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Student name: Anar Mutallimov

Student No.: s1743260

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Supervisor: Professor Joris Voorhoeve

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CHAPTER 1. Introduction

Since April 2011 the Syrian conflict which has been raging between the Bashar el-Assad government and a plethora of opposition groups has caused more than 4.6 million of Syrians to leave the country to find a safer place (Regional Refugee and Resilience Plan, 2015). During the first half of 2016, this number has increased up to 4.8 million. Many have attempted to come and settle down with their families in Europe with a hope that they will be able to build a better and safer life. As a neighbouring country, Turkey has been severely hit by the Syrian refugee crisis being a safe-zone for many Syrians who wish to stay close to their home. Also, the country has become a crossing point for those seeking asylum in other countries of Europe.

The present study analyses the development of Turkey’s migration policies in reaction to the Syrian refugee crisis. The thesis attempts to explain how Turkish migration policies have been affected by the unprecedented influx of refugees from Syria within 2011-2015 and the subsequent management of this problem. The aim is to define to what extent these policies have changed due to the mentioned crisis.

Albeit there are extensive studies exploring the role of the EU in the migration policy changes in Turkey, only a few researches focus on the triggering role of the Syrian refugee crisis. The case of Turkey is important for the academic community and policymakers firstly because migration is a pressing concern of nowadays. Secondly, the six-year crisis creates the necessity to investigate changes and appropriateness of migration policies of the given country. The recent study can contribute to the existing studies as the migration is a dynamic and evolving process and therefore requires the adoption of new policies in respect to the changing realities. Studies on the refugee crisis impact on Turkey’s migration policies have started recently and need more elaboration on the specific aspect of migration management. The protracted nature of the crisis, the key role of Turkey as an involved actor and the EU’s partner in the Syrian refugee crisis management. The implications of the crisis for both Turkey and the EU increase the need for deeper analysis in this field. The
Syrian refugee crisis can be considered a significant benchmark, influencing policy changes in the migration sphere in Turkey.

John Kingdon’s Multiple Streams Approach is chosen for the understanding of the relationship between the key constructs of the project, which are the Syrian refugee crisis on the one hand and the changes in Turkey’s migration policies on the other. In order to understand the interplay between these notions, which are theoretically identified in Kingdon’s work, and for the sake of their scientific assessment of studies from Birkland (1998, 2004), who developed the notion of policy window, as well as the study of Guldbrandsson & Fossum (2009) will also be considered.

The unit of analysis will be first of all legal documents related to Turkey’s migration policy such as Turkey’s Asylum Regulation (1994), the Law on Foreigners and International Protection (LFIP) of 2013, the Temporary Protection Regulation (TPR) of 2014, the Turkey-EU Joint Action Plan (JAP), as well as secondary sources such as scientific articles, reports of international organisations. Analysis of the above-mentioned sources will help to compare previous and recent state policies and therefore to shed light on the overall change in the migration field in Turkey after 2011.

Bearing this in mind, the following research question will guide the analysis: What is the impact of the Syrian refugee crisis on Turkey’s migration policies in 2011-2015? It will be argued that the refugee crisis has resulted in a considerable change in migration policies of Turkey: Supposedly, the state policies have become more liberal, open and systematic.

The thesis consists of five chapters. After the introduction, the second chapter will establish the conceptual framework of the study and will take a look at the Turkish migration policy before the Syrian refugee crisis. This will be followed by an introduction of notions such as the Syrian refugee crisis and Turkish migration policies: The chapter will also take a glance at the migration policies in Turkey and at how these policies have changed within the last decades until 2011. In most studies, the EU-Turkey cooperation is considered the most important pillar in the Syrian crisis management by Turkey. The legal framework for migration policies, with a particular
focus on Turkey’s EU pre-accession process and harmonisation of migration policies, has to be looked at in order to determine whether the policy changes made during the refugee crisis were initiated by Turkey’s EU accession process in the early 2000s.

The third chapter will focus on research methodology and will set out the hypothesis and explain the research limitations of this study. In the fourth chapter, the collected data will be analysed and discussed. Turkey’s migration policies regarding the Syria refugee crisis will be examined with a particular focus on changes in migration legislation and policies. After a short overview of Turkish legislation on the Syrian refugee crisis, changes such as the adoption of the LFIP and the TPR will be scrutinised. Also, recent outcomes of Turkey’s migration policy will be summarised and future options considered. A discussion on the impact of Turkey’s migration policy on the Syrian refugee crisis management with particular emphasis on the EU-Turkey cooperation and the JAP will precede a conclusion to the research’s findings. Last chapter will conclude the results of the research.

I would argue that the above-mentioned refugee crisis has resulted in a considerable change in the migration policies of Turkey. As a consequence of the massive refugee flow, the government decided to reconsider its previous restrictive policies and consequently these migration policies have become more liberal and open than they were before the Syrian refugee crisis.
CHAPTER 2. Conceptual framework

Before moving to analyze migration policies of Turkey after 2011 in the face of the Syrian refugee crisis, I will briefly introduce a theoretical framework for the study, as well as other theoretical works that will touch upon the essential notions to be used in this thesis.

2.1. Multiple Streams Approach

In the case of Turkey, several theoretical approaches could be used to explain the development of the migration and asylum policies, but most are condensed under the Europeanization and securitization theories. A novelty of this study is that the Multiple Streams Approach (MSA) introduced by John Kingdon, is chosen as a theoretical framework to explain the changes in migration policies of Turkey since 2011. In his book entitled “Agendas, Alternatives and Public Policies” Kingdon examines the forces which influence agenda setting and policy formation processes. Using the MSA, the author explains how policy issues emerge and disappear from governmental agendas. Questions are discussed as to why and how some issues gain interest and are put on top of the agenda while others are neglected and remain untouched. He elaborates on the following three separate streams which are also important for the recent study:

The problem stream mainly includes ideas on different problems i.e. the issues that need special government attention and efforts in their solving. In other words, the problem stream is the politics and public opinion concerning various matters. Despite varying problems being brought to the policy agenda, not all of them receive immediate public or political support. Some of them come to the top of decision-making agenda while others not. For instance, migration issue has been on the list of issues on the political agenda since the 1990s but has got an impetus firstly during Turkey’s EU pre-accession process and then after the occurrence of refugee crisis caused by the war in Syria (İçduygu, 2015).
The policy stream refers to a broad set of different ideas aimed at solving the issue by involving mainly policy communities and experts. Kingdon (2011) characterises it as a “policy primaeval soup” where opinions are elaborated, evolve and a potential solution is chosen. For instance, some of the issues lose importance quickly when others receive interest gradually. In relation to the policy stream, Kingdon introduces a notion of “policy entrepreneur” who advocates a particular policy option. This may be a governmental, official, an NGO, the academic or other actor involved in the decision-making process.

Lastly, the politics stream includes among others opinions of voters, results of elections, and pressure of several groups. Administrators and legislators who are able to take decisions and influence the formation of the government’s agenda are also part of the third stream. In the case of Turkey, the government acts as an initiator of ideas on migration changes, chooses relevant policies and implement them in accordance with the recent situation (Jarosiewicz & Strachota, 2015).

Kingdon holds that the aforementioned streams evolve independently from each other. However, all streams are related and influence each other. In practice, it is hard to delineate them and their differences. According to Kingdon (2011) when at least two of these streams converge - which means the clear definition of a problem with an agreeable solution which coincides with political will or the possibility of change due to a policy window – a window of opportunity which opens for the of decision making and changes. Kingdon calls this the “coupling of streams”.

It is noteworthy that none of the streams by themselves are adequate enough to establish an issue solidly in the policy agenda. It may appear as a result of a focusing event (disaster, catastrophe) on the agenda but will soon fade because it cannot switch from the general agenda (overall set of policy questions) to the decision-making agenda (questions requiring a prompt response). By prioritising a process neglected for many years, an additional impetus for change is given. The policy issue does not switch to the stage of implementation occasionally but passes through this window.
Along with multiple streams, focusing events contribute to the process of policy change. Research on the notion of focusing events revealed two approaches to its definition. In the broad sense, Kingdon (2011, 94-95) explains a focusing event as an event that “comes along to call attention to the problem. The focusing event is a powerful symbol that catches on. It helps enhance the recent process and attracts additional attention to the present issue. The focusing event makes problem to emerge in a broader or diffuse way as well as reinforce the meaning of the issue.

In some cases, focusing events become an advanced warning tool for the things that could happen if appropriate measures are not taken. For instance, this could be an event from which the relevant policy issue is not insured. After a focusing event, this issue should receive “continuation” i.e. “solid indication that the problem is widespread” (Kingdon, 2011, 98). Birckland (1998) argues that due to its sudden nature, a focusing event attracts more attention than an everyday problem. They gain more attention and become necessary actors/decision makers for the possible future changes (Kingdon, 2011). As a result of the focusing event, media coverage of a problem increases tremendously. A focusing event is not necessarily significant in historical terms. However, it should be an important development in order to result in policy change. Repeatedly mentioning a focusing event gives an additional push for policymakers to act in accordance with the needs (Birkland, 2004).

Kingdon (2011) notes that the focusing events are part of a broad notion of a policy window. A change in agenda (opening of the window) appears in the train of changes in political and problem streams. Consequently, there are two forms of policy windows - political and problem windows. For example, when policy-makers consider the problem urgent they address the policy stream to find alternative ways. When decision makers decide on concrete proposals and try to promote them in order to gain political dividends they turn to the policy stream. The author emphasises that the policy window probably did not change the problem or its possible solution. However, proposed solutions and options for the issue change the agenda itself.

In some cases, policy windows emerge in predictable ways for instance through planned political proposals or as a result of new elections. According to Kingdon, a
change of government is the most explicit form of a policy window. It means that the new authorities may give carte blanche to the appropriate policy entrepreneurs to push the changes that were denied during the previous administration. A policy window opens unpredictably and stays open for just a short period. In case policy entrepreneurs miss a chance to promote or ensure policy change they have to wait for a new window to open.

After a focusing event, non-powerful groups may get advantages and become principal actors in policy debates regardless of the size of the event. Both government and opposing circles learn of consequences of focusing events simultaneously so neither of the parties has an advantage in reaching a solution to the problem. This is the main opportunity for small, less powerful groups (Kingdon, 2011).

Non-powerful groups usually cannot compete with the powerful ones due to a lack of resources. In some cases in the direct aftermath of a disaster the resources of powerful circles lose their importance and the information available is the same to everyone. Consequently, small groups have a chance to stand out. Focusing events change not only the main topic of the agenda but also lead to a change of approach towards the policy itself (Brickland, 1998).

I argue that we can better understand changes in Turkey’s migration policies after 2011 by considering the Syrian refugee crisis as a focusing event. Due to its scale, impact and triggering force the Syrian refugee crisis is one that could be categorised as one which Kingdon (2011:101) considered “comes along [and] simply bowls boils over everything standing in the way of prominence on the agenda”.

By applying the MSA, I would argue that AKP’s coming into power created a policy window for changes in the foreign policy which in its turn lead to the changes in migration domain. Further, the Syrian refugee crisis became another driver for initiation of changes in the migration policy of the country. Coupling of streams in their turn created favourable conditions for the ruling Justice and Development Party of Turkey (Adalet ve Kalkınma Partisi – AKP) to step up from the long-lasting restrictive Kemalist approach to concentrating on migration matters. Syrian refugee
crisis brought migration issue to the top of government’s decision-making agenda and prioritised it both for the government and society.

Later on, I will take a look at the definitions of the notions that I am going to focus on during my thesis.

