

TURKISH IMMIGRATION POLICIES: CHALLENGES END RESPONSES

Prof. Dr. Abduljabbar I. ABDULAL*

ABSTRACT

With the beginnings of the 1980's, Turkey began to transform from a country of emigration exporting labours into a country of immigration receiving refugees and other categories of immigrants. This fact does not mean that Turkey had never experienced immigration before that time, but the nature of the regulations related to immigration and asylum in the early republican era from 1923 to 1950 - as a part of the nation building process -was based on the principle of receiving and giving asylum or even nationality to those who are from Turkish descent. Gradually, Turkish policies towards immigration developed according to two factors; first, the process of Turkey's accession to the European Union, and second, the huge influxes of refugees from Syria and Iraq particularly - in addition to other nationalities - in recent years. However, in responding to these challenges, Turkey conducted an overhaul of its migration system Highlighting landmarks new immigration policy, but these policies still suffer from linking with the old policies.

Keywords: Immigration, emigration, international migration, immigration policies.

Jel Codes: F22, K37

1. INTRODUCTION

The international migration is multi - faceted concept comprises, basically immigration and emigration. This article is focusing on the management of immigration in Turkey and the related topics such as irregular or regular immigration, refugees, asylum seekers, integration, trafficking and smuggling. Actually, along its history, Turkey had no sustainable migration policies except regulations and few acts concern limited topics of migration; but recently, with growing of immigration, Turkey began to take steps to legalize these migratory movements. The phenomenon of immigration happened gradually, and caused a transformation to Turkey from being emigration of into immigration country when immigration flows started with the 1980's as a result to set of events had taken place in the region and continued up to the present time where huge influxes crossed into Turkey, from Syria and Iraq in particular, that led Turkey to conduct a re- consideration of its migration policy, particularly, the immigration one especially the country became hosts over 2 million of refugees. At the same time, Turkey was already engaged in a processes of reviewing and re - evaluating its regulations in respect of immigration and asylum in order to align with conditions and requirements of the EU for the purpose of accession to the first.

This article an attempt to pursue the forming of the Turkish immigration policies through addressing their main topics and challenges confront them and what are the outputs of these policies as responses to these challenges in order to reach, at last, to assessment to these policies.

* Al-Mustansiriya University in Iraq – Faculty of Political Sciences – Department of Political Systems and Public Policies.E-mail: abduljabbaral@yahoo.com

2. BACKGROUND: TURKEY; FROM EMIGRATION TO IMMIGRATION

Along its history, Turkey has been affected through diverse sorts of migratory movements and refugee flows. Either before the collapse of the Ottoman Empire or after the establishment of Turkish Republic, Turkey had witnessed huge migratory movements represented in rising of nationalism resulted from a long-term exodus of Muslim communities from the Balkans to Anatolia as well as an exodus of Christian communities in the other direction. (Hecker, 2006)

In order to know how the migratory movements developed in Turkey, we should understand that the stock of the population of the country in the 1920s stood at around 13 million. The population had been declined by massive deaths caused by a series of external and internal conflicts; such as the Balkan wars of 1912-1913, World War I and the Greco-Turkish War of 1919-1922. "This was aggravated by massive forced migrations and deaths of Armenians, Greeks, and Muslims." as Kemal Kirişçi cited. (Kirişçi, 2003) On the ground of these concerns, Turkish authorities allowed many of ethnic groups to inter and settle in the country. (Kirişçi, 2003) In the post-Second World War, Turkey has been a country of emigration with large numbers of its citizens migrating to Western Europe since the 1960s, peaked in the early 1970s, according to bilateral agreements with some of Europeans countries. Most of these migrants were directed into Germany, and in spite of expectations, remained there and settled with their families. (IOM :2008) Turkish authorities encouraged the emigration of workers to Western Europe in order to ease pressure on the national labour market, and on this base, labour migrants were recruited and registered through the national Turkish Employment Service. (Hecker, 2006)

Later, Europe's oil recession in the 1970s redirected the flow of the Turkish emigration. Western European countries halted the recruitment of non-EC labour migrants, but mostly granted those already working and living in their territories permanent residence permits and the right to family reunification (Hecker, 2006), this is why the Turkish migrants labour force was redirected into the Middle East. In the 1990s to the Russian Federation and Commonwealth of Independent States. (IOM, 2008) Beside these migratory movements, Turkey encountered the immigration of ethnic Turks from Bulgaria in the late 1980s. (Toksöz, et al.2012:85) However, the emigration continued until recent times through family reunification and asylum seeking. (Kirişçi, 2003)

In fact, when we reproach the issue of migration in Turkey from the beginnings of the republican era in 1920s up to the mid-1990s, we can find a type of overlapping. While Turkey was considered as a migrant-sending country, It was also a "migrant-receiving country". "What is less well known is that Turkey has long been a country of immigration and asylum" as Kemal Kirişçi cited. (Kirişçi, 2003) Immigration in Turkey could be sorted, according to Brigitte Suter, into "old" and "new" immigration: "The "old" immigration addressed the movement of "Ottoman", "Muslim" or "Turkish" groups into the country and basically included persons that voluntarily or forcefully migrated to Turkey in the aftermath of the fall of the Ottoman Empire" (Suter, 2013: 5). From 1923 to 1997, more than 1.6 million people immigrated to Turkey, mostly from Balkan countries. (Kirişçi, 2003) During this period, The first large influx into Turkey occurred during the Second World War when asylum seekers from Greece, Bulgaria and the Dodecanese islands arrived searching for a temporary asylum, even European Jews also came to Turkey either seeking temporary asylum or as part of their journey to Palestine. (Mannaert, 2003:2)

With this level of migration, Turkey since the end of 1970s has experienced the migration of transit migrants, irregular migrant workers (mostly from the former USSR and Eastern European countries), asylum-seekers and refugees (from Afghanistan, Iran, Iraq and various

other Asian and African countries). (İçduygu, et al. 2013) But from 1980 onwards a fundamental changes in the characteristics of immigrants had happened in Turkey, led to the transformation of Turkey into a country of immigration and transit, while emigration continued. Arrival of Iranian asylum seekers fleeing from the Iranian Revolution in 1979 was an evidence for changing immigration dynamics in Turkey. (Korfali, et al., 2014: 30)

However, in the early 21st century, the situation was quite different. Several external and internal developments have shaped Turkey's experience with immigration in the post- Cold War era. Globalization has been clearly a major external force behind Turkey to become a "migration transition" country. (İçduygu and Aksel, 2013) So, Turkey has also become known as a country of transit to the European Union for irregular migrants from Asian countries such as Afghanistan, Bangladesh, Iraq, Iran, and Pakistan. (Kirişçi, 2003) An important sign to the change in the nature of migration in Turkey that It was- in 2010- transformed from being a country of emigration into a country of immigration. For the first time - since the beginning of extensive migration from Turkey to Europe before fifty years - the number of migrants to Turkey exceeded that of the number of migrants from Turkey. Added to this is, an increase in the number of returnees. (İçduygu, *et al*, 2013)

