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Türkiye

Country Brief on Irregular Migration Policy Context

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THE MIRREM PROJECT

MIRREM examines estimates and statistical indicators on the irregular migrant population in Europe as well as related policies, including the regularisation of migrants in irregular situations.

MIRREM analyses policies defining migrant irregularity, stakeholders' data needs and usage, and assesses existing estimates and statistical indicators on irregular migration in the countries under study and at the EU level. Using several coordinated pilots, the project develops new and innovative methods for measuring irregular migration and explores if and how these instruments can be applied in other socio-economic or institutional contexts. Based on a broad mapping of regularisation practices in the EU as well as detailed case studies, MIRREM will develop 'regularisation scenarios' to better understand conditions under which regularisation should be considered as a policy option. Together with expert groups that will be set up on irregular migration data and regularisation, respectively, the project will synthesise findings into a Handbook on data on irregular migration and a Handbook on pathways out of irregularity. The project's research covers 20 countries, including 12 EU countries and the United Kingdom. This Deliverable of 15 country briefs is developed as part of Work Package 3 Politics: Understanding Legal and Policy Contexts.

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KEYWORDS

Irregular migration; policy measures; pathways into and out of irregularity

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Türkiye

This Brief provides an abridged overview of the national policy landscape on irregular migration in the country, based on a more extensive policy analysis. It also provides an overview of the main types of migrant irregularity that emerge and the pathways into and out of irregularity, including regularisations as relevant. Annexed to this Deliverable is also an overview of the mapped legal and policy frameworks.

1.1 POLICY PRIORITIES

- **Development of a comprehensive legislative framework for migration**

In the 2010s, Türkiye passed broad migration legislation, encompassing labour migration, protection and other issues. The Law on Foreigners and International Protection (LFIP) was signed in 2013 and entered into force in 2014. The LFIP is the most extensive law in the Turkish legal framework that defines and regulates foreigners' movement at entry and exit, as well as their stay in Türkiye. Based on the LFIP, the Temporary Protection Regulation 2014 was drafted in order to regularise forcibly displaced Syrians. Along with that, the Law on International Labour Force (LILF) was introduced in 2016 to regulate the foreign workforce in Türkiye.

- **Development of an institutional framework for migration governance**

An entire chapter of the LFIP is devoted to the establishment and duties of a central authority under the Ministry of Interior. The Directorate General of Migration Management was established in 2013 and became fully operational in 2014. The Directorate transformed into the Presidency of Migration Management (PMM) in 2021. Considering the scattered migration management in Türkiye, the PMM led to significant progress in terms of cooperation among those authorities due to its being located at the centre of governance, despite occasionally drawing criticism for not being a ministry.

- **Border security**

Türkiye's open-door policy and the increase in cross-border mobility into the country caused security and domestic problems. The terror attacks in 2015 revealed that the open-door policy could not be sustained even with the advances in the legal framework. This resulted in a policy focus on increased border security, including relying on advanced concrete walls at the Eastern and Southeastern borders. Despite

the government's claim that the prime target of the wall was ISIL militants, it continued to refer to smugglers and refugees as 'risk factors' (Koca, 2015). At the same time, the EU-Türkiye 2016 Statement has also reflected this turn in policy priority towards border control and security, leading to increases in irregular migrant detections and returns (to Türkiye).

1.2 OVERVIEW OF THE TURKISH POLICY FRAMEWORK

See Annex 1 for an overview of the legal and policy frameworks mapped for this country.

1.2.1 Policy implementation measures

- **Protection measures**

The regularisation of forcibly displaced migrants from Syria has allowed Türkiye to register more than three million people. On the other hand, a similar mass regularisation scheme has not been introduced for other nationalities. Afghan migrants, for instance, must lodge individual applications for international protection. Since the PMM took over the refugee status determination process from UNHCR in 2018, both the number of applications and approval rates of Afghan migrants for international protection have significantly diminished. Eventually, the legal framework presents a nationality-based, 'hierarchy of protection' (Almasri, 2023).

