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Financed by the European Commission - MEDA Programme

**Cooperation project on  
the social integration of immigrants,  
migration, and the movement of persons**



Robert Schuman Centre  
for advanced studies

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***Asylum, Immigration, Irregular Migration  
and Internally Displacement in Turkey:  
Institutions and Policies***

Analytic and Synthetic Notes 2004/03 - political and social module  
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**CARIM**  
**Euro-Mediterranean Consortium**  
**for Applied Research on International Migration**

**Analytic and Synthetic Notes – Political and Social Module**  
**CARIM-AS 2004/03**

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**Asylum, Immigration, Irregular migration and Internally  
Displacement in Turkey: Institutions and Policies<sup>1</sup>**

**Introduction:**

Migration and immigration issues in Turkey over the last decade have gained a lot of importance. Turkey has long been known as a country emigration.<sup>2</sup> Especially, in the 1960s and 1970s large numbers of Turkish nationals migrated to West European countries in search of employment. Subsequently, through the asylum, family reunification and illegal migration routes Turks continued to emigrate. Turkey has also experienced starting from the early 1950s massive movement of people from rural areas to urban centers. In 1950 25 per cent of the Turkish population lived in urban centers. Today this has increased to 64 per cent.<sup>3</sup> A good proportion of this migration from rural to urban areas was driven by economic considerations. At the same time, the instability and insecurity caused by the confrontation between the Kurdish separatist PKK and Turkish security forces during the 1990s led to large number of people becoming internally displaced. Although the political situation since then has improved significantly the administrative, economic, legal and social problems associated with this displacement persist.<sup>4</sup>

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<sup>1</sup> The author acknowledges the assistance of Esin Sarac in the research for this report.

<sup>2</sup> There is a very rich and extensive body of international as well as Turkish literature examining labor emigration from Turkey Nermin Abadan-Unat, *Bitmeyen Göç: Konuk İşçilikten Ulus-Ötesi Yurttaşlığa* (Unending Immigration: From Guest Workers to Transnational Citizens) (İstanbul Bilgi Üniversitesi Yayınları, İstanbul, 2003) by a senior academic of the subject would constitute a starting point.

<sup>3</sup> Devlet İstatistik Enstitüsü (State Statistical Institute): <http://www.die.gov.tr/IstTablolar/04nf026t.xls> (visited 28 October 2004).

<sup>4</sup> There is a very rich and extensive body of literature examining migration within Turkey. *75 Yılda Köylerden Şehirlere*, (Migration from Villages to Cities in 75 years) (Türkiye Ekonomik ve Toplumsal

As much as Turkey has been known as a country of emigration it was also a country of immigration. Large numbers of immigrants especially from the Balkans came and settled in Turkey over the last eighty years. However, during the course of the last decade or so the composition of this immigration has changed drastically. Today, there are people who enter Turkey with the purpose of seeking asylum, of transiting the country to reach the European Union member states and of taking up odd jobs illegally in Turkey as well as for purposes of petty trading. There are also a growing number of foreign nationals settling in Turkey for professional as well as reasons of education and retirement.

Internal displacement, emigration and immigration create a set of complex problems and challenges for Turkey. This report is divided into two sections. The first part provides an inventory of institutions, public as well as non-governmental, and policies associated with these institutions in respect to of emigration, immigration and internal displacement. Institutions and policies associated with each form of movement of people will be presented in this first part. The second section provides a general political overview and analysis of emigration and immigration in Turkey. Particular emphasis will be given to the manner in which Turkey's EU membership aspirations have impacted upon government policies and legislation in relevant areas.

## **SECTION I: An Inventory of Institutions and Policies**

### ***Emigration:***

According to Turkish government statistics there are 3.5 million Turkish citizens residing abroad: the majority of them live in Western European countries and in particular Germany.<sup>5</sup> Since the Turkish government started to accept dual citizenship an ever increasing number of Turkish immigrants have also taken up citizenship of the country they are residing in.