3. THE CHALLENGES OF IMMIGRATION IN TURKEY

3.1. The Immigration Inflows

Since the 1990s, Turkey has been facing new population flows, namely "irregular" migration movements, whose features have been markedly different from former experiences. (Erder and Kaşka, 2012: 115) But in 2010- for the first time, since the beginning of extensive migration from Turkey to Europe before fifty years -the number of migrants to Turkey exceeds that of the number of migrants from Turkey. Added to this is, an increase in the number of returnees. (İçduygu, *et al*, 2013)

What are the reasons which stand behind these inflows? In fact, there were some reasons ranging from political, economic and humanitarian ones. For the political reasons, it can be referred to the influx of Iranians after the Iranian Revolution in 1979, and most of them were transit migrants.

In terms of the economic reasons, in addition to the movements of economically motivated migrants from the Soviet Republics, Turkish nationals at abroad and foreign nationals alike have been drawn to Turkey by favourable economic conditions. The Turkish European Foundation for Education and Scientific Studies found that between 2007-11, nearly 200,000 Germans of Turkish heritage "returned" to Turkey, often to pursue economic opportunities. (Kilberg, 2014) This "attraction", actually, has begun with the first Turgut Ozal government (1983-1987), the beginnings of economic transformations in Turkey.

For humanitarian reasons, there were some flows from Bulgaria and Iraq since 1990s, but the biggest one was the Syrian inflows. The Syrian crisis has led to a significant increase in the number of Syrian refugees in Turkey since 2011. According to UNHCR in 2015, the total number has reached to 2,181,293. About 259,498 of them live in the camps located in 10 south-eastern provinces of Turkey while 1,921,795 are living outside camps. (see table 2) (UNHCR, 2015 c) Another estimated number of 700 000 Syrian refugees live mostly in south-eastern provinces of Turkey as well as in Istanbul and Izmir. (European Commission, 2014 b)

Table 1: Syrian refugees (2014 – 2015)

Syrian refugees	2014	2015
Registered Syrian refugees outside camps	838,086	1,921,795
Registered Syrian refugees in camps	222,193	259,498
Total	1060.279	2,181,293

Source: (UNHCR, 2015 c)

Table 2: Refugees and asylum seekers in Turkey (all nationalities except Syrians)

Nationality	Refugees	Asylum seekers	All
Iraq	22,566	93,651	116,217
Afghanistan	4,123	79,431	83,554
Iran	4,835	17,893	22,728
Somalia	2,384	1,692	4,076
Other nationalities	2,210	7,967	10,177
Total	36,118	200,634	236,752

Source: (UNHCR, 2015 c)

In the second position of the immigration stock are the Iraqi refugees whose their number is swaying between rising and falling according to the security situation in Iraq month by month and to most of them who are registered in the Association for Solidarity with Asylum-Seekers and Migrants (ASAM) are transit immigrants waiting opportunities to flee into Western Europe by trafficking or waiting for resettling them in a third country. For instance, the number of Iraqi new arrivals approaching ASAM reached 11,871 in July 2014 as a result of the deteriorating security situation in Iraq. This number dropped to an average of 5,000 Iraqi individuals per month for the last four months of the year (UNHCR, 2015 b), currently, the total number has reached to 116,217 in 2015. (see-Table 2)

As a result, while Afghans and Iranians were occupying the first two positions in the list of refugees in Turkey, the Syrians since 2012, especially with 2014 began to become in the first position, then respectively, Iraqis, Afghans, Iranians, Somalis and other foreign nationals to be the total number of the refugees in Turkey at the last quarter of 2015 about (2.418.045). (see-table 1 and table 2)

Through all these inflows, especially in the 2000s, one can observe four different categories of immigration in Turkey: irregular labour migrants - transit migrants - asylum seekers and refugees, and regular migrants. Interestingly, these categories imply some details and definitions; the irregular migrants are those who either use Turkey as a transit state to cross into a third country, or those who stay or work in the country without the necessary permits. Asylum seekers and refugees are considered in parallel with irregular migrants due to their entry to Turkey, which is often made through irregular border crossing. Regular migrants are comprised of the immigrants and their family members who arrive in Turkey for employment, education, settlement or long-term residence and recreational purposes. (İçduygu, and Aksel, 2013)

3.2. Irregular Migration

Overall, irregular migration is not easy concept, nowadays, “irregular migration from the regional countries has become a new challenge to both researchers and policy-makers in Turkey as for other countries around the globe”. (Erder, and Kaşka. 2012:115) Illegal or

irregular migration can be defined as it is “migration movements which are not consistent with the regulations and laws of transit and hosting countries” (İçli, et al. 2015), or it is a “movement that takes place outside the regulatory norms of the sending, transit and receiving countries”. (Kadir , et al, 2008: 81) This is represented in some cases like;

A person crosses an international boundary without a valid passport or travel document or does not fulfill the administrative requirements for leaving the country. There are some cases comes under the topic of Irregular migration such as; smuggling of migrants and trafficking in persons. (Kadir, et al. 2008: 81)

Turkey has experienced all these types of irregular migration comprised three types of migrants (our concentration will be on immigration) : refugees and asylum seekers, transit migrants and clandestine laborers. likewise, well-organized human smuggling and trafficking networks also play a role in sustaining irregular migration. The geographical position of Turkey as a country with 7,200 kilometers of coastline that borders eight other states, combined with its relatively loose visa policy, made it a major destination and transit country for irregular migration flows. (Hecker : 2006)

Most of irregular migrants transiting through Turkey trying almost to reach the Western European countries as their final destination: Germany, the United Kingdom, the Netherlands and other. As for those who are travelling by land, they tend to follow two main routes: (a) Iran, Iraq or Syria – Turkey – Bulgaria or Greece – the Balkans – Italy – Western Europe or (b) Iran, Iraq or Syria – Turkey – Bulgaria – Romania – Hungary – Austria – the Czech Republic – Slovakia – Germany. Another frequently used route is from Turkey’s Mediterranean or Aegean coast aboard smuggler ships heading for Greece, Italy or Southern France. Finally, some of migrants have also used air routes either direct from Turkish airports to the country of destination. (Mannaert, 2003:6) However, all these issues mentioned above, created need to control over the border from the side of Turkish authorities that would be elaborated in other place.