2.2. The Syrian refugee crisis

The Syrian refugee crisis which has been challenging Turkish migration policies began in 2011 as a non-violent protest against the Bashar Al Assad government. In April 2011 these protests gradually transformed into a long-lasting bloodshed that can be categorised as a large-scale regional conflict with the involvement of various foreign states and non-state actors (Slim & Trombetta, 2014). Effects of the Syrian refugee crisis was considered by Canpolat and Arıner (2012) who focus more on the humanitarian, economic and political effects of the crisis while neglecting the migration policies.

The conflict is now entering its fifth year involving extremist groups such as ISIL, Jabhat al Nusra, Hezbollah as well as other foreign fighters from both sides as well as governmental armed forces. With the support of Iran and Hezbollah, the Assad regime strengthened its position in the fight against opposition forces (Hove & Mutanda, 2015). Russia’s intervention through air-strikes helped maintain the Assad regime, provoking anti-government forces who consolidated and enhanced their efforts, leading to the further escalation of the conflict (Price, Gohdes, & Ball, 2015). As Blanchard, Humud & Nikitin (2015) hold, there are difficulties in getting concrete numbers and detailed information on the size, structure and strength of various groups which vary by the region and a timeframe.

The participation of external forces has contributed to increased tensions in the country itself and the region. The lack of respect shown by all parties to the conflict for international humanitarian law and international human rights norms makes all groups responsible for the conflict deterioration and the violence intensification. The unprecedented scale of the humanitarian challenge caused by the conflict has led the
international community to put the Syrian case on the daily agenda (Yazgan, Utku & Sirkeci, 2015).

The conflict triggered an influx of Syrian people to all of the neighbouring countries namely Turkey, Lebanon, Jordan, Egypt as well as the EU countries. The EU considers the Syrian refugee crisis as the most dangerous humanitarian crisis since World War II as it continues to produce new waves of refugees within the Middle East region with repercussions up to Europe (Berti, 2015). The Office of the United Nations High Commissioner for Refugees UNHCR reported that 6.5 million people became internally displaced and that registered refugees are numbered at 4,812,851. This includes refugees in Turkey (2,715,789), Lebanon (1,067,785), Jordan (636,040), Iraq (245,909), Egypt (119,301) and Libya (28,027) (http://data.unhcr.org/syrianrefugees/regional.php). The abovementioned five countries are making considerable contributions to the protection of refugees by hosting them and allocating generous funding for the maintenance of refugees. Approximately 80 per cent of refugees is distributed in all the area of the given country rather than being located in special camps (Ostrand, 2015).

The protracted nature of the crisis provokes social tensions and economic burdens on the host states. The lack of efficiency of region states’ current migration and crisis management policies impedes the formation of a new vision which will be compatible and helpful in facing such an unprecedented and challenging situation (Tan, 2015).

In order to respond to the Syrian population’s increasing needs, the Syria Strategic Response Plan 2015 gathered humanitarian organisations within and outside Syria and provided necessary assistance such as shelter, food and healthcare. Another initiative is the Regional Refugee and Resilience Plan, which is aimed at building resilience and long-term projects to support those suffering because of the conflict. Both UN initiatives require significant funding (Price et al. 2015). On the other hand, the dangerous situation in Syria hinders humanitarian and technical assistance from the outside world. The crisis is now beyond the control of any country or organisation and cannot be resolved unilaterally. Therefore the management of this crisis needs more consolidated approach.
The EU as one of the key players in the current crisis allocated five billion Euros as assistance and relief for refugees in Syria and neighbouring countries. An additional three billion Euros have been assigned for Turkey to set up and enhance border control and other related measures (European Council, 2016).

Since there is no sign of an overall improvement of the Syrian situation shortly, it is possible to argue that migrant flow will remain strong and consequently will create additional problems for Turkey (Özden, 2016). The Syrian refugee crisis posed questions as to the EU’s stability both internally i.e. causing the flow of the refugees from its South and South-East borders, and externally, testing the proper functioning of the Schengen zone and the non-EU countries as well (UNHCR, 2014b).

The attitude of host country populations towards the Syrian refugees changed in several ways since the end of 2013. Earlier hospitality and generosity has been steadily replaced by disagreement with state policy welcoming the Syrians. Tensions caused by the perception of refugees as a threat to the established life norms, habits and the socio-economic situation in host country create dangerous trends within the host-country societies (Tan, 2015). Under-Secretary-General of the United Nations (UN) and UN Development Program (UNDP) Associate Administrator Gina Casar mentions that "the countries hosting Syrian refugees are struggling with the massive impact on their economies, societies, and infrastructure threatening not only their stability but the stability of the entire region" (UNHCR, 2014b).

Clear differences in approaches among the EU member states emerged, with Hungary, Norway, Sweden receiving harsh criticism for building fences and establishing internal border control (Moffeti & Feher, 2015,) and Austria temporarily closing its southern borders (European Commission, 2016). High-level discussions on whether the Schengen agreement can cope with the current crisis situation became inevitable. The Dublin Regulation was considered inappropriate in the light of the current developments because Greece and Italy allow asylum seekers to move on further to northern Europe (Lehne, 2016). The author also argues that the European Asylum Support Office’s and FRONTEX’s role are minor in managing the
crisis due to insufficient funding and their relatively limited power which is seen as lacking a legal basis.

As Bardakçı (2015) stresses, the migration issue cannot be solved only by technical means, such as stricter border control, but also needs the establishment of long-lasting peace in the region. The problem will last until the people of the region themselves are secure and find more favourable living conditions.

2.3. Migration policies of Turkey

Given the scarce resources of states, governments have been attempting to put forward different policies and practical solutions to manage refugee influx (Tüney, 2015). According to the UN (2013), migration policies are the policies that a government implement using regulations, laws, and specific programs to manage direction, scale, composition and origin of migration flows.

Erder and Yukseker (2015) emphasise that academicians have recently broken the taboo imposed indirectly by the government on research regarding the early republican period of migration. Most studies on Turkey's migration policy were done by a few Turkish authors, mainly by İçduygu, Elitok and Kirişci, or were written by other Turkish authors in collaboration with them. Therefore, the variety of approaches and conclusions is narrow in terms of authors` views. İçduygu and Aksel (2013) provided a detailed study of the history and development of Turkey's migration policies touching upon recent problems. Different stages of migration transition in the country, such as the Kemalist nationalistic approach of the 1930s and 1950s, large-scale emigration during the 1960s and 1970s as well as immigration in the 1990s and 2000s due to globalization and Europeanization are well studied (İçduygu, Erder & Gençkaya 2014, İçduygu 2014, Suter, 2013, Canpolat & Arıner, 2012).

Refugee and migration problems are not a new phenomenon for Turkey: it has experienced migrant influx since the Ottoman empire period and accustomed to the migrant flows. From the 20th century onwards, Turkey has been a desirable destination for migrants from the Balkans, the Caucasus, and post-Soviet countries.
Turkey’s migration policies changed in the last century going through different periods of development. Nationalist policies with cultural and ethnic sentiments were dominant during this period and shaped migration policy (Elitok & Straubhaar, 2011). During the first decades of the Republic of Turkey’s establishment, the migration policies were developed under the influence of national identity creation, national state building and the idea of “Turkishness” (Ince, 2012).

It is possible to divide the development of the migration policies of Turkey into four stages. The first step in the formation of migration policy of Turkey started with the adoption of the Law on Settlement (LoS) in 1934. It was also one of the main legal documents serving as a milestone in the nation-state building. As the Interior Minister of that period Şükrü Kaya mentioned before its adoption, “the Law will facilitate the creation of a state speaking one language, thinking in the same way and sharing the same sentiment” (TBMM, 1934). Consequently, this approach nationalistic impacted the drafting of the LoS (Çağaptay, 2002).

People eligible for immigration were defined by the General Directorate of Settlement as Muslim people related to the Turkish culture and speaking the Turkish language and no other language. Non-Muslim individuals, as well as Muslims, who did not speak Turkish, were beyond the definition of the Turkish culture (LoS, Article 3). List of nations and states related to the Turkish culture should be defined by the Council of Ministers (Ibid). Gypsies, anarchists, deported persons, spies were denied to get a refugee status in Turkey (Ibid, Article 4). Arabs, Albanians, Kurds, Jews and Christians did not receive immigrant papers and were considered foreigners. However, non-Turkish nationals such as Lezgis, Muslim Georgians, Chechens and Abkhazians were supposed to be regarded as Turkic culture connected groups (Ülker 2008, İradeygu 2013). The LoS pointed out essential provision that shaped Turkey’s migration policy for decades. Firstly, whilst people of Turkish origin and culture were welcomed to move to Turkey and had their stay in the country facilitated, others who did not meet the criteria were precluded to enter as a refugee or migrant (Ulker, 2008). The aim was to promote and support the decreasing Turkish population after World War I and give a boost to a socio-economic development (İradeygu & Aksel, 2013).
The second important stage in the formation of state migration policies was influenced by the shift to the multi-party democracy in Turkey as well as by the integration of the world standards. Turkey joined the Geneva Convention relating to the Status of Refugees (1951) and its protocol of 1967 (Mügge, 2012). The Convention was signed with geographical limitation i.e. the refugee status was mandatorily granted to people arriving from Europe while there was no such obligation for other regions of the world. Turkey is one of the few states along with Monaco, the Congo and Madagascar that maintained geographic limitation (Kirişçi 1996). This limitation can be considered the continuation of the restrictive state policies of the 1930s. Another reason was the unstable situation in neighbouring regions. Turkey considered these regions threatening and problematic. The second limitation posed by the Convention had a historical context by adding “events occurring in Europe before 1 January 1951” (Convention, Article 1, paragraph 2). This time, provision was lifted in 1967 by joining the Protocol of the Geneva Convention. (Canpolat & Arıner, 2012).

In the aftermath of the World War II, asylum seekers from the Eastern Europe were welcomed in Turkey in line with anti-communist policies of that period (İçduygu, 2000). Their number was not large and was limited to nearly 8000 people from 1945 to 1991. During the Cold War period, Turkey aligned itself with the NATO member states, especially with the United States and tried to follow similar approaches in migration policies. That is why Sağiroğlu (2016) seeks the roots of the geographical limitation in Turkey’s NATO membership. The Eastern borders with the Soviet Union were closed, and migration policies were entirely shaped by the block thinking of that period (İçduygu, Erder & Gençkaya, 2014).

The 1960s and 1970s were characterised with migrant labour outflow from Turkey to Europe due to the European demand. Emigration to Europe initially was state-sponsored, and after 1973 due to the occurred oil crisis (Aksel, 2014). International developments such as the Turkish invasion to the Northern Cyprus in 1974 resulted in a decrease of non-Turkish migration to the country due to discrimination against Greeks and other foreign nationals in the wake of nationalistic sentiments. As a result, Turkey became a less favourable destination for migrants (İçduygu, Erder &
Gençkaya 2014). Also, Ankara became less interested in new migrant waves during the 1970s as the economic situation in the country worsened. However, new influx began with refugee arrivals after the Iranian revolution of 1979, but they were not problematic for Turkey inasmuch as Iranians mostly used the country as a transit hub for the West. During that time the terminology “external Turks” was introduced to describe co-ethnic communities settled in Turkey. Also, the terms such as “old migration” were used in relation to the arrival of Turkish, Muslim belief migrants. The notion of opposing “new migration” related to the people of non-Turkish origin (İçduygu & Aksel, 2013).