The Turkish **Ministry of Foreign Affairs** ([www.mfa.gov.tr](http://www.mfa.gov.tr)) provides basic consular services for these immigrants ranging from issuing passports to the registration of marriages, births etc... Consulates also take in applications for dual-citizenship even if the ultimate authorization has to come from the **Interior Ministry** ([www.icisleri.gov.tr](http://www.icisleri.gov.tr)). The Directorate General of External Relations and Services for Workers Abroad of the **Ministry of Labour and Social Security** ([www.calisma.gov.tr/birimler/yih/yih.htm](http://www.calisma.gov.tr/birimler/yih/yih.htm)) is responsible for addressing the labor and social welfare problems of Turkish citizens abroad. It appoints labor attachés to major capitals of EU countries to oversee the Ministry's tasks. The Directorate prepares a yearly report detailing the Ministry's activities and services destined for Turkish immigrants as well as offer a set of demographic, economic and social statistics about

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Tarih Vakfi, İstanbul, 1999) provides a good representation of the topics and issues covered by Turkish academics.

<sup>5</sup> Just over 3 million of these citizens live in Western Europe followed by 260,000 in the United States and Canada, just under 110,000 in Middle Eastern countries, more than 56,000 in Australia and about 22,000 in Israel. There are approximately one million Turks who have taken up citizenships of their host countries. These figures have been obtained from the web page of Ministry of Labour and Social Security Directorate General of External Relations and Services for Workers Abroad: <http://www.calisma.gov.tr/birimler/yih/yih.htm> (visited 28 October 2004).

them. The report also provides coverage of jurisprudence from national courts and European Court of Justice concerning cases involving Turkish immigrants' labor and social rights as well as recent national legislative developments concerning Turkish immigrants. Traditionally, the Ministry operated on the basis of the understanding that Turkish immigrants would one day be returning to Turkey. The **Ministry of Education** ([www.meb.gov.tr/indexeng.htm](http://www.meb.gov.tr/indexeng.htm)) and the **Directorate of Religious Affairs** ([www.diyamet.gov.tr](http://www.diyamet.gov.tr)) are two public institutions with programs for Turkish immigrants. Both institutions on the basis of bi-lateral agreements send school teachers and religious officials to serve Turkish immigrant communities.

Over the last few years all these Ministries have become increasingly conscious of the fact that Turkish immigrants are there to stay in their host countries. These developments have created a climate relatively more receptive to projects aiming to assist Turkish immigrants with integration problems.

The Turkish **Grand National Assembly** ([www.tbmm.gov.tr](http://www.tbmm.gov.tr)) recently has become interested in the problems of Turkish nationals living abroad. The election of members of the parliament with immigrant background or experience has played an important role in this. The Parliament constituted a commission in April 2003 to visit immigrant communities in Europe and investigate their problems. The Commission adopted an extensive report analyzing a wide range of problems experienced by Turkish immigrants and submitted their recommendation in December 2003.<sup>6</sup>

There are a massive number of **non-governmental organizations** that Turkish immigrants have formed, in their respective host countries, as well as umbrella organizations under which they gather. Traditionally Turkish immigrant associations tended to focus their politics on developments back in Turkey. These associations often reflected on an almost one to one basis the political cleavages of Turkey. Ethnic, religious and ideological cleavages particular to the Turkish politics of the 1970s through to the 1990s were repeated among these associations. However, over the course of the last decade an increasing number of associations have merged, focusing their activities on addressing the day to day problems of Turkish immigrants. Such associations unlike their predecessor have come to focus greater attention to the integration problems of Turkish immigrants and adopt the role of mediator between immigrants and local authorities of the host country.

Turkish labor migration and Turkish immigrant communities have engendered massive **academic interest** both in Turkey and in Europe. A huge body of literature has emerged on the topic as well as many research institutes in Europe that support projects examining various aspects of Turkish immigrants' presence in Europe. One of the most prominent and oldest of these centers is the **Foundation for the Study on Turkey** in Essen, Germany ([www.zft-online.de](http://www.zft-online.de)). In Turkey the scarcity of resources for research institutes has made the emergence of institutions capable of developing and running sustained research projects much more difficult. Most of the research in Turkey in this area has been sustained by the efforts of individual academics. The State Planning Organization ([www.dpt.gov.tr](http://www.dpt.gov.tr)) has been an important public institution that has supported some of these individual and institutional research projects. The **Hacettepe**

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<sup>6</sup> “Yurtdışında Yaşayan Vatandaşlarımızın Sorunlarının Araştırılarak Alınması gereken Önlemlerin Belirlenmesi Amacıyla Kurtulan Meclis Araştırma Komisyonu Raporu”, T.B.M.M., Session 22, Number 335, Legislative Year 2, 17 December 2004.

