects on the lives of refugees and asylum seekers in Turkey until the Law on Foreigners and International Protection was adopted in 2013.

3.1.7. The EU Acquis and Turkey’s Migration Policies since 1990s

The accession to the European Union has been on Turkey’s political agenda ever since its application for association to the European Economic

Community in July 1959. At first, accession to EU was in an effort to gain access to European economic markets and the focus was on using emigration for national economic development in Turkey – as discussed in the sections above. Cicekli (1998) argues that EU perceived migration from Turkey as an advantage from 1950s till 1980s. This is because after the Second World War, Europe's was in need for foreign labor for the purposes of reconstruction and economic development incited Turkey's application for association to the European Economic Community in July 1959 and the subsequent labor emigrations from Turkey to Europe in the 1960s, 70s, and 80s. Similarly, the European Community at the time did not have any significant issues with migration from Turkey – evident from the fact that the European Community granted Turkey associate member status within five years of its application and promised 'a gradual realization of the free flow of workers' the Ankara Agreement of 1963 (Ankara Agreement, 1963: art. 12).

It wasn't until 1987 that Turkey applied for full membership of the European Community based on Article 98 of the Treaty Establishing the European Coal and Steel Community¹⁵ (1951), Article 237 of the Treaty of Rome¹⁶ (1957) and Article 205 of the EURATOM¹⁷ (1957) in April 1987. However, at the time of Turkey's application, European Union was already in the process of reforming its accession procedures and criteria for prospective member states. Since then, the European Union has played an increasingly influential role in shaping Turkey's domestic policies by using 'political conditionality as

¹⁵ Article 98 of this Treaty stipulated that: 'Any European State may apply to accede to this Treaty. It shall address its application to the Council, which shall act unanimously after obtaining the opinion of the High Authority; the Council shall also determine the terms of accession, likewise acting unanimously. Accession shall take effect on the day when the instrument of accession is received by the Government acting as depositary of this Treaty' (Treaty Establishing the European Coal and Steel Community, 1951: art. 98).

¹⁶ Article 237 of the 1957 Treaty Establishing the European Economic Community (Treaty of Rome) stipulated that: 'Any European State may apply to become a member of the Community. It shall address its application to the Council, which shall act unanimously after obtaining the opinion of the Commission. The conditions of admission and the adjustments to this Treaty necessitated thereby shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the Contracting States in accordance with their respective constitutional requirements' (1957: art. 237). This article was repealed in the subsequent Treaty Establishing the European Community (Maastricht Treaty) of 1992 that created the European Union.

¹⁷ Article 205 of EURATOM (1957) repeats the stipulations of Article 237 of the Treaty of Rome (1957) verbatim.

a reinforcement strategy to effect changes in prospective member states' (Ugurlu, 2013: 168).

Political criteria such as human rights, representative democracy, the rule of law, and social justice were first introduced as conditions for accession in the 1970 Davignon Report, the 1973 Declaration on European Identity, and the 1978 Declaration on Democracy. When the European Economic Community became the European Union under the Maastricht Treaty of 1992, its objective was to consolidate a common European identity that promoted values such as democracy, human rights, and rule of law (Ugurlu, 2013). These values were also a result of the political developments of the time. Pridham (2007) finds that the end of Cold War incited EU to include political values as a part of its accession conditions particularly when considering former communist states that might want to become members of the European Union. As a result, European Commission's 1993 Accession Criteria (or the Copenhagen Criteria) for prospective member states stipulated that countries wishing to join [EU] need to have:

...achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, ... Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

In 1997, the Treaty of Amsterdam further codified these values by amending the Treaty on European Union as follows:

The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the member states. (Treaty of Amsterdam, 1997: 8)

Furthermore, the Treaty also made accession contingent on these values by stating that:

Any European State which respects the principles set out in Article 6(1) may apply to become a member of the Union. (Treaty of Amsterdam, 1997: 24)

According to Icduygu (2011), the notions of 'democracy' and 'demography' – with migration as its sub-component – are interconnected. He also argues

that EU's membership criterion has been influenced by the 'politics of demos' since the 2000s (Icduygu, 2011: 2). This is because the 2007 Treaty of Lisbon officially codified policies pertaining to 'migration, asylum, and border management' under the political areas of 'freedom, security, and justice'. For instance, Article 2 of the Treaty of Lisbon puts forth that:

The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime. (Treaty of Lisbon, 2007: art. 2)

In doing so, border management, asylum, and immigration went from being an intergovernmental responsibility to a "shared competence between EU and its member states" (2007: art. 2(c)). This was in line with EU's aim to introduce a 'Common European Asylum System' which would:

... ensure the absence of internal border controls for persons and shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals. (Treaty of Lisbon, 2007: art. 61(2))

Furthermore, this common European asylum system was to be based on a:

... common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of nonrefoulement. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties. (Treaty of Lisbon, 2007: art. 63(1))

In linking migration and asylum policies with the notions of justice, freedom, and security, EU made migration management a part of the political conditionality mentioned above. As a result, in addition to a host of economic and administrative criteria, political criteria including asylum and migration management became a condition for accession for states like Turkey. It can be argued that until this point, migration was not particularly an issue of 'high politics' in Turkey. As a matter of fact, EU's determination of migration as a critical political issue in Turkey's accession made it a popular topic in Turkey's public and political discourse. In addition, EU and Turkey's relations

over the Syrian refugee crisis further politicized the issue of asylum and migration management in Turkey.

EU and Turkey's relations on asylum and migration have always been strained (Icduygu, 2011). In Turkey's case, EU has been critical of Turkey's state of human rights and judicial processes since the later 1990s. But the 'politics of demos' gained prominence since Turkey's role changed from being a country of emigration to a country of transit migration. For EU, a reform of Turkey's migration and asylum system was of paramount importance because of concerns including , but not limited to, an increase in the volume of transit migrants through Turkey to Europe including irregular and illegal migrants, EU's perception that migratory flows from Turkish border are uncontrollable (Jandl, 2007), a public discourse that polarizes European societies against migrants (Lagro, 2008), and a common belief that Turkish immigrants in Europe are not able to integrate without difficulties (Erzan & Kirisci, 2006). However, at the same time, EU also realizes that if Turkey accedes to the Union, its migration trends can have advantages such as:

1. Migrant workers from Turkey could help relive the demographic pressures on EU's labour markets (Behar, 2006),
2. Turkey's share of young population could counterbalance ageing EU societies. This is why EU has pushed Turkey for reforms and investment on education and training for youth (European Commission, 2004: 5), and
3. By managing migration and asylum policies, Turkey's borders and human trafficking could be controlled by the EU, which is valuable considering Turkey's geographical position (European Commission, 2004: 5).

Be that as it may, Turkey's accession process began with its application in 1987. For any state to accede to the Union, the European Commission first issues its opinion on the country's application for EU membership. Turkey was declared eligible to join the EU in 1997. The Commission then decides if accession negotiations should be started or not. The European Council may

begin negotiations with a country, even if the Commission's report deems it ineligible for accession. EU-Turkey accessions partnership negotiations began in October 2005. Once the accession negotiations begin, the European Commission publishes regular reports on the country's progress, failures, and its recommendations to further its harmonization with the EU Acquis.

Accession negotiations aim to harmonize and implement the EU Acquis in Turkey. According to the European Commission, "candidate countries have to accept the *acquis* before they can join the EU and make EU law part of their own national legislation; so, the adoption and implementation of the *acquis* are the basis of the accession negotiations" (2016: para. 1). For Turkey to become an EU member state, it has to reform its institutions, management capacity, administrative and judicial systems as per the EU standards – in addition to its national laws and policies (Ugurlu, 2013).

According to Zeldin, "in 1999, Turkey reached a turning point in its bid for accession to the European Union, and thereafter it began to introduce a new policies and laws" (2016: 258). As a result, the Justice and Development Party (JDP or AK Parti) undertook extensive policy reforms after it came to power in 2002 in order to align itself with EU Acquis on Asylum and Migration, specifically by signing readmission and visa liberalization agreements with specific countries (Elitok, 2013; Dromgold, 2015).

As a first step, Turkey put forth the National Action Plan of Turkey for the Adoption of EU Acquis in the Field of Asylum and Migration (NAP) in 2005 leading to a liberal reform in its asylum and migration policies (DGMM, 2005; Kaya, 2009). This plan was the result of an Asylum-Migration Twinning Project with Denmark and England in 2004 (Dromgold, 2015). The action plan described in detail existing policies and practices, as well as future policies and reforms in the fields of asylum and migration. In order to do this, the plan brought together a Task Force comprised of "Ministry of Interior (General Directorate for Public Security, Jandarma General Command and the Coast Guard Command), Ministry of Foreign Affairs, the Under Secretariat of Customs and established three working groups (borders,

asylum and migration)” to develop a strategy for border management, asylum, and migration (DGMM, 2005: 2).

Secondly, Turkey adopted the 2006 Law on Settlement that has already been discussed above. In adopting the 2006 law, Turkey departed from an ethno-religiously motivated migration policy in the wake of growing calls to embrace ‘ethnic, social, and cultural diversity’ of Turkish society (Icduygu & Aksel, 2013: 179). This also resulted in an evolution in the concept of national identity in Turkey. At the same time, Turkey also harmonized its visa and admission laws as per the Schengen Acquis by introducing several visa requirements for citizens of countries who also require visas to travel to the EU (Icduygu, 2007: 211). Furthermore, in its efforts to ‘Europeanize’ its migration laws, Turkey took concrete steps towards addressing issues such as irregular migration, human trafficking, and smuggling – which were of extreme importance to the EU. In order to do so, Turkey first introduced a Penal Code amendment to the Law on Combating Benefits-Oriented Criminal Organizations (Law. No. 4771/2002) that criminalized human trafficking under the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and Protocol against the Smuggling of Migrants by Land, Sea and Air adopted by the UN in 2000 (Turkiye’nin Insan Ticaretiyle Mucadelesi, 2019). In 2003, Turkey also adopted a Law on Work Permits for Foreigners (Law. No. 4817/2003) and a Regulation for the Application of the Law (No. 2003/25214) which, amongst other things, penalized illegal employment of foreigners and linked foreigner work permits with their residence permits to prevent illegal labor migration to Turkey (Zeldin, 2016). Lastly, amendments to the Turkish Citizenship Law (Law No. 403/1964) made it necessary for foreign spouses of Turkish citizens to be married for three years to obtain Turkish citizenship through marriage (Tokuzlu, 2007). This law aimed to combat illegal migrants from receiving Turkish citizenship through contract marriages.

Yet, throughout the decade starting in 2000, Turkish officials continued to face pressures to reform its asylum policies on four fronts:

- (i) EU's accession negotiations demanded a reform in Turkey's asylum policies in accordance with the EU Acquis – that had become more important for the EU since Accession Talks with Turkey began due to a rise in incidents of international terrorism since 2001,
- (ii) A number of NGOs such as UNHCR and HRW published lengthy reports criticizing Turkey's asylum procedures between 2000 and 2010,
- (iii) Recurring disputes between Turkish authorities and UNHCR concerning status determination of asylum seekers since the adoption of the 1994 Asylum Regulation, and
- (iv) In 2009 and 2010 alone, European Court of Human Rights' rulings convicted Turkey in 12 cases for its violation of a number of articles of the European Human Rights Convention – especially in cases of unlawful detention and forced deportation of refugees and asylum seekers (Kirisci, 2012).
- (v) Since 2011, an overwhelming number of Syrian refugees further strained Turkey's asylum system.

3.1.8. Analysis of the 2013 Law on Foreigners and International Protection

In response to the various pressures, Turkey established the 'Bureau for the Development and Implementation of Asylum and Migration Legislation and Strengthening the Administrative Capacity' (also known as Turkish Asylum and Migration Bureau) under the Ministry of Interior in 2008 (Soykan, 2012; Dromgold, 2015). Turkish Asylum and Migration Bureau began drafting the Law on Foreigners and International Protection in 2010 after consulting with various international organizations such as UNHCR, migrant organizations such as IOM, European Union, and practitioners and academics working on the subject (Suter, 2013). The law was drafted using "analysis of existing Turkish legal arrangements in the field of Asylum and the loopholes therein

by experts from Denmark, the Netherlands, Sweden, Federal Republic of Germany, the UK and Turkey” (DGMM, 2005: 18). The Law on Foreigners and International Protection (LFIP; Law No. 6458) was adopted in April 2013 and entered into force in April 2014. This law was a combination of the Law on Aliens and the 1994 Asylum Regulation and came into effect in April 2014.

The LFIP is divided into two sections on ‘foreigners’ and ‘international protection’ and it includes provisions related to the entry, stay, and exit of foreigners, visas, residence permits, asylum applications, deportation, detention, and integration of foreigners in Turkey. It also determines the scope and execution of protection of foreigners – should they seek such protection from Turkey, and establishment of the Directorate General of Migration Management (DGMM) under the Turkish Ministry of Interior – including a thorough description of the Directorate’s duties, mandate, and responsibilities (Zeldin, 2016). This law brought Turkish asylum and refugee laws closer to international and EU standards by overhauling the national asylum regime through measures such as the establishment of General Directorate of Migration Management (under the Ministry of Interior), revised regulations for entry, stay, and exit in Turkey, and protecting the rights of refugees and asylum seekers regardless of their ethnicity and nationality.

Through this legislation, and its accompanying institutions, Turkey aimed at tackle mass migration from Middle East that had only increased in volume since the 1990s and to internalize EU’s asylum policy. For instance, Aydin and Kirsici (2013) find that this law fulfils almost all of EU’s requirements, including the establishment of a dedicated institution to deal with asylum and migration. The only requirement that Turkey did not fulfil was lifting the geographical limitation of the 1951 Geneva Convention (Dromgold, 2015). But Kirisci (2012) finds that it was difficult for Turkish officials to lift the geographical limitation when Turkey’s EU membership is far from guaranteed – even when it has fully harmonized its national policies with the EU Acquis because there is some “mistrust of the EU’s credibility in respect to the ultimate reward of membership” amongst Turkish policy makers (Kirisci, 2012: 74). Then there is also the fact that Turkish government has “a deep-

seated concern that Turkey may become a “buffer zone” or a kind of a “dumping ground” for the EU’s illegal migrants and rejected asylum seekers” (Kirisci, 2007: 96). This is because if Turkey lifts its geographical limitation and accedes to the EU – it would most likely become a first country of asylum owing to its geographic location. To add, Turkish officials are also “aggravated by EU’s growing tendency to externalize its asylum policies and its efforts to create a ‘fortress Europe’” (Kirisci, 2012: 75). Lastly, with the exception of the Refugee fund, EU has not yet proposed a long-term burden sharing mechanism – which has been a relatively difficult challenge for EU member states – that will ease the economic strain on Turkey as a country of first asylum for refugees (Kirisci, 2012).

Therefore, Turkey chose to introduce the 2013 LFIP – while maintaining its geographic limitation to the 1951 Geneva Convention. This ‘absorption with reservations’, as Ozcurumez and Senses (2011: 233) call it, depicts how on one hand Turkey was affected by EU’s external pressures to reform its asylum policies, yet on the other hand Turkish government also continued to implement laws that are in contrast to EU regulations owing to its domestic concerns and the ‘vanishing support for an EU membership from the Turkish side’ (Suter, 2013: 20).

In adopting an asylum legislation while maintaining a geographic limitation to the 1951 Convention, this law creates a set of complex labels for refugee status determination based on where the person comes from and how they arrive to Turkey (Simsek & Corabatir, 2016: 113). These labels are determined based on: (i) if the individual is fleeing persecution as a result of events occurring in Europe, or outside Europe and (ii) if the individual has arrived in Turkey alone or in a small group (which is covered under the 1951 Convention) or as a part of mass refugee influx as a result of overall security risks in their own countries (Simsek & Corabatir, 2016: 113). Furthermore, the Temporary Protection regulation (Article 91 of LFIP), issued on the 22nd October 2014, regulates foreigners who are forced to leave their countries and are unable to return - when they arrive or cross Turkey’s border in mass

numbers to seek urgent and temporary protection – and their request for protection cannot be taken under individual assessment (Zeldin, 2016).