The third significant period in shaping migration policies of the country were the 1980-1990s. During this period Turkey’s population increased enough and sources allocated for migrants became relatively scarce (Kirişci, 2007). Elitok and Straubhaar (2011) emphasise that for the first time in its history Turkey witnessed non-Muslim and non-Turkish origin migrants. The character and volume of migration to Turkey started to change considerably. The process of globalisation, the collapse of the USSR developments in the Middle East such as the Gulf War, the Iran-Iraq War led to further asylum flows to the country. These were mainly due to economic reasons which in turn laid the foundations for changes in migration policies (Toksöz et al. 2012). To be more precise, in 1990 massive refugee flow (nearly 500 000 people) from Iraq entered Turkey. Also, the country opened its doors to more than 310 000 Bulgarian Turks looking for asylum from the communist regime. The abovementioned flows and developments pushed the government to rethink the state migrant policies (İçduygu, 2015a).

In the case of Turkey of 1940-1990s, Frelick (1997) notes that actually refugees from other regions were not allowed in even after getting the appropriate status of refugee. However, they received preliminary protection for the period when their applications were considered by Turkey’s Interior Ministry and the UNHCR. There was no concrete time limit for the processing of their applications and lengths of preliminary protection status which were considered a remarkable change in Turkey’s policy in comparison to the LoS. Depending on the answer, asylum seekers’ applications could either be accepted, giving the person a chance to be resettled in a third
country, or to be denied. During the temporary stay in Turkey, an applicant gained some limited opportunities for medical treatment, education, social activities and jobs (Elçin, 2015).

Perruchoud (2012) notes that during the adoption of fundamental documents on migration such as the Geneva Convention, the main emphasis was put on state sovereignty and restrictions for asylum-seekers. However, realities have changed since that period and priority nowadays should be given to the freedom of movement and the enjoyment of socio-economical rights as the right to leave is transforming into the need for leave.

The next part will elaborate on changes in migration policies of Turkey during 1990-2000s particularly on the Asylum Regulation of 1994.

2.4. Changes in migration policy of Turkey

With the changes in migration policies of Turkey, I bear in mind systematisation of legislation, transformation, liberalisation or contrary negative developments related to the Turkey’s policies in the mentioned field. The end of the Cold War and the increasing cooperation with post-Soviet countries opened new mutual opportunities social, economic, cultural areas at the same time brought new problems and threats for Turkey especially in the field of migration. (İçduygu & Aksel).

The beginning of this change started at the end of 20th century with the first measures that aimed to manage the refugee issue systematically. In 1994 the Asylum Regulation No. 1994/6169 which defined the principles and procedures in this field was adopted (Resmi Gazete,1994). The regulation was the first relatively detailed document in the field of migration in Turkey. The document consisted of five parts which defined the rules, procedure and agencies related to persons seeking residence. The main aim was to bring the status determination process under the state control. Initially, the document was proposed for addressing emerging national security concerns and put forward restrictive measures on asylum matters (Kirişçi, 1996).
The country considered departure point for emigration was transformed into the migration destination since the beginning of the 1990s therefore challenged by the realities of emerged threats derived from these migration flows. İçduygu and Aksel (2013) argued that while the international situation changed after the Cold War in the 1990s, Turkey still relied on its policy pillars adopted in the 1930s.

The migration problem worsened at the beginning of the 1990s due to the fact that Turkey had no obligations concerning arrivals from the Middle East. Globalisation processes, which facilitated the free movement of goods and people in the world, were the most significant developments by which the process of drafting of the Regulation was driven (Elitok & Straubhaar, 2011). According to the new provisions, people applying for being resettled should also apply for an additional temporary asylum request from the authorities. Therefore, they could get an asylum seeker status i.e. a right to interim stay in the country while the UNHCR will proceed with refugee’s application on resettlement (Frelick, 1997).

Despite initial systematisation and development of refugee policies, the document also introduced several restrictions. Before the adoption of the Regulation, it was mainly the UNHCR who was dealing with collecting applications, managing the determination of status, and forwarding these people from non-European countries to a third country (Suter, 2013). According to the new rules, asylum application should be completed within five days. Asylum seekers would have to address the local governorate where he resided as soon as possible. If he/she was not able to do so, this person had to notify the authorities accordingly (Asylum Regulation 1994, paragraph 4). This timeframe was faced with criticism from both refugees worrying to be deported as well as international organisations (Kirişci, 1996). As a result, the application period was prolonged up to ten days. However, the provision of the regulation required to find a state of resettlement within “reasonable” time limits (Ibid, paragraph 28).

Changes brought by the Regulation caused another side-effect such as problems between Turkey and the UNHCR. A person, recognised as a refugee by the UNHCR was denied access to Turkey. This was generally explained by his/her illegal
presence in Turkey. In other words, recognition by the UNHCR did not necessarily mean recognition by Turkey. Ankara remained committed to the Convention’s provision and denied access to asylum procedures due to geographical limitation and adopted a refoulment approach to the non-European asylum-seekers (Kirisçi, 1996).

As Ülker (2008) highlights, several cases of deportation of applicants to their country of origin, and limitation of refugee rights provided by the Regulation were witnessed during 1990-2000s. During the mentioned period non-refoulement was the main issue of negotiations between Turkey and the UNHCR which resulted in amendments to the Regulation, definitely confirming the non-refoulement principle (Kirişçi, 2007). Despite the reservations and previous geographic limitations derived from the Convention, the Regulation specified conditions for application asylum status.

The economic prosperity, relative security and political stability of Turkey at the end of the 20th century attracted labour migration from former Soviet countries. During the last twenty years, a migration “map” of Turkey includes jumbled flows irregular and regular migrants, refugees, asylum seeker, and skilled labour migrants (İçduygu, 2015). Turkey was considered differently by migrants for instance as a state of final destination and a transit hub for the well-developed western countries (İçduygu & Yükseker, 2012). From another perspective, until the 2000s Turkey was mainly an emigration country for skilled and non-skilled workers from ex-Soviet countries and with five million Turks living abroad (Turkish Citizens Living Abroad. (n.d.). The country was a destination for irregular migration from ex-Soviet countries and also a transit for migration from Iraq, Afghanistan, Syria, and other Middle East countries (Elitiok, 2013 b).

The whole picture of the migration changes in Turkey until 2011 will not be complete if the fourth stage of migration policies development i.e. country’s EU pre-accession process and reforms undertaken in 2000’s are not considered. Therefore, the next section will focus on the above-mentioned period.
2.5 Turkey`s EU accession process and the harmonization of legislation

Almost all main authors such as İçduygu (2015), Kirişçi (2007), Elitok (2013b), Bürgin and Aşıkoğlu (2015) mention that since the 2000s Turkey`s EU pre-accession process has been the major driving force for the migration policy changes in the country. The EU came to the scene as an actor of policy change in Turkey when the paradigmatic change in attitudes became visible within the Turkish government due to new circumstances and critique from the international fora. The EU`s role was important in terms of agenda and timeframe setting for institutional, legislative and structural reforms (Kirişçi, 2007).

Turkey was accepted as an official candidate for an EU membership by the European Council`s Helsinki meeting in 1999 (European Council, 1999). This decision introduced new matters in migration agenda of Turkey. It also initiated debates on asylum and migration management with particular emphasis on how the legal basis and state institutions are appropriate to cope with the recent migration challenges. Since 2000 the Turkish government subsequently launched the process of harmonisation of domestic legislation and in particular migration policies with the EU standards (Presidency Conclusions, 1999; Kirişçi 2007).

The first stage of reforms started with the pre-accession process and adoption of the Accession Partnership Document (2001) which set the tone for general transformations in the legislation and different policy fields (Tocci, 2005). Furthermore, the Turkish Grand Assembly adopted a National Programme of Turkey for the Adoption of the EU Acquis (NPAA) in 2001. The document emphasised that “lifting the geographical reservation on the 1951 Convention relating to the status of refugees will be considered in a form that would not lead to a large-scale refugee inflows from the East when the necessary legislative and infrastructural measures are introduced” (NPAA, article 24).

Analysing this paragraph Kirişçi (2001) argues that Turkey considered the refugee flow as a threat to its national security. Another provision of the NPAA was the importance of cooperation with international and NGOs. This was the first EU-Turkey document touched border control, illegal migration, bringing these matters to the
bilateral agenda. The need for lifting the geographical limitation was set as one of the conditions for full membership. Turkey’s migration policies would have to be brought in line with the EU’s. As a receiving side, the EU is setting the tone of the negotiations whilst Turkey is trying to comply with the conditions (İçduygü, 2014).

The process got additional impetus when the AKP won the elections in November 2002. The EU membership was the main foreign policy item on the election agenda of President Erdogan (AKP, n.d.). This fits with Kingdon’s (2011) understanding of government change as a policy window that may bring to policy change or acceleration or decision-making process. Afterwards, Turkey fell under the control of the AKP headed by current president Rajab Tayyip Erdogan, a single political party rule has been maintained since that time. Elitok (2013 b) indicates that it is not easy to find a linkage and assess the single party rule and effectiveness of policies. However, it is possible to argue that an unchanged government has brought some continuance to the drafting of legislation and its implementation. On the other hand, the author does not give any clue about whether the developments in the early 2000s are the result of the AKP rule or an outcome of the institutionalisation of the issue. Applying Kingdon’s approach, we may call this a policy window that may triggered future changes.

The Task Force on Migration was established in June 2002 to cope with the requirements in the migration field. (Henriques & Khachani, 2006). Until the beginning of the accession discussions in 2005, Turkey managed to adopt the Citizenship Law in 2002. This was an important step in the fight against illegal migration and protection of migrants. In 2003 the Law on Work Permits for Foreigners was passed facilitating the obtaining of work permits and the job search for labour migrants thus showing the positive attitude of the government towards aliens (İçduygü, 2015).

A more detailed National Action Plan for Asylum and Migration (2005) was elaborated has become the main document adopted in the mentioned field. According to the document Turkey agreed to review its migration policies to comply with the EU standards on legislation and technical matters. The document serves as
a timetable and outline to complete the necessary changes. Nonetheless, the issue of lifting the geographic limitation remained open.

The New Law on Settlement was introduced by the government in 2006. It replaced LoS of 1934 which remained in force until that time. The main positive change that the LoS of 2006 brought is that previously introduced ban for spies, gypsies and anarchists was lifted (LoS 2006, article 4). Içduygu et al. (2014) consider this development as the main positive side of the EU influence. Despite the geographic limitation remained as it was before,

The EU pre-accession process has resulted in institutional development as well. As an example, the Border Management Bureau and Asylum and Migration Bureau was established in 2008. It which was a branch of the Interior Ministry. This was followed by the strengthening of protective measures and the coordination of migration activities by the Committee on Irregular Migration. Some initiatives such as the establishment of the Turks Abroad and Relative Communities Department aimed to form a greater unity between compatriots all over the world. To further develop the harmonisation process, the government had put forward an action plan to pass a new Law on foreigner and international protection on the basis of the draft Law on Aliens and draft Law on Asylum (Dardagan-Kibar, 2013). Updated in 2006 the Accession Partnership Document (APD) mentioned 2009 as a new deadline for on adoption of the migration law, and reconsideration of the issue of geographical limitations. Another requirement was to create asylum seekers reception centres and determine the asylum seekers status (Kirişçi, 2007).