**University Institute of Demographic Studies** ([www.hips.hacettepe.edu.tr](http://www.hips.hacettepe.edu.tr)) is a unique research institute with interest and a research record on Turkish immigrants. The Institute publishes the *Turkish Journal of Population Studies* with occasional articles addressing issues in this area. **Bilgi University** has recently set up a **Migration Studies Center** ([http://goc.bilgi.edu.tr/index\\_eng.html](http://goc.bilgi.edu.tr/index_eng.html)) with a broad focus on migration in general with an interest in Turkish immigrants too.

### *Immigration:*

Traditional immigration into Turkey for decades was handled by the Ministry of Foreign Affairs that was authorized to take the initial application from prospective immigrants, the **General Directorate of Security of the Interior Ministry** ([www.egm.gov.tr](http://www.egm.gov.tr)) that enjoyed the authority of a final decision on applications and the **General Directorate of Rural Services** ([www.khgm.gov.tr/GDRS.HTM](http://www.khgm.gov.tr/GDRS.HTM)) which was responsible for assisting immigrants' settlement in Turkey.<sup>7</sup> On the other hand the question of asylum into Turkey throughout the Cold War was handled in the context of a close cooperative relationship involving the Ministry of Foreign Affairs, **Foreigners Department** within the General Directorate of Security of the Interior Ministry ([www.egm.gov.tr/yabancilar/default.htm](http://www.egm.gov.tr/yabancilar/default.htm)) and the **United Nations High Commissioner's** representation in Turkey ([www.unhcr.org.tr](http://www.unhcr.org.tr)). The overwhelming majority of the asylum seekers came from the Soviet Union and countries that had communist regimes in Europe. These asylum seekers more often than not received refugee status and were regularly resettled out of Turkey to immigration countries in the West such as the Australia, Canada, United States and New Zealand.<sup>8</sup>

In the last decade or so the situation has changed drastically. The nature of immigration into Turkey has become much more diversified and complex. An important consequence of this has been that many more public institutions as well as non-governmental organizations and international agencies have become involved. The European Union too has been drawn in and asylum, immigration as well as illegal migration has come to constitute one of the important items on the agenda marking EU-Turkish relations. These developments over the last few years have also engendered a growing academic interest that had once been muted in respect to traditional immigration.

The Interior Ministry and in particular the Foreigners Department has become literally immersed in all aspects of the new immigration into Turkey. This Department is responsible for receiving asylum applications and coordinating the status determination process closely with the Ministry of Foreign Affairs and the UNHCR. Currently, an overwhelming proportion of the asylum applications in Turkey come from nationals of non-European countries. Turkey is one of the original signatories to the 1951 Convention Relating to the Status of Refugees and has accepted the Convention with a "geographical limitation".<sup>9</sup> This means that Turkey is not obligated to grant full refugee

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<sup>7</sup> For an analysis of traditional immigration into Turkey see Kemal Kirisci "Coerced Immigrants: Refugees of Turkish Origins since 1945" *International Migration* Vol. 34, No. 3 (1996)

<sup>8</sup> For an analysis of refugee movements into Turkey during the Cold War see Kemal Kirisci, "Refugee Movements and Turkey" *International Migration* Vol. 29, No. 4, (1991)

<sup>9</sup> Turkey signed the Convention with a geographical and a time limitation as expressed in Article 1.B(1)(a). Turkey lifted the time limitation with the adoption of the 1967 Protocol. These instruments were published and became part of national law with *Official Gazette*, 5<sup>th</sup> September 1961, No. 10898

status to nationals of non-European countries. However, Turkey is bound by the “non-refoulement” principle and extends temporary protection to such asylum seekers until the applications are processed by the UNHCR and a final decision is reached. Those asylum seekers that are recognized as refugees are resettled from Turkey to third countries. The rejected ones are theoretically deported back to their country of origin. However, more often than not such asylum seekers tend to go underground in Turkey or attempt to make to an EU country illegally. The Foreigners Department is engaged in all stages of the above processes.<sup>10</sup>

This Department has also played a critical role in the preparation of the **1994 Asylum Regulation** which constitutes the only national legislation governing asylum into Turkey today.<sup>11</sup> However, the Department is currently working in close cooperation with the UNHCR and a number of EU government officials, in the context of “twinning projects”, preparing a draft law on asylum. The new law will have to bring Turkish law and practice on asylum in line with the EU *acquis*. The Department is also responsible in initiating projects concerning the training of police officers as well as personnel of the Gendarmerie, the Coastal Guard and Ministry of Justice in respect to asylum law often in cooperation with the UNHCR. In the context of preparing Turkey for an eventual take over of all status determination functions from the UNHCR this Department is also engaged in projects for developing the relevant administrative capacity.