As a result, this law creates four legal categories for individuals seeking international protection in Turkey:

Refugee: “any person who as a result of *events occurring in European countries* and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his citizenship and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his former residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, shall be granted refugee status upon completion of the refugee status determination process” (Law No. 6458/2013: art. 61).

Conditional refugee: “A person who as a result of events occurring outside European countries and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion ... Conditional refugees shall be allowed to reside in Turkey temporarily until they are resettled to a third country” (Law No. 6458/2013: art. 62).

Subsidiary temporary protection: For any foreigner or stateless person – who does not qualify as a refugee or a conditional refugee – is in need for international protection, they can avail ‘subsidiary protection’. Status determination for subsidiary protection is contingent on “if [a person] returned to the country of origin or country of [former] habitual residence would: a) be sentenced to death or face the execution of the death penalty; b) face torture or inhuman or degrading treatment or punishment; c) face serious threat to himself or herself by reason of indiscriminate violence in situations of international or nationwide armed conflict; and therefore is unable or for the reason of such threat is unwilling, to avail himself or herself of the protection of his country of origin or country of [former] habitual residence” (Law No. 6458/2013: art. 63).

Asylum seeker (legally labelled as ‘applicant’): “A person who made an international protection claim and final decision regarding whose application is pending” (Law No. 6458/2013: art. 3(d)).

Additionally, according to Article 91 of the LFIP Temporary Protection is extended to:

...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. (Law No. 6458/2013: art. 91(1))

And article 91(2) stipulates that the Council of Ministers has the authority to decide on:

The actions to be carried out for the reception of such foreigners into Turkey; their stay in Turkey and rights and obligations; their exit from Turkey; measures to be taken to prevent mass influxes; cooperation and coordination among national and international institutions and organisations; determination of the duties and mandate of the central and provincial institutions and organisations...(Law No. 6458/2013: art. 91(2))

For refugees, asylum seekers, conditional refugees, those under temporary protection, and those under subsidiary protection, this law reaffirms Turkey's commitment to the principle of non-refoulement in Article 4. However, deciding when temporary protection ends or stopping unlawful deportations are still up to the discretion of the Turkish government. Furthermore, Turkey offers subsidiary protection to individual refugees that do not have any chance to resettle in a third country but, at the same time, are unable to return to their countries of origin because of a threat to their lives and freedoms.

According to Simsek and Corabatir (2016), subsidiary protection was added to the LFIP because since 2010 non-convention refugees in Turkey such as Afghan, Iraqi, and Somalian have not gotten resettlement offers from third countries such as US, UK, Australia, etc. And since such refugees cannot integrate into Turkish society or resettled in a third country, Turkey allows them indefinite stay and some additional rights, as compared to conditional refugees, to ease their lives in Turkey. However, until 2016, only five or six people have been granted subsidiary protection by the Turkish authorities, where as “tens of thousands of Afghans and Africans are most probably considered as ‘applicants’” (Simsek & Corabatir, 2016: 118).

At the same time, while conditional refugees and those under subsidiary protection are not allowed to integrate into Turkish society, the LFIP does introduces the concept of ‘harmonization’ as an alternative. So, article 96 of the LFIP states that:

The Directorate General may, to the extent that Turkey's economic and financial capacity deems possible, plan for harmonization activities in order to facilitate mutual harmonization between foreigners, applicants and international protection beneficiaries and the society as well as to equip them with the knowledge and skills to be independently active in all areas of social life without the assistance of third persons in Turkey or in the country to which they are resettled or in their own country...[for this] Foreigners may attend courses where the basics of political structure, language, legal system, culture and history of Turkey as well as their rights and obligations are explained..[and] The Directorate General shall promote the courses related to access to public and private goods and services, access to education and economic activities, social and cultural communications, and access to primary healthcare services and, awareness and information activities through distant learning and similar means... (Law No. 6458/2013: art. 96(1)(2)(3))

In its essence, harmonization is much like integration, i.e. it intends to acclimate refugees and asylum seekers to the Turkish society when their stay in Turkey is long or indefinite. However, there are no legal benefits available to 'harmonized' refugees.

The reason why this law is so detailed is because the 1994 Asylum Regulation was heavily criticized for being insufficient and discretionary on many asylum related issues. In contrast, the LFIP puts forth specific provisions detailing proper procedures for a range of services such as: regulations for applications for international protection, refugee registration, status determination and appeal process, the use of interpreters throughout refugee status determination process, physical conditions for status determination interviews, training of interviewers and interpreters to ensure efficiency of status determination, temporary protection and its termination, and much more. The law also goes beyond regulation asylum procedures by detailing regulations for foreigner's access to Turkey's healthcare system, labor market, and primary and secondary education system, while it leaves the issue of accommodation to the foreigners themselves or DGMM is to establish accommodation centers for asylum seekers where necessary (AIDA, 2018: 65).

All of these responsibilities are placed under the mandate of the Directorate General of Migration Management (DGMM). Before the establishment of

DGMM, issues concerning the entry/exit, residence permits, and refugee status determinations was handled by local police offices and the Department of Foreigners, Borders, and Asylum under the Directorate of General Security of the Ministry of Interior. Now, Article 103 (and onwards) of the LFIP establishes DGMM, under Ministry of Interior, as the sole authority to:

...implement migration policies and strategies, ensure coordination among relevant agencies and organisations, and carry-out functions and actions related to the entry into, stay in and exit from of foreigners in Turkey as well as their removal, international protection, temporary protection and the protection of victims of human trafficking. (Law No. 6458/2013; art. 103)

Overall, the 2013 Law on Foreigners and International Protection (LFIP) has been hailed as an all-round success by various regional and international organizations. In a news briefing in 2013, UNHCR Spokesperson, Melissa Fleming, reported that “High Commissioner António Guterres welcomes it as a reflection of Turkey’s strong commitment to humanitarian values and principles” (UN News, 2013: para. 1). Soykan states that this law “represents a vast step forward towards the transformation and regulation of asylum and migration for Turkey since the country ratified the 1951 Refugee Convention” (2012: 41). Yet, the LFIP preserves the fundamental distinction between convention and non-convention refugees in Turkey.

In fact, instead of removing the barriers for non-convention refugees this law mainstreams pseudo-refugee labels such as ‘temporary protected status’, ‘conditional refugee status’, and ‘subsidiary protection’ for non-convention refugees – based solely on a refugee’s spatial origin even when non-convention refugees need the same level of protection as convention refugees in reality. For Zetter (2007), this legalization of ‘pseudo-refugee labels’ leads to the fractioning of the refugee label in Turkey because such labels are inherently exclusionary in nature.

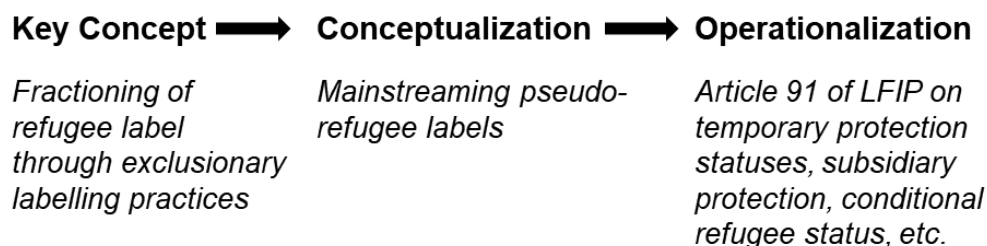


Figure 8: Third Key Concept of Zetter's Theory on Fractioning the Refugee Label

Source: Zetter (2007)

Therefore, on one hand the LFIP improves the overall integrity of Turkey's asylum regime, and on the other hand it implicitly continues to exclude non-convention refugees from having access to certain rights that can have grave impacts on their lives. For example, in terms of the settlement, European refugees and asylum seekers have an option to integrate or become naturalized citizens of Turkey under the LFIP (Soykan, 2012). But non-European refugees are not allowed to integrate or settle in Turkey under any category of the LFIP (Soykan, 2012). So, Syrian refugees, for example, in Turkey are regulated under temporary protection, and they can 'harmonize' but not integrate into Turkish society even if the length of their stay in Turkey is uncertain.

In doing so, the LFIP creates a bureaucratic distinction between durable options available to refugees and asylum seekers based on if they are a European refugee, a conditional non-European refugee, or under the temporary protected status in Turkey. This distinction does not have any basis in the law itself because it does not explicitly offer or regulate durable solutions for refugees and asylum seekers in its text. However, the bureaucratic distinction is based on whether the person arrived in Turkey on individual basis or as a part of a mass refugee influx – which is the legal categorization established by the LFIP. Simsek and Corabatir (2016), visualize this distinction as follows:

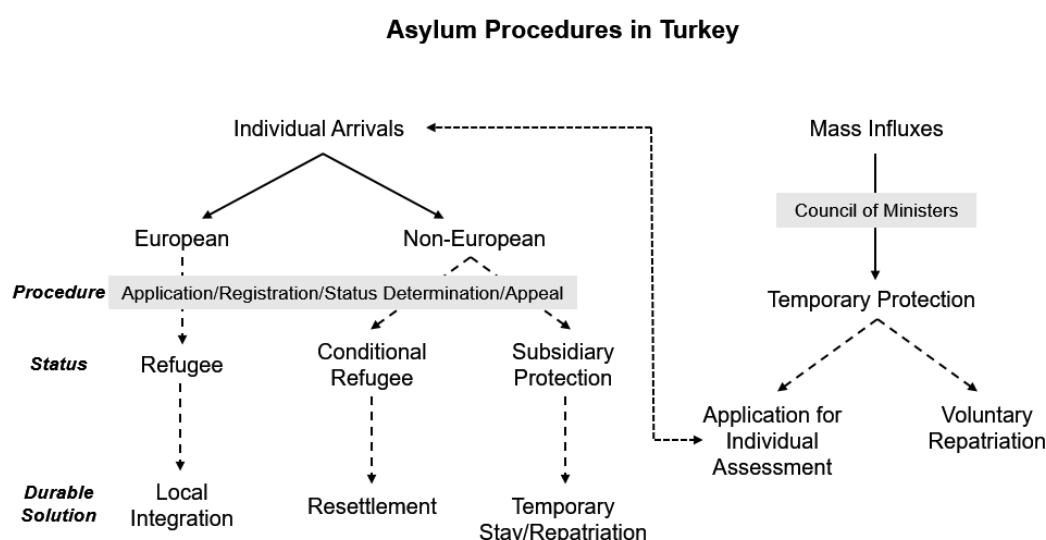


Figure 9: Durable Solutions for Refugees and Asylum Seekers in Turkey after the 2013 Law on Foreigners and International Protection
Source: Simsek and Corabatir (2016: 116)

As a result, non-convention conditional refugees can only resettle in a third country or return to their country of origin and non-convention refugees under subsidiary protection can stay in Turkey temporarily or repatriate to their country of origin – both options fail to provide a lasting solution. At the same time, refugees who arrive in Turkey as a part of a mass influx, such as Syrian refugees, receive temporary protection upon the decision of the Council of Ministers and have two durable options available to them: (i) they can apply to Turkish government and UNHCR for status determination on an individual basis – which is likely to result in their resettlement as conditional refugees or (ii) they can voluntarily return to their country of origin.

The implications of this law on refugees and asylum seekers in Turkey are two-fold. One, non-European asylum seekers are still not legally recognized as refugees by Turkey (even if they arrive in Turkey individually or en masse). This limits their ability to settle in Turkey or integrate in Turkish society by taking away these durable solutions from them. As a result, Turkey is still predominantly a transit state or country of first asylum for many non-convention refugees and will continue to be so in the future. Secondly,

refugees that are protected under temporary status face many legal, bureaucratic, and administrative complications while trying to secure asylum in Turkey or in a third country because while this law is quite comprehensive, there are several issues with its interpretation and application – observed in the case of Syrian refugees in Turkey. In both the cases, asylum and migration laws in Turkey continue to preserve and reproduce labels that seek to interdict refugees from claiming unconditional refugee status in Turkey.

As a consequence, the current refugee and asylum policy in Turkey is – as Icduygu and Aksel argue – stuck between “the politics of the past (nationalist legacies) and the politics of the future (globalist trajectories)” (2013: 186). And the contradictions brought about by these contrasting considerations has not been felt more acutely at any time in the past as it has been since the Syrian refugee crisis began in 2011. The next chapter presents a discussion on this. It provides an overview of the Syrian refugee crisis, Turkey’s paradoxical response to Syrian refugees between 2011 and 2013, and the changing stances in Turkey’s refugee policy and strategy since then. The chapter rationalizes why, and how, Turkey has followed at least three very different strategies in tackling Syrian refugees since 2011. The chapter analyzes these strategies and the motivations behind them.

CHAPTER 4

UNDERSTANDING THE LABELLING OF SYRIAN REFUGEES IN TURKEY USING A FOREIGN POLICY LENS

As it has been established in the preceding chapters, Turkey's asylum policies since 1923 have invariably resulted in the fractioning of the refugee label. This means that any non-European (non-Convention) asylum seekers that arrive in Turkey are not legally recognized as refugees by Turkish government and Turkey does not have any legal obligation towards such asylum seekers. Syrian refugees fall into this category; yet, when the Syrian refugee crisis first began in 2011, Turkey enthusiastically opened its border to Syrian 'guests' and has continued to host Syrian asylum seekers in spite of the range of economic and political costs hosting millions of asylum seekers entails.

At the same time, since 2011, Turkish government has shifted its wider stance on hosting Syrian refugee population multiple times. These shifts have been largely influenced by three main factors: AKP's foreign politics, public opinion towards refugees at home, and Turkey's refugee rentierism using Tsourapas's theory on refugee rentier states. The following chapter will present an in-depth analysis of these factors, categorizing them in a chronological manner starting in 2011 and ending in 2018. The chapter also presents a brief statistical overview of the Syrian refugee crisis and Turkey-Syria relations to locate Turkey's response to Syrian refugee crisis within a broader framework.

4.1. Turkey - Syria Relations: Hostile Neighbours turned Unlikely Allies

The way in which Turkey has responded to Syrian refugees can be better understood when Turkey and Syrian relations are placed in a historical context. From the Syrian independence in 1946 until 1998, the relations between the Turkey and Syria reflected a 'controlled tension' that was a result of mutual negative perceptions, a rise in Arab nationalism, Turkey's annexation of Hatay in 1939, Cold War rivalry stemming from Turkey's alliance with the West and Syria's alliance with the Soviet Union, Turkey and Syria's confrontations over Turkey's construction of dams on Euphrates and Tigris in the face of Syria's unmet water needs, and Syria's tolerance for PKK in its territory and its refusal to extradite PKK leaders to Turkey (Aras & Koni, 2002: 47; Moubayed, 2008: 3; Ihlamur Oner, 2013: 202). These tensions partially dissipated in 1998 when Turkey and Syria signed the Adana Accord coinciding with the arrest of PKK leader Abdullah Ocalan in Kenya and his subsequent deportation to Turkey (Moubayed, 2008).

In a departure from past policies, Turkey and Syria's bilateral relations improved after 2000 because of their common criticism of US's policy in the Middle East, especially concerning the Iraq War. Syria found an ally in Turkey when it refused US access to its territory for the war (Moubayed, 2008). Turkish and Syrian presidents, at the time, were also displeased with US's support for Kurdish autonomy and PKK's military activities which united them against a common adversary. Their stance on the fight between Hamas and Fatah in Palestine and Iran's political intentions for Iraq were also similar. Pointing out the political similarities between Erdogan and Assad's views on regional developments at that time, Samir Al-Taqi, a leading Syrian political analyst is quoted in Moubayed (2008: 5) as saying that, "when Syrians think of threat, they look at Iran. When they think of opportunity, they look towards Turkey".