3.3. Asylum in Turkey

Asylum seekers and refugees, as pointed earlier, are considered in parallel with irregular migrants due to their entry or stay in Turkey is often made through irregular border crossing. (İçduygu and Aksel, 2013)

Practically, asylum is one of the more controversial issues in Turkey, precisely, in respect of its relationship with the European Union. Although Turkey has its own historical system concerns asylum which so- called (geographical limitation), asylum still represents a challenge for it, particularly, with the immigration influxes occurred in the few past years.

Accordingly, the majority of refugees in Turkey are not allowed to apply for asylum to the Turkish authorities. The refugee status determination process for the vast majority of asylum seekers, originating from non-European countries, falls under the mandate of the UNHCR. (Suter, 2013: 6) Thus, most of them are applying as asylum seekers to this agency, but they have to wait, may be for years, while the United Nations refugee agency tries to resettle them in other countries. This was due to the (geographical limitation). Although Turkey is one of the original signatories to the 1951 Convention and its 1967 Additional Protocol relating to the Status of Refugees, unlike the majority of signatory countries, it maintains a geographical limitation, according to this limitation, refugee status is given only to individuals from European countries. As a result, asylum seekers from non-European countries are expected to be resettled elsewhere or returned to their country of origin. (Kilberg, 2014)

Before 1994, the UNHCR was the main responsible agency for receiving asylum applications. Following the implementation of the new regulation in 1994, a so-called two-tiered system was created, which has non-European asylum seekers to file two asylum claims; one with the UNHCR and one with the Turkish government by Ministry of Interior which it determines the 'temporary asylum', i.e. a temporary residence permit valid for the period of time it takes for the UNHCR to determine the status. (Suter, 2013: 13-14)

As a result, Turkey gave the huge numbers of Syrian refugees a temporary protection, as an emergency humanitarian situation. Notably, within the context of "temporary protection", Syrian nationals and stateless Palestinians from Syria covered under this regime are not registered by UNHCR Turkey except for a very small number. (ECRE, 2015: 10)

Prior to the Syrian war, very few Syrians sought refuge in Turkey while Statistics refer that between 1995 and 2013 there were only 635 asylum applications from Syrian nationals, as compared to more than 48,000 Iranians, 24,000 Iraqis and almost 29,000 Afghans. This was changed dramatically after April 2011, when the Syrian refugees began to cross the border into Turkey. (Kirisici, 2014: 11)

In 2014, Turkey also witnessed an unprecedented increase in asylum applications from Afghans, Iraqis and Iranians. Deteriorating security in Iraq saw a sudden increase in Iraqi refugees and the continuing of the Syrian crisis changed the anticipations of UNHCR about the number of refugees and asylum-seekers in Turkey in 2015 due to the surges inflows of the refugees. (UNHCR, 2015 a) (see: table 1 and Table 2)

However, a great part of these numbers are taking Turkey as a transit country either in waiting to resettle them in a third country or flee to Europe, and this is, in turn, would flourish the trafficking and smuggling.

3.4. Trafficking and Smuggling in Turkey

One of the faces of migration, or rather, immigration crises in Turkey are human trafficking and human smuggling. The two were flourished with wide range of irregular movements.

Human trafficking can be defined as "the recruitment, abduction, transportation and transfer of persons, by means of the threat or use of force/coercion or of the abuse of power or of deception, for purposes of sexual and labour exploitation and of organ removal, it is regarded as a kind of slavery and beings is frequently confused with human smuggling". (Republic of Turkey, Ministry of Foreign Affairs: 2015)

Actually, due to its important location and its position as a transit point between the east and the west, Turkey became one of the most important countries dealing with such phenomena. Perhaps, a report issued from the U.S. Department of State on trafficking could give a clear image the situation : "Turkey is a destination and transit country, and to a lesser extent source country, for women, men, and children subjected to sex trafficking and forced labour. Trafficking victims in Turkey are primarily from Central and South Asia, Eastern Europe, Syria, and Morocco. In previous years, Georgian men and women have been subjected to forced labour. Foreign victims are offered cleaning and childcare jobs in Turkey and, upon arrival, traffickers force them into prostitution in hotels". (U.S. Department of State: 2015)

The other face of the phenomenon is human smuggling which is to assist for profit purposes. According to the Turkish Ministry of Foreign Affairs, human smuggling is "persons who do not possess a permanent residence in Turkey to enter and reside illegally and Turkish nationals to exit the country illegally", (Republic of Turkey, Ministry of Foreign Affairs: 2015), nevertheless, Studies about smuggling still not easy in Turkey. One

of these studies, for instance, that of IOM on irregular migration says; “ the present study did not arrive at the conclusion that people smuggling was either similar or even closely linked to drugs and arms smuggling organizations, whose structures and methods of operation appear more centralized and hierarchical compared to people smuggling.. smugglers run their operations very efficiently with the help of modern communication technology, which enables them to interact swiftly and to exchange information globally, without a trace ”. (Içduygu: 2003: 55)

However, according to information gathered by Turkish researchers, migrant smugglers in Turkey could be defined as mostly Turkish, dangerous, physically violent, rude and aggressive in behaviour and migrant smugglers earn an average of \$7107 per migrant. (İçli, et al. : 2015) The EU’s border agency(Frontex) argues that smugglers are probably business opportunists operating out of south-east Turkey and not part of any larger human trafficking network. (The guardian, 2015 a)

4. REFLECTIONS OF IMMIGRATION IN TURKEY

In light of existence of a huge bulk of immigration in Turkey, the inflows should be affected on the social, economic, political and even security aspects in Turkey. Here, we try to highlight these effects.

Socially, Turkey gradually, became a country of destination for regular immigration and, in the same time, it remained a notable transit and destination country for irregular migration (Genckaya, et al.: 2015:18), while It was (and still up to now) a relatively closed society, not only in respect of accepting immigrants, but also for allowing long-term residence or work permits to foreigners. (Erder and Kaşka, 2012: 117)

The modern Turkish state were also concerned about creating a homogenous sense of national identity and encouraging to accept immigrants who were either Muslim Turkish speakers or who were officially considered to belong to ethnic groups that would easily melt into a Turkish identity such as Albanians, Bosnians, Circassians, Pomaks, and Tatars from the Balkans. (Kirişçi: 2003)

With the beginning of 1920s, as part of the efforts to build a strong national identity, immigration was encouraged and citizenship granted to foreign nationals of Turkish descent or culture and other specified Muslim communities living outside of Turkey. These migrants were relatively easy to assimilate, since many already spoke Turkish, practiced the same religion, and had familial ties in the region. This was stem from keeping society to be more homogeneous, but in recent decades, flows have been more diverse and came from farther ways including Bulgaria, Germany, Greece, Macedonia, and Romania which led to more heterogeneous population and raised integration concerns. Estimations refer to 2 percent of Turkey’s population in 2013 were foreign born, representing nearly 1.9 million people. (Kilberg: 2014)

In recent years, with the huge influx of immigrants, Syrians particularly, the presence of large numbers of refugees is having important social consequences particularly in the border provinces. Some of Turkish experts believe that there are social differences causing social tension. One of these difference is that Turkish civil law does not allow for multiple wives and child marriages that exists inside the Syrian refugee community. (Kirisçi, 2014: 29) Hence, the question of integration for the immigrants began to be imposed in the debate of immigration in Turkey.