The Ministry of Education, the **Ministry of Health** ([www.saglik.gov.tr/eng](http://www.saglik.gov.tr/eng)) and the **Ministry of Labour and Social Security** ([www.calisma.gov.tr](http://www.calisma.gov.tr)) are also involved in so far as the right of asylum seekers and refugees access to health facilities, education and work goes. Asylum seekers and refugees who have received temporary protection in the form of residence permits become entitled to health, education and employment benefits. However, more often than not difficulties are encountered at the implementation level. The **Ministry of Justice** ([www.adalet.gov.tr](http://www.adalet.gov.tr)) becomes involved in so far as asylum seekers make use of their right to judicial review. Since 1997 there have been a number of administrative court cases based on complaints against the Ministry of Interior in respect to objecting to deportation decisions involving asylum seekers. The courts have by and large ruled in favor of asylum seekers.<sup>12</sup> There was also a judgment of the European Court of Human Rights (*Jabari vs. Turkey*) that has ruled against deportation on the basis of a potential risk to the right of life and torture of an asylum seeker.<sup>13</sup> The **Gendarmerie** (<http://www.jandarma.tsk.mil.tr/ing/ing.htm>)

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and the 1967 Protocol Relating to the Legal Status of Refugees in July 1968 published in *Official Gazette*, 14 October 1968, No. 13026.

<sup>10</sup> For an analysis of Turkey’s refugee policies throughout the 1990s and more recently see Kemal Kirisci, “UNHCR and Turkey: Cooperating towards an improved implementation of the 1951 Convention on the Status of Refugees” *International Journal of Refugee Law*, Vol. 13, No. 1/2, 2001 and Kemal Kirisci, “The Question of Asylum and Illegal Migration in European Union-Turkish Relations” *Turkish Studies*, Vol. 4, No. 1 (2003).

<sup>11</sup> “The Regulation on the Procedures and the Principles Related to Mass Influx and Foreigners Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum from a Third Country”, *Official Gazette*, 30 November 1994, No. 22217 and subsequent amendments.

<sup>12</sup> These and other rulings can be consulted in *Sığınmacı, Mülteci ve Göç Konularına İlişkin Türkiye’deki Yargı Kararları* (Turkish Court Rulings on Asylum, Refuge and Migration, (Ankara: Birleşmiş Milletler Mülteciler Yüksek Komiserliği, Ankara, 2000).

<sup>13</sup> European Human Rights Court (Fourth Section), *Case of Jabari v. Turkey* (Application No. 40035/98), Judgment, Strasbourg, 11 July 2000. The Turkish Police Academy publishes EHRC rulings with

and the **Coastal Guard** ([www.sgk.tsk.mil.tr/web/eng/index\\_i.htm](http://www.sgk.tsk.mil.tr/web/eng/index_i.htm)) become involved in so far as distinguishing asylum seekers from illegal migrants they apprehend. In principle current policy requires that all illegal migrants and asylum seekers must be turned over to the Police representing the Foreigners Department of the Interior Ministry. Training seminars on asylum law over the last few years have been particularly sensitive to developing an awareness of the need to distinguish between asylum seekers and illegal migrants. However, there are reports that in practice living up to these ideals are not always achieved.

The UNHCR plays a critical and central role in Turkey's current asylum policy. The UNHCR has had a long past in Turkey. During the Cold War it was the main agency overseeing Turkey's asylum policy and ensuring resettlement of refugees from Turkey. It was also responsible for providing basic assistance and accommodation for asylum seekers and refugees in Turkey. The UNHCR in the 1980s was able to continue this practice in respect to a growing number of asylum seekers arriving from non-European countries especially from Iran and increasingly from Iraq. However, after the mass influx of refugees into Turkey following the end of the Gulf War in 1991 led to a gradual worsening of relations between Turkey and the UNHCR. The deteriorating security situation in southeastern Turkey resulting from the activities of the PKK adversely influenced Turkish officials' attitude towards particularly asylum seekers who had entered Turkey illegally and were present in Turkey illegally. The 1994 Asylum Regulation very much reflected this attitude. The government for all intents and purposes ceased cooperation with the UNHCR and an initial forceful implementation of the Regulation led to an increase in *refoulements* and brought with it a barrage of criticisms from human rights and refugee advocacy circles. However, UNHCR and Turkish Interior Ministry officials were able by 1997 to rebuild their cooperation and bring it to the current level.