This period of political harmony peaked under AKP's leadership, when Turkey's Minister of Foreign Affairs, Ahmet Davutoglu signed a strategic cooperation agreement with Syria's Minister of Foreign Affairs in 2009 to

“solidify their cooperation on a range of mutual political and economic concerns and interests... based on a common history, culture, and “good neighborliness” – a much-needed show of support for an isolated Syria at the time (Ministry of Foreign Affairs, 2009). Besides political support, Erdogan also offered to assist Syria in replicating the overwhelming economic success that occurred in Turkey under AKP’s leadership by symbolically “putting Turkey’s hand in Syria’s” via a regional cooperation program (Moubayed, 2008: 5). Former Minister of Foreign Affairs, Ahmet Davutoglu dubbed this as a move towards “maximum integration” under the “slogan of joint destiny, joint history, and joint future” (Karabat, 2009). Out of the “50 agreements, memoranda of understanding, and cooperation protocols” that were a part of the strategic cooperation initiative, Turkey and Syria mutually abolished visa requirements between the two countries to facilitate an increased contact between Turkish and Syrian people, amongst other things (Ministry of Foreign Affairs, 2009: para. 13). However, when the Arab Spring revolutions spread to Syria in 2011, the relations between the two states began to rapidly deteriorate. Syrian regime’s indiscriminate oppression against civilians and rebels resulted in the displacement of numerous Syrian refugees.

4.2. The Syrian Refugee Crisis – A Statistical Overview

The Syrian refugee crisis is unlike anything Turkey has experienced in its history for two reasons: (i) because emigration has generally been the dominant migratory trend in Turkey since the 1950s and (ii) because the number of Syrian refugees that have arrived in Turkey since 2011 surpass all the major historic refugee movements to Turkey. To illustrate, UNHCR statistics show that in the 30 years between 1950 and 1980, only 57,630 refugees came to Turkey (UNHCR, 2019). The refugee influx increased in volume between 1981 and 2000 to 217,229 refugees, who came to Turkey fleeing the Gulf War, Iran-Iraq War, Yugoslavian Wars, etc. (UNHCR, 2019). The volume decreased again to 55,769 refugees in the ten years between 2001 and 2010 (UNHCR, 2019).

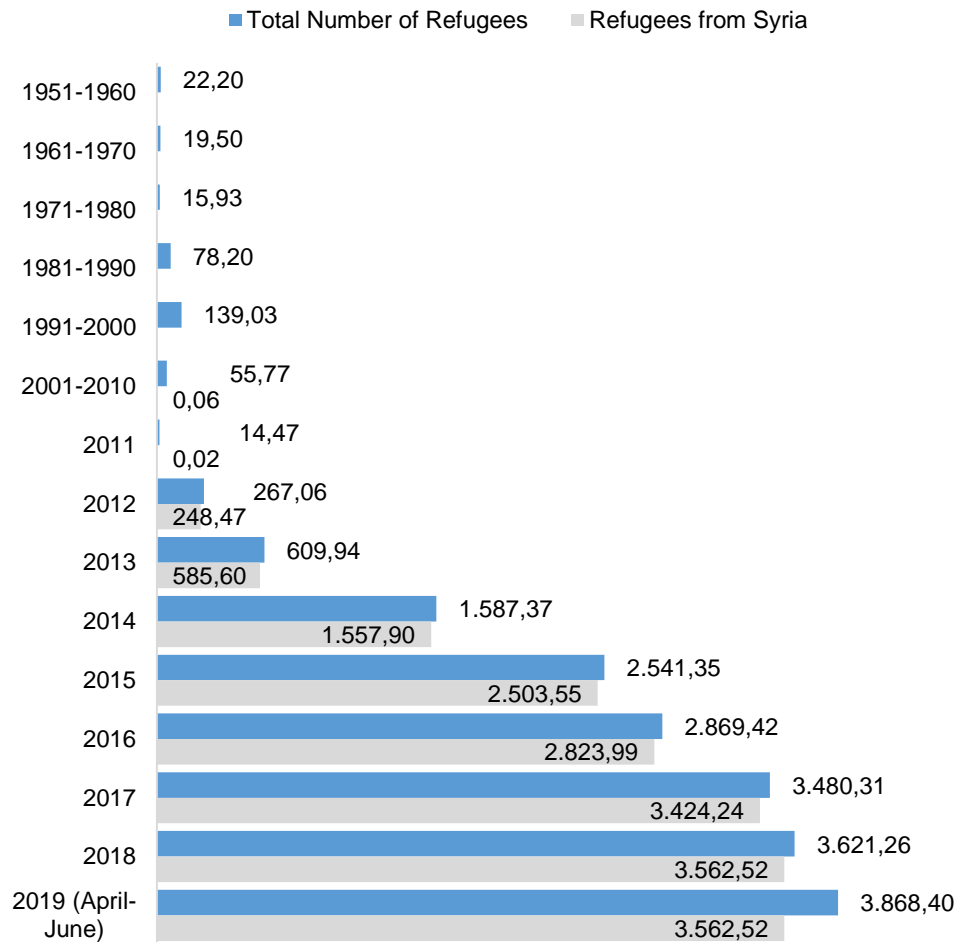


Figure 10: Number of Refugees (including people in refugee-like situations) coming to Turkey between 1951 and 2019, (number in thousands)

Source: United Nations High Commissioner for Refugee (UNHCR) Statistics (2019)

Overall, the Syrian Civil War has resulted in the displacement of approximately 13 million Syrians, who made up for more than 60% of the country's total population between 2011 and 2018 (Connor, 2018). Out of these 13 million displacements, 49% are internally displaced persons within Syria, 45% of Syrians are currently living in neighboring countries such as Turkey, Jordan, Lebanon, and others, 5% are asylum seekers in Europe, and approximately 1% are resettled refugees in Europe, Canada, and U.S. (see figure 11 below) (Connor, 2018; IDMC, 2018; UNHCR, 2019).

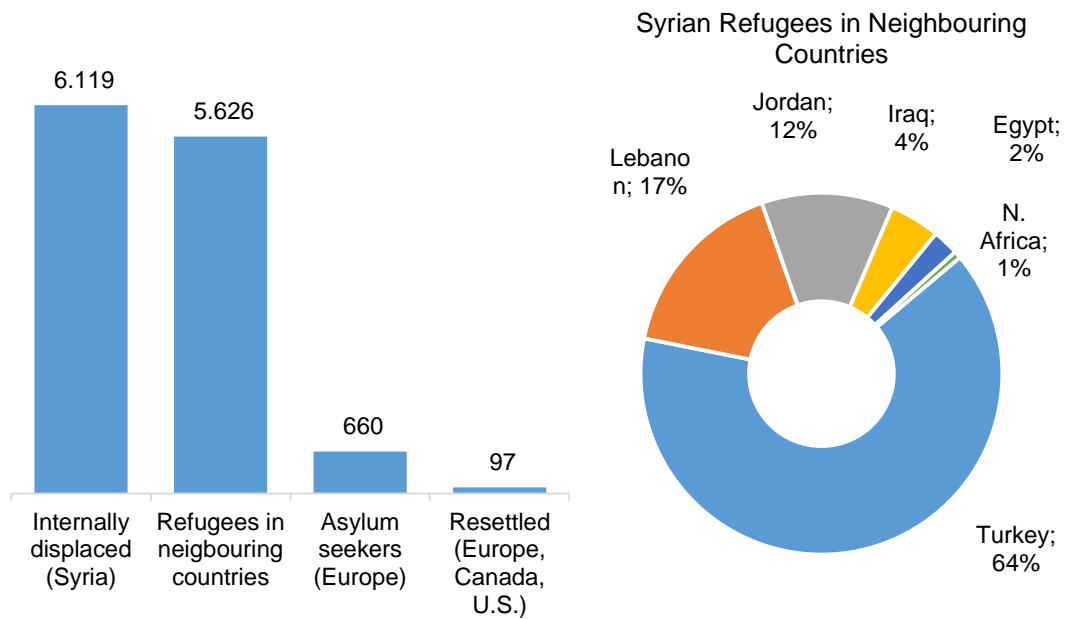


Figure 11: Breakdown of Syrian Refugees by their Location (left) (number in thousands) and Percentage of Syrian Refugees in Neighboring Countries (right), 2019

Source: Connor (2018), IDMC (2018), and UNHCR (2019)

Between 2011 and 2015, the number of Syrian refugees pouring into Turkey almost doubled in number each year (UNHCR, 2019). So, where there were only 20,000 Syrian refugees in Turkey in 2011, in 2015 the number reached approximately 2.5 million (see figure 10 above) (UNHCR, 2019). This number increased abruptly due to an increase in the intensity of the conflict, the failure of ceasefire negotiations between the regime and rebel fighters, and ISIS's occupation of Northern Syria. Since 2015, Syrian refugees have constituted for approximately 98% of the total refugee population in Turkey. As of April 2019, there were 3.6 million Syrians, 170,000 Afghans, 142,000 Iraqis, 39,000 Iranians, 5,700 Somalians, and 11,700 other refugees and asylum seekers currently living in Turkey under temporary or subsidiary protection – making Turkey a host to the largest refugee population in the world (DGMM, 2019; UNHCR, 2019). To add, Bulent Sarioglu (2018) predicts that by 2028 the number of Syrian refugees in Turkey is expected to exceed 5 million.

Furthermore, in the past, convention refugees (who were either of Turkish ethnicity or Sunni Muslims) legally assimilated or integrated into Turkish society within a generation at most (Icduygu, 2015) and a majority of the non-convention temporary refugees, such as Iranian, Iraqi, or even Bosnian refugees returned to their countries of origin or sought asylum in third countries within a decade or so. However, Syrians refugee are in Turkey indefinitely because the Syrian Civil War does not show signs of ending soon (Unutulmaz, 2017). At the same time, they cannot assimilate or integrate into the Turkish society – which puts them in a unique situation.

4.3. Turkey's Syria Policy – Changing Stances on Hosting Syrian Refugees since 2011

Syrian refugees were the first group of asylum seekers regulated under the LFIP in Turkey. Syrians refugees are non-convention, non-European, refugees. As discussed above, the 1994 Asylum Regulation, which was in force when the refugee crisis began in 2011, clearly stipulated that Turkey did not have any legal obligations towards non-convention refugees. It also made it very clear that Syrian asylum seekers would not be legally recognized as refugees in Turkey, and thus, would not have an option to permanently settle in Turkey. The 2013 LFIP pretty much maintained both of these stipulations of the 1994 Asylum Regulation. Yet, AKP welcomed Syrian 'guests' to Turkey in 2011 and introduced a temporary protection status for their administration. In theory, doing so should have helped the Turkish government come up with a viable resolution for Syrian asylum seekers. After all, temporary protection statuses have had some success in the US and Europe in the past. However, Turkey made several miscalculations concerning the duration of the Syrian Civil War and the scope of the refugee crisis that it would trigger. As a result, Turkey's policy for Syrian asylum seekers was not only lacking foresight, but also quite idealistic in the beginning. This approach was to some degree motivated by AKP's foreign policy aspirations at the time. However, as the crisis worsened and an overwhelming number of Syrians began arriving in Turkey, the government was faced with an intractable situation. Putting its foreign policy

considerations aside became critical for the AKP after 2014 for two reasons: (i) Maintaining millions of Syrian refugees in Turkey was taking a toll on government's infrastructure and resources, and (ii) There was an increase in public discontent and communal tensions resulting from a perception that large number Syrian refugees were the cause for Turkey's social and economic problems. Both these reasons led to public's resentment towards Erdogan's refugee policy leading to a decrease in AKP's popularity, evident from the voting patterns of the 2014 election.

Adding to the mix, EU assumed a more active role in response to the Syrian refugee crisis towards the end of 2015. Driven by its own set of concerns, EU externalized its migration policy and strategically engaged with Turkey to come up with the EU-Turkey Statement in 2016 – under which Turkey significantly shifted its stance on its management of the Syrian refugee crisis. Thus, Turkey's foreign policy considerations, domestic concerns, and its relations with the EU led to 180 degree turn AKP's approach towards the management of Syrian refugees after 2015.

Yet, even as Turkey's refugee policy has become more restrictive in the last five years, Turkey continues to maintain millions of Syrian asylum seekers within its territory. And while the Turkish government has not overtly expressed its plans or intent to repatriate or return Syrian refugees to Syria, its legal restrictions, combined with administrative complexities, and compounded by poor living conditions often leaves Syrian refugees with no choice but to either attempt an irregular crossing into Europe or return to Syria.

Originally, Turkey's refugee policy for Syrians assumed that Assad regime would fall – ending the war and Syrian refugees would return back to Syria. However, even if the war ends this year, there is no guarantee that Syria would be a safe place under the next regime. For one, the new regime would have to have a certain level of economic and political stability in order to accommodate all the returning refugees. Secondly, there is surety that a mass return of refugees would not destabilize the new regime. And lastly, even as AKP has always advocated the repatriation of Syrian refugees,

Turkey does not have a long-term strategy or administrative capacity to administrate the return of 3.6 million refugees – that is if all 3.6 million refugees voluntarily decide on returning. Clearly, these events are highly indeterminable and AKP recognizes this. Therefore, since the late 2016, Turkish policy makers have realized that a considerable share of Syrian refugees might require permanent solutions within Turkey, even if a majority of them were to resettle in third countries or return to Syria. As a result, Turkey is currently deliberating on policies or legal amendments that could facilitate the integration or naturalization for Syrian refugees in the future (Makovsky, 2019). However, as Unutulmaz (2017) rightfully explains, “managing ethnic and cultural plurality and/or superdiversity against a backlash of declining multiculturalism and increasing securitization of migration...is an extremely complex challenge” (2017: 232).

To summarize, Turkey’s refugee policy for Syrians initiated with an open-door policy, which later transformed into temporary protection (admission and settlement between 2013-2015), stabilization (late 2015), integration (2016), and is now moving towards a period of naturalization (potential access to citizenship for Syrian migrants) (Elitok, 2019: 1). The following sections trace the shifting stances Turkey has adopted in its management of Syrian refugees during each of these periods. It also looks at Turkish government’s motivations in continuing to maintain millions of Syrian refugees in Turkey – even as it simultaneously fractions the refugee label for them.

4.4. A Chronological Timeline of Turkey’s Varying Strategies dealing with the Syrian Refugee Crisis

4.4.1. Syrian ‘Guests’ and AKP’s Humanitarian Diplomacy (2011 to 2013)

When the Syrian refugee crisis first began in 2011, Turkey was in the process of reforming its asylum policies. Therefore, in response to the Syrian refugees, Turkish government chose not to apply the 1994 Asylum Regulation. And since the LFIP was yet to be adopted, Syrians were welcomed in Turkey as ‘guests’. Koca (2016) argues that by utilizing ‘guest’

as the preferred term for Syrian refugees – Turkish government positioned their narrative as that of ‘generosity’, not leaving any space for a discourse on human rights. Simsek and Corabatir (2016: 111) argue that the term ‘guests’ was introduced by the government due to a lack of legal terminology that could be used for Syrians. Aktar, quoted in Ihlamur Oner (2013: 202), agrees with Simsek and Corabatir (2016) that the term ‘guest’ lacked any legal basis and adds that in using it Turkey “opened [sic] the door to all sorts of practices lacking in consistency and transparency”. Similarly, Dromgold (2015) argues that calling Syrians ‘guests’ was one way for the government to convey to the public that these refugees were supposed to be in Turkey on temporary basis and would eventually return to Syria. And Taner Kilic, Chairman of Association for Solidarity with Refugees in Turkey is quoted by Koca (2016: 63) as saying that the term ‘guest’ “was used deliberately and insistently for manipulation purposes...perhaps the aim was to cover all the costs of Syrians taking refuge in Turkey and treat them in any manner that was deemed appropriate”.