In a questionnaire study prepared by the German Marshall Fund in 2015, it seemed that the Majority of Turks are concerned about refugees from various home regions, but particularly with those coming from Syria. An overwhelming majority of 84% said that they were worried by refugees coming from Syria; only 14% said they were not. A similarly overwhelming majority of 81% of respondents thought that immigrants have not integrated well into Turkish society; only 15% said they actually do integrate well. (The German Marshall Fund, 2015:11-12) This will, inevitably, reflect on the nature of the policies that deal with the issue of integration of the immigrants in Turkey.

Economically, a report prepared by the Center for Middle Eastern Strategic Studies (ORSAM) and the Turkish Economic and Social Studies Foundation (TESEV) refers that the inflow of the refugees has also had economic effects. "There has been an increase in rental prices and, as a result, it is often difficult to find affordable rental spaces. There has also been an increase in inflation in border cities, and hiring illegal workers is spreading, especially among small businesses". (Hurriyet, 2015) Furthermore, the tendencies of a great deal of irregular migrants transformed to be labor migrants inside Turkey. But in spite of this negative vision, there exists another positive one when we know that the presence of those refugees might add a benign dynamic to the Turkish economy where cheap labor or investing capitals by some immigrants, Syrians and Iraqis in particular.

Politically, immigration - especially current inflows - embarked political arguments whether in respect of political debate on the appropriate policy or management for the immigration or on the level of reflections on the immigrants presence in certain places in Turkey. On the level of Turkish political parties, although no party, particularly in the opposition, adopted rejection of immigrants presence in Turkey publicly, but there were some criticism by individuals directing to the ruling party the *Justice and Development Party* JDP for the "open door" policy and its facilitation policies towards immigrants, Syrians in particular, and exposing Turkish society to the dangers of heterogeneity, within a mutual propaganda campaigns.

Within the same context of political sensitivities, some of ethnic minorities think that the way of Turkish government's handling could complicate minority-majority relations and this may raise serious concerns. Such phenomena occurred in some places in Turkey. For example, In the province of Hatay, where an important considerable minority of Alevis, it was a resentment of presence of Syrian Sunni refugees in their midst and have regarded a conspiracy on the part of the government to change the demographic balance in the region. (Kirisci: 2014: 30)

In terms of security, with the huge influx from conflict areas like Syria, there must be effects on security inside or, rather, in the security of Turkey's borders. One of the consequences of the "open door" policy is that the Syrian-Turkish border is not secure. However, news and reports tell that Turkey's security suffers from shortcomings along its borders with Iraq and Syria, particularly in the latter's border, (U.S News, 2014); moreover, beside civilians and refugees, there are also fighters and weapons that move in and out of Turkey as well as refugee camps. These camps reportedly are used for rest as well as recruitment (Kirisci: 2014: 30 - 31). However, reports mention that The biggest concern among people living close to Turkey's southern borders is their perceived vulnerability to terrorist attacks". (Hurriyet, 2015) This was evidenced by the aggressions of Islamic State ISIS in several Turkish cities. Furthermore, a study collects data in Istanbul for eighteen months found that migrant smugglers are cooperating with both crime organizations and terrorist groups. (İçli, et al. : 2015) Other Study stated that terrorist groups in Turkey are in close cooperation with migrant smuggling organizations and that

migrants are forced to be a member of the terrorist groups to increase financial support. (İçli, et al. : 2015)

5. EU REQUIREMENTS

Since 1990's, (EU) requirements were the most important factors affect the formation or shaping the Turkish immigration policies so that the expressions like (Europeanization and harmonization) were more common to express Turkey's alignment with the EU requirements.

In fact, irregular migration is a particular concern for European countries, due to they became major targets of migrant flows since the end of 1990s. The increasing migration pressures driven by economic , political , social causes, moreover, political turmoil have affected those countries of destination and, also, the countries that shared their borders. Turkey's position as both a transit and destination country for the immigrants who were in search for better economic and social conditions became ever more apparent. For this, it was expected from the part of Turkey to improve its migration management policies, including tighter border security and greater coordination of migration practices across government agencies. (Kilberg,2014) As a result of its increasing role within the migration systems and its candidacy to the European Union, Turkey attempted to do more efforts in order to develop the management of migration and asylum. (Içduygu and Aksel, 2012: 63) Thus, the migration has become central issue to EU-Turkish relations. The efforts in this respect shaped the migration issues in Turkey so that can become a member of the European Union (EU), thereby, this was creating pressures for an overhaul of its immigration and asylum policies. This is because the alignment of Turkey's migration policy and practice with the EU migration *acquis* and policies is one of the conditions for the country's accession to the EU. (IOM, 2008)

The EU membership negotiations, which were formally opened on 3 October 2005 has been preceded by other primary ones. After years of negotiation, Turkey, in December 1999, became on the list of candidates for accession to the European Union. Nevertheless, Turkey faces a difficult challenge of meeting EU requirements in related to economic and political development, human rights protection and, particularly, asylum and migration policy.(Mannaert, 2003: 1)

However, the adoption of the EU asylum *acquis* is meaning principal developments and changes comprise; upgrading the domestic asylum system in line with the EU protection standards through adoption of the EU norms and standards, as well as, policy formation and implementation in line with the EU standards: institutional, infrastructural and structural building. (Baklacioglu,2009) This dose mean, developing asylum legislation , that is, developing national asylum legislation that reflects EU and international standards through practical measures, such as establishing reception centers, creating protection mechanisms and developing a national integration programme and signing readmission agreements with third countries and lifting the (geographical limitation) to the 1951 Refugee Convention.(Hecker, 2006) This limitation which prevent refugees from non European countries to seek long-term relief in Turkey. Furthermore, EU Emphasizes - within what so- called integrated border management IBM adopted by EU in 2001 - that Turkey should develop its border management through intra and inter-institutional reforming for the institutions which are responsible for border management. (Sert,, 2013: 178)

With all these pressures, Turkish officials, in turn, fear a situation where they may actually choose to cooperate with the EU in harmonizing their immigration and asylum policies,

without this revision leading to actual membership. Many officials believe that Turkey's security would be fundamentally undermined if Turkey were to adopt the *acquis* without membership. From their side, Europeans should fear, also, that their security would be at stake due to the influx of irregular immigration that may have stem from Turkey. However, a re-codification of laws on asylum and foreigners is required to establish a more effective legislative framework to deal with the actual phenomenon of immigration.(Korfali, et al. 2014: 40) In short, to align with its requirements, EU wants Turkey to do certain tasks such as fight irregular migration, extension of border control and security.