Over the last few years non-governmental organizations too have become involved in dealing with asylum. The gradual emergence of a vibrant civil society in Turkey in parallel to democratization and pluralization of Turkish democracy has played a critical role in respect to this development. The **Anatolian Development Foundation** (ADF - <http://www.akv.org.tr>) followed by the **Association of Solidarity with Asylum Seekers and Migrants** (ASAM - <http://www.sgdd.org.tr>) were two early non-governmental organizations in this area. The ADF had played a critical role in the resettlement of Afghan refugees of Turkic origin from Pakistan in 1982 in eastern Anatolia. The Foundation also played a critical role in extending humanitarian assistance to the refugees of from the mass influx of April 1991 from northern Iraq. ADF worked as the implementing partner for the UNHCR in a refugee camp near the Bulgarian border where Bosnian and subsequently Kosovar refugees were accommodated until their returns to their respective homelands. ASAM is a non-governmental organization that focuses its activities on raising public awareness about the problems of asylum seekers and migrants in general. It publishes a bi-monthly magazine that is in its fourth year called *Umuda Doğru (Towards Hope)* ASAM has also tried to bring modest levels of humanitarian and legal assistance for asylum seekers in Turkey. The Turkey branch of the **International Catholic Migration Commission** (ICMC - <http://www.icmc.net>) is probably the oldest non-governmental

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commentaries in its *Avrupa İnsan Hakları Mahkemesi Kararları Dergisi (Journal of European Court of Human Rights Decisions)* ([www.pa.edu.tr](http://www.pa.edu.tr)).

organization operating in these areas in Turkey. It had played a critical role in organizing the resettlement of refugees especially to the United States during the Cold War. After the end of the Cold War it increasingly focused its attention on assisting the resettlement of refugees in general and extending humanitarian assistance. The ICMC has recently been also involved in running training programs of police chiefs on asylum law in cooperation with the UNHCR and the Turkish Interior Ministry. The Turkish branch of Amnesty International ([www.amnesty-turkiye.org](http://www.amnesty-turkiye.org)), the **Human Rights Association of Turkey** ([www.ihd.org.tr](http://www.ihd.org.tr)), as well as the Bar Associations of Ankara, Istanbul, Izmir and Van have all maintained an interest especially in the legal aspects of asylum and refugee preparing reports as well as run training seminars for their members.

Turkey starting from the mid-1990s has seen a steady increase in the number of illegal migrants trying to transit Turkey in an effort to reach West European countries. Similarly, Turkey has also seen some of these persons being stranded in Turkey and also nationals of neighboring countries from the Balkans and the ex-Soviet world overstaying their visas. Lastly, there has also been growing concern about trafficking in human beings and especially in women forced into prostitution. Over the last couple of years Turkey has been under massive EU pressure to combat illegal transit migration. It is the Interior Ministry and the Ministry of Foreign Affairs that are two key public institutions dealing with illegal migration and trafficking. The Foreigners Department within the Interior Ministry would be responsible for day to day tasks associated with combating illegal transit migration. The police would be doing this for urban areas while the Gendarmerie and the Coastal Guard are responsible for rural areas and the territorial seas of Turkey. The actual processing of irregular migrants and separating asylum seekers from refugees is the responsibility of the offices of the Foreigners Department across the country. The Department would also be responsible for arranging for the deportation of illegal migrants.

The Ministry of Foreign Affairs oversees the negotiation of readmission agreements with third countries as well as participates in a wide range of regional and international governmental forums addressing the problems of illegal migration and trafficking in human beings. Senior officials from the Foreigners Department too are actively engaged in these diplomatic and governmental meetings. These officials closely follow developments in the international arena and are particularly sensitive towards the coverage of Turkey by the United States State Department's *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Reports*.<sup>14</sup> The fact that Turkey was until 2003 listed among "tier three" countries threatened by sanction for not doing enough against human smuggling and trafficking was taken very seriously. Both the Interior Ministry and the Ministry of Foreign Affairs played a critical role in preparing the ground work leading to Turkey signing the UN Convention against Transnational Organized Crime and of its two additional Protocols including the Protocol to Prevent, Suppress and Punish Trafficking in December 2000.<sup>15</sup> Both Ministries together with the Ministry of Justice also played an important role in drafting two amendments to the Turkish Penal Code seriously penalizing smuggling and trafficking in human beings. The government adopted these amendments in August 2002.<sup>16</sup>

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<sup>14</sup> These reports can be reached from [www.state.gov/g/tip/rls/tiprpt/](http://www.state.gov/g/tip/rls/tiprpt/).