Regardless of the reason why it was used, the term ‘guest’ accurately represents Turkey’s dominant approach towards non-convention refugees. Under normal circumstances, if Syrian refugees had arrived in Turkey – like Iranian or Afghans – they would have been issued temporary protection residence permits and would have been informed of their obligation to return as soon as the crisis/conflict/or war ends. Very few non-conventions refugees have been allowed to permanently settle in Turkey, under extenuating circumstances and after a thorough determination by UNHR and Turkish authorities. However, as we discussed in the previous sections, by the time that the 1994 Asylum Regulation was adopted, Turkey had realized the consequences of large non-convention refugee influxes following a particularly difficult political experience with Iraqi Kurdish refugees. Since then, Turkey has exhibited exceptional aversion to non-convention refugees, especially those from the Middle East. This was evident from the numerous instances of international law violations committed by Turkish forces against Iraqi Kurdish asylum seekers discussed in depth above. Therefore, it was quite unusual when Erdogan first announced its open-door policy for Syrian

refugees (some of whom were also Kurdish Syrians from Northern Syria). However, when this announcement is placed within a broader foreign policy discourse of the time, it makes complete sense.

To illustrate, Turkish foreign policy took an ideological turn in late 2000s. According to Sadik and Zorba (2017), since 2011 Turkey began engaging with regional and international events using a multi-dimensional proactive foreign policy approach. According to Ahmet Davutoglu, former Minister of Foreign Affairs, humanitarian diplomacy, and its use, was an important element of the new foreign policy (Sadik & Zorba, 2017; Aras & Mencutek, 2015). Humanitarian diplomacy emerged as a foreign policy concept in the early 2000s and revolves around:

... negotiating the presence of humanitarian organizations to negotiating access to civilian populations in need of protection... involves monitoring assistance programs, promoting respect for international law, and engaging in advocacy in support of broader humanitarian goals. (Minear & Smith, 2007: 1).

Lauri (2018) argues that humanitarian diplomacy is a foreign policy approach riddled with political tensions because: (i) diplomacy usually revolves around the political agency of states, whereas humanitarianism is based on relegating political agency for humanitarian causes, and (ii) diplomacy is generally dependent on pragmatism, trade-offs, and self-interest, whereas humanitarianism is idealistic and altruistic. In an ideal situation, states can co-opt humanitarianism with diplomacy to make significant contributions towards alleviating the vulnerability of civilian populations. However, it is more likely that states use humanitarian diplomacy as a political tool to improve their normative standing while making no significant contributions whatsoever.

According to Karabat (2009), Turkey's humanitarian diplomacy towards Syrian refugees was a continuation of AKP's "gradual shift from being a Western ally to being a friend of Middle Eastern dictators" as a part and parcel of its foreign policy in the Middle East guided by an "Islamist ideology and sensitivity to the suffering of Muslims" (Karabat, 2009). In 2016 former Minister of Foreign Affairs, Ahmet Davutoglu claimed that:

... [the Syrian] refugee issue is not an issue of bargaining, but an issue of values...all humanitarian values, as well as European values...And today I also want to re-emphasize that Turkey will continue its policy to have this attitude of humanitarian perspective. (Turkish PM Says Refugee Crisis Not About Bargaining, 2016: para. 2-3)

However, Heck and Hess argue that in the case of Syrian refugees, Turkey adopted a humanitarian approach, not for the sake of humanitarianism but for its “geopolitical priorities that enabled Turkey to appear, during the first years of the Syrian civil war, as a regional power and a model state that sought to play the role of a regional mediator in the face of acute humanitarian problems” (2017: 42-43). For Tolay, Turkey’s reception of a large number of Syrian refugees was meant to boost its image as a ‘responsible power, i.e. a “strong state that attracts refugee populations for all it has to offer” (2016: 135). However, Turkey’s claim of ‘generosity’ and ‘humanitarianism’ have been challenged by its attempts to extract material and strategic advantages, at the expense of its refugee population. Tsourapas (2019) agrees with Tolay, and argues Turkey ‘refugee rentierism’ has exposed the falsity of its humanitarianism.

Even in this thick of its humanitarian diplomacy, Turkey’s response to the Syrian refugees was “selective, and it predominantly welcomed those that were religiously, ethnically and politically acceptable backgrounds to the Islamist AKP (Justice and Development Party) ideology in government” (Korkut, 2016: 1). Robins (2013) explains that this is because Turkey is in a ‘double gravity’ predicament – where “Turkey wants to be in the EU but AKP does not want to embrace a European identity over a Middle Eastern identity” (2013: 382). This predicament is reflected in the fact that as Turkey welcomed Syrian refugees, it simultaneously adopted multiple laws that only grant legal refugee status to European asylum seekers. But more importantly, it shows the role EU has played in shifting AKP’s approach towards the Syrian refugee crisis.

4.4.2. The Impact of Public Opinion on AKP's Humanitarian Diplomacy since 2013

In addition to its foreign policy considerations, public opinion has also had a significant impact on changing AKP's stance on Syrian refugees. While this research does not specifically focus on Turkey's domestic politics and its relation to the Syrian refugee crisis, it would be remiss to not mention the role of public opinion on Turkish state's refugee policy.

Since 2002, AKP had generally enjoyed popular public support due to a set of successful economic and foreign policies instituted during the first decade of this century. Generally, Erdogan's political rhetoric has been anti-West, Islamist, and nationalistic, but not anti-refugee, which is also a reason why Turkey maintained an open-door policy for Syrian refugees until 2014. Like Heck and Hess (2017), Cope and Crabtree also argue that "President Erdogan's unusual openness to Syrian refugees stems from his vision of reviving the past glory of the Ottoman empire or a sense of solidarity with predominantly Sunni-Muslim population fleeing Syria" (2018: 12). It also didn't hurt that Turkey's open-door policy towards Syrians boosted its image as a 'responsible humanitarian power' in the region – as was intended by Davutoglu in his foreign policy plans for bringing Turkey closer to Middle Eastern powers (Tolay, 2016). In any case, Yildirim, cited in Cope and Crabtree (2018), argues that Erdogan's political rhetoric successfully managed to convince many Turkish people into supporting his actions.

However, as the socio-economic realities of hosting 3.6 million Syrian refugees began to impact the lives of Turkish people, Erdogan and AKP were "left grappling with a problem that is considered by many to be largely of the government's own making" (Idiz, 2019: para. 2). Public opinion has also been affected by a presumption that Syrian refugees are a threat to the ethnic fabric of Turkish society. This anti-refugee sentiment is fueled by the difference in cultures and lifestyles of Syrians and Turks – especially in cases of inter-ethnic marriages, Syrian's failure to adapt according to Turkish customers, changing demographics of conservative cities and towns near the border (what some call the 'sunnification' of society), and the emergence of parallel

Syrian societies in large urban cities. In fact, when President Erdogan announced the possibility of granting citizenship to Syrian refugees in 2016, he faced an instant backlash. Tol (2018) reports that President Erdogan's statement "sparked a reaction across social media, and a hashtag against Syrian migrants became a trending topic worldwide on Twitter" (2018: para. 21). Consequently, he withdrew his statement and instead clarified that only educated Syrians that are able to contribute to the Turkish economy would be given citizenship.

The anti-refugee sentiment and resentment towards AKP's policies has been reflected in the polls in 2015 and 2018, both times AKP lost its majority in the Parliament due to a loss of support precipitated by a receding economy (Mortimer, 2019). In 2015, AKP won the parliamentary majority in 2015 snap elections that were held a few months after the elections in which AKP lost its parliamentary majority (Mortimer, 2019). In 2018, again AKP lost its parliamentary majority to the Nationalist Action Party (MHP) in 2018 elections – signaling a 'nationalistic' attitude amongst the public (Mortimer, 2019). As a consequence, Tol (2018) has dubbed Erdogan's refugee policy as his 'Achilles heel' that might cause him to lose his political power and critical alliances.

Furthermore, Amnesty International (2016) conducted a survey of 1,018 Turkish citizens in 2016 to find that 47% of the people disagreed with the statement that "people should be able to take refuge in other countries to escape from war or persecution"; 46% of the people disagreed that the Turkish "government should do more to help refugees fleeing war or persecution"; and 30% of the people said they would "refuse people fleeing war or persecution from entering" Turkey. On a scale of 0 to 100, where 0 refers to people refusing refugees from entering their country and 100 refers to people accepting refugees into their neighborhood or home – Amnesty International gave Turkey an index score of 39 (2016: 12). In a similar vein, a study by Istanbul's Bilgi University reports that the percentage of Turks saying that Syrians should go back to Syria after the war is over increased from 38.9% to 86.2% in 2018 (Tol, 2018).

Over the course of the last eight years, AKP first tried to garner support for Syrian refugees by using nationalistic (welcome guests) and Islamic (ensar and muhacir) narrative. However, even as AKP tried to limit anti-refugee sentiments, a worsening Turkish economy eventually led to a rise in hostility towards refugees. Ironically, the very nationalist discourse that carried AKP to success in the 2009 and 2015 elections AKP is now being used by Turkish people and opposition parties to express resentment against AKP.

Furthermore, nationalist and anti-West discourses used by President Erdogan to criticize 'Western antipathy for Syrian refugees' also led to an increased opposition of international law in Turkey. For example, whilst conducting a survey of 1,335 Turkish citizens in 2018, Cope and Crabtree found that "respondents who were told that rejecting refugees would violate international law showed greater support for those anti-refugee initiative" in Turkey – especially amongst AKP supporters and less-educated respondents (2018: 5). Furthermore, citing a World Public Opinion survey of 2009, Cope and Crabtree find that Turks were the "third least supportive people for consistently following international laws" (2018: 24).

As a result of public opposition, AKP has constantly struggled to align its refugee policies with the public's sentiment, while simultaneously shaping those sentiment using polarizing rhetoric has led to the adoption of various controversial and contradictory policies for Syrian refugees in Turkey. For example, after a recalibration of strategies, AKP is now calling for the return of Syrian refugees to Syria. In 2018, President Erdogan went so far as to propose that Syrian refugees "may be sent to Northern Syria to support Turkish military and allied Syrian fighters in Operation Olive Branch to capture territory from Syrian Kurds" (Tol, 2018: para. 22). In the same year, Turkish Prime Minister, Binali Yildirim, also stated that up to 350,000 Syrian refugees could be relocated to Syria's Afrin enclave (Tol, 2018: para. 22). In addition to such measures, Turkish government is also using a combination of distinctive laws and complex administrative practices (as further discussed below) to create an asylum system where Syrian refugees are often left with despairing options such as irregular migration to Europe or return to Syria.

And as discussed in the following sections, these laws and practices are also conducive to fractioning of the refugee label in Turkey.

4.4.3. Changing Regional Political Climate and Turkey's Asylum Policies (2016 to 2018)

As discussed in the sections above, the European Union has always had a significant influence in determining Turkey's domestic policies as a result of Turkey's Accession Negotiations. However, European Union was silent about the Syrian refugee crisis for the first few years. However, in 2015, approximately 1 million Syrian migrants arrived in Europe – a majority of them used illegal means (UNHCR, 2015). Syrian refugees sought illegal immigration to Europe for reasons including, but not limited to, not having a legal status in Turkey, poor living conditions, and administrative difficulties resulting from Turkey's overwhelmed asylum system.

Neimann and Zaun (2018: 3) argue that "EU was caught unprepared by the crisis". So, from 2015 onwards, EU was in a "frantic haste" to sign deals with neighboring countries that would reduce illegal migration and control the large number of refugees arriving in Europe (Okyay & Zaragoza Cristiani, 2016: 53). As a result, during 2015 and 2016, EU signed migration deals with Turkey, Jordan, Lebanon, Tunisia, Georgia, Moldova, Ukraine, and Nigeria to 'externalize' its asylum policies and control irregular migration to its shores (Neimann & Zaun, 2018: 8). At this point, the European Commission had already developed a loose 'European Agenda on Migration' that included short-term and long-term measures for migration management (European Commission, 2015).

In October 2015, Turkey and the European Union reached an agreement and signed a Joint Action Plan establishing the following provisions:

1. Turkey would control its borders to Europe and improve the condition of Syrian refugees at home to deter them from crossing into Europe illegally (European Commission, 2015).

2. In exchange, EU would give Turkey €3 billion and visa liberalization for the Schengen Area for Turkish citizens (European Commission, 2015).

In response, Turkey instituted visa restrictions for Syrian refugees for air and sea borders, to prevent new refugees from arriving in Turkey – who could have intended to migrate to Europe illegally (Heck & Hess, 2017: 45). In March 2016, EU and Turkey signed the EU-Turkey Statement (also known as the EU-Turkey Deal, hereon referred to simply as the deal). Under this deal, any migrant who arrived in Greece via the Aegean Sea after 20th March 2016 would be deported back to Turkey (European Commission, 2016). This would be followed by a fast-track assessment for the migrant determining whether Turkey is a safe third country or a country of first asylum (Heck & Hess, 2017). In exchange, EU promised to admit up to 72,000 Syrian refugees using a quota system under which for every Syrian deported from Greece, another Syrian from Turkey will be provided asylum in the EU (one in-one out) (European Commission, 2016). This Syrian to be admitted would ideally be someone who has not tried to enter EU illegally. Under the deal, EU increased its financial support to Turkey from €3 billion to €6 billion for improving physical infrastructure and institutional capacity in Turkey (European Commission, 2016). For Turkey, this deal also presented an opportunity to accelerate its accession process, visa liberalization, and lifting Schengen visa requirements for Turkish citizens (Heck & Hess, 2017: 45; Elitok, 2019: 3).

For Turkey, this deal marked the shift to a 'backscratching' rentier strategy. According to Tsourapas (2019), refugee rentier states can adopt a 'backscratching' strategy, promising cooperation in containing refugees in exchange for economic or political benefits. While the monetary aspect (€3 billion) of this deal is negligible compared to the \$37 billion that Turkey has single handedly spent on Syrian refugees since 2011, the political benefits promised to Turkey as a part of this deal were significant. For instance, when the German Chancellor, Angela Merkel visited Turkey in 2015 to finalize the Deal, amongst other things, she assured 'the resumption of frozen

negotiations on Turkey's EU membership bid along with a promise for stronger burden sharing in the future (that would depart from Turkey's treatment as an outsider), visa liberalization, and lifting EU's visa requirements for Turkish citizens' (Connolly, Traynor, & Letsch, 2015). In terms of the refugee and migrant crisis, Merkel implemented an 'open door policy' for refugees in Germany and discussed granting Turkey a 'safe country' status in return for cooperation – ignoring the fact that Turkey's asylum policy was spatially discriminatory and Turkey did not legally recognize Syrians as refugees (Connolly, Traynor, & Letsch, 2015).

Statistically, the deal is cited as a success because as compared to the 885,000 migrants that came to EU through the Eastern Mediterranean Route (Turkey to Greece) in 2015, only 42,319 migrants came to EU using this route in 2017 (Frontex, 2019). As of June 2019, Greece had returned 1,884 irregular migrants back to Turkey within the scope of this deal (DGMM, 2019). Furthermore, 21,814 Syrian refugees were resettled in EU under one in-one out provision by June 2019 (DGMM, 2019). However, these statistics have been criticized to prove only the superficial success of this deal, whereas in reality irregular and illegal migration to the EU continues. Siegfried (2016) goes as far as to dub this deal 'a hidden failure' by citing data from UNHCR and IOM that shows in 2015, 600,000 people made their way to Europe through illegal methods evident from a discrepancy between registered arrivals and the number of asylum claims (2016: para. 5-6).