- **Border walls**

Türkiye has completed construction of 1,067 km (36.2% of the total 2,949 km border, 57.2% of the total border with Syria, Iran, and Iraq) of security walls supported by watchtowers, advanced electronic monitoring systems, barbed wire and patrol roads. Since 2013, the entirety of the Eastern and Southeastern borders has been controlled by the Turkish Armed Forces.

- **Detention and Removal centres**

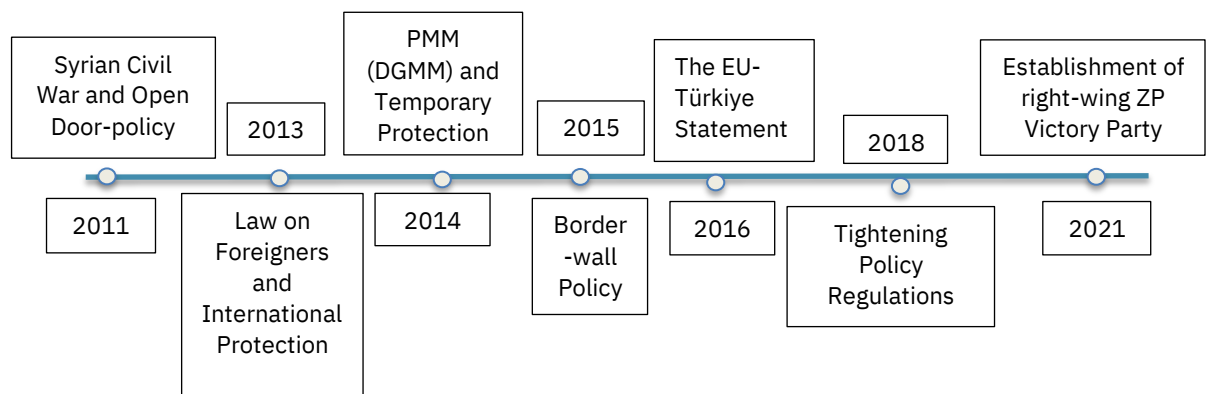
For those foreigners who are apprehended by law enforcement units and for whom certain conditions apply, such as bearing the risks of absconding or disappearing, posing a threat to public order, security or health, the authorities issue administrative detention and within forty-eight hours they are taken to a removal centre. Until their returns are completed, the foreigners are detained in the removal centres for maximum one year. Currently, there are 28 active removal centres.

- **Requirement of work permit and penalties**

Access to work permits for foreigners is highly regulated in the country. Firstly, foreigners cannot work in specific sectors, such as tourist guides and pharmacists. Secondly, refugees and subsidiary protection beneficiaries are allowed to work in

Türkiye with their IDs serving as de facto permits. However, conditional refugees¹ and asylum seekers are required to apply for work permits. Working without a permit is subject to a number of penalties, including fines and potential deportation: a fine of 14,318 ₺ (€500) if they are employed and 28,665 ₺ (€1000) for self-employed. For employers, they are fined 35,815 ₺ (€1,250) for each foreigner they informally employ. Given that the monthly minimum wage is 11,402 ₺ (€400), the fines serve as a deterrent to violating work permit requirements. Since 2016, certain jobs like seasonal agricultural or animal husbandry, on the other hand, have been exempted from work permits to prevent irregularity among foreigners under temporary protection, who are mainly employed in these sectors (Pinedo-Caro, 2020).

1.2.2 Policy evolution: Main turning points



1.2.3 Policy impact

- **Regularisation of forcibly displaced Syrians**

The Temporary Protection Regulation entered into force in 2014, based on the related articles of the LFIP, and at the time went hand in hand with Türkiye's open-door policy. The regulation has regularised more than 3.5 million Syrians, making Türkiye the largest refugee-hosting country worldwide. The legal system, by precluding permanent settlement, simultaneously exposes Syrians to precarity due to their undefined futures (İçduygu, 2015).