<sup>15</sup> The Protocols were ratified in March 2003, *Official Gazette*, 29 March 2003, No. 25052.

<sup>16</sup> *Official Gazette*, 9 August 2002, No. 24841.



Ministry of Foreign Affairs is also responsible for national coordination of issues related to trafficking in human beings and for preparing a report on the subject.<sup>17</sup> The Ministry chairs the National Task Force on Combating Trafficking in Human Beings, which is composed of experts from concerned ministries and non-governmental organizations such as the Human Rights Presidency of the Prime Minister's Office, the **Foundation for the Development of Human Resources** (IKGV, [www.ikgv.org](http://www.ikgv.org)), the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Justice, the Ministry of Labour and Social Security and the Directorate General of the Status and Problems of Woman. The formation of this task force was preceded by the signing of a protocol between the Interior Ministry and the IKGV which opened the way to a unique example of cooperation between a public institution and a non-governmental organization. The protocol has opened the way to an effective victim protection and social assistance program for trafficked women. This project played a critical role in the US State Department decision to move Turkey from the category of "tier three" to "tier two". The Ministry of Health has also adopted measures in order to provide medical treatment free of charge to victims of trafficking in human beings while the Interior Ministry has instituted the practice of temporary residence permits for victims of trafficking until their safe return to the country of origin can be ensured.

IKGV also makes arrangements with the help of regional non-governmental networks to create the circumstances of as a safe return for the victims return to their country of origin while Turkish authorities work through official channels. The IKGV in respect to combating trafficking also organizes regional awareness and training seminars for civil society, governmental and academic participants from Southeastern Europe. Another non-governmental organization with an interest in irregular migration has been ADF. The ADF was the implementing partner of a project that the Turkish government carried out with Holland, Sweden and Switzerland together with the International Organisation for Migration (IOM) involving the return of rejected asylum seekers to Iraq via Turkey. The project between October 2001 and until its completion in July 2003 ensured the return of 91 migrants. The IOM, on the other hand, has been an international agency that has taken an energetic interest in irregular migration in Turkey. It has commissioned a number of studies by Turkish academics on irregular migration and trafficking in human beings that have received wide publicity.<sup>18</sup> The IOM main task has been to assist refugees and migrants resettlement from Turkey. Between 1995 and 1997 the IOM ran a very successful program assisting the return of stranded illegal migrants from Turkey to their country of origin. The program enabled 550 stranded migrants to return home. The program was discontinued in 1998 due to lack of funds.

Turkey has also adopted a number of amendments to existing legislation as well as introduce new laws to reduce illegal migration into Turkey itself. Turkey currently has a relatively liberal visa policy towards the nationals of countries around the Black Sea and from the former Soviet Union. Some of these people overstay their visas and take

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<sup>17</sup> The report is entitled *Turkey on Trafficking in Human Beings* and is available from [www.mfa.gov.tr](http://www.mfa.gov.tr). The report is regularly updated.

<sup>18</sup> These reports were A. İcduygu, *Irregular Migration in Turkey* (Geneva, IOM, 2003) (The report can be reached from <http://www.iom.int/documents/publication/en/mrs%5F12%5F2003.pdf> and S. Erder and S. Kaska (2003), *Irregular Migration and Trafficking in Women: The Case of Turkey*, (Geneva, IOM, 2003).

up employment illegally. As part of its general effort to harmonize its legislation and policies with that of the European Union Turkey adopted a new law in March 2003, the Law on Working Permits for Foreigners. The law increases legal employment opportunities for foreigners in Turkey and significantly streamlines the process of obtaining work permits. In the past the process was notoriously complex, cumbersome and ineffective. The Ministry of Labour and Social Security is now authorized to issue all forms of work permits for foreigners. The law aims at providing legal protection for foreigners against exploitation in labour markets and deterrence against illegal employment. The Turkish Parliament also approved the amendment to the Citizenship Law in June 2003. With this amendment, a probation period of 3 years is required for acquiring Turkish citizenship through marriage with the intention of preventing the abuse of citizenship for acquiring the right to reside and work in Turkey.