Furthermore, the EU-Turkey deal has been criticized for not being in line with international refugee law and the EU acquis in assuming that Turkey is a safe third country to which EU can return irregular migrants, rejected asylum seekers, and those under temporary protection. Roman, Baird, and Radcliffe (2016) argue that Turkey is not a safe country because it does not fully apply the 1951 Geneva Convention, it has had a history of detention, torture, human rights violations, and refoulement of certain refugee groups – such as Iraqi Kurds as discussed earlier, and because it has not yet fully aligned its asylum system as per the EU acquis. Furthermore, due to the administrative strains on Turkey's asylum system and UNHCR operations, returning

migrants to Turkey does not guarantee their safety (Roman, Baird, & Radcliffe, 2016).

The second criticism is over the fact that this deal depicts how EU prefers sending migrants back to a potentially unsafe territory, instead of giving them asylum that they are deserving of (Ilcan, 2016: 316). This is in direct violation of the EU's Common European Asylum System and its values – as discussed in preceding sections. In transferring its responsibility to Turkey and in the absence of adequate burden sharing mechanisms, EU has prioritized securitization and politics over humanitarianism (Elitok, 2019). Furthermore, through this deal, EU (particularly Germany and Greece) and Turkey have acted bilaterally to isolate UNHCR and limit its scope and functions in dealing with the Syrian refugee crisis. This is a critical step because UNHCR is the core institution mandated to ensure that the signatories of the 1951 Convention are implementing the convention in the way it was intended to be implemented. Giving states a central role in the management of Syrian refugee crisis allows them to preserve their sovereignty and pursue self-interests at the expense of finding durable solutions for refugees (Elitok, 2019). This is neither novel, nor shocking because as we have discussed in the previous chapters, throughout history, the preservation of state's sovereignty over people and territory has taken precedence over humanitarian responsibility. This is why states try to institute newer, more restrictive, border policies and practices with an aim to control and regulate migration to and from their territories. This is also why states fraction the refugee label so that they can selectively grant admission to specific asylum seekers - judging them using arbitrary criteria such as risk to security, shared identity, common values, etc.

Lastly, Turkey has criticized this deal for not realizing the promises of visa liberalization and lifting of visa requirements for Turkish citizens. According to EU, Turkey has yet to fulfill 7 of the 72 asylum and migration relation benchmarks, i.e. combatting corruption, judicially cooperation in criminal cases, cooperating with the Europol, introducing data protection laws, introducing anti-terrorism laws, EU-Turkey readmission agreements, and

introducing biometric passports (Elitok, 2019: 4). Since the 15th July 2016 coup attempt, Turkey is unlikely to revise its anti-terrorism laws that poses further issues for the realization of visa liberalization (Slominski & Trauner, 2016). In fact, following Turkey's swift and decisive response to the coup attempt and its imposition of emergency, EU-Turkey accession negotiations were not re-visited. However, EU did deliver on the first installment of the promised €6 billion to Turkey in March 2018. But given that President Erdogan says Turkey has already spent over \$37 billion on Syrian refugees, EU's €6 billion are hardly noteworthy (Hafizoglu, 2019). However, EU's engagement with Turkey over the Syrian refugee crisis has led to the weakening of trust between the two – especially because Turkish government sees EU's recent actions as a betrayal of its promises to Turkey.

4.4.4. Turkey's Overt Rentierism using Syrian Refugees

Be that as it may, Turkey's relations with EU have also transformed between 2015 and today – much like its stance on Syrian refugees has changed (Sadik & Zorba, 2017). Sadik and Zorba (2017) argue that Turkey and EU have both responded to the Syrian refugee crisis in different ways, i.e. EU adopted an 'externalization' and 'securitization' approach, whereas Turkey adopted an approach of 'humanitarian diplomacy'. But since the EU-Turkey deal was signed, Turkey has gone from a humanitarian diplomacy-based backscratching strategy to outright blackmailing (Tsourapas, 2019).

Turkey's shift from 'back-scratching' to 'blackmailing' comes from a place where AKP is acutely aware of Turkey's advantage vis-à-vis the EU owing to its geostrategic location. In theoretical terms, Turkey – like any refugee rentier state – has tried to extract revenue from the EU by threatening to open the borders and allow refugees to 'flood' developed states. This entire premise is based on the unfounded fear that developed countries have of refugees. For instance, due to a number of unfounded stigmas attached to the figure of refugees, developed states are more likely to economically support refugee hosting countries in managing and containing refugee populations, instead of resettling those refugees within their territories. The Turkey-EU Deal is a prime example of this. At present, EU has instituted

complicated procedures, institutions, and vetting systems to admit merely a fraction of world's refugees into 'fortress Europe'. In response, Turkey realizes EU's fear of refugees and has resorted to using refugees to capitalize on this fear.

Nevertheless, Turkey currently fulfills almost all the criteria exhibited by refugee rentier states determined by Tsourapas (2019). For one, Tsourapas (2019) posits that refugee rentier states do not have a direct hand in the creation of a refugee crisis. This is true in Turkey's case because Syrian refugee crisis was triggered due to the Syrian Civil War and Turkey did not have a direct hand in that. Secondly, he argues that refugee rentier state's government remains principal recipient of external rent (Tsourapas, 2019). In Turkey's case, sources of refugee funding include Turkish state's own funding, funding from other states, funding from regional political organizations such as the EU, and funding from non-governmental organizations. According to President Erdogan, Turkey has spent approximately \$37 billion on Syrian refugees since 2011 (Hafizoglu, 2019). Turkey currently provides free shelter and basic facilities for Syrian refugees in accommodation centers in the South of Turkey. It also provides free and subsidized healthcare and education to Syrian refugees. In 2017, Recep Akdag, Turkish Deputy Prime Ministers reported the breakdown of refugee expenditure as follows:

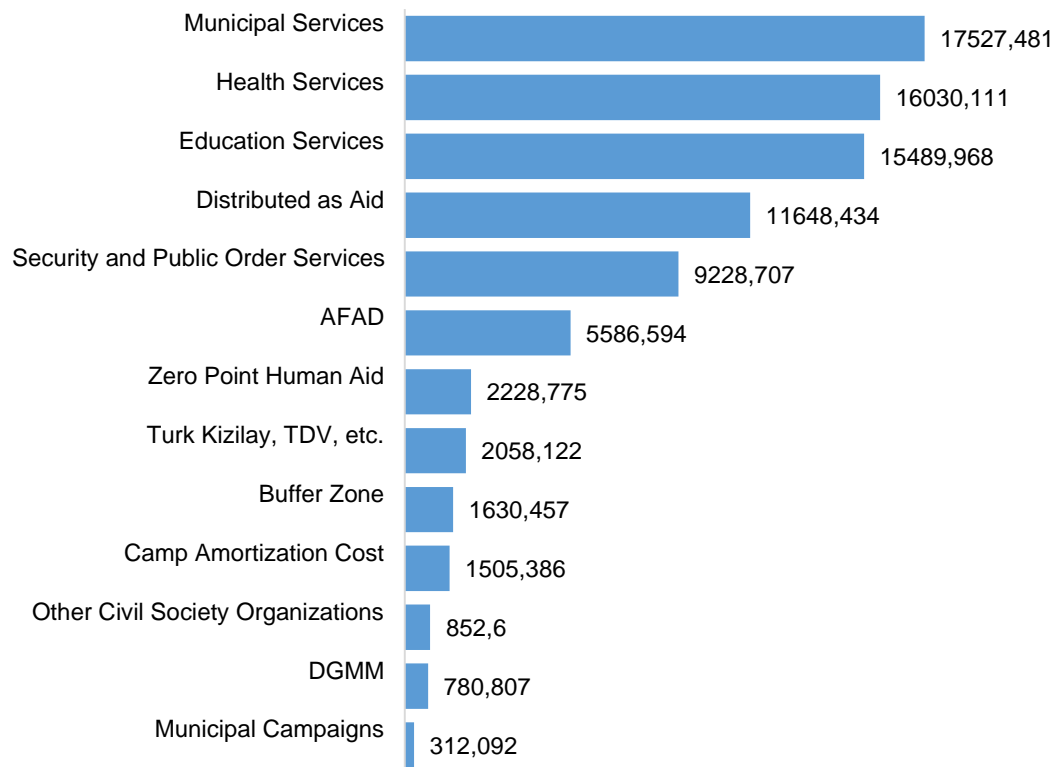


Figure 12: Breakdown of Expenditure on Syrian Refugees in Turkey, (number in millions) 2012-2017

Source: Extracted from Suriyeliler için harcanan maliyetin analizi [Anadolu Agency], (2017)

Additionally, since the signing of the EU-Turkey Deal, EU has funded 85 projects with €3.45 billion out of the €5.6 billion committed to EU Facility for Refugees in Turkey between 2016 and 2018 (European Commission, 2019). A further €2.35 billion have been granted in funds in 2019 (European Commission, 2019). UNHCR (2019) reports a significant increase in refugee funds to Turkey since the signing of the EU-Turkey Deal – as shown in the figure below.

Through these funds, Turkish government provides humanitarian support to approximately 1.6 million refugees as a part of Emergency Social Safety Net program and funds the education of 500,000 refugee children under the Conditional Cash Transfer for Education Programme. All of these programs are run by the Turkish government, which may give a perception that Turkey

is funding them (Makovsky, 2019). However, not all the funds go directly to the Turkish government. EU, for example, disburses its funds through its Facility Program that finances various projects directly. This gives Turkey little to no influence over the expenditure of EU funding that has resulted in some negative exchange between the two in the recent past.

In addition to the EU, United States has given \$572 million to Turkey for Syrian refugees between 2011 and 2017 (Makovsky, 2019). And Turkey has also received funds from various UN agencies of up to \$2.28 billion and \$211.4 million from various NGOs between 2017 and 2019 alone (UNHCR, 2019). Other than this, private donors and individual EU member states have also funded Syrian refugees in Turkey since 2011.

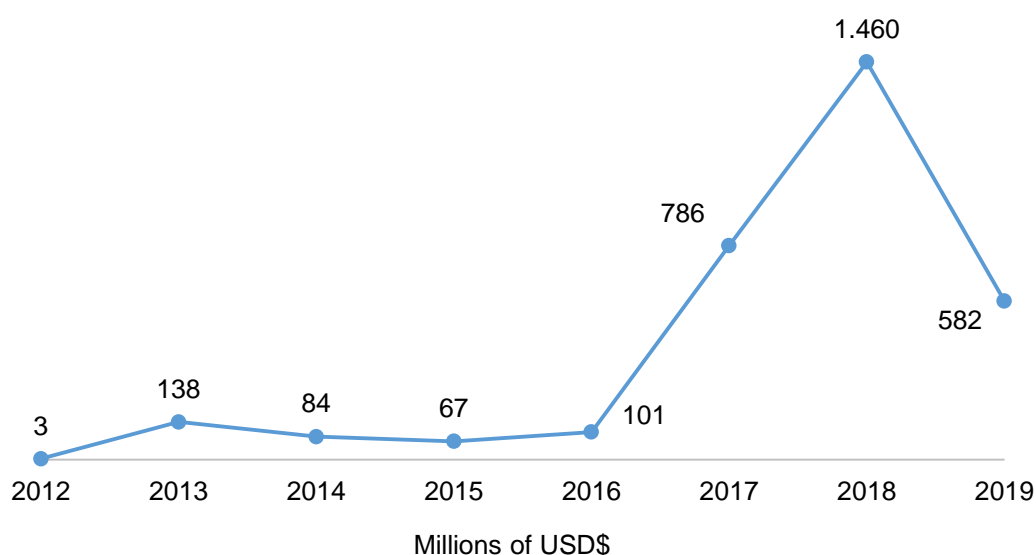


Figure 13: Funding Received by Turkey for the Regional Resilience and Refugee Plan (RRP or 3RP) for Syrian Refugees between 2012 and 2019 (Q1), (number in millions of USD\$)

Source: United Nations High Commissioner for Refugee (UNHCR) Funding Statistics, (2019)

And thirdly, Tsourapas (2019) argues that refugee rent may come from international organizations or third states in a variety of forms, including direct economic aid or grants, debt relief, preferential trade treatment, and so on.

This criterion is applicable to Turkey because in addition to receiving material funding from UNHCR and other donors (as shown above), Turkey has also negotiated political agreements with the EU in exchange for maintaining refugee populations within its border under the EU-Turkey Deal (also discussed above).

These three criteria establish Turkey as a refugee rentier state in theory. However, they do not determine if a state will adopt an aggressive (blackmail) or cooperative (backscratching) strategy to extract refugee rents. In order to determine the propensity of a state to either use blackmail or back-scratching as a rent seeking strategy, Tsourapas (2019) lays out three main conditionalities. Firstly, he argues that if a state's elites think that the strength of the refugee population is large enough and if their geographic location puts them as a strategic advantage vis-à-vis the target state, they are likely to use blackmail as a rentier strategy. Turkey meets both of these conditionalities as follows:

- i. Turkey is currently host to the world's largest refugee population – a fact that AKP's leadership is well aware of and often quotes in various press briefings. For example, while speaking at a general assembly meeting of Turkey Youth Foundation, President Erdogan is quoted to have said: "While the world's richest countries treat refugees almost as a plague, we shared our table with millions" (Turkey Continues to be Stronghold of People in Need: Turkish President, 2018: para. 3). For opening its door to 3.6 million Syrian refugees, Turkey has also received wide praise from other states and international organizations.
- ii. Turkey realized its geostrategic importance – especially as a 'buffer state' between refugee movements of the Middle East and EU. Physically, Turkey shares a 3,125 km long land border with Bulgaria and Greece and 75,483 km of sea border (Eastern Mediterranean Route) with the EU. According to Frontex (2019), refugees in Turkey can cross into EU using three different routes: The Eastern Mediterranean Route (Turkey to Greece through the

sea route), the Western Balkan Route (Turkey to Greece-Macedonia-Serbia-Hungary through the land border), and the Eastern Border Route (Turkey to Greece or Bulgaria through the land border). A majority of migrants come through the Eastern Mediterranean route and then go further using the Western Balkan route or Eastern Border route. Frontex (2019) reports that between 2011 and 2018, approximately 1.3 million migrants used the Eastern Mediterranean Route from Turkey to EU. Most importantly, the Turkey-EU Deal was majorly based on the control of irregular migration from Turkey through these routes and other newer routes.

Secondly, Tsourapas (2019) argues that if a refugee rentier state takes unilateral actions to threaten target states with potential losses they may incur and, in doing so, shows little or no interest in international laws and norms, it is likely to use blackmail strategy for refugee rent extraction. As discussed in this chapter, there are countless examples proving that Turkey does not shy away from pursuing a refugee policy motivated by political considerations (at home and abroad) that may be in violation of international law. In codifying spatial discrimination for refugee status determination through the 2013 LFIP, legalizing administrative detentions, conducting unlawful deportations, Turkey has taken unilateral actions that show little or no interest in upholding international norms when it comes to refugee governance. And perhaps the most important fact depicting Turkey's disregard is its shift from a humanitarian to a political approach in dealing with Syrian refugees.