- **Apprehensions**

Since 2014 (when LFIP entered into force), the apprehension numbers have at least tripled: in 2014 there were 58,647 apprehensions, but in 2019 and 2022

¹ Given Türkiye's geographic limitations to the Geneva Convention (i.e. granting refugee status only to those seeking asylum from Europe), conditional refugee status is applied for those seeking asylum and not from Europe. Additional protection categories include those with temporary protection (applied primarily to Syrians) and those with subsidiary protection.

apprehensions were 454,662 and 285,027, respectively. Similarly, the eastern Mediterranean routes to the EU, along Türkiye's border, recorded 885,386 irregular migrant entries in 2015, which set the record at that time. With the EU-Türkiye statement in 2016, there was a sharp decline in the same route.

- **Counter-smuggling actions**

In parallel, Türkiye has also been actively combating migrant smugglers, with apprehensions greatly increasing since 2014. In 2014, there were 1,506 individuals apprehended for committing the crime of migrant smuggling, whereas in 2019 and 2022 there were 9,102 and 9,149 apprehended individuals, respectively. Consequently, smugglers have adjusted their operational models by adapting prices and transportation means (Yıldız, 2021), given that the smuggling market is driven by demand along with supply (İcduygu, 2021).

- **Legal order**

Unlike the pre-2013 era, in which the legal framework on migrant irregularity was dispersed and archaic, the new legislation (especially LFIP and LIFL) provides modern and clear regulations. The foreigners who previously faced challenges due to legal deficiencies are no longer subject to such complexities. The LFIP regulates almost all if not all aspects related to foreigners. Despite the modern framework, there have been criticisms of its implementation. The reports suggest some removal decisions, particularly those based on general security were reversed after the appeal of the foreigners (AIDA, 2022).

- **Data availability**

Although other stakeholders (Turkish Armed Forces, the Gendarmeries, the Coast Guard, Ministry of Labour and Social Security) also publish data on migrant irregularity, the overall data and information on irregular migrants are provided by the PMM and updated regularly. Nonetheless, the data shared publicly by PMM still lack certain levels of detail, for example related to migrant demographics and geographic localities of apprehensions.

1.2.4 Policy Challenges in Addressing Migrant Irregularity

- **Politicisation of the migration issue**

The politicisation of migration prevents advancements in the policy area and can even stall implementation of existing policies. The foundation of a single-issue, anti-migrant party (Zafer Party) has made the migration issue a contestation point at the national level and in political debate. This is not particular to migrant irregularity, but the large numbers of international protection beneficiaries in the country also play a role and are used in public debate.

- **Global pressures on Türkiye**

The withdrawal of US troops from Afghanistan and the protracted civil war in Syria have compounded the pre-existing deep-rooted security and economic challenges

the country faces. These global challenges have also resulted in a gradual increase in irregular migrants. Türkiye cannot sustain both its assertive foreign policies (e.g., open-door) and compliance with the principles of international law (e.g., non-refoulement) without cooperating with regional or global actors on these complex issues. The voluntary return of Syrians, for instance, does not seem possible in the foreseeable future due to the diplomatic relations with the Assad regime. Similarly, the EU-Türkiye statement has led to irregular migrants remaining in Türkiye.

- **Cooperation with the origin countries**

While Türkiye has a high return rate, those it does not return are highly correlated with the countries with which Türkiye does not have established relationships. Certain migrants, for instance, have claimed they come from Myanmar, knowing that there is no diplomatic mission or re-admission agreement with the country. Similarly, some irregular migrants claim they are Uyghurs, hoping that Türkiye would not deport them to China. A parliamentary report from 2017, which investigated a removal centre, for instance, reveals that despite claiming to be from the Eastern Turkestan Republic, 41 out of 139 irregular migrants were, in fact, Central Asian and Russian nationals (TBMM Human Rights Investigation Commission, 2017). Hence, identification of the origin countries still poses a problem in the return process, although Türkiye has been actively trying to address this issue by, for instance, using various embassies to facilitate contact.