Carrying out a cost-benefit analysis of Turkey’s possible EU membership Erzan, Kuzubaş and Yildiz (2006) discuss two main concerns in connection to the migration field: firstly, internal factors, i.e. large amount of labour migration from Turkey due to its accession to the Schengen zone which will put the pressure the EU’s migration policy. Secondly, external factors: becoming a member of the EU, Turkey would have to regulate the future migrant flows from third countries as its role as a transit hub or receiving state would increase. This situation will add a pressure on the government’s migration policies.
While policy changes in Turkey between 1980-1990s were driven by the process of globalisation, policy developments within the 2000s have been initiated by the EU-ization processes. According to Flockhart (2010), notions of Europeanization and EU-ization should be differentiated as the EU-ization is more focused on the EU and more engaged in political encounters. It is an integrated part of the broader term of Europeanization. Nevertheless, engagement in the EU-ization and globalisation does not necessarily mean Turkey's contemporary migration policies fully comply with those of the EU or international norms. Numerous cases of non compliance have been continuously criticised by the international community (Bürgin, 2012).

According to Tocci (2005) during pre-accession period two kinds of mechanisms for policy change can be proposed: firstly, it could be the EU-proposed mechanisms for the given country to cope with EU standards (top-down). These mechanisms aimed in catalyse of policy reforms. Secondly, it could be internal factors within the state may dictate possible change tools related to EU proposals. In the case of Turkey, mixture of both factors could be observed. The crucial role of the EU pre-accession process is supplemented by the UNHCR and the Council of Europe (CoE) demands, domestic factors such as the development of civil society, steadily increasing number migrants, political and administrative spin-offs resulted in beginning of policy transformation (Aydın & Kirişci 2013). Elitok (2013a) argued that Turkey could not manage these important improvements in legislation in such a short period without the EU’s push.

Border control is an integral part of the EU-Turkey negotiations. Due to the length and special nature of the Aegean border, it is a difficult task to manage the border control in accordance with the EU demands. Turkey should replace its military border control with an integrated military-civilian group within the Interior Ministry. This issue is still neglected by Turkey and therefore is a matter of bilateral discussions (Macmillan, 2012). Lack of willingness from Turkish side can probably be explained by the difficult political-military situation within the country (PKK terrorist organisation) and complex political situation.
Despite the perspective of the EU membership brought systematisation to the migration field, some factors slowed down the reforms in Turkey during the 2000s. After the second half of the 2000s, EU-Turkey cooperation has undergone considerable drawback (Aydıň-Düzgit & Tocci, 2015). In 2006 bilateral negotiations were suspended and this brought to a weakening of confidence both within the government and society. Within 2005-2008 public support decreased sharply from 70 to 30 percent (Macmillan, 2012). This was also due to the government’s fear of fulfilling its obligation and then not being accepted as an EU member state. In this scenario, by lifting all limitations and reconsidering its policies in the light of human rights issues, Turkey would become a hub or buffer zone for illegal migrants from the Middle East. This “slow down” in bilateral relations give me a possibility to argue that changes happened since 2011 were not necessarily driven by the Europeanization but mainly were affected by the Syrian refugee crisis.

Summarising the developments until 2010, Elitok (2013b) concludes that the poor and limited migration policies characteristic of the pre-accession period were replaced with more adjusted and updated documents in the view of possible EU membership. Nevertheless, the process was slowed down due to a suspension of bilateral negotiations with the EU. Mistrust of Turkey in its turn resulted in stagnation of reforms in migration field at the end of the 2000s.
CHAPTER 3. Research design

This chapter describes in which way it is intended to answer the research question. The aim of the chapter to introduce a methodological framework which enables to explain the relationship between two main constructs: the Syrian refugee crisis and the migration policies of Turkey.

3.1. Research methodology and data collection

The research topic for the thesis is formulated as “The impact of the Syrian refugee crisis management on Turkey’s migration policy between 2011-2015”. The research is focused on the timeframe 2011-2015. 2011 is the year in which the Syrian refugee crisis began. Taking the mentioned crisis beginning date as a starting point allows to concentrate on the effect that the focusing event has on Turkey and to leave aside in-depth research on developments which led to the migration policy changes.

Undoubtedly, the basis for some of the change was laid years before when Turkey’s EU pre-accession process started. Nevertheless, the Syrian refugee crisis accelerated Turkey’s policy-making process in the field of migration. This starting point allows to briefly describe the issue’s historical background and further focus on recent developments.

The research method is a single case study (case of Turkey). A qualitative study will be carried out to assist in answering the research question. The thesis adopts an exploratory approach with the aim to provide the readers with new insights on how the Syrian refugee crisis contributed to the re-formulation and acceleration of policy change in the migration sphere. The direction of theorising will be inductive, starting with accurate observations within documents related to Turkey’s migration policy and from then onwards it will provide some tentative answers on how certain events and procedures affected the Turkish migration policy. A documentary research instead of interviews and questionnaires is chosen. As Esmark and Triantafillou (2007) point out, documentary research is a convenient methodological approach that enables tracking the process of gradual formation, development and changes in the given
sphere. Mentioned authors further note that despite providing a possibility to shed light on historical events interviews are based on personal assumption, experience, memory and do not necessarily reflects reality.

To this effect, the recent study is making use of several primary sources such as official documents, laws and regulations issued by the Turkish government and the EU. Secondary sources such as scientific articles on Turkey's migration policies, academic papers, statistics, reports of local and international organizations (International Organisation for Migration (IOM), the UNHCR etc.), and policy briefs will be examined as textual material to gain valuable insight in governmental policies and to analyse current trends and changes.

Taking into account that the unit of analysis -Turkey's migration policies - are mainly conducted by the governmental authorities, more emphasis will be placed on official statements, speeches, official declarations and press releases. As the thesis examines the past five years, a lot of information is available in Turkish and international media which will serve as an important input to the previous methods of data assemblage. The desk research and document analysis will complement each other and help answer the research question. Selecting data and viewpoints from various sources are instrumental in establishing a procedure which is considered necessary for the requirements of such a complicated topic.

On the one hand, the comparison in the time frame of the data collected will provide a clearer picture of the historical background and state of affairs. On the contrary, the application of Kingdon’s Multiple Streams Approach will also give an insight into recent developments, practical background and different approaches related to the thesis subject.

3.2. Hypotheses

The following hypotheses were formulated in this thesis:
Hypothesis 1. Changes in migration policies of Turkey are caused by the Syrian refugee crisis which resulted in serious new risks and tasks to the government.

Hypothesis 2. Changes in Turkey’s migration policies begin with trial and error improvisation of the government shortly after the start of the Syrian refugee crisis.

Hypothesis 3. New rules and policies in the field of migration were determined officially only after a policy window had occurred due to a failure of the open door policy towards Syrians.

Hypothesis 4. Policy changes in Turkey in the migration field were driven by the demands of international law and Turkey’s EU accession process.

Hypothesis 5. The government acknowledged the Syrian focusing event as an opportunity window and managed to transform its migration policies.

3.2. Limitation of the study

The mentioned study has its limitations as well. First of all, notions that emerged out of the operationalisation of the key constructs do not cover all aspects of their theoretical definitions.

The second limitation is related to the threat to external validity: it is not clear whether the causal explanation between the key constructs can be replicated to other single-case studies.

The third limitation refers to the threat to internal validity: the expressed relationship between the migration policies of Turkey and the Syrian refugee crisis might be the result of another intervening variable such as Europeanization or securitization.

Furthermore, the research is limited to the timeframe and migration policy area, and interconnected areas will not be investigated. Timeframe and recent resources do not allow detailed analysis of other important fields such as international relations and domestic policies.
CHAPTER 4. Data analysis

This chapter will analyse policies of Turkey during different stages of the Syrian refugee crisis, taking a look at the new legal framework in the migration field. It will to some extent deal with the Turkey-EU cooperation in crisis management, with particular emphasis on the JAP. This will be followed by the discussion on the basis of the hypotheses.

4.1. Turkey's policies vis-à-vis the Syrian refugee crisis

A limited number of studies considered the impact of Syrian refugee crisis on Turkey's migration policy. This topic is relatively less studied due to its novelty. An article written by Duvell (2011) the author emphasises increased refugee flow, the situation in Turkey that has become a buffer zone for the EU and the latter`s insufficient financial aid to Ankara. In his turn, Koca (2015) provides a detailed analysis of the open door policy adopted by Turkey towards Syrians, at the same time touching upon some violations of the principle of non-refoulement.

Turkey is one of the main actors in the Syrian conflict as well as first country of destination with the approximately common border of 822 km. Turkey is also the shortest trajectory in migration route to Europe (Jarosiewicz & Strachota, 2015). Nowadays the country hosts the largest amount of refugees from Syria, approximately 1.7 million people (UNHCR, 2015). The government has spent more than $ 8 billion on Syrian refugees when the total amount of financial aid from international partners is $ 455 million (AFAD, 2016.b).

The Syrian refugee crisis established Turkey as an essential migration actor in the region. This was not the case during the turbulent periods of the early 1990s when Turkey tried to be less involved in refugee matters (Öniş, 2014). The systematic task has been achieved in the field of migration management since the beginning of the 2000s which are marked by proactive policy-making (Suter, 2013). However, this shift was not easy due to some dilemmas. Firstly, nationalistic and restrictive measures from bygone decades did not cope with the realities of the crisis. The changes in the
international environment made liberal policies necessary prior to the Syrian refugee crisis (Bürgin, 2012). This led to a conflict between defenders of the traditionalist and liberal approaches within the country. Only the compromise between these approaches might put forward measures for the transformation of the given policies and adequately manage the refugee crisis. The Syrian refugee crisis can be regarded as the end of 20 years of socio-political stability in Turkey (İçduygu, 2014).

Turkey’s response and policy towards the Syrian refugee crisis were mainly driven by the new-Ottoman state policy approach proposed by ideologist of the AKP, the author of its foreign doctrine and chief advisor to the Prime Minister of that period Ahmet Davutoğlu (Aras & Mencutek, 2016). As it was mentioned previously, the AKP’s rule in Turkey provided a policy window for advocates of paradigmatic policy shift particularly towards the Middle East. Davutoğlu (2001) mentioned that to appreciate Turkey’s potential, there is a need for a more comprehensive foreign policy using cultural, economic and political cooperation with the Middle East. Also, Turkey must recognise its Ottoman heritage and act as a leading actor in the region. The author stresses that this is not an option but a necessity. Davutoğlu argues that if Turkey is not proactive in the Middle East, it will further suffer from the active intervention of the states of the given region. The firm belief in the attractiveness of Turkey statehood model for the neighbouring countries, as well as the confidence in the effectiveness of Turkey’s soft power furnished AKP’s leadership aspirations (Jarosiewicz & Strachota, 2015).

It is possible to divide Turkey’s response to the Syrian refugee crisis into three stages. At the initial stage, Ankara announced its readiness to accept Syrians who were unhappy in their country. (Ilgit & Davis, 2013). Koca (2015) stresses that this period was characterised by relatively small volumes of influx. Only 250 refugees arrived in the Hatay region of Turkey in April-May 2011. This led the government to decide to manage the matter on its own without international assistance through an unconditional open door policy for Syrian refugees (Düvell, 2013).

Initially Syrians in Turkey were treated as guests rather than refugees due to assumptions that the conflict would be short-lived. However, in October 2011 the
Interior Minister announced a regime of temporary protection towards Syrians which meant that Turkey would meet their primary humanitarian needs, an opening of borders for people seeking protection in Turkey and that the people would not be sent back against their will. Özden (2013) mentions that the Syrians were not considered as refugees but as guests complained because of the unpredictability of their future status and the lack of concrete rights.