In terms of unilateral threats, President Erdogan has openly threatened EU on repeated occasions – documented widely by international media. These threats have ranged from overt actions such as 'opening the borders' to diplomatic ultimatums such as 'scrapping the deal' to meet material and political ends. For instance, in 2016, Pitel and Beesley reported that:

The Turkish leader [Erdogan] lashed out at Brussels one day after the European Parliament called for a pause in Turkey's EU accession talks in protest at Ankara's "repressive" and "disproportionate"

response to a violent coup attempt earlier this year...warning he would allow 3m refugees into Europe at a time of mounting political anxiety over the advance of rightwing populists in Austria, Germany and France. (Pitel & Beesley, 2016: para. 1,4)

In 2017, President Erdogan again threatened to 'scrap the EU-Turkey migrant deal' if Netherlands refused Turkish politicians from campaigning amongst the Turkish diaspora for a referendum to give President Erdogan more political power (Erdogan threatens to scrap EU-Turkey migrant deal, 2017). This threat was also issued because he believed that the European Court of Justice was leading a 'crusade' against Islam when it allowed private companies to prohibit the wearing of religious symbols (such as hijab) in the workplace in specific situations (Erdogan threatens to scrap EU-Turkey migrant deal, 2017). Tasch (2017) also reports that due to a diplomatic row in 2017, Turkey's Minister of Interior threatened EU saying:

We have a readmission deal...I'm telling you Europe; do you have that courage? If you want, we'll send the 15,000 refugees to you that we don't send each month and blow your mind...You have to keep in mind that you can't design a game in this region in spite of Turkey. (Tasch, 2017: 1-3)

In 2018, Daily Sabah reported that President Erdogan issued a statement on World Refugee Day, criticizing EU and Western countries saying:

While many Western countries who claim to be a cradle of democracy and human rights have been hiding behind barbed wire, Turkey has become a safe harbor for 4 million asylum seekers, more than 3.5 million of which are Syrians. Besides, the European Union has unfortunately not completely fulfilled its financial commitments towards Turkey so far for the Syrian refugees as the requirement of burden sharing. (Erdogan lashes out at EU for not helping refugees, 2018: para. 3)

And as of September 2019, President Erdogan is again threatening to "open the gates" to allow Syrian refugees into western countries unless his 'safe zone' inside Syria is established soon (Beaumont & Smith, 2019). After the initial no-fly zone negotiations failed, the idea of establishing a 'safe zone' was proposed by US President Donald Trump in 2018. The proposal was accepted on 7th August (Beaumont & Smith, 2019). However, governments in Turkey and US have disagreed over the issue of Kurdish militia in the region.

In a speech to his party officials on 5th September 2019, President Erdogan stated:

We are saying we should form such a safe zone that we, as Turkey, can build towns in lieu of the tent cities here. Let's carry them to the safe zones there...Give us logistical support and we can go build housing at 30km (20 miles) depth in northern Syria. This way, we can provide them with humane living conditions...This either happens or otherwise we will have to open the gates...Either you will provide support, or excuse us, but we are not going to carry this weight alone. We have not been able to get help from the international community, namely the European Union. (Beaumont & Smith, 2019: para. 16-18)

Therefore, there is ample of evidence supporting Tsourapas's (2019) argument that Turkey is a refugee rentier state. However, the situation is not quite as black-and-white as Tsourapas presents it to be. For example, if we merely look at one issue, i.e. EU's burden sharing mechanisms concerning migration and asylum, we can see at least two reasons why Turkey has behaved in a skeptical and opportunistic manner when it comes to migration and asylum.

Until 2015 EU was mostly dormant on the issue of Syrian refugees. Therefore, Turkey was largely managing Syrian refugees all by itself. Turkey repeatedly stressed on material support because of the strain Syrian refugees have put on Turkey's economy and infrastructure (Hacaoglu, 2019; Tuysuz, 2019). Yet, it faced at least 30% shortage of required funds in 2012, 2014, 2015, 2016, and 2017 – as shown in the figure below.

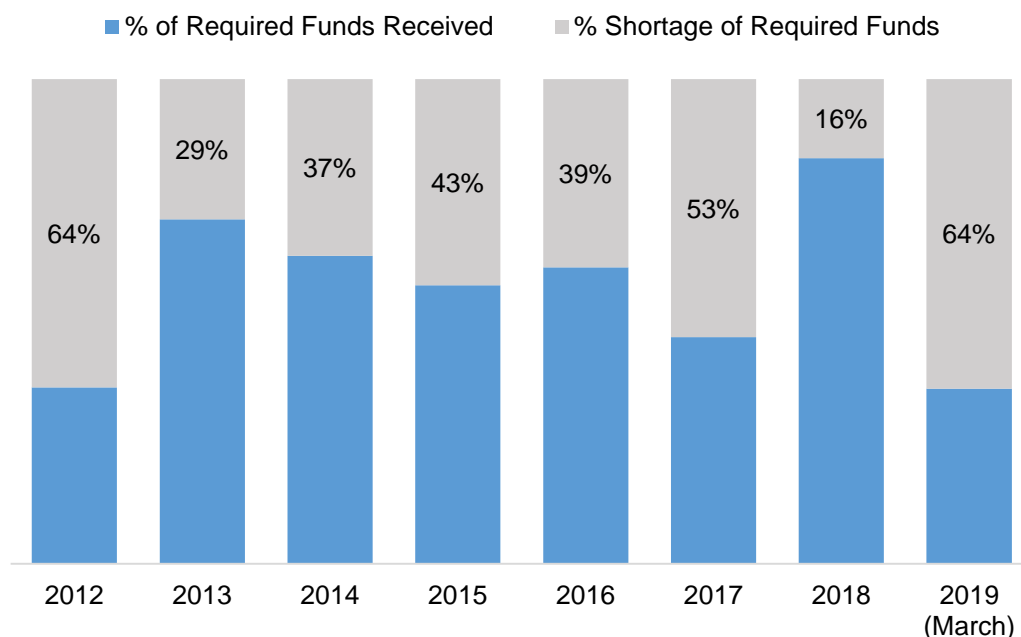


Figure 14: Shortage of Required Funds for Refugees in Turkey, 2012-2019
Source: UNHCR (2019)

Furthermore, EU has used visa liberalization and accelerated accession as a tool to influence Turkey's decision making without making any concrete progress towards the actualization of such promises. As a matter of fact, according to Baczynska (2016), even the UN High Commissioner for Refugees, Filippo Grandi, has warned the EU from using a carrot and stick approach to migration by arguing that:

Support to host and transit countries should be driven by solidarity, not strict conditionality...[and] Caution should be exercised in linking financial aid to other benefits and migration controls. This sets precedents, raises expectations that may not always be met, and can ultimately even allow host governments to use population movements as a pressure point, or even a threat. (Baczynska, 2016: para. 6-7)

Saatcioglu (2018) argues that "EU has favored a strategic and functional approach towards Turkey as opposed to accession oriented" in relation to the refugee crisis. This approach has been encouraged by the likes of EU Commissioner for Enlargement Negotiations, Johannes Hahn and the President of France, Emmanuel Macron, who have argued that EU should revise its relations with Turkey in a more realistic way by establishing a

strategic partnership (EU Commission Member Hahn: Sweet Words are not Enough, 2018). President Macron went so far as to say that: “Brussels should put an end to the ‘hypocrisy’ of continuing a 13-year-long accession talks... with ‘anti-European’ Turkey ...and work towards building a ‘strategic partnership’ instead” (McGuinness, 2018: para. 5 and 2).

Lastly, EU’s burden sharing mechanisms have generally treated Turkey as an outsider. For example, Eastern or Central European countries that have recently become a member of the EU were not required to sign ‘community readmission agreement’ as a part of their accession negotiations (Tokuzlu, 2010). Therefore, many states chose to sign bilateral readmission agreements with selected neighboring countries in return for visa liberalization for their citizens. Turkey was the first country to sign a ‘community readmission agreement’ under which any EU member state can return migrants or asylum seekers to Turkey if Turkey was the transit state from which the migrant came to EU (Tokuzlu, 2010). Given Turkey’s geostrategic location, and its prominence as a transit migration state since the 1990s, this conditionality puts an intense burden on Turkey. As discussed earlier, EU’s shifting of the burden of migrants and asylum seekers on Turkey is a main reason why Turkey has been reluctant about lifting its geographic limitation in the 1951 Geneva Convention, that is likely to turn Turkey into a buffer state for the irregular migrants of EU. In the absence of a proper burden sharing mechanism, EU cannot expect Turkey to solely take the responsibility for all readmitted migrants, refugees, and asylum seekers.

This is merely one of the many perspectives missing from Tsourapas’s theory on Turkey’s refugee rentierism (2019). It is likely that upon a deeper analysis, more counter arguments may emerge that can better explain why Turkey has exhibited rentier behavior. Therefore, Tsourapas’s theory only applies to Turkey partially – at best. Even so, multiple humanitarian and political actors have praised Turkey for its investment in Syrian refugees’ education, healthcare, and employment, its introduction of temporary protection for Syrians, setting up of DGMM and its related subsidiaries in the past eight years – a fact that was also not taken into account by Tsourapas.

4.5. Turkey's Refugee Policies and its Repercussions on Syrian Refugees

Coming back to Zetter's theory on fractioning of the refugee label and its application on Syrian refugees in Turkey, this research finds that Turkish state's foreign policy considerations, rentierism, and Turkish public's opinion have all contributed to the fractioning of refugee label in Turkey. And even though the previous sections show that AKP's refugee policies were shaped by multiple influences, these influences did not necessarily result in preparing Turkey for dealing with the refugee crisis. As a matter of fact, Turkey's short-sightedness may have resulted in further exacerbating the situation of Syrian refugees in Turkey. To illustrate, Kirisci (2014) argues that Turkey's 'guest or Muslim brothers or Muhajireen' or 'open-door' discourse was dominant when the crisis initially started because Turkish government was following an ideational strategy misguided by its understanding that the Syrian Civil War would not continue for long (Kirisci, 2014). Akin and Akin (2017) argue that this was apparent from a few key policies undertaken by the government. There are extensive research studies that report on Turkey's unpreparedness apparent from the lack of infrastructure and administrative services offered to Syrian refugees in the first few years.

For instance, in the first few months of the crisis, Turkish government focused more on providing basic services to the refugees living in camps. It did not determine a set policy for Syrian refugees living in urban cities. Turkish Disaster and Emergency Management (AFAD) began registering and settling Syrian refugees in camps and container cities of Adana, Adiyaman, Gaziantep, Hatay, Kahramanmaras, Kilis, Malatya, Mardin, Osmaniye, and Sanilurfa as early as 2011 (Simsek & Corabatir, 2016). At the time, Ahmet Davutoglu, former Minister of Foreign Affairs stated that "Turkey would not accept more than 100,000 refugees, a number described as a "psychological threshold" and reaching that threshold could involve the creation of a "buffer zone" – a militarized zone accommodating the refugees, most likely outside Turkish soil" (Baird, 2012: para. 7). However, by 2012 the number of Syrian

refugees had already exceeded the accommodation capacities of these camps by a large margin.

Since 2013, the management and administration of refugee camps is under the DGMM's mandate - as per the LFIP (DGMM, 2019). But approximately 96% of Syrians live in urban or semi-urban areas instead of camps or designated provinces (DGMM, 2019). Gurcan (2019) reports that by the end of 2018, Turkey has closed 6 refugee camps in Gaziantep, Adiyaman, and Kilis, accommodating approximately 175,000 Syrian refugees, citing high costs of operations. Furthermore, the government has plans to shut down the remaining 13 refugee camps, hosting approximately 117,000 Syrians.

The government has backed its decision to close camps by arguing that Syrians isolated in camps are less likely to 'harmonize' into Turkish society (Gurcan, 2019). However, according to Omar Kadkoy, a Syrian policy analyst quoted in Gurcan (2019: para. 8), "the decision to close down the camps has less to do with the government's integration policy and more with contextualizing Syrians' repatriation". Camp refugees have very few options available to them. They can either go to another camp – until it is also shut down, they can decide to go and live in an urban city, or return to Syria. If the refugees do decide to live in urban area, Turkish government gives them a stipend of '50\$ in rental assistance and 17\$ as allowance' that is not at all adequate for their sustenance. Kadkoy argues that "Ankara's decision could subject them to either ill-supported self-reliance should they decide to settle in cities, or premature repatriation and risk the unknown" (Gurcan, 2019: para. 13). And in the face of limited choices available to camp refugees, Gurcan (2019) argues that by closing refugee camps Turkey is trying to encourage repatriation in a way that is not in violation of the principle of non-refoulement.

Be that as it may, Heck and Hess (2017) find that Turkish government's initial open-door policy began to change in late 2011, when the new law on foreigners and international protection was drafted. By 2013, it was clear that Syrian Civil War was shaping up to be a protracted conflict and Turkey had made false assumptions about the length of the war (Koca, 2016). As a

result, Turkey ended its open-door policy in early 2014, but continued to admit selected persons until the end of 2015 (Aras & Mencutek, 2015). The table below presents Gundogar and Dark's (2019) summary of Turkey's changes in its stance on Syrian refugees, which is further discussed detail below.

Table 1: Changing Government Stances on Syrian Refugees in Turkey

Turkish Government's Stance 2011 to 2014		Turkish Government's Stance 2014 to 2016
1.	Open border policy	Limitations on the open border policy from 2015
2.	Legal Status: Guests	Legal Status: Temporary Protection Status from 2014
3.	Emergency management for 'camp refugees'	Development related policies for 'urban refugees'
4.	Limited international involvement	Increasing international involvement (EU-Turkey Deal signed in March 2016)
5.	Flexible mobility for refugees	Restricted mobility for refugees
6.	Focus on the 'temporariness' of refugees	Shifting focus on permanence and socio-economic 'harmonization' (not integration) of refugees
7.	Limited role of local provincial governments	Growing role of local provincial governments

Source: Adapted from Gundogar and Dark (2019: 4)

Departing from its narrative of 'Syrian guests', Turkey adopted the Temporary Protection Regulation (TPR, Regulation No. 2016/6883) for Syrian refugees in 2014 which clarified their legal status in Turkey, as per the directive of the Council of Ministers. It allowed Syrians to enter Turkey unhindered, prohibited refoulement, and provided access to basic needs including temporary accommodation in camps, food, medical and psychosocial care, education, a 'possibility for Syrians to obtain work permits for jobs in certain sectors and regions in Turkey', and temporary protection identity documents (Dromgold, 2015). However, Heck and Hess (2017) argue that "temporary protection status in Turkey creates severe legal, political, and social

ambiguities and disenfranchisement, since its temporal scope and prospects for naturalization have not been properly defined” (2017: 43). For instance, Turkey asked UNHCR for assistance with the Syrian refugee crisis in 2011 (Syrians fleeing to Turkey are stuck in a dreary limbo, 2012). UNHCR conducted refugee registration for Syrians until 2014. However, after the TPR was adopted UNHCR ended their registration processes and suspended the processing for refugees who had already registered. This is because as per the LFIP and TPR, Syrians did not have the legal right to resettlement and could only stay in Turkey temporarily or voluntarily repatriate. Furthermore, Turkey did not offer an opportunity for individual status determination of Syrian refugees due to their arrival in a ‘mass influx’.

As a result, UNHCR only processes individual applications and resettlement claims for emergency or vulnerable cases such as LGBTQ individuals who face extreme discrimination for the first few years of the crisis (Ihlamur Oner, 2013; Dromgold, 2015). Heck and Hess (2017) find that a large number of Syrian refugees in Turkey cannot apply for resettlement or international protection because they are not eligible according to the vulnerability criteria of UNHCR. As mentioned above, this predicament is faced by a majority of non-convention refugee in Turkey, regardless of their nationality. Especially since the signing of the EU-Turkey Deal, the Turkish bureaucracy has created an asylum system which leads to the ‘disempowering’ of refugees in Turkey (Heck & Hess, 2017). For instance, conditional refugees who have been granted refugee status by UNHCR in Turkey are, in theory, eligible to resettle in third countries as per pre-determined quotas. However, since the LFIP has been adopted, UNHCR’s role has been significantly marginalized to a point that for some non-European refugees’ resettlement is not a possibility – even in cases where the said refugees were already granted refugee status (Sari & Dincer, 2017). Furthermore, Heck and Hess’s survey of refugees in Turkey found that even in vulnerable cases UNHCR’s backlog combined with the increase in number of asylum seekers and reduction of resettlement quotas may result in a wait of at least two years for the initiation of status determination for individuals who face severe or immediate risk (2017: 49). Specifically, for refugees in smaller towns and cities, Sari and Dincer (2017)

find that their cases are usually “not followed up on a regular basis and refugees lack transparent and reliable knowledge about their cases” (2017: 65).