6. THE DEVELOPMENT OF IMMIGRATION POLICIES

6.1. Regulating Immigration:

Some migration experts suggest that there are two types of states with respect to regulating migration: a state that follows relatively open door policies and extracts advantages from immigration, and a state that builds walls around itself and restricts immigration. According these suggestions, they wonder about which of these states will Turkey resemble? However, it is likely that Turkey will be caught between pressures in both directions and, therefore, it will remain relatively closed to formal immigration. (Icduygu and Aksel, 2013)

Historically, Turkey was not officially a country of immigration. This led, in turn, to lacks a coherent, systematic legislation on immigration to respond to the migratory movements. After a long period of indifference between 1934 and 1994, Laws and regulations concerning immigration have been reshaped, though in a jeopardized fashion. 1994-2001 was a period of reaction, particularly in terms of asylum. From 2001 onwards, the EU accession process has been the major attention leading to hot debates on the transformations of immigration policies in Turkey.(Korfali, et al. : 2014: 34)

In the same context, experts put inquires about the possibility of these transformations to confront or response to the following questions:

How will the government treat demands from descendents of former non-Muslim Turkish citizens to immigrate and settle in Turkey? Similarly, what will be the position of Turkey in the face of foreign individuals who may wish to immigrate on the grounds of family connections, even if they are not of "Turkish descent and culture"? What will happen to those Kurds or descendents thereof who may have left willingly or unwillingly in the past and want to return and resettle in Turkey? If and when Turkey lifts the geographical limitation to the 1951 Geneva Convention, will there considered refugees have the right to "integrate" to Turkey and be allowed to become citizens? Finally, How will Turkey, as a state, manage immigration against the backdrop of its domestic pull and push factors accompanying globalization? (Icduygu and Damla B. Aksel: 2013) All these enquires put the policy makers in front of real challenges that they should response to.

6.2. Conventional and New Policy

As a basic rule, a comprehensive migration policy has never been developed due to conventional Turkish migration policy has, for the most part, been shaped by "ad hoc" or temporary rules and practices, influenced by changing daily political or economic concerns.(Erder and Kaşka, 2012:117) (e.g. Law 2510/1934 Settlement Act (1934) - Law 5683/1950 related to Residence and Travels of Foreign Subjects (1950).).

Generally, we can say that “conventional” Turkish migration policy was based on two migratory tendencies. The first was related to immigration and the other was for emigration. The first one was at 1930s, during a nation-building period, to allow admission only for the Turkish and Muslim communities who steadily fled to Turkey from Balkans and to control immigration from other countries. The second one was during 1960s for “exporting labour” to Europe, which was mitigated the restricted border policy.(Erder and Kaşka, 2012:117) Later, Turkish migration policy was modified after some events, for example : Soviet Union’s invasion in Afghanistan and Afghan immigration, the First Persian Gulf War between Iran and Iraq (1980-1988), the end of the Cold War and immigration from post-Soviet territories, the expulsion of Turks from Bulgaria (1989) and finally, the Gulf War and mass immigration of Kurdish populations (1991). Regulations, accordingly, have been issued to treat the consequences of these inflows. In this respect we can refer to the Regulation No. 6169/1994 on the procedures and Principles related to possible population movements and aliens arriving in Turkey either as individuals or in groups wishing to seek asylum either from Turkey or requesting residence permission in order to seek asylum from another country (1994), and also (Law 4112/1995 Act on Amendments).(Icduygu and Aksel, 2013) In the 2000s, The reforms have brought about more effective and efficient solutions in responding to the challenges of migration issues. For instance, in 2002, new legislative revisions concerning the Citizenship Law had positive implications for combating irregular migration and protecting immigrants’ rights. (Elitok, S.P. 2013: 169)

6.3. Harmonization “Europeanization” of Migration

As a response to the challenges and in order to harmonize Turkish legislation with the EU requirements, there has been a development represented in a comprehensive processes of what is so - called (re -codification) of Turkish policies towards migration , this is why many experts call for a such processes especially that the “re-codification” of laws on asylum and foreigners is required to establish a more effective legislative framework to deal with the actual phenomenon of immigration after Turkey became a “target” country for irregular and mass migration..(Korfali, et al. 2014: 40)

In fact, the main motivation in this trend was to meet the requirements of the European Union that the latter put as conditions before Turkey’s accession to the EU. In the run-up to the EU membership negotiations, which were formally opened on 3 October 2005. Interestingly, in December 1999, after years of negotiation, European Council concluded in Helsinki put Turkey in the list of candidates for accession to the EU. The accession was conditioned with a package of European requirements such as economic and political development, human rights protection as well as an asylum and migration policy. (Mannaert, 2003: 1) Since then, Turkey came under pressure to reform its legislative system and control irregular migration flows. However, three main issues Turkish government should evolve during the accession process (Hecker, 2006):

developing asylum legislation.

signing readmission agreements with third countries.

lifting the geographical limitation to the 1951 Refugee Convention.

As far as asylum and migration policy are concerned, in the 2000s, it can be observed that several laws issued in this respect such as: Law on the Work Permit for Foreigners No. 4817 (2003), Turkish National Action Plan for Asylum and Migration (2005), Law 5543/2006 on Settlement (2006), Law 5901/2009 Turkish Citizenship Law (2009), and finally, Law 6458/2013 on Foreigners and International Protection (2013). (Icduygu and Aksel, 2013) The most important legislation at that period was the *Turkish National Action*

Plan for Asylum and Migration (2005) due to it came to pave the way to the negotiations for EU membership which started in the same year. The *Action Plan* adopted by the government in March of 2005 which comprised tasks and the timetable Turkey intends to follow in order to develop a national determination system, lift the geographical limitation and adopt EU directives on asylum and migration. But it seems, some suspicious and fears from the side of Turks once Ahmet İçduygu and Damla B.Aksel expressed: “ However, the uncertainty over Turkey’s membership prospects is discouraging officials from advising the government to make these changes too precipitously. Furthermore, there is a deep-seated concern that Turkey may become a “buffer zone” or a kind of a “dumping ground” (Icduygu and Aksel: 2013)