The Turkish society also took issue with the state’s hospitality and even allocated additional funds to “guests”. Until 2013 Turkey’s response embraces both governmental actions derived from the current legal framework with the limited involvement of the NGO’s and personal contributions (World Bank, 2015). The Turkey leadership considered the issue as Turkey’s internal problem due to common borders and close ties, hoping by this to strengthen its leading role in the region (AKP, 2011). During 2011 and 2012 the protection of Syrians was a political decision rather than a legal obligation. This led to the spontaneous steps from the government concerning documentation, shelter, entrance to the country and other related matters (Düvell, 2013).

In 2011 the Disaster and Emergency Management Authority (AFAD) was designated as the central governmental agency managing the Syrian refugee crisis. The deputy prime minister coordinates the AFAD’s work (AFAD, 2016a). It is important to stress that the AFAD is not a refugee organisation but acts as a single body registering refugees and enabling their access to the necessary services. Tuney (2015) mentions that by entrusting the refugee issue to the AFAD, which basically deals with temporally delimited disasters, the government delivered a message to the society that current crisis is not something long-lasting. As it will be discussed further, after the adoption of the LFIP the AFAD deals mainly with camp-related issues and already transferred most of its responsibilities to the Directorate General of Migration Management (DGMM) which is functioning under the Ministry of Interior.

The charitable approach to the crisis victims was mostly influenced by the long-lasting AKP rule and the AKP’s view of Syrians as historical compatriots during Turkey’s imperial past. Without any reference to international humanitarian and
refugee law, the Turkish ruling elite dictated an answer to the crisis to enhance its position as a regional leader. Statements of policymakers emphasise the moral responsibility and close ties Turkey has with Syrian people. Framing the issue in a “humanistic” context by calling Syrians guests rather than refugees helps the government show their benevolence and establish a better reputation in the region. (Korkut, 2016).

However, the protracted character of the crisis demonstrated the acute necessity to elaborate a comprehensive approach to the migration management in the country (Kirişci, 2014). Furthermore, a special importance was attached by Erdogan to the problem. To coordinate the activities of different governors, the Council of Ministers designated a coordinator governor who brings together the governors of bordering regions (Dinçer et al. 2013; Korkut, 2016).

According to Korkut (2016) the refugee crisis urged Turkey to elaborate an interagency approach to the problem and bring it to the agenda of not only a single organisation but to several related bodies. Regular inter-agency meetings are held to elaborate proposals to find a timelier solution. As what was expected to be a short-term problem is protracting, the number of agencies involved is increasing.

Another development in policy is the involvement of international actors in the handling of the crisis. Turkey was able to deal with migration issues alone and opted not to be a part of the first UN Syrian Regional Response Plan (SRRP) in 2012 and limited its cooperation with the UNHCR to the supply of tents for camps and observation of voluntary return (SRRP, 2012). Turkey’s will to manage the influx problems by taking over settlement, registration, humanitarian aid without addressing the UNHCR and related institution created further problems. When it became apparent in 2012 that the issue had a protracted nature the State’s attitude towards international cooperation had begun to change towards enhanced and intensified contacts (Kirişci, 2014). In contrast to 2012, the following years were characterised by close, enlarging cooperation with the UNFPA, UNHCR, UNDP, UNICEF, and the IOM (SRRP, 2014). Turkey was also a part of a more comprehensive UN Regional Refugee and Resilience Plan (3RP) in 2015 and 2016 which highlighted important
fields of cooperation and problems. Compared to the pages addressed to Turkey in the 2012 document a 90-page volume directed to Turkey in the 3RP demonstrated the importance attached to the problem and Turkey’s increasing role (SRRP 2012; 3RP 2015).

However, Kirisci (2014) touches on a paradoxical moment regarding the cooperation between NGOs and the Turkish government. While many government representatives declared close cooperation with NGOs was a necessity there is also a deep mistrust of “non-governmental” actors. Dinçer et al. (2013) stress that Turkey must still take several steps with regards to their suspicious attitude towards international actors and NGOs willing to assist Turkey in handling the problem. The government’s information sharing with NGOs and international partners such as Egypt, Jordan, Lebanon is important. Despite this fact Kirişçi (2014) is optimistic as to future government-NGO cooperation: increasing problems and threats will provide more space and willingness for mutual collaboration with relatively fewer constraints and more trust. It should be noted that the above-mentioned countries except for Turkey are not signatories to the 1951 Geneva Convention and use this factor as a pretext to try and downsize migration flows and limit the scope of assistance (Tan, 2015).

Despite its efforts, Turkey was faced with international criticism as the government restricted the UNHCR’s access to the refugee camps and was unable to define the status of Syrians in Turkey (Tolay, 2014). According to the agreement between the UNHCR and Turkey “temporarily protected” Syrians will be registered by Turkey without being registered by the UNHCR while people of other nationality should be registered on both sides. In other words, the UNHCR’s role in registering Syrians is still limited to specific cases related to resettlement but not to temporary protection applicants. Turkey still considers the UN agencies and NGOs as secondary actors in the crisis management and the main tasks are divided within state agencies.

The second phase continued until summer of 2014 during which Turkey still was dealing with the Syrian refugees with warm hospitality but after then the number of refugees entering the country considerably increased and this resulted in socio-
political alarm within the country. Turkey started to call for assistance from international partners (İhlamur-Oner, 2013). A large number of refugees entering the country became a problem for hospitality and reduced state ability to provide the necessary assistance. As a result, the government decided to elaborate a legal basis for their stay in Turkey. Therefore, the LFIP and the RTP were adopted in 2013 and 2014 respectively (both documents will be analysed in a more detailed way in the next part). As the Syrian refugee crisis shows no sign of ending, it has become a recurrent issue in the EU-Turkey agenda. Healthcare expenditures became an additional financial burden and was characterised as “healthcare tourism” by the AFAD representatives. It means that several Syrians consider Turkey a destination where they can get a good, free healthcare service (Korkut, 2016). The steadily increasing personal discontent within the population of Turkey’s regions demonstrates that such a political debate cannot be ignored anymore. A discussion on possible solutions such as integration and friendly coexistence within the country should be conducted despite the fact that question of foreigners’ integration is avoided on media debates (Kirişçi & Ferris 2015, İçduygü et al. 2014).

Unprecedented refugee flow pushed Turkey to use a “non-camp” approach that created a new precedent for refugee crisis management (World Bank, 2015). Only 272,439 people live in camps whilst the rest are free to travel the country to find housing and work (AFAD, 2016c). The Syrians who have valid documents may choose the place of stay while those without a passport are allocated in camps (Dinçer et al. 2013). Another novelty was the government financing in the first two years of the crisis. The changing character and scale of migration prove that it is more economical for countries to let refugees settle outside of camps with freedom of movement. This self-reliance presents greater economic benefits than limiting the Syrians to the camps (UNHCR, 2014).

Turkey managed to organise camps for refugees in a consistent and appropriate way. In total 25 temporary protection centres has been opened for the needs of Syrian refugees in ten provinces where the government representatives and NGOs cooperate closely. So far, 8 billion euros have been spent to this end only 455 million USD of which came from the international community (AFAD, 2016a). Turkey’s
humanitarian aid is highly appreciated by the international community (UNHCR 2015b, the UN 2015, the EU Commission 2014, 2015). The preparedness of these camps to deal with the crisis was highlighted as an emergency response to the high standard. Nevertheless, difficulties remain with “non-camp Syrians” who have limited access to services provided in camps (Kirişci, 2014). As Korkut (2016) points out, a distinction is made between a Sunni refugee and other refugees from Syria under the feeling of assistance to close neighbourhood. He also acknowledges the scarcity of the government’s programs and integration policies. Thus, the freedom of action was granted to Erdogan’s government selective approach towards refugee matters.

The third phase is more characterised with the long-term planning and restrictive policies towards the refugee arrivals. In fact, the government has started to change its emergency response attitude to durable planning (World Bank, 2015). Another change is related to international organisations’ assistance. Using modern technologies, the DGMM established electronic the GöçNet system and set up a database to gather biometric information of Syrians. With the growing burden caused by the crisis, Turkey addressed the international community and civil society for burden sharing (İçduygu, 2015). Since April 2014 the government introduced unofficial “closed-door policy” by strengthening of the border control mechanisms (Aras & Mencütekç 2016).

Along with the positive developments Öniş (2014) explains two limitations in Turkey’s Syrian policy: a failure in the expectations of playing a crucial role in regime change in Turkey and a local sectarian conflict in which Ankara is engaged in Syria due to its active efforts to solve the crisis. Ahmadoun (2014) argues that during the first phase Turkey became unable to provide refugees with the relevant assistance as it overestimated its resources and capabilities. Furthermore, Turkey, and bordering regions, in particular, is faced with interpersonal as well as socio-economic tensions leading to economic and security challenges (Koca 2015, Yıldız & Uzgören 2016). However, according to the opinion of Sağiroğlu (2015), migration question is not on the agenda of major Turkish political parties. Also, refugees have not been targeted by the Turkish society despite some cases of discrimination and bias towards Syrians.
Turkey’s intention to play a more important role in crisis management is also limited by internal political challenges (Oktav & Celikaksoy, 2015). Critiques of Turkey’s policies are provided by reports of Amnesty International and Human Rights Watch which are used to understand the discrepancies between the mentioned migration policies (İhlamur-Oner, 2013).

There is another attempt to systematise Turkey’s response proposed by Aras and Mencutek (2016) according to which there are their three phases. The first phase between 2011-2013 when assertive policies were applied. The second phase (2013-mid-2015) entails internationalisation via the UN with particular emphasis on international cooperation and burden-sharing. The third phase (mid-2015 to present) is based on EU-related, opportunistic attitude.

In order to cope with the emerged problems of the Syrian refugee crisis, Turkey conceptualised its response in two main documents: the Law on Foreigners and International Protection (LFIP) adopted in 2013, and the Regulation on Temporary Protection (RTP) of 2014. Both legal documents will be discussed in further part.

### 4.2. New legal framework of Turkey on migration

In this part, it would be argued that the adoption of laws was triggered not by EU transformative power which is decreasing steadily due to the accession deadlock but mainly because of the refugee flow from Syria. The previous chapters highlighted that the transformation until 2006 or even 2010 was indeed characterised by EU influence (Bürgin & Aşıkoğlu, 2015, Özden 2013, Kırişçi 2013, İçduygu 2015a). Likewise, to understand changes after 2011, it is essential to examine the Syrian factor. As a focusing event, the Syrian crisis provided a good policy window for the AKP that aimed to eliminate previous Kemalist approaches to the state policy and change it to fit the AKP perspective (Aydin & Kırişci, 2013).

In the light of the EU accession process and the Syrian refugee crisis, the Bureau for the Development and Implementation of Asylum and Migration Legislation (BDIAMLM) drafted the LFIP. As Demiryontar (2016: 73) mentions, the LFIP “was drafted in the
absence of credible membership prospect”. Several NGOs, academics, the Turkish government and the UNHCR took part in the preparation of the document in 2010 and 2011 (Soykan, 2012). On April 2013 Turkey’s Grand National Assembly adopted the LFIP. The aim was to fill the gaps in the current legislation and policy framework, to elaborate a comprehensive approach to migration, asylum management, and deal with the current bureaucratic barriers to asylum applications (Dardağan Kibar, 2013). The document consists of five parts: purpose and scope (part I), procedures and principles about foreigners in Turkey (part I), international protection (part II), general provisions on the international protection of foreign nationals (part III) and finally on the establishment of the DGMM (part V). With the adoption of the LFIP, partial legal documents in migration field were unified.