#### *Internal displacement:*

As it was mentioned Turkey particularly since the end of the Second World War experienced massive migration from rural to urban areas. The cultural, economic, social and political development of the country has been deeply marked by this internal migration. The State Statistical Institute and the Hacettepe University of Demographic Studies have been two institutions that have followed the demographic aspect of this migration closely while Turkish universities has produced a massive body of literature on this topic. The **State Planning Organization** has been yet another public institution that has allocated large resources to studying and supporting research and developmental projects concerning rural to urban migration. The pace and magnitude of this migration has constituted an important input to the five-yearly development plans that the SPO has been responsible for preparing. These plans played a critical role in guiding and shaping legislative activity in Turkey especially during the period between 1960 and 1980.

This section will focus primarily on forced migration that took place in eastern and southeastern Turkey during the 1990s. These areas had traditionally always been known as areas experiencing out migration towards western urban centers of Turkey. However, in 1984 the eruption of violence led by the PKK in the Kurdish populated provinces in Turkey changed the nature of this migration significantly. An ever growing number of Kurds especially from rural areas began migrate to urban centers in their vicinity or in other parts of Turkey for security reasons. These were villagers either threatened by the PKK or caught in the cross-fire between the PKK and security forces. However, this situation became aggravated when the Turkish military adopted the policy of evacuating villages in the mid-1990s to deny logistical support for the PKK. According to government sources there were 378,000 who were forced to leave their villages while various non-governmental organizations put these numbers at between 1.5 and 3 millions.

The growing insecurity and instability in the Kurdish populated areas of Turkey had led in July 1987 to the adoption of a governmental decree culminating in the establishment of the **Governorship of State of Emergency** (<http://www.ohal.gov.tr>). The state of emergency at its peak covered 13 provinces in east and southeastern Turkey. After the capture of the leader of the PKK in February 1999 and the gradual decrease in violence and return to some normalcy in the region the state of emergency was gradually lifted across these provinces until its dissolution in November 2002. The Governorship

enjoyed the power to authorize the security forces to arrange for the evacuation of villages for security reasons. This internal displacement and the multitude of problems that it caused provoked bitter criticisms of the Turkish government in an outside the country. These problems have been studied by numerous governmental as well as non-governmental reports. In 1997 in the face of growing public disenchantment the Turkish Grand National Assembly formed a special commission to investigate the problem of forced migration. The parliament published its report in 1998 called for the need to arrange for the return of the villagers to their homes and their compensation for their losses.<sup>19</sup> Numerous Turkish non-governmental organizations have also prepared reports researching the problem in great detail. In May 2001 a platform of Turkish non-governmental organizations composed of the **Human Rights Association of Turkey**, the **Turkish Human Rights Foundation (TIHV)**, the **Turkish Union of Architects and Engineers (TMMOB)**, the **Immigrants' Association for Social Cooperation and Culture of Migrants (Göç-Der, <http://www.gocder.com/>)**, the **Freedom and Democracy Party (ÖDP)** and the **Foundation for Societal and Legal Studies (TOHAV, <http://www.tohav.org>)** made a press conference to draw attention to the problem of displacement. The Human Rights Association of Turkey has been a non-governmental organization that has been particularly vocal about this problem. Its' yearly human rights report have regularly brought up the problem. It has also successfully attracted considerable international attention to the problem. A report prepared with the **Kurdish Human Rights Project ([www.khrp.org](http://www.khrp.org))** offers detailed analysis of the problem from many angles.<sup>20</sup> IHD has also been instrumental in helping and assisting victims in taking their cases to the European Court of Human Rights. Göç-Der too has been another association that has been interested in the problem. It has supported an extensive field study during 1999-2001 on the internally displaced.<sup>21</sup> More recently the **Turkish Economic and Social Studies Foundation (TESEV, [www.tesev.org.tr](http://www.tesev.org.tr))** has also issued a thorough and extensive report on the topic. The report coincides with a period when the government has been engaged in efforts to address the problem and adopt measures to encourage and assist the return of the internally displaced to their homes and villages.<sup>22</sup>

The current government in the context of the long series of reform packages it has adopted in its effort to meet the Copenhagen political criteria in July 2004 adopted a law aiming to compensate victims of terrorism and struggle against terrorism.<sup>23</sup> The law was an outcome of the government's commitment to address the problem as expressed

<sup>19</sup> "Doğu ve Güneydoğu Anadolu'da Boşaltılan Yerleşim Birimleri Nedeniyle Göç Eden Yurttaşlarımızın Sorunları Araştırılarak Alınması Gereken Tebirlerin Tespit Edilmesi Amacıyla Kurulan Meclis Araştırması Komisyon Raporu (10/25)" in *T.B.M.M. Tutanak Dergisi*, Session 20, Vol. 53, Legislative Year 3, 96<sup>th</sup> meeting, 2.6.98.