Consequently, DGMM's (2019) migration statistics show that in 2018 only 114,537 (2.8%) individuals applied for international protection out of approximately 4 million refugees and asylum seekers in Turkey. However, even if a refugee is selected for resettlement – they have to undergo a series of interviews, medical examinations, and labor market assessments before they can travel. And it is not uncommon for countries to withdraw resettlement offers after a refugee has gone through all of these procedures (Sari & Dincer, 2017). Finally, if a refugee's resettlement process is successful at each stage, the last stage is for them to obtain an exit permit from Turkish authorities. For this, an applicant has to be recognized as a refugee by UNHCR or a conditional refugee by DGMM and they must have undertaken regular check-ins with their local DGMMs. Sari and Dincer (2017) report that if a single signature or approval from an officer was delayed or missing, it resulted in resettlement postponement for weeks or long delays in the issuance of their exit permit (Sari & Dincer, 2017: 67).

As a result, statistics show that between 2014 and 2019, Turkish government only resettled 15,257 refugees in safe third countries and UNHCR separately assisted 27,478 refugees in departing to a third country for resettlement out of millions of refugees currently in Turkey (DGMM, 2019; UNHCR, 2018). However, Turkish authorities has recently deliberately blocked more than 1,000 Syrian refugees from resettlement in third countries by not issuing their exit permits days before their departure because they had university qualifications, which made them economically valuable to the Turkish state (Kingsley, 2016). Turkey has had complaints that Western countries are “cherry picking the most educated refugees, and leaving behind the rest” (Kingsley, 2016: para. 4). Various NGOs argue that by using administrative tools to block refugees from resettling, Turkey is in a violation of international law. In 2016 alone, UN officials said that up to 5,000 educated Syrians were facing a similar situation and many of them had no idea as to why they were

not issues an exit permit even after they had abided to all the administrative criteria (Kingsley, 2016). Of course, this practice is not mandated by the LFIP, but it reflects on the lengths to which Turkish authorities can go in order to bend the law to for their advantage.

In a similar vein, various scholars such as Icduygu (2015), Icduygu and Simsek (2016), Badalic (2019), Dromgold (2015), and Ihlamur Oner (2013) have found that there are added layers of complexity between the law and its application, which inadvertently leads to a sense of interminable waiting and unsurety about their status for Syrians. In Zetter's framework, this is also a method for states to fraction the refugee label because of undue administrative complexities in access to asylum. While it is understandable that the Turkish government has had some difficulties in administrating Syrian refugees mainly because Turkey has not dealt with such a refugee influx in the past, there is no justification for the establishment of multiple layers of conflicting policies that obstruct a refugee's access to asylum simply because they did not originate in Europe. For example, in their 2017 study on Syrian refugees and international relief organizations in Turkey, Baban, Ilcan, and Rygiel found that the LFIP provides significantly less protection to Syrian refugees as compared to the international refugee regime because even though the LFIP has laid out specific regulations for a number of asylum related issues, a lot of issues related to residence, employment, and access to basic social services is still based on discretionary variables or arbitrary practices of the authorities in charge due to a disconnect between the law and its administrative application (2017). They specifically found that there was considerable instability and vulnerability concerning refugee registration under the new asylum system, as recently as 2015. It is an undoubted fact that along with refugee status determination, refugee registration is one of the most important bureaucratic tools for states to administer and regulate refugee populations within their territories. In Turkey, the law already creates several issues in the process refugee status determination – as discussed above. To add, administrative registration of refugees has also not been free of flaws.

Baban, Ilcan, and Rygiel (2017) and Sari and Dincer (2017) identify the issues with refugee registration and administrative processes in 2014 and 2015 as follows: Syrian refugees are required to register themselves with the local governorates when they enter Turkey to get a temporary protection identity card (kimlik). However, the registration processes and identity cards for Syrian refugees have changed multiple times arbitrarily since 2013 as reported by Baban, Ilcan, and Rygiel (2017). Each time an administrative change takes place, Syrian refugees face unsurety as to their status and are unable to access to basic services.

The initial registration process was quite contradictory to begin with. For example, “different government offices, in different districts, applied contradictory criteria in order to register Syrians” (Baban, Ilcan, & Rygiel, 2017: 91; Sari & Dincer, 2017). Amnesty International (2014) found that some individuals were being refused registration based on their marital status. For example, one man in Kilis reported that “AFAD denied his application because he was not part of a family and NGO workers in Gaziantep confirmed that AFAD prefers to register families rather than single men” (Amnesty International, 2014: 22).

There were also notable differences in the time taken to register refugees and the public awareness of registration process amongst Syrians. Amnesty International (2014) reports that the delays in completing registration often stretched out to a few months even in regions where the registration was conducted on an active basis by AFAD. Baban, Ilcan, and Rygiel (2017) report that at the end of 2014, only half of the refugees were registered because of delays in processing. In 2014, NGO workers reported that the district governor’s office did not provide any identification document upon registration to some refugees in Istanbul. There was also a lack of knowledge amongst Syrians about the registration process partly due to the overlap in the roles of different authorities. For example, a Syrian family from Istanbul reported that they wanted IDs but the government offices in Istanbul could not provide them IDs, only camp administrations could (Amnesty International, 2014). From July 2014 onwards, the DGMM took over the

responsibilities for registration of Syrians. In Istanbul, it designated 'foreigner's police branches' and district police stations to take refugee biometrics and provide IDs in Turkish and Arabic. However, because of technical issues, the system was only working in 12 of 39 districts in Istanbul (Amnesty International, 2014). Similarly, the Association of Turkish Medical Practitioners found that different government officials and institutions used varying registration process that required different documents for application (2014). Sari and Dincer (2017) found that in many cases, refugees were asked to register with the police first and then with AFAD; in other cases, district governorates registered refugees instead of police or AFAD. Moreover, while the registration process was supposed to be free of cost – some cities charged a registration fee between “48 to 57 USD” (Baban, Ilcan, & Rygiel, 2017).

Since the establishment of DGMM, refugees have to undertake two parallel administrative processes for registration - one with the DGMM and another with the Association for Solidarity with Asylum Seekers and Migrants (ASAM), an implementation partner of UNHCR. If refugees fail to apply to either institution, their claims for asylum are at risk and they face deportation or detention by Turkish authorities (Sari & Dincer, 2017: 65). Both of these applications are riddled with length administrative complexities. To illustrate, refugees first apply to their local governorates for registration upon their arrival in Turkey. During the registration, they are informed of their date and place of RSD interviews (Law No. 6458/2013: art. 69). At the same time, refugees have to necessarily apply to ASAM for their asylum claims. ASAM conducts an interview with the applicant and assigns them to a 'satellite city' - determined by governorates (Sari & Dincer, 2017). Satellite cities do not have any legal grounds, but they are 51 smaller cities located in central Turkey, not coastal areas – to limit illegal migration of refugees to Europe (Sari & Dincer, 2017: 65). Once in the satellite city, the refugee has to register with DGMM. Refugees have an obligation to report to their local DGMM authorities at regular intervals and cannot travel or leave their city without the permission of their local DGMM, which allows DGMM to control refugee mobility. In a survey with local refugee groups, Sari and Dincer found that

each local DGMM has its own arbitrary check-in mechanism that was not standardized and travel permits were issued erratically upon the discretion of the local officials (2017).

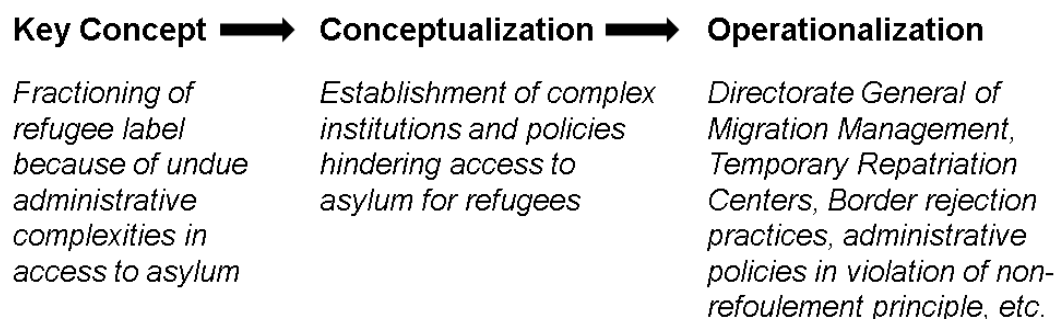


Figure 15: Fourth Key Concept of Zetter's Theory on Fractioning the Refugee Label

Source: Zetter (2007)

In 2015, as the registration processes were being standardized by the DGMM, the government issued a directive that Syrians would be given new identity cards. This directive, combined with the back log of delays and administrative issues further deprived Syrians of their right to access basic services, which affected their daily lives in Turkey. To further exacerbate the situation, the government again changed the registration process and identity cards in 2016. In 2019, latest administrative changes dictate that Syrians can only live and access basic services in the cities where they were registered (Hacaoglu, 2019). If they were to move to another city for any reason, they had to repeat the arduous process of registering themselves and their families from the start in the new province (Baban, Ilcan, & Rygiel, 2017). Furthermore, for Syrians living in urban centers for economic reasons, this regulation means a loss of income (Tuysuz, 2019). The 2016 update to administrative regulations also dictated that Syrians refugees with new identity cards had to obtain permissions for inter-city travel. This placed a mobility restriction on refugees that aggravated their situations. For example, in two separate interviews Baban, Ilcan, and Rygiel reported that:

A humanitarian assistance worker explained that if it is written Istanbul in my protection I.D., I should first approach PDMM (Provincial Directorate of Migration Management also known as the local DGMM) in Istanbul, then PDMM should let me travel to Izmir if I want to change my residence city to Izmir actually. Then, when I [. . .] go to Izmir, I should first approach PDMM in Izmir and change my residence city in my temporary protection I.D. (Baban, Ilcan, & Rygiel, 2017: 92)

Similarly, a Syrian refugee business owner in Istanbul complained that:

I am running a business, but I cannot go to other cities to conduct business because in some cases the bus companies will not sell tickets unless I have permission from the authorities. How can I run a business if I need a permission each time, I need to travel somewhere else? (Baban, Ilcan, & Rygiel, 2017: 92)

The humanitarian assistance worker also noted that while the mobility restrictions were initially limited to refugees in satellite cities, governorates in urban centers like Istanbul and Ankara are also adopting similar measures to control the movement of Syrian refugees living in urban cities who are not generally required to check-in or request travel permissions. Again, this mobility restriction does not have any legal basis, but is an arbitrary policy adopted by local authorities. In cases where multiple government directives have been issued on one subject creating, a layer of undue bureaucratic complexity keeps refugees unaware of proper procedures and rights. In fact, Baban, Ilcan, and Rygiel (2017) interviewed an NGO worker, who explained that:

We cannot keep track of changes sometimes; so how can Syrian refugees who may not even have access to the internet stay on top what they need to do to have access to social services or travel? This is a serious challenge for them. We believe that travel restrictions are influenced by the new deal with the EU and they are in place to prevent Syrians to get to the coast easily. (Baban, Ilcan, & Rygiel, 2017: 93)

As of late, Human Rights Watch (2018) reports that the Turkish government has stopped registering Syrian refugees and new arrivals altogether after signing the March 2016 EU-Turkey Deal. This leaves stranded Syrians in Turkey in a very difficult position, exacerbating their vulnerability stemming from an inability to claim social services or temporary protection. Without registration documents, refugees cannot get work permits, access to

healthcare, or education. However, since they cannot return to Syria either – many continue to live illegally in Turkey in a ‘constant fear of arrest and deportation’ (Human Rights Watch, 2018: para. 7). In the absence of alternative administrative measures, some refugees say that they have registered after bribing officials with 300 to 500 USD (Human Rights Watch, 2018).

Various NGOs report that due to the newly created administrative void – they are not allowed to work with unregistered asylum seekers anymore and to ensure this happens, Turkish authorities strictly control and monitor their activities of various organizations (Human Rights Watch, 2018). In this situation, NGOs cannot approach or identify unregistered Syrians but can only assist them if they encounter them by chance. One NGO explained to the Human Rights Watch that:

It’s very simple, we can’t just reach out to registered or unregistered Syrians. We need approval for everything and we’d never get approval to help unregistered Syrians... We have repeatedly asked the authorities for permission to do protection outreach work, but we’ve been refused every time. (Human Rights Watch, 2018: para. 50)

On the issue of unlawful detention, deportation, and return, UNHCR (2019) reports that Turkish government returned 209, 329 Syrian refugees back to their country in 2012 and 2013 (UNHCR, 2019). Returning Syrian refugees back to Syria or rejecting them at the border is a trend that has continued since (Badalic, 2019; Cope & Crabtree, 2018). As discussed in earlier sections, Turkey has had a history of refouling non-convention asylum seekers that are not legally recognized by the national asylum law. In the case of Syrian refugees, Badalic’s (2019) comparative study of Jordan, Lebanon, and Turkey reports multiple cases of border closure, push backs, detentions, deportations, and the use of administrative instruments to create situations for ‘constructive refoulement’ (Badalic, 2019: 95). The use of administrative tools that purposefully, or inadvertently, create conditions for constructive refoulement include denial of resettlement, limited access to status determination procedures, and denying refugees legal registration have all been discussed in the Turkish context above. For example, after signing the EU-Turkey Deal, Turkish government re-instated a visa

requirement for Syrian refugees from third countries. As a result, Syrians who had left Turkey are unable to re-enter. For Syrians who were travelling temporarily for personal or professional reasons such as visiting family, medical travel, or work-related travel are stranded in alien countries under this policy (Human Rights Watch, 2018).

Furthermore, Turkish authorities have also used selective border closures to prevent Syrian refugees from south-west (Kurdish) areas from coming to Turkey. Badalic (2019) reports that “from early 2015 to mid-2016, Turkish-Syrian border remained virtually closed, which led to an estimated 165,000 Syrian asylum seekers being stranded on the Syrian side of the border” (90). In 2016, Badalic reports that Turkish security forces detained and deported Syrian refugees found “without their registration documents as they were attempting to register in Hatay” (2019: 94).

This is a violation of international law, and the principle of non-refoulement, because in using border closures, Turkey effectively blocked vulnerable populations from accessing international protection and status determination – which is their inherent right under the 1951 Convention. This practice of selective border closures is also in violation of refugee law because it discriminates amongst asylum seekers on the basis of their ethnicity or origin. But then again, the origin of refugees and asylum seekers has always been a point of controversy in Turkish asylum law.

In the case of border closure and push backs, Badalic (2019: 90) also finds that security forces in Turkey often use unlawful measures against Syrian refugees. He reports that:

When carrying out push-backs, Turkish border guards resorted to unlawful use of force that included shooting at and beating Syrians trying to cross the border. In a few cases, the use of abusive force resulted in Syrians being killed or injured. (Badalic, 2019: 90)

Moreover, since 2016 there has been an increase in number of deportations, administrative detentions, and border rejections for Syrians (European Commission, 2018; Human Rights Watch, 2018; Badalic, 2019). Article 57 of the LFIP provides the legal basis for administrative detention for deportation

– a provision which had not been codified by any previous law in Turkey.