Practically, Turkey was working to create a more secure border management system and has undertaken various harmonization efforts with the EU and the international community. For example: Turkish authorities have taken various steps by establishing penalties for human trafficking and smuggling to align with the *acquis* in the field of Justice and Home Affairs by controlling the migration flows to Turkey through improved border control mechanisms and making its visa types and descriptions more similar to EU visas. (Korfali, et al. 2014: 34) However, the most important legislation, up to now, is the *Law on Foreigners and International Protection* adopted In April 2013 by the Turkish Parliament which is considered as a significant step toward managing both legal and irregular immigration to Turkey, including humanitarian migration.(Kilberg:2014)

6.4. The Law on Foreigners and International Protection:

Turkish Parliament adopted the Law on Foreigners and International Protection (Yabancılar ve Uluslararası Koruma Kanunu) and the law took effect in April 2014. Officially, the purpose of the law as it is cited in article 1 from the law (Republic Of Turkey, Ministry Of Interior: 2014: 1) :

The purpose of this Law is to determine the procedures and principles with regard to the foreigners’ entry into, stay in and exit from Turkey and with regard to the scope and implementation of protection to be provided to persons who apply for protection in Turkey; and to determine the establishment, duty, authority and responsibilities of the Directorate General of Migration Management under the Ministry of Interior.

One can realize that the law was as a reaction to the EU and international pressures especially if we knew that the preparations for this law were began since 2008 due to the report from Human Rights Watch which strongly criticized Turkey for the poor treatment of irregular migrants and the serious difficulties that asylum seekers faced in accessing a refugee status determination system. (Kirisci: 2014: 9) Also, there seems a need, internally, to change the conventional rules in dealing with variables of migration where as “immigration issues in Turkey could no longer be managed with laws and administrative arrangements dating from the early 1950s. In those times there were just about 35,000 foreign nationals visiting Turkey annually compared to more than 30 million in 2012.” As Kamil Kirisci cited. The law, he also sees, created a determination system gives asylum seekers the right to access to asylum as well as judicial appeal procedures. It also defines the rights that asylum seekers and recognized refugees will enjoy with respect to access to public services including employment. (Kirisci , 2014: 9)

However, the new law defines six types of residence permits: short-term, long-term, family, student, humanitarian, and for victims of human trafficking. Foreigners now have 90 days rather than 30 to apply for a residence permit after arrival. (Kilberg , 2014)

The new Law, in fact, combined the two previous separate laws, the Law on Aliens and the Law on Asylum. This law introduced some remarkable reforms that provide Turkey with “a modern, efficient and fair management system”. And, in the context of responding to the requirements to adopt international and European standards, Turkey has taken steps towards integrating immigrants into the country and treating asylum seekers and irregular migrants according to international norms. (Icduygu and Aksel , 2013)

Structurally, a substantial change introduced by the law is the centralization of migration policy development within a newly created General Directorate for Migration Management (GDMM). The GDMM officially took on responsibility for implementing the law instead of the Security General Directorate which was responsible for the issues of migration. The GDMM’s responsibilities are wide ranging. They include developing new legislation and strategies, coordinating and managing multiagency efforts to combat irregular migration, standardizing practices, registering and determining status of potential refugees, and ensuring protection for victims of human trafficking, stateless persons, and those who receive temporary protection.(Kilberg , 2014) In addition, there are various state bodies responsible of policies concerning immigration, for example; Department of Foreigners, Border and Asylum under Directorate of General Security of Ministry of Interior, Deputy Directorate General for Migration, Asylum and Visa under Ministry of Foreign Affairs..(Korfali,.et al, 2014: 34)

Interestingly, the Syrian immigration influx took place at a time when Turkey was also established the General Directorate of Migration Management (GDMM) which will be responsible for implementing a new immigration law that addresses both individual and *en masse* asylum. “*En masse*” asylum refers to cases where very large numbers of refugees cross borders as a result of massive violations of human rights and widespread violence while the case of individual asylum seekers refers to situations in which persons facing persecution flee their countries of origin and seek refuge in another country”. (Kirisici, 2014:13) This development was regarded, by some Turkish experts, as “ an effort to move towards a new policy that is more human and rights-based, where civil initiatives are prioritized and security oriented attitudes are partially abandoned”. (Erdoğan , 2014)

However, while Turkey still maintains the geographical limitation to the 1951 Convention, “the law provides protection and assistance for asylum-seekers and refugees, regardless of their country of origin” as the UN Refugee Agency (UNHCR) stated.(UNHCR, 2015 a)

7. THE OUTPUTS OF NEW POLICIES

While asylum seeking in Turkey still static due to maintenance the geographical limitation, other topics of migration policies were evolved such as visa, border management and integration.

7.1. Visa Liberalization

Within the context of Europeanization and internal dynamics of the country, other major policy developments represented in (visa liberalization). “When Turkey’s visa policy is discussed, the so-called liberal visa regime elaborated above becomes the centre of debate.” (Açıkgöz, 2015: 105)

The Europeanization or liberalization of visa is so important for Turkey as long as it is in the process of adopting the EU Schengen visa system, which requires member countries to apply a common visa policy to third country nationals. This requires replacing Turkey’s current relatively liberal visa system with a much stricter one, moreover, this adoption, in

turn, will make it more difficult for nationals of neighboring non-EU countries to enter Turkey. (Icduygu and Aksel, 2013)

Turkey, for this purpose, has concluded over 70 “visa exemption/liberalization agreements” stipulating that no visa is required for all or certain groups of citizens from these countries. (Açıköz, 2015: 98) Turkey, also, introduced a new system to obtain visas via the internet (‘e-visas’) which is gradually replacing the old sticker visa system, with a view to remove the possibility to issue visas at border crossing points and put an end to the long queues of visa applicants at Turkey’s borders. (European Commission, 2014 b) Interestingly, Turkey now has either a visa-free regime or simple visa procedures with countries in Europe, the Balkans, the Middle East (except Iraq and Palestine), North Africa (except Algeria and Egypt), and the Arabian peninsula (except Yemen), as well as the Central Asian countries of the former Soviet Union. In sum, while the nationals of 125 out of 199 countries are benefiting from Turkey’s liberal visa policy, ordinary passport holders from 80 out of 199 countries are exempted from needing a visa to enter Turkey. (Açıköz, 2015: 99)

However, one of the obstacles which stands in the way of Turkey’s accession to the European Union is the lack of a readmission agreement governing the treatment of unauthorized migrants originating from or transiting through Turkey, but the signing of the readmission agreement with the EU on 16 December 2013, simultaneously, with the launching of a visa liberalization process in Turkey, on the basis of a roadmap, is regarded as an important step in the way of liberalizing the immigration policies in Turkey. (Açıköz, 2015: 99)

7.2. Boarder Management

Building so – called “Fortress Turkey”- along the lines of “Fortress Europe” - through fighting irregular migration and extension of border control and security remains the principle issue in the asylum practices in Turkey, (Baklacioglu, 2009) that is what made European Commission to report that Turkish authorities in charge of border management are making significant efforts to address the situation, and are deploying substantial human, financial and technical resources on this endeavour. (European Commission, 2014 a) The current state structure for border security in Turkey involves; Operations of the National Intelligence Organization (MIT), General Directorate of Security (police), Ministry of Customs, while securing land borders through the Turkish Military Land Forces Command.(U.S News, 2014).