The document divides foreigners as refugees (LFIP, article 61), conditional refugees (LFIP, article 62) and those under subsidiary protection (LFIP, article 63.) As mentioned above, Syrian refugees could not be registered as refugees because of geographical limitations imposed by the Convention. Nevertheless, the provision of temporary protection which granted to Syrian refugees the right to stay in Turkey was included in the LFIP. Section 4 of the LFIP sets out the legal understanding of temporary protection status (Geçici Koruma Statüsü). Article 91 states that:

Temporary protection may be provided for 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.

The LFIP led to several institutional novelties by the establishment of subsidiary bodies that will deal with migration management. Using the policy window provided by the crisis, the government took a decision on the establishment of the DGMM under the Ministry of Interior. Article 103 of the Law stipulated that the GDMM is responsible for the drafting of migration policy and strategies, inter-agency coordination, regulating procedures concerning foreigners (entry-exit, stay-removal). The GDMM replaced the AFAD, which had been in control of migration issues up to 2014. Thereby, Turkey changed its attitude from a short-term to a long-term response.
crisis management. The Directorate includes provincial and overseas offices with 3000 people involved.

Another body created by the LFIP is the Migration Policies Board (MPB) chaired by the Interior Minister. It includes representatives of ten government agencies. The aim of the MPB is to define migration policies, prepare strategy documents, methods, programs in case of mass influx of refugees, monitor their implementation. In a case of necessity, other agencies and relevant NGOs may participate in meetings on an invitation. (LFIP, Article 104).

According to the LFIP Article 115 International Protection Assessment Committee (IPAC) is designed to manage the issues related to the international protection. Further, the institutional novelty was the establishment of a unit titled Coordination Board on Combating Irregular Migration (CBCIM) which coordinates efforts among law enforcement agencies, army and public agencies (LFIP, Article 116).

The LFIP increased the allowed stay period in the country for foreigners from 30 to 90 days, after which an alien should apply for a residence permit. People who meet the 1951 Convention criteria and individuals from non-European regions are eligible to apply for an international protection status. The EU considered the LFIP as “a comprehensive legal and institutional framework on the legal status of migrants, intending to bring Turkey into line with the EU and international standards (European Commission, 2013).

The LFIP also grants to Syrians staying in camps the right to work in specific spheres defined by the relevant authority in accordance with market demands and they can receive more services than people who moved to Turkish cities. Nonetheless, more Syrians are interested in the temporary status as their aim is to cross Turkey and to get permanent asylum status in Europe (İçduygu, 2015 b).

Certainly, the adoption of the LFIP is a complex process and is influenced by a variety of factors such as Europeanization, external and internal influences, the increasing role of Turkey in the region, and difficulties of the EU in managing migration crisis among others. The mentioned factors created a fertile ground for the
future changes (Bürgin & Aşıkoglu, 2015). However, the Syrian crisis as a focusing event accelerated the process of Law adoption and catalysed policy changes in the migration field. The LFIP sets up a legislative basis for changes. Another significance of the LFIP adoption is its possible input in mentality change within the Turkish governmental agencies and NGO’s involved in the process. The more important issue is its implementation which will also depend on the mentality of Turkish people and its constructive approach (Açıkgöz & Ariner, 2014).

As it was mentioned above, the temporary protection status was introduced in early 2011 making it necessary to lay it out in the new regulation. During the initial stage of the crisis, the refugee flow from Syria was considered to be an emergency situation and therefore management of the issue was administered by the AFAD (Soykan, 2012). The needs of Syrians i.e. food, shelter, and other expenditures was dealt with in the by-law on Disaster and Emergency Spending (2011). Being an effective tool for disaster management, the AFAD and Turkey’s disaster regulations demonstrated their ineffectiveness in the face of the current refugee crisis (Tüney, 2015).

As a result, along with the LFIP, on October 2014 the government adopted Regulation No. 29153 on Temporary Protection (RTP) which became the next step for transformation and gradual retreat from nationalistic concepts found in Turkish migration policies (Tuney, 2016). The RTP provided clarity to the status of Syrians sheltered in Turkey solving what had been a legal limbo. According to the GDMM (n.d.), the temporary protection status builds on the open door policy, the principle of non-refoulment and meets the refugees’ initial needs.

This means that Syrians, and stateless people with or without identification documents entering Turkey, will receive a temporary protection status instead of the possibility of applying for refugee status determination. The document sets up procedures and rules for persons under the mentioned status and defined their rights. Giving a legal permission to reside in the country for non-Europeans and providing them with access to several services is a change brought around in the RTP.
From another standpoint, the RTP represents a kind of golden middle way: its provisions do not contradict Turkish legislation and Turkey’s international commitments. The geographical limitation of the Geneva Convention has not been lifted. Turkey grants refugee status only to migrants arriving from Europe. Furthermore, the principle of non-refoulement is respected. Syrians may stay in Turkey and are not returned to their country of origin or to any other state by force.

The Turkish Council of Ministers defines which groups may receive temporary status (RTP, Article 10). According to the provision, Syrians who left their country due to the events happening after April 2011 should be granted temporary protection regardless of whether they applied for international protection. Thereby, the provisions on non-refoulement are applicable to all Syrians with temporary protection status.

Yıldız and Uzgören (2016) mention that the RTP lacks clarity on the following three points: Firstly, there is no defined duration limit for the temporary protection status. The word “temporary” should imply a timeframe for the status holder as it otherwise causes an indefinite situation and contradicts the provisions of the Convention. The impact of the Syrian crisis is evident because of the absence of time limits. Syrians receive temporary ID cards legitimising their stay in Turkey until the temporary protection period ends. No criteria for indicating the end of the status was defined neither by the TPR nor the Council of Ministers (Ineli-Ciger, 2014). The above mentioned is another prove of the assumption that the Syrian refugee crisis initiated and accelerated the adoption of the new legislation on migration.

Second lack of clarity is that refugees may only apply for individual refugee status determination procedures after the end of the temporary status (RTP, Article 16). Of importance is the fact the authorities may object to status determination even after the end of the mentioned period (RTP, Article 11). This prevents Syrian refugees from leaving Turkey for a third state as a refugee or asylum seeker.

Finally, the RTP has gaps as it does not include provisions that demand from the Turkish government to provide sufficient education, working permits and social assistance, defining them as social services. The government should decide which service should be qualified as a “right” for those people who in need. It is the sole
remit of the Council of Ministers to decide on the future of Syrians after the termination of their temporary protection (RTP, Article 11). Ineli-Ciger (2014) argues that some amendments in this respect may establish a more open and accountable framework for the functioning of the temporary protection regime.

To sum up, the process of admission of Syrians which started chaotically in 2011 received a legal basis in the RTP. The regulation was a partial novelty regarding Turkey’s refugee policy as the government, despite codifying the previous rules, introduced new ways of accepting asylum seekers from non-European states. The RTP details the issues regarding temporary status providing a legal basis for the stay of Syrians in Turkey. Notwithstanding, amendments on the status end date, full access to the limited services, and clarifications of the status of Syrians after the termination of the protection will definitely increase the effectiveness of the regime. The introduction of the above-mentioned documents was prompted by a focusing event, namely the Syrian refugee crisis, and advocated by the government officials. Unpredictability and the large scale of the problems posed by the crisis upon the country and the government’s willingness to strengthen its position as an important player initiated the RTP.

Taken together the RTP and the LFIP can be considered an important step towards understanding the shifting realities brought by the non-European flow of refugees and move away from the conservative, nationalistic approach of the republic’s early years.

4.3. Turkey-EU cooperation in the field of Syrian refugee crisis management

Aydin (2015) defines the Syrian issue as a new chapter in the EU-Turkey negotiation agenda providing a chance for a more comprehensive cooperation. A critical comparison of the EU and Turkey’s policies in the wake of the Syrian crisis was provided by Tolay (2014) who argued that Turkish policies of 2011-2013 are more relevant and humanistic than those of the EU. Bürgin & Aşikoğlu (2015) puts an emphasis on the EU’s influence on the adoption of new legislation (in particular in the
migration field) which meets the Union’s demand. A considerable number of scholars considered the EU accession as the main factor behind drafting the new migration legislation of Turkey.

Since the beginning of the Syrian crisis, the European Commission considers the Global Approach to Migration and Mobility as the main pillar on which the EU’s refugee crisis management strategy is based (Mogherini, 2016). The Approach is intended to be a long-term, migrant-centred, effective policies, that promote balanced, mutually beneficial and comprehensive cooperation with non-EU states (COM, 2011). Fandrich (2012) pointed two essential aspects on which the EU built its migration policy. Firstly, the financial aid provided by the EU, its member states and NGOs to refugees. Secondly, the allocation of refugees between the EU member states.

However, a remarkable discrepancy the EU rhetoric on refugee rights and its restrictive migration policies is evident. Nowadays, thousands of Syrians are using Turkey as a root for getting to the EU countries and their number continues to grow. In general, Turkey`s key position on Syrian refugee crisis management and humanitarian support was praised by the EU (3RP, 2015).

Tolay (2014) argues that the consequences of the Syrian refugee crisis could be regarded as a negative outcome of Turkey and the EU’s migration policies. Growing scale of the crisis increased the importance of cooperation between the EU and third countries dedicated to the dialogue with Ankara revitalised. When it comes to the long-term solutions to the crisis, both the EU and Turkey are blaming each other for recent shortages. While Turkey grants temporary protection for Syrians keeping them in the country, the EU is more intended to keep far from the EU borders. On one hand, the EU encourages Turkey to let Syrians pass through its southern frontiers. On the other hand, the EU demands to fortify and close Western borders in order to ensure refugee flow control (Elman, 2015). According to Holehouse (2015), the EU also blamed Ankara when Syrians returned and the FRONTEX even accused Turkey of helping refugees to arrive at the EU.
The EU Office in Turkey’s Gaziantep province coordinates joint steps in the region (JOIN, 2015). The European Council (2015) agreed to support Turkey and other neighbouring states by increasing the Regional Trust Fund (Madad Fund) as well as to deepen dialogue with the Turkish government to enhance migration cooperation. However, it was not specified in which format the cooperation will be deepened and how the Madad fund resources will be increased. Only 175 million euros was allocated to Turkey for Syria-related issues in 2015. Funding from the Instrument for Pre-accession Assistance rose from 130 to 245 million between 2007-2015. However, critics point to the scarcity of funding, problems in resettlement and inadequately implemented policies (Lehne 2016, İçduygu & Üstübici 2014).

Another mechanism was the use of the FRONTEX to take steps for the reinforcement of the Turkey-Greece border. Turkey, in response to the crisis, introduced open door policy towards Syrian refugees since 2011 by granting them temporary protection status and facilitating their entrance to Turkey allowing them to stay without risk of refoulment. Tolay (2014) holds that in comparison with the EU, Turkey got more praise for their crisis response. Turkey attempted to remain neutral in the face of refugee problems in neighbouring states in the 1990s limiting refugee entrance and pushing for refoulment. Therefore expectations of the EU from Turkey in relation to Syrians were less. On the contrary, the EU was an example of high expectations due to its economic development and adherence to the protection of human rights. The structural difference in decision making between the EU, which needs the policy to be adopted by the 28 members before it is implemented, and Turkey allows for the latter to take faster steps in reaction to the crisis (Ahmadoun, 2014).

With the beginning of cooperation between the EU and Turkey, the latter’s migration profile has witnessed the legislative and institutional transformation. Since 2011 Turkey shifted its role from being the protectionist state to a reliable partner of the EU. This should be an incentive for the EU to invest in the development of Turkey’s asylum hosting capabilities. It is important as the number of people seeking shelter in Turkey is higher than in any other country in the region. Turkey, as the most developed country in the region, has more possibilities to tackle the issue (Tolay, 2014).
Şenyuva and Üstün (2015) hold that due to refugee problem Turkey is considered by the EU sort of buffer zone and border against Syrians flow rather than a candidate country. This may lead to the politicisation of the accession process: for example, the EU could agree to accelerate membership negotiation in exchange for Turkey’s commitment to stop the migrant flow. This “does not coincide with the notion of the principle-based normative Europe” (Ibid: 21).

