



## MIGRATION AND ASYLUM SYSTEM IN TURKEY

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Emphasizing the geopolitical significance of Turkey in relation to “irregular” migration, this paper discusses the rise of Turkey as a transit country. Turkey’s immigration and asylum policies present a number of important contradictions that stem from its unusual position as an original signatory to the United Nations 1951 Convention relating to the Status of Refugees, its continued commitment to the geographical limitations clause, and the more recent negotiations between the European Union (EU) and Turkey. Upholding the geographical limitations clause allows Turkish authorities to place restrictions on non-European refugees significantly limiting the rights of some refugees. Divided into five sections the paper explores the historical and legal conditions that coalesce into a complicated system for seeking asylum that lacks transparency, and creates a two-tiered system for determining refugee status.

The first section traces the legal history of the Turkish immigration system, and emphasizes the move toward a framework rooted in principles of national security. The reorganization of Turkey’s immigration laws culminated in the Law on Foreigners and International Protection (LFIP). Put into effect in 2014, the LFIP is intended to guide procedures relating to foreigners’ entrances, stays in and exits from Turkey. It is the first domestic law to address asylum, as well as the first comprehensive law covering many different aspects of the immigration system including the categorization of the immigrants, and the creation of an executive-branch agency devoted exclusively to migration management. In this sense, the LFIP reflects a centralization of authority as it pertains to immigration and asylum.

The second section begins to evaluate the geographical and social historical conditions that underpin Turkey as a transit country. The term transit country is used to illustrate the phenomenon where migrants arrive in one country with the intention of immigrating to a third country. Although the intention of transit migration is the same for all asylum seekers, the experience of particular ethnic groups of migrants varies. For example, in the late 1980s Bulgarian Turks fleeing Bulgaria were provided with a pathway to Turkish citizenship, while Kurds fleeing Iraq were housed in refugee camps inside Iraq near the Turkish border. With the more recent intensification of militarized conflict in the Middle East, Turkey’s role as a transit country has become interwoven with its objective of gaining EU membership. Due to its

geographical location Turkey has been charged with the objective of providing a secure border to Europe.

The final three sections consider the conditions faced by refugees and asylum seekers from three vantage points: The refugee status determination process, key organizations and institutions, and the implications of EU membership for asylum seekers living in Turkey. The overarching analysis argues that the resettlement process is fraught with uncertainties that are generally the consequence of bureaucratic technicalities, and the continued use of refugees as a bargaining chip in EU negotiations. For refugees living with uncertainty can cause distress, and the failure of the Turkish authorities to provide clear information has left nongovernment organizations to fill in the gaps.

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