Actually, the responsibility of border management is of the Ministry of Interior, which is fulfilling this task via the authority of governors and district governors, and practically, the *Gendarmerie* that is responsible for securing the entire land border, for instance, between Iraq and Turkey and 127 km of the Iran-Turkey border.(Sert,2013:176 -178) .

In the same context, Turkish authorities endeavored to and reduce the phenomena of trafficking and smuggling by combating them through (action plans) started with 2003. In 2006 Turkey revised its Criminal Code to include penalties for smugglers and traffickers (Law No. 5237, Article 89). In 2011, the government began work on a comprehensive trafficking law. According to the legislation, victims of trafficking should be provided with shelter as well as legal, social, and mental health assistance. (Republic of Turkey, Ministry of Foreign Affairs, 2014) However, authorities usually conduct rescue / apprehend to those who are trying to leave Turkey irregularly through Aegean and Mediterranean Seas or at the Greek and the Bulgarian border. (Republic of Turkey, Ministry of Foreign Affairs, 2014)

7.3. The Integration

Turkey hosts asylum-seekers and refugees, including children, from various countries, but since the majority of immigrants in Turkey are Syrians, the most policies of integration are concentrated on them, for example, state allow them access medical and educational services proceeding from the public policy of ruling party the *Justice and Development Party* JDP which regards them as “guests “. However, some believe that the initial presence of Syrian refugees on Turkish territory has now become a permanent one and it is crucial to create an immigration policy that includes the prevention of reactions from local communities. There should be a holistic policy covering education, working conditions, accommodation, social services and improving the receptivity of the host community”. (Hurriyet, 2015) Furthermore, “ the government and civil society need to switch gears from policies driven by concerns of extending emergency humanitarian assistance and temporary protection to ones focusing on the long term to facilitate the possible eventual incorporation of the refugees into Turkish society” as Kemal Kirişçi suggests. (Kirişçi,2014:45)

Although the relative advance that had taken place through starting a process of local integration (e.g., by issuing work permits), it is unclear whether Turkey will allow these (Syrian the temporary protection) refugees to remain indefinitely and integrate into Turkish society. it is unclear also what are the prospects for a near-term end to the Syrian civil war and whether Turkey will have to formulate a plan to address the longer-term future for Syrians, who are unable to return home and unlikely to gain third-country resettlement in significant numbers. (Kilberg,2014)This, in turn, constitutes an additional burden to the immigration policies added to the issue of the Roma integration into the Turkish society. However, along past period Turkish authorities tried to calm the quarrels which have occurred between Syrian refugees and Turkish nationals at several cities.

8. ASSESSMENT OF THE IMMIGRATION POLICIES

As it is known, Turkish authorities have been praised by international organizations for regulating and liberalizing its policies towards migration, particularly, immigration ones. But, at the same time, there were a lot of criticism from the side of the international organizations and observers directed to these policies and to the Turkish authorities which are required to do more to align with international requirements especially the EU ones.

In regard with appraisal, Turkey had received a vast welcome from the UN and the EU whether for Turkey’s new approach to migration management and humanitarian protection particularly for adopting of the new Law on Foreigners and International Protection, or for regulating of Syrian refugees presence. UNHCR considered this “ an important advancement for international protection, and for Turkey itself, which has a long history of offering protection for people in need.”; and for this, the High Commissioner for Refugees, António Guterres welcomed new legislation, the Law on Foreigners and International Protection, adopted by the Turkish Government, as a reflection of Turkey’s strong commitment to humanitarian values and principles.(UNHCR, 2013) The EU, by its side, expressed welcoming in its report for the enlargement in October 2014 : “ Overall, there was significant progress on the legislative framework on refugees and asylum-seekers, with the entry into force of the Law on Foreigners and International Protection and related implementing legislation ”. (European Commission, 2014 b) Also, statements issued by European Commission officials such as European Commissioner for Home Affairs Cecilia Malström and Commissioner for Enlargement and Neighborhood Policy *Štefan Füle* issued a statement following the adoption of the new law, they regarded it as a “clear sign of

Turkey's efforts to establish a sound legal and institutional framework for migration and asylum ... [and] commitment to build an effective migration management system.”(Kilberg ,2014)

In terms of criticism, it is observed that most of criticism are concentrated on the shortcomings of the liberalization of these policies whether in respect of nature of policies or in their details. Although Turkey's migration policies have been witnessing a remarkable transformation since the early 2000s, there is a kind of uncertainty about whether these changes will lead to more liberalization with new regulations or whether they will be faced with resistance by long- established regulations in migration policies. “ There seem to be various paradoxical developments about the direction of these changes.” as Ahmet İcduygu cited. (Icduygu and Aksel, 2013)

Within the context of uncertainty, some Turkish experts put a term “Turkish dilemma” to denote that Turkish officials fear a situation where they may actually choose to cooperate with the EU in harmonizing their immigration and asylum policies, without this revision leading to actual membership. Many officials believe that Turkey's security would be fundamentally undermined if Turkey were to adopt the EU Acquis without membership. (Korfali , et al. 2014: 39)

As for the details of the immigration policies, one can observe lot of criticism, particularly, in the field of border management, visa, and the treatment of the refugees.