The EU should reconsider its cooperation with Turkey as a destination and transit country. Ankara’s concerns on the Syrian refugee issue should push the EU to consider Turkey, a special partner. Turkey-Bulgaria and Turkey-Greece bilateral discussions should prioritise the placing of border management, resettlement of Syrians from Turkey to EU member states and financial aid on the agenda. This can also be a fruitful ground for Turkey-EU cooperation on migration matters related to other regions (Berti 2015; Tolay 2014). As of late December 2015, nearly 850,000 people had reached Greece by sea from Turkey which is the main entry point for refugees (UNCHR, 2015). However ensuring border control does not mean resolution of the problem.

In spite of the fact that Ankara’s policy towards Syrian refugee crisis and response have been supported in the progress reports of the EU, a significant step was taken in 2015 (Aras & Mencutek, 2016). Since the second half of the year 2014, Turkey shifted burden sharing from the UN to the EU and externalised its migration policy. Aras and Mencutek (2016) argue that since that period Turkey has demonstrated itself as an opportunistic state, trying to use Syrian refugee leverage in cooperation with EU. Syrian issue emerged in the EU-Turkey negotiations agenda as a tool of the bargain. Several factors impacted increase of Turkey’s role as the EU’s crisis management partner. An unprecedented flow of irregular migrants from Syria and the Middle East region, numerous cases of human rights violations concerning migrants and sharp public attention to this fact has become a test for the EU future integration and migration management. The Syrian refugee crisis revitalised EU-Turkey relations after protracted indifference and apathy: impossibility to deal with emerged migration problems once more increased Turkey’s importance as a strategic partner for EU.
On October 15, 2015, Turkey and the EU agreed on JAP in order to deal with the problem in a coordinated way. The agreement entered into force on November 29, 2015, during the Turkey-EU summit. The JAP reflects mutual understanding of the sides “to step up their cooperation on the support of Syrians under temporary protection and migration management in a coordinated effort to address the crisis by burden sharing […] implemented simultaneously by both sides” (JAP, 2015).

The JAP consists of two parts. The first part aims to tackle the roots of the huge migration flow, to support the hosting of refugees, to grant refugees temporary protection, as well as the establishment of close cooperation to reduce the migrant influx to the EU. However, the document remains silent on the roots of the crisis and how the strengthened cooperation will lead to problem-solving. The main idea is that the EU will provide an additional three billion euros to Turkey to maintain its refugee receiving capacity. The EU will assist the relevant NGOs dealing with immediate humanitarian help. In this regard, Turkey’s needs will be jointly assessed and prioritised. The EU will also ensure resettlement schemes within the EU member states. On its turn, Turkey has to proceed with the implementation of the LFIP and carry out work on additional relevant legislation and migrant registration enabling Syrians to stay in the country. Another important point is the access to basic services and special care to vulnerable people which should be provided by Turkey.

In the second part, special emphasis is placed on the strengthening of mutual cooperation in crisis management. The EU is given responsibility to support capacity building of relevant Turkish agencies, during joint return operations. Another responsibility is the facilitation of the dialogue among interested states on migration management.

The FRONTEX and Turkey should have a mutually appointed liaison officer to deepen data exchange, assign more funds to border development, and carry out asylum management in accordance with the requirements of EU-Turkey dialogue (JAP, part II, article 5). Accordingly, Turkey will ensure state capacity to tackle migration problem on the basis of the EU aid, and will align its policies to the EU’s. The government will deepen the dialogue particularly with Greece and Bulgaria for
further implementation of the trilateral agreements of May 2015, and complete the asylum procedure of applicants and fight against migrant smuggling in a timely manner. Thus, Turkey should prevent the refugee flow to the EU by accommodating them properly in exchange for additional EU funds and a possible reconsideration of the liberal visa policy between the EU and Turkey. A special joint working group should be established to revise the implementation of the Action Plan by the High Representative, Vice President, the Turkish government and the EU Commission.

In the aim of keeping Syrians in Turkey and prevent their arrival to the EU, the document tries to fix the current state of affairs on Turkey migration policies, focusing especially on the LFIP and RTP, thereby changing Ankara’s pre-2000s attitudes towards the issue. The EU refers to the LFIP in this regard, considering it the main document in this respect. Nevertheless, Turkish legislation can only provide a provisional and not a permanent status which would secure the Syrians future in the country. Therefore, it is unlikely that a sharp decrease in numbers of asylum seekers willing to reach an EU country will be witnessed. That is why the second part of the document calls for stricter border control rules. The JAP increased risks that Turkey may in future become for refugees refuelled from the EU. The Syrian refugee crisis and the JAP brought revitalization to Turkey-EU stagnant dialogue. The Action Plan also lead to the understanding that both sides should profit and learn from each other’s capacity in crisis management (Elmas et al. 2016). This bilateral refugee cooperation is also regarded as a geopolitical game during which the EU in a blind eye to the human rights violations in Turkey in return to the construction of the “Fortress Europe” through Turkey’s enhanced refugee control (Tuğal, 2016). As a result, Turkey has launched a construction of border wall of 910 kilometres after October 2015 within the framework of integrated border management. The wall will be controlled by the surveillance (Daily Sabah, 2016).
4.4. Discussion

Hypothesis 1. Changes in migration policy of Turkey are caused by the Syrian refugee crisis which resulted in serious risks and new tasks to the government. The first hypothesis is partly correct. It should be noted that the basis for changes in Turkey's migration policies started with the EU accession negotiations and Turkey’s compliance with some of the EU demands for reform which were undertaken in the mid-2000s.

Nevertheless, the Syrian refugee crisis became a test for migration management. The country faced an unprecedented refugee flow causing humanitarian, economic and social consequences (Kirişci & Ferris 2015, Elman 2015, World Bank 2015). Despite the AKP government initially trying to use Syrian refugees as a tool for foreign policy interests in accordance with the “zero problem policy”, it turned into a difficult humanitarian and political problem for the government. Furthermore, the worsening of Turkey’s internal situation in relation to problems linked to refugees damaging to a fragile socio-economic and ethnic situation which will probably lead to disagreement and repressive policies in the field of migration. Instability could have dangerous and deplorable consequences for the region and the EU (Tolay, 2014).

My second hypothesis stated that changes in Turkey’s migration policies began with trial and error improvisation by the government shortly after the occurrence of the Syrian refugee crisis. Hoffmann and Samuk (2016) argue that the government’s policy response was to some extent chaotic and marked with impromptu pragmatism. Firstly, Syrians were treated as guests rather than refugees. Subsequently, an open door policy was purely initiated by the foreign and internal policy objectives of the ruling AKP, but not by the adopted migration management policy (in fact there was no adopted migration policy until 2011). Not surprisingly miscalculations in the foreign policy area led to the miscalculation in the migration management policy. The government tried to improvise with an innovative open-door policy. The temporary protection that was applied in November 2011 became a sort of continuation of the open-door policy. As İçduygu (2015) explains, complications to Turkey’s response were created by the expectation that the problem will be solved soon, and therefore
the government response during 2011-2013 was short term. This short-termism showed limited cooperation between the government agencies and NGOs, which increased at the end of 2014. New legislation was implemented with great flexibility and local authorities' relative independence. NGOs access to refugee camps has been limited to education and healthcare services. However, access limitation has softened due to the protracted nature of the refugee flow from Syria (Ozcurumez & Yetkin, 2014).

In the more recent years of the refugee crisis Turkey’s generosity has shown its limits. Turkey is under an increased pressure to develop urgent, efficient and long-term responses to the crisis and invites improved international support. Turkey’s initial generosity has been replaced with the request for international burden sharing (Hoffmann & Samuk, 2016). It is important to note that the government of Turkey has started to unofficially limit the open-door policy by steadily revising its policies. Relatively strict border control regulations which have put the open door policy in question were imposed by the government who justified this with the lack of available places in refugee camps (Hurriyet Daily News, 2015). In the light of the aforementioned, the second hypothesis is proven true.

Hypothesis 3. New rules and policies in the field of migration were determined officially after a policy window occurred due to the failure of the open door policy towards Syrians. This hypothesis is affirmed. The Turkish government only started working on its migration legislation after the beginning of the crisis. Before then, the only document regulating refugee matters was the Regulation of 1994. Some LoS (2006) and other legal documents adopted in the mid-2000s in relation to migration issues were part of this legal framework.

The lack of proper mechanisms and institutions for decision-making has created obstacles to finding a comprehensive solution. Consequently, as Pusch and Sirkeci (2016) argue, the government has started to reconsider its previous migration legislation after the beginning of the crisis. Indeed, Turkey applied the LFIP to Syrians as a new legal document based on the previous legislation. In light of the changing nature of migration processes and the dynamics of the Syrian refugee crisis
the LFIP and RTP were necessary. Both documents are new, systematic and comprehensive legislation in the field of migration management. The consolidation of migration legislation is a positive trend which derived from the Syrian refugee crisis. Since 2011 Turkey has started drafting new migration policies, consolidating the previous piecemeal regulations into a new law. The government managed to unite into a unique set of laws what was previously a field regulated by different regulations, internal circular notes and other secondary documents. This was a direct result of the refugee flow emanating from Syria. It should be noted that the new migration policies and legislation do not necessarily contradict Turkey’s obligations under the Refugee Convention. Instead of being liberalised, governmental policies became more systematic.

Hypothesis 4. Policy changes in Turkey in the migration field are driven by international law demands and Turkey’s EU pre-accession process. This hypothesis is partly true for the period of 2000-2010 but not after the beginning of the crisis. Up to the suspension of the EU accession negotiations in 2006, the EU was the main driving factor for the transformation of Turkey’s migration policy. Likewise, EU influence decreased after 2006 due to an unclear perspective of membership and the Turkish government’s lack of trust in the EU. As the research highlighted, since 2011 the EU’s influence has diminished, and changes in legislation and policies have been imposed after the focusing event, namely the Syrian crisis.

Hypothesis 5. The government acknowledged the Syrian focusing event as an opportunity window and managed to liberalise and transform its migration policies. Research made for this thesis demonstrates that the Turkish government used the Syrian refugee crisis as an opportunity window not for the migration policy change but as a policy window for its foreign and partly domestic policies. The research did not reveal a total transformation of the migration policies.

Applying Kingdon’s approach, the refugee influx can be seen as an unpredictable policy window which could lead to liberalisation of policies. Nevertheless, the policy window was not fully used. First of all, policy changes in Turkey’s migration field were limited due to the intactness of the Convention’s geographical limitations. Whilst
Turkey started accepting non-European asylum seekers despite their geographical limitations of Geneva Convention they kept this limitation in force. There is also tension between supporters of previous conservative and to some extent nationalistic policies, and defenders of a liberal EU oriented approach. This is apparent through Turkey’s choice to keep the Geneva Convention’s geographical limitations and the discrepancies on providing full education, work permission and other support for the temporary protected population. Hoffmann and Samuk (2016) as well as Içduyu (2015a) observe trends towards restrictions on the entry of Syrians in Turkey despite the governmental rhetoric on welcoming them and having an open door.