Article 57 introduces legal criteria for lawful detention, duration of the detention, responsibilities of relevant authorities, and the proper process for appeal. Reasons for lawful detention include:

... [any person] who bear the risk of absconding or disappearing; breached the rules of entry into and exit from to Turkey; have used false or fabricated documents; have not left Turkey after the expiry of the period granted to them to leave, without an acceptable excuse; or, pose a threat to public order, public security or public health. (Law No. 6458/2013: art. 57)

To enforce this article DGMM currently operate 24 ‘removal and temporary repatriation centers’ with a capacity for up to 14,726 refugees (DGMM, 2019). It is also in the process of constructing 1 more center in Bursa that will accommodate up to 200 persons and 7 centers are planned under the EU Project with a capacity of 3,150 persons (DGMM, 2019).

Much like the arbitrary criteria of the 1994 Asylum Regulation, article 57 allows administrative detention of a person who ‘poses a threat to public order, public security, or public health’ – which are not further defined or elaborated on in the law or any related circular. It is also common for Turkish security forces to detain ‘registered’ Syrian refugees neither telling them the reason for their deportation nor bringing them before a judge or authorized official, but citing security or criminal reasons *ex post* (Badalic, 2019: 94). In many cases, asylum seekers held in detention are routinely denied access to legal counsel or contact with their families for lengthy periods of time. Furthermore, refugees in detention centers are often given the option to either stay in jail or choose to get deported (Tuysuz, 2019). For example, Tremblay (2019: para. 4) reports that:

...the Turkish government has been quietly enforcing deportations for the last couple of years while convincing most of these young men to sign paperwork that would show they are returning at their own free will. The paperwork is essential because it is against the Geneva Convention to return refugees back to war zones. However, if one refuses to sign such a document, they can still be deported for other reasons... (Tremblay, 2019: para. 4)

Gerry Simon, Associate Emergencies Director of Human Rights Watch is quoted in Jones (2019) also commented that:

Turkey claims it helps Syrians voluntarily return to their country, but threatening to lock them up until they agree to return, forcing them to sign forms, and dumping them in a war zone is neither voluntary nor legal. (Jones, 2019: para. 2)

Naturally, article 57 has been liberally abused by the Turkish state showing that while Turkish asylum law has come up to regional and international standards with the adoption of LFIP, Turkish state's application of this law is often in violation of international law. For instance, under Law No. 7070 (2018) on administrative detention and deportation, Turkey deported approximately 100,000 people in 2018 alone – convicting them as foreign terrorist fights (G89) or general security risk (G87) (AIDA, 2018: 24). Furthermore, as recently as 2019, Fahim and Zakaria report that “hundreds of Syrian refugees were arrested in Istanbul, then put onto buses, and dropped off at the border with Syria to return to instable regions in Norther Syria, including Idlib province” (2019: para. 2-3).

As a result, Turkey's regulation of Syrian refugees makes it clear that asylum reforms in Turkey have been somewhat cosmetic in nature. On paper, the 2013 LFIP and DGMM are positive steps towards a more tolerant asylum policy. In practice, Turkey's treatment of Syrian refugees is very similar to its treatment of Iranian or Iraqi refugees 30 years ago. Turkey has not only managed to preserve the discriminatory criteria of its refugee status determination; it has also introduced a variety of bureaucratic policies that paint a very bleak picture for refugees coming to Turkey in the future. Baban, Ilcan, and Rygiel argue that it is for these reasons that Syrians choose to illegally migrate to Europe in hopes for “a better chance to claim refugee status, to be able to achieve legal residence, and build a stable future” rather than continue to live in an insecure and unpredictable environment in Turkey (2017: 89-90).

CHAPTER 5

CONCLUSION

This research sought to answer the question: 'how does Turkish government use migration as a policy tool?'. In doing so, the research employed theories from Roger Zetter (2007) and Gerasimos Tsourapas (2019) that determine why and how states fraction the refugee label through laws and bureaucratic policies in order to control migration and how states capitalize on refugee populations and their geostrategic location to extract refugee rents from target states.

After a thorough investigation, this research concludes that Zetter's framework applies to the case of Turkey in its entirety. Turkish governments since 1923 have used migration as a policy tool to fractioned the refugee label in Turkey using the following legal and bureaucratic measures:

1. Turkey uses restrictive legislations to reserve the 'refugee' label for only those people fleeing persecution as a result of events in Europe. Turkey has maintained a two-tiered asylum system in some form or another since its formation in 1923. The two-tiered system discriminates refugee status determination based on an asylum seekers origin, i.e. between convention refugees, non-convention refugees, and national refugees (also migrants). This conditionality was legally codified by the 1994 Asylum Regulation, and reaffirmed by the 2013 Law on Foreigners and international Protection. Similarly, the

'migrant' label is only reserved for those individuals who are of Turkish ethnicity or descent – discriminating amongst immigrants on ethnic basis. This conditionality was based on nationalistic politics of the 1920s and has been preserved in the 1926, 1934, and 2006 Laws on Settlement.

2. Turkey has fractioned the refugee label by introducing pseudo-refugee labels that interdict selected asylum seekers from obtaining full refugee status legally. The 2013 Law on Foreigners and International Protection divides the refugee label into: refugees, conditional refugees, individuals under subsidiary protection, asylum seekers, and individuals under temporary protection. As a result of this division, only asylum seekers from Europe are legally recognized as refugees in Turkey. Such refugees can settle in Turkey on a permanent basis and are encouraged to integrate into the Turkish society. For all non-European refugees, Turkey offers differing levels of protection and services depending on their label. Conditional refugees are offered protection in Turkey, but cannot live or integrate into Turkish society. Their only durable option is to resettle in a third country. Those under subsidiary protection are allowed more rights as compared to conditional refugees, for instance they are encouraged to 'harmonize' with the society because their stay in Turkey is indefinite. For those refugees who have arrived in Turkey en masse, such as Syrians, the Council of Ministers can offer them temporary protection but the options to resettle in a third country or integration in Turkish society is not an option for them until and unless an individual assessment establishes that they are in an extremely vulnerable situation.
3. Turkey's application of the 2013 Law on Foreigners and International Protection is riddled with administrative complexities that have severe consequences for Syrian refugees including, but not limited to, mobility restrictions, administrative detentions, deportations based on arbitrary reasons, etc. Some policies such as termination of registration for Syrians since 2018, have resulted in a situation where Syrian refugees cannot access any basic services, cannot work, or even avail

assistance from NGOs because they do not have proper identification documents. Other policies such as a condition that does not allow refugees to live in any province but the one that they have registered in or taking permissions for inter-city travel poses a risk to a refugee's quality of life on a daily basis. Undue administrative procedures, such as needing exit permits to leave Turkey has led to the obstruction of resettlement for numerous Syrian refugees.

4. Turkey also applies the 1951 Geneva Convention with a geographic limitation, under which it has no obligation towards non-European asylum seekers. Due to this, there have been many cases of unlawful detentions, border rejections, and forced deportations of non-convention Iranian and Iraqi refugees by Turkish security forces in the 1990s. More recently, Turkey reaffirmed its commitment to the principle of non-refoulement in the 2013 Law. Yet, the very same law legalizes administrative detentions and deportations based on arbitrary measures such as public safety risk, general security risk, etc. As a result, there have been numerous reports of forced deportations of Syrian refugees. Many refugees in detention have also reported that they are forced to sign voluntary repatriation undertaking before they are deported back to Syria.

In addition to these findings, this research also finds that the reason why AKP's government instituted an open-door policy for Syrian asylum seekers in 2011 – even when they could not be legally recognized as refugees – was because it used migration as a policy tool in line with its foreign policy goals.

In a chronological order, this research finds that:

1. Before 2013, AKP's response to the Syrian refugee crisis was based on several miscalculations regarding the duration and scope of the Syrian Civil War that resulted in the institution of somewhat myopic policies. AKP, more specifically Davutoglu's, understanding and response to the Syrian refugee crisis served towards Turkey's regional ambitions illustrated by AKP's adoption of 'humanitarian diplomacy'

approach towards Syrian 'guests, brothers, muhajireen'. As Karabat (2009) points out, Turkey's humanitarian diplomacy towards Syrian refugees was a continuation of AKP's "gradual shift from being a Western ally to being a friend of Middle Eastern dictators" as a part and parcel of its foreign policy in the Middle East guided by an "Islamist ideology and sensitivity to the suffering of Muslims" (Karabat, 2009).

2. Between 2013 and 2015, Ahmad (2015) argues that instability in Syria was the 'most important foreign policy challenge for Turkey'. Turkey utilized the Syrian refugee crisis to try and negotiate with the US and Russia about establishing a no-fly zone over Syria (Urquhart, 2012). In 2011, a no-fly zone was used by Western powers to help Libyan rebels overthrow Muammar Gaddafi. Perhaps, AKP wanted to replicate the Libyan example because, at the time, President Erdogan was fiercely critical of President Bashar Al Assad and openly supported Syrian rebels wanting to overthrow Assad. Moreover, Northern Iraq and Northern Syria have historically been areas of contention between Turkey and the PKK (Kurdish Worker's Party). Imposing a no-fly zone and creating a safe haven in Northern Syria presented itself as an opportunity for AKP to take substantial steps to limit PKK's influence in the region. And so, President Erdogan inexplicably tied the Syrian refugee crisis with its regional plans, by claiming that 'a safe zone...could solve the [Syrian] refugee crisis' (AFP, 2016). However, these negotiations did not yield any conclusive results because while Turkey was more focused on ousting Assad, US was more focused on fighting ISIS and its anti-ISIS coalition that included PKK (Ahmad, 2015).

Since 2013, anti-refugee sentiments have been rising in Turkey. This is because of the perceived socio-economic strain caused by a large number of Syrians currently living in Turkey, further compounded by the recent economic downturn. As a result, political parties and general public has questioned the futility of AKP's Syrian refugee policy. In response, AKP has had to change its strategy towards the Syrian refugee crisis. The EU-Turkey Deal is also an evidence of this shift in Turkey's approach.

While Tsourapas only looks at the material transactions undertaken as part of the EU-Turkey deal, this research finds that in signing a migration deal with the EU Turkey exhibited refugee rentierism specifically incentivized by the idea of political rents promised in the deal (using backscratching as a strategy). For example, as compared to \$37 billion that Turkey has already spent on Syrian refugees, €6 billion offered by the EU is not that significant of an amount. Yet, under the deal EU promised Turkey more valuable inducements in the form of accelerated accession talks, visa liberalization, lifting of EU visa requirements for Turkish citizens, and granting Turkey a 'safe country' status.

Since the 1990s, EU has had substantial influence on Turkey's migration and asylum policies. As a part and parcel of the accession negotiations, Turkey has made improvements to its asylum system bringing it closer to the EU Acquis. The 2013 law, 2006 law on settlement, and the setting up of the Directorate General of Migration Management is all a part of these improvements. However, out of the €6 billion that EU promised in refugee funding, it has only delivered some 2.9 billion so far. And that too not directly to the Turkish government but to EU Facility Programs across Turkey. Furthermore, EU has delivered on none of the political/diplomatic promises made as part of the deal. As a result, Turkey has been disenfranchised by EU's approach to the Syrian refugee crisis lately – where EU has used a carrot and stick approach with Turkey. Consequently, these events have caused a loss of mistrust between EU and Turkey that has pushed Turkey further away from the EU's sphere of influence.

Lastly, as the backscratching strategy failed to yield conclusive results since 2016, Turkey has adopted an aggressive stance towards EU bolstered by international praise for its treatment of Syrian refugees. In particular, the skepticism that Turkish government has of the EU's modus operandi is becoming a main point of contention between the two – especially when it comes to migration and asylum. To illustrate, Turkish President has repeatedly threatened EU with 'opening the borders' and 'allowing millions of Syrian refugees to cross into Europe' if EU does not deliver on its promises

that it made under the EU-Turkey Deal. In doing so, Turkey has used its large refugee populations and its geostrategic location to blackmail EU into paying refugee rent (in the form of material and political benefits) to Turkey in exchange for Turkey's continued maintenance of Syrian refugees within its territory. This is in line with Gerasimos Tsourapas (2019) theory on 'refugee rentierism' as well but Tsourapas's framework lacks discussion on a few critical aspects of the Turkey-EU relation that may be able to better explain why Turkey has acted like a 'refugee rentier' state. For example, he has neither addressed the historical concerns that Turkish governments have had about becoming a 'buffer state' for the EU that might explain its aggression, nor does he include a discussion on the poor state of burden sharing within the EU especially on the topic of migration and asylum.

Overall, in the past eight years Turkey has failed to turn any of its major strategies into concrete deliverables when it comes to using Syrian refugees as a bargaining chip. For instance, by 2013 it was clear that Turkey's humanitarian diplomacy and political sentiments towards Middle East would not be reciprocated by Middle Eastern powers; by 2016 Turkey's no-fly zone negotiations with the US and Russia failed to yield any positive results; since 2016 the political privileges promised to Turkey under the EU-Turkey deal were far from materializing because of EU's criticism of AKP, more specifically President Erdogan's, domestic policies following the 2016 coup attempt; and until 2018 material rents of €3 billion from EU were also not given to Turkish government directly – instead EU distributed the funding through projects under its Facility Program. As a result, since 2018 Turkish political elites have grown disillusioned with the EU.

To conclude, this research deduces that Turkey's asylum policies have undoubtedly improved over the past 10 years. However, the impact Turkey's asylum policies have on Syrian refugees can be easily perceived. For one, not having full refugee status – as per international law – limits Syrian refugees in Turkey from accessing the entire gamut of social and legal services. It also limits the extent of international protection accorded to them against refoulement, unlawful detention, deportation, border rejection, etc.

The lack of legal status leaves Syrian refugees, and other non-European refugees, in Turkey in a constant state of uncertainty over their lives and their futures. And perhaps, most importantly, it does not allow them durable options such as integration or assimilation into Turkish society. What is clear is that in spite of the number of changes in AKP's strategic response to the Syrian refugee crisis since 2011, Turkey's policy towards Syrian refugees continues to be quite obscure. For example, on one hand, AKP is considering options to integrate and naturalize Syrian refugees, but on the other hand, AKP is also insistent on returning Syrian refugees back to Syria owing to popular public opinion.

Be that as it may, one important question that needs an immediate answer what Turkey's long-term strategy for the Syrian refugees is. As discussed in this research, Turkey has changed its approach on Syrian refugees' multiple times since 2011. Yet, it is no closer to finding a permanent solution for its refugee problem than it was eight years ago. One solution would be to integrate or naturalize Syrians by granting them refugee status. This is only possible if Turkey lifts its geographic limitation to the 1951 Convention and changes its national asylum law. However, how can Turkey lift its geographic limitation without compromising on its security, economy, and demographics or becoming a 'buffer zone' for the rejects of EU? At the same time, not lifting the geographic limitation undoubtedly means that the negative experiences of Syrian refugees are bound to repeat in the future.

The most likely venue for a backlash to this move would be public opinion. The anti-refugee sentiment is not likely to dissipate until the social and economic conditions in Turkey improve. Concurrently, AKP's politicization of refugees in Turkey has made refugees a 'high politics' issue. In such a scenario, how can Turkish policy makers and politicians align their regional ambitions with domestic politics?

But most important of all is Turkey's regional standing. Since 2015, AKP has abandoned its narrative of humanitarian diplomacy and 'Syrian Muslim guests'. Even by adopting this narrative, AKP was not only unable to form groundbreaking alliances in the Middle East but it also jeopardized its

relations with US and the EU to some extent. This brings us to the question that if Bashar Al Assad remains in power after the Syrian Civil War ends how will Turkey navigate the complex regional landscape without losing its political credibility? And if the Syrian Civil War ends in the next decade, how will Turkey effectively return 3.6 million Syrian refugees back home without facing any repercussions for its actions in the past eight years?

Undoubtedly, the fractioning of the refugee label in Turkey, domestic anti-refugee sentiments, a recent bout of refugee rentierism, combined with its recent prominence as a transit state and a gateway to the EU has made migration in Turkey a complex puzzle for future researchers and policy makers alike.

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