<sup>20</sup> "Ülke İçerisinde Göç Ettirilen İnsanlar Raporu (Report on Internally Displaced People)", Report prepared by the Human Rights Association and Kurdish Human Rights Porject, June 2002. The report is available at <http://www.khrp.org/documents/turkish/ulkeincinde.doc>

<sup>21</sup> Mehmet Barut, "The Research And Solution Report on the Socio-Economic and Socio-Cultural Conditions of the Kurdish Citizens Living in the Turkish Republic Who Are Forcibly Displaced Due to Armed-Conflict and Tension Politics; The Problems They Encountered Due to Migration and Their Tendencies to Return Back to the Villages" (undated). The report is available in English at [www.gocder.com/report.doc](http://www.gocder.com/report.doc).

<sup>22</sup> Füsün Üstel "Zorunlu İç Göç Sonrası Köye Dönüş: Ön Rapor" (Return to Villages Following Forced Migration) (TESEV, İstanbul, 2004). The report is available in Turkish at [www.tesev.org.tr/etkinlik/zorunlu\\_goc.php](http://www.tesev.org.tr/etkinlik/zorunlu_goc.php).

<sup>23</sup> Law No. 5233 "Terör ve Terörle Mücadeleden Doğan Zararların Karşılınması Hakkında Kanun", 17 July 2004.

in the National Program for the Adoption of the *Acquis* of July 2003.<sup>24</sup> The program was adopted in response to the revised Accession Partnership Strategy prepared by the EU in May 2003. A draft law had been prepared by the Ministry of Justice and submitted to the government in January 2003. The draft took its final shape after a long process of consultations involving public institutions as well as civil society and in particular those non-governmental organizations long engaged on the issue.<sup>25</sup> The government is still preparing the groundwork for the implementation of the law. Time will tell how effectively the government will be able to implement the law in practice.

Consecutive governments since the mid-1990s have attempted to run projects to encourage return to the villages. However, the record has been a mixed one. According to government statistics about 120,000 people have returned to their villages under these projects.<sup>26</sup> The implementation of these return projects have been overseen by the Interior Ministry with the State Planning Organization arranging for the funding of the projects. Civil society groups have criticized these projects on the basis that the decision concerning return are not sufficiently transparent and that these decisions are often based on subjective rather than objective criteria and that in this respect internally displaced persons from villages identified as pro-government are given particular priority.<sup>27</sup> Nevertheless in the light of the recently adopted law and the current government's determination and will to continue with the reform process in the context of Turkey's ambitions to join the European Union it is highly likely that the problems of the internally displaced in Turkey will receive growing attention and one way or the other will be addressed.

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<sup>24</sup> Turkish National Programme for the Adoption of the *Acquis* can be accessed at [www.mfa.gov.tr/grupa/ad/adc/AccessionPartnership2003.pdf](http://www.mfa.gov.tr/grupa/ad/adc/AccessionPartnership2003.pdf) and [www.abgs.gov.tr/up2003/up.htm](http://www.abgs.gov.tr/up2003/up.htm).

<sup>25</sup> "Terör ve Terörle Mücadeleden Doğan Zararların Karşılınması Hakkında Kanun Tasarısı'na İlişkin Görüş ve Önerilerimiz", *Toplum ve Hukuk Araştırmaları Vakfı*, Mayıs 2004 and "Terör ve Terörle Mücadeleden Doğan Zararların Karşılınması Hakkında Kanun Tasarısı'na İlişkin Görüş ve Önerilerimiz", *Göç-Der*, Mayıs 2004 provides two examples of opinion expressed by civil society. Bar associations from many provinces as well as human rights organization expressed their opinion too.

<sup>26</sup> "Köye Dönüş ve Rehabilitasyon Projesi Bilgi Notu" (Memorandum on Return to Villages and rehabilitation Project), İçişleri Bakanlığı, Araştırma, Planlama ve Koordinasyon Kurulu Başkanlığı, 30 July 2004. This report can be reached at <http://www.icisleri.gov.tr/apk/Daireler/AnaSayfa/kKOyeDonus2004.htm> (visited 29 October 2004).

<sup>27</sup> For an extensive analysis of these criticisms see Üstel (2004), pp. 15-20.