Representatives of other nationalities from different regions, except those from Europe, can not apply for refugee status determination procedures. Only Syrians who fled their country due to the crisis may reside temporarily in Turkey. However, Syrians have no rights to apply for refugee status determination (Içduyu, 2015b). Turkey only gave a limited opportunity to Syrians who fled the country. Being an ad hoc provision, temporary protection prevents granting refugee status and citizenship to Syrian refugees (Tuney, 2015). The DGMM directly proceeds with Syrian applications for temporary status without the involvement of the UNHCR.

Since 2012 Turkey has started to restrict the arrival of Syrians without a passport to the country. Also, the “zero-point delivery system” was introduced, meaning the government delivers humanitarian assistance across the border and Syrians may profit from it through local organisations without entering Turkey. Turkey’s guest approach adopted in 2011 and 2012 has changed as the country closed the borders when it deems this necessary to regulate the migration flows (Berti 2015, Kirişçi 2014).

Another discrepancy is linked to provisions relating to the different and favourable treatment of migrants with Turkish culture and origin. On the one hand, the Syrians’ access to the labour market remains tightly controlled. On the another hand, their illegal presence in the labour market is unofficially allowed (Kirişçi & Ferris, 2015). This opaque situation results in social tensions between Syrians and Turkish citizens as the latter’s discomfort with increased migrant workers working for lower salaries
rises. Of relevance, the “Regulation on the provision of work permits for people under temporary protection” was adopted in January 2016 and gave Syrians who were under temporary protection for more than six-month permission to work within the region they were registered. The overall number of Syrians represented in the local labour market should not exceed 10% quota.

Despite the policy changes’ limits, the Syrian refugee crisis creates new opportunities for further developments in migration management. İçduygu (2015a) for instance argues that Europeanisation, the growing presence of Syrians in the country, as well as the protracted nature of the problem, will steadily promote new reforms and bring changes to Turkey’s policies. In the case of migration policies of Turkey, “Turkishness” is not only a cultural but to some extent a legal matter, granting asylum seekers the right to be considered refugees. Consequently, there is a need for more reforms to improve the Turkish migration policy, asylum reception and integration.

The importance of the border control has increased in the light of the Syrian refugee crisis. Due to long border with Syria, Turkey needs more efficient control mechanisms such as a shift to civil border management rather than security (Sağıroğlu, 2015). However, Turkey’s security challenges are on the rise and therefore the mentioned move from a military to civil management seems to be a problematic matter.

Drawbacks in Turkey’s policies towards Syrians, especially access limitation, such as maintaining Syrians on another side of the border, closing frontiers, and severe measures to keep migrants in Syria, are regarded as unlawful and inhumane by Amnesty International (2015) and Human Rights Watch (2016). Both organisations expect a deterioration of the situation in the mentioned fields due to the JAP’s initial outcome. The introduction of the visa regime for Syrians arriving in Turkey from other countries can be regarded as the mentioned action result. Another important change to tackle the drawbacks is influenced by the JAP, which will provide Turkey with EU technical assistance and funds in return for Turkey’s more restrictive policies introducing stricter border mechanisms and imposing bureaucratic limitations on illegal migrant flow from the country.
Long-term planning has just started with the establishment of the DGMM and with the provision of the new legislation. The main part of the project is based on previous experiences but aimed at more long-term solutions (Hoffmann & Samuk, 2016). The EU’s decades-long experience in migration management could be used as an example of long-term planning.

İçduygu (2015b) argues that the Syrian influx may cause two kinds of policy changes; first, the lifting of the geographical limitation on Turkey’s refugee policy which was loosened after the 2013 Law and the 2014 Regulations; and second, access to the refugee status for people with Turkish and Muslim origins in Turkey could be excluded. The policy was influenced by the zero-problem policy pursued by Erdogan’s government which proved its incapacity in the face of the crisis (Joshi & Stein 2013; Ayata 2015). In this respect, the above-mentioned border closure is also an outcome of this failure. On the other hand, despite some cases of border closures, there is no significant return from Turkey to Syria (Hoffmann & Samuk, 2016).

According to Akram et al. (2015), one of the important discrepancies of the Turkish response is the scarce communication between refugees and the local population. Syrian refugees become less patient and frustrated as a result of the unclear refugee status perspective. The “non-camp” approach adopted by the Turkish government created obstacles in registering non-refugees and therefore impeded the providing of humanitarian assistance to those in need. The Syrians’ long-term integration into the Turkish community is a matter which is still challenging and requires more serious consideration. It is worth mentioning that despite some concerns, the refugee crisis has not caused moral panic or considerable disturbance in Turkey. Albeit considerable progress in the development of Turkish migration policies, there is still a long road to be overcome.

It is important also to mention the theoretical framework used for the recent thesis. Applying Kingdon’s MSA it is possible to highlight the effects of the policy stream (opinion of politicians and policy makers on the need for changes), the problem stream (acknowledgement of the recent problem) and political streams (government change and AKP’s coming into power) into the process of migration policy change.
Kingdon’s approach has been criticised both by policymakers and academicians. Although the MSA addresses the process of policymaking, the scope of the approach is limited as the author did not test the MSA outside of the US (Sabatier, 2007). The decision-making process in other regions (in our case in Europe and the Middle East) diverges from that in the US because of political differences, differences in social structure and ideology, and historical development. The author holds that the MSA is not entirely appropriate to explain the policy making process in Eastern countries and therefore it should be expanded taking into consideration national and regional specificities.

Furthermore, according to Stout and Stevens (2000), the MSA does not sufficiently recognise the increasing importance of social and mass media. The topic can be prioritised by media, thus contributing to increased attention from decision makers. Sometimes even false and incorrect information can be used by media to shape the issue in accordance with the interests of a party (Scheufele & Dietram, 2000). This is crucial for the MSA because some policy entrepreneurs might influence the media for simulation of a stream development (Shanahan, McBeth, Hathaway, & Arnell, 2008). Streams introduced by Kingdon have also been questioned regarding their full independence taking into account their ambiguous nature (Robinson & Eller 2010; Sabatier 2007). Guldbrandsson and Fossum (2009), on the contrary, argue that each stream has concrete rules and coexists parallel to others, and the streams merge only when there is a favourable condition.
CHAPTER 5. Conclusions

From 2011 onwards the Syrian refugee crisis became a pressing concern for Turkey and the international community. In contrast to most studies examining the EU influence as a triggering factor for the migration policy changes in Turkey, Kingdon’s Multiple Streams Approach was used in the recent research with the Syrian conflict as a focusing event in order to understand the policy change in Turkey between 2011 and 2015. As the research revealed, the crisis became a focusing event that triggered and accelerated changes in Turkey’s migration policy between 2011 and 2015.

Answering the research question, it should be noted that the Turkish migration policies did not become more liberal or open in comparison to those before the crisis. Instead, the Syrian crisis led to improvisation in the field of migration which started with the spontaneous guest approach and open-door policy towards arriving Syrians without any legal basis. As a focusing event, the Syrian refugee crisis provided a policy window for the AKP to advance its zero-problem and new-Ottoman policy towards Syrians and this policy got its reflection in the migration policies of the country.

The protracted nature of the crisis influenced the government’s decision to introduce a temporary protection regime for Syrians only, and the establishment of its legal basis. The refugee crisis pushed Turkey to reconsider its legal migration framework. Two main documents – the LFIP that set up the legal basis for the temporary protection and the RTP which defined the details of it, were adopted after the beginning of the crisis. These documents brought some systematisation to Turkey’s migration legislation as well as a further institutionalisation in the said field: several agencies such as the GDMM, MPB and IBAC were created and the short-term emergency response carried out by AFAD was replaced by long-term approaches with the involvement of those organisations and several NGOs. The central government is still the main actor in migration policies, but the government’s non-camp approach resulted in decentralisation and difficulties in migration management.
The scale of the problem, as well as resources allocated for reforms in the migration field, decreased the central government’s ability to manage the problem. Since mid-2013 Turkey steadily moved to closer cooperation with NGOs and requests from the international community concerning burden sharing. Since 2014 the open door approach was gradually replaced by a more restrictive attitude towards Syrians, with enhanced border control, construction of a wall at the Turkish-Syrian border and the introduction of the zero-point delivery system which means that Turkey provides humanitarian assistance to Syrians across the border thereby preventing them from entering Turkey.

Research highlighted that liberal developments in Turkish migration policies were related mostly to Syrians but not to other nationals seeking asylum in Turkey. In accordance with the Geneva Convention relating to the Status of Refugees, Europeans remain the only people who may apply for a refugee status in Turkey. Syrian migrants must take a temporary status without any clear perspective of getting a sought after refugee status.

The above-mentioned demonstrates the current change to liberalisation in the light of the Syrian refugee crisis and the Europeanisation process. Restructuring of the migration policies is positive but still needs further development. Problems which remain, such as the geographical limitation, nationalistic sentiment regarding migration as well as issues related to employment, education, naturalisation, and status determination should be addressed.

The first recognition of the migration problem came after 2011 when the protracted nature of the crisis became evident (the first stream in Kingdon`s approach). We also noticed the policy stream activation during 2013-2014 when main legal documents were adopted and Turkey made an important step in the systematisations of migration legislation. However, the last politics stream in Kingdon`s approach was not effective in explaining the current, unresolved situation and incomplete nature of the reforms. Furthermore, the Multiple Streams Approach is more effective in explaining the initial stage of policy change but not the full process. The notion of policy entrepreneur was less important and less helpful because it was only related to the
ruling party without indication of specific public figures. According to the literature review, the MSA has never been tested for the case of the Syrian refugee crisis and for the Turkey migration policies.

In the literature review there was not found any study or application of Kingdon’s framework in order to understand Turkey’s policy change as a result of the Syrian refugee crisis, but only the mentioning of the triggering role of the crisis. Turkey’s approach to the Syrian refugee crisis differs both from previous Turkish approaches to refugee-related matters and to those outside of Turkey. The shift from the security-focused attitude towards a humanitarian centred one is supposedly related to the government’s ambitious foreign policy objectives.

The Multiple Streams Approach of Kingdon was helpful in this study as the agenda-setting model. It offered a framework for assessing why and in which way Turkey’s migration policies shift from a restrictive Kemalist approach to a more policy-driven open-door policy and temporary protection regime. However, it was not helpful to explain further restrictions that followed 2014.

In relation to the migration matters the MSA can be significantly improved by taking into account the specifics of migration issue, decision-making process in the Eastern Europe and the Middle East countries that are different from the decision-making in the West. The case of Turkey is not an exceptional one with regard to Kingdon’s approach. Comparing the Turkish case with other relevant cases could get a better understanding of how the MSA explains policy changes in the migration sphere. Although the notion of “policy window” sheds light on the AKP’s steps towards the transformation of Turkey’s migration policy, future applications of the MSA could focus more on the notion of policy entrepreneurs. Also, more detailed media analysis could contribute to understanding the developments within the three streams.

In conclusion, Kingdon`s Multiple Streams Approach seems to explain the policy changes in Turkey regarding the Syrian refugee crisis in 2011-2015 only to a limited extent.
List of abbreviations

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<th>Abbreviation</th>
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<tr>
<td>AFAD</td>
<td>Disaster and Emergency Management Authority</td>
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<td>AKP</td>
<td>Justice and Development Party (Adalet ve Kalkinma Partisi)</td>
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<td>APD</td>
<td>Accession Partnership Document</td>
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<td>CBCIM</td>
<td>Coordination Board on Combating Irregular Migration</td>
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<td>CoE</td>
<td>Council of Europe</td>
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<td>DGMM</td>
<td>Directorate General of Migration Management</td>
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<td>RTP</td>
<td>Regulation on Temporary Protection</td>
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