For the issue of integrated border management IBM, the Europeans believe that although Turkey has made progress in regulating migration, It did not yet adopt a law to set up a single border security organization in line with the national action plan to implement Turkey's integrated border management strategy, and for this purpose “Turkey needs to take concrete steps in order to improve the capacity of the agencies in charge of border management. Recourse to conscripts for border surveillance is a matter of concern. Gendarmerie staff numbers also need to be increased to improve the identification and processing of irregular migrants apprehended in border regions.” (European Commission, 2014 b) EU also believes that “none of the existing instruments and coordinating mechanisms for function in practice and tangible progress is required towards an integrated border management system “. (European Commission, 2014 b)

Criticism also directed to the Turkish border management that the progressive fortification of borders and erection of walls to block illegal migration flows only increases the population of “illegal migrants” coming to and passing through Turkey whereas it is too difficult - with the continuation of crises in the region – to prevent these flows. (Mannaert, 2003: 14) Criticism by the side of Europeans continued due to the huge influx of migrants stem from Turkey into Europe. In its report on progress by Turkey in fulfilling the requirements of its visa liberalization roadmap, European Commission criticized Turkey due to The number of irregular migrants managing to cross Turkish borders irregularly, undetected by the Turkish border agencies, remains relatively high and the measures currently taken by Turkish authorities are not sufficient because of loosing coordination among border agencies. (European Commission, 2014 a) Actually, The Gendarmerie, for instance, which is a military institution, but reporting to the Ministry of Interior, has not completely transferred its responsibility to the Turkish Land Forces according to a previous plan, this was creating a duality over the protection and security of land borders of the country, (Sert, 2013: 176 -178) but some believe that the border crossing security became a secondary mission. Police are responsible for law and order in cities, and their presence at the border crossings is a secondary function. .(U.S News, 2014)

Some Turkish experts justify these shortcomings on ground that there are many difficulties in respect of border management on the ground of several reasons such as ; the mountainous geography and harsh climate conditions during winters –especially of the eastern and south eastern borders, and these borders maintain historical and economic cross-border kinship relations, and the security forces along these borders are responsible for several tasks simultaneously. Moreover, Turkey’s non-European neighbors are not able to give priority to border and burden thereby on Turkey in terms of providing border security. (Sert, 2013: 175)

As for visa policy, as pointed out earlier, Turkey has taken new visa arrangements, but some of these arrangements were contradictory to the EU *acquis* and are paradoxes in Turkey’s EU membership agenda. Some experts believe that Turkish government has not always taken a compatible position concerning the harmonization efforts of the EU pre-accession period. For instance, travel restrictions have been eased and visa requirements lifted for travelers mainly from nearby countries such as Azerbaijan, Jordan, Lebanon, Libya, Russia, Syria, and Ukraine, even from distant countries, such as Brazil, Tanzania, Guatemala, Venezuela, Colombia, Andorra and Paraguay. Accordingly, EU claimed that “Turkey still needs to align with the EU visa requirements and exemptions and harmonize its visa policy towards EU Member States”.(European Commission, 2014 b)But the “dilemma’ is that if Turkey retreated from these arrangements to conform with European Union requirements, it would be difficult for nationals of neighboring non-EU countries to enter Turkey and this may cause cultural, economic and social loss for Turkey. (Icduygu and Aksel, 2013)

In regard with the treatment of refugees, Turkey have been greeted by the international organizations and the EU for its invaluable support to Syrian refugees and for the professional assistance provided to refugees, and even for starting a process of local integration (by issuing work permits, as pointed earlier), but some (e.g. the European Commission) believe that “the legal status of the great majority of these refugees remains unclear, which limits their employment opportunities” (European Commission, 2014 b), and there has been no substantial change in the broader official or public discourse regarding immigration, migrants or refugees could be stated. In 2013, 22,597 irregular migrants were returned to their country of origin. (Genckaya, *et al.* 2015: 18) There have been, also, complaints related to apprehend unaccompanied minors and the conditions of apprehending inside the removal centers. (Grange, M. and Flynn, M. 2014) These procedures can interpret the concerns of several international organization and institutions such as the Council of Europe’s Parliamentary Assembly , UN Office of the High Commissioner for Human Rights and Amnesty International. (Kilberg, 2014; The Guardian, 2015 b)

9. CONCLUSION

For more than ninety years of the Republic, Turkey has been characterized by a migratory movement through which the country transformed from emigration to immigration. During this period, it was a kind of awareness to the challenges related with the transformation of the migration paradigm from one based on nationalism and the nation-state into new one founded on transnationalism and globalised world. Whilst In the 1960s, Turkey was seen as a country of emigration because of labor migration towards Europe, It began to turn into a country of immigration in the 1980s, and since that time, Turkish policymakers have begun to re-evaluate the migration systems to address this new status. Although the 1934 settlement law argued that Turkey should be populated by people of Turkish descent, for

the first time in the history of modern Turkey, non-Muslims and non-Turks started to arrive to Turkey.

Importantly, while the flows of immigrants in the 1980's were the motivation to the immigration policy makers to re-evaluate the migration systems, Turkey's attempts for the accession to the EU - in 1990's onward - were the main factors to make a remarkable changes in migration policy in general and in the immigration policy in particular. But, although much has been done in this respect, most of working was merely modest steps in the way of improving and developing the system of migration; in fact, no radical changes have been done, in other word, the solutions or responses did not up to the challenges. It is true that the state's approach and mentality toward migration has changed, for example, new law (the Law on Foreigners and International Protection) is regarded as a forward step in the field of legalization of migration and establishing a migration agency in Turkey, but the remaining of static topics and weak measures weather in terms of asylum system or border management (e.g. geographical limit, weakness of border management and visa procedures) put obstacles in the way of radical or fundamental change in the immigration policies in particular.

Furthermore, the fact that many of immigrants transformed to be transit migrants creates an atmosphere of political bargaining between Turkey and the EU. Whilst Turkey is exposed to huge influxes of immigrants as refugees – a half of them at least try to reach Europe – the EU's fears are stem from the possibility of those migrants to cross the borders of its states members, therefore, its main demand that Turkey has to tighten its border, in the sense, the EU try to use Turkey as bulwark to prevent migration flows towards Europe through the temptation of accession to the EU. Turkey, from its side, accuses Europeans of failing to address the issue of immigration and its burden, therefore, this may interpret Turkish slowing in overhauling the migration policies.

However, Turkey's migration policy-making processes are now caught up between the politics of the past (the nationalist legacy) and new politics align with globalization and international political transformations. Actually, as much as Turkey's open door policy has been a praised, it has had a weak legal basis. it is unclear to what extent Turkey would be able to continue its traditional act of balancing between emigration and immigration. For this reason, Turkey in need to develop a comprehensive migration policy with a strong legal grounding due to it is living in variable environment.

Finally, immigration policies in Turkey, those are taking a great deal of the general migration policy currently, should be formulated on the ground of pro – active, not re – active as it is taking place at the present time. Turkey should maintain a grand strategy based on long and short range objectives. The political approach should be the guide in drawing most of these objectives. A bargaining should, also, govern the trends of migration policies in general, and immigration ones in particular, in other word, Turkey seeks to change its own immigration policies throughout developing migration agencies, in return, It should not bear the burden alone, international community ought to share the burden without blackmail, especially from the side of the EU, on the base of that the vulnerability of Turkish immigration policies means more border crossing into Europe. Another face of sharing burden is calming the conflicts in the region especially in the Middle East, therefore, Turkish state can harness its potentials for this purpose due to; the more conflicts, the more immigrants.

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