Table 1: Relevant Turkish institutions

Sr. No.	Institution/ Department	Responsibilities	Web link
1.	Presidency of Migration (PMM) (previously Directorate General of Migration Management)	The central body regulating migration governance (including but not limited to permit and removal decisions) in Türkiye under the Ministry of Interior. It was established in 2013 and became fully operational in 2014. Composed of centres and provincial units. Since 2021, the Combating Irregular Migration and Deportation Procedures Department has performed all related activities ranging from the processing of entries in the Immigration Registration System (named GocNet, a comprehensive database of information on immigrants) to the removal centres.	Link (TUR)
2.	General Directorate of Security / Turkish Policy Forces	Responsible for random identity and passport checks, overseeing border checkpoints and combating migrant smuggling in coordination with the PMM. Performs under the Ministry of Interior.	Link (TUR)
3.	Turkish Coastal Guard	Primarily responsible for irregular exits and to a lesser extent entries, as well as migrant smuggling, along the maritime borders. Performs under the Ministry of Interior and works closely with the PMM.	Link (TUR)
4.	Turkish Armed Forces	The sole authority for controlling the unauthorised entry and exit to the country outside of border crossing points. Unlike the PMM and police forces, the TAF is not part of the Ministry of Interior.	Link (EN)
5.	General Command of Gendarmerie	Performing under the Ministry of Interior, the Gendarmerie is responsible for conducting routine controls and operations in areas beyond the jurisdiction of the police forces (mostly outside the provincial and district boundaries). Their main responsibility is to inspect routes used by migrant smugglers.	Link (TUR)
6.	Disaster and Emergency Management Presidency (AFAD)	The AFAD was responsible for “refugee camps” by providing necessary services such as health, shelter, and education. The AFAD played a significant role during the open-door policies and subsequent regularisation of Syrians,	Link (EN)

		particularly in the border cities. The responsibilities of AFAD in this regard were taken over by the PMM in 2018.	
7.	Ministry of Labour and Social Security	In coordination with PMM, the Ministry regulates work permits. It is responsible for granting work permits and inspecting workplaces. Foreigners who are encountered during the inspections without work permits are reported to the PMM for removal.	Link (TUR)
8.	Turkish Red Crescent Association (Kızılay)	After the Syrian civil war, a special unit called the Immigration Directorate was established in 2014 under the Association. Kızılay is primarily responsible for the services provided in reception, accommodation, and removal centres. Additionally, Kızılay is responsible for providing social aid to Syrians under temporary protection, in cooperation with the PMM.	Link (EN)
9.	International Organisation for Migration (IOM)	IOM is considered one of the most active IGOs in Türkiye on migrant irregularity. Cooperating with a variety of state stakeholders, IOM is active particularly at the Western border in the area of border management (Gökalp Aras & Şahin Mencütek, 2019). Through a project with the PMM, the IOM also develops a database to assess the number of migrants and monitor their activities in Türkiye. Overall, IOM provides technical assistance to state organisations involved across all stages of migrant irregularity.	Link (EN)
10.	United Nations High Commissioner for Refugees (UNHCR)	UNHCR has several protocols with state agencies to monitor the situation of irregular migrants with protection needs and provide assistance to the authorities (e.g., capacity increase of the removal centres). Until September 2018, the UNHCR was responsible for refugee status determination, which was later transferred to the PMM. UNHCR is more active in policies such as non-refoulement and voluntary return.	Link (TUR)
11.	Association for Solidarity with Asylum Seekers and	One of the largest NGOs and a key implementing partner of UNHCR in Türkiye. Focuses on shedding light on the challenges faced by asylum seekers and refugees within	Link (TUR)

	Migrants (SGDD-ASAM)	the country, aiming to garner attention and support. It is also active at the borders along with IOM to provide assistance to the state authorities.	
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1.3 THE SPECTRUM OF MIGRANT IRREGULARITY IN TÜRKIYE: CATEGORIES AND PATHWAYS INTO/OUT OF IRREGULARITY

Table 2: Categories of migrant irregularity in Türkiye

Most relevant categories of migrants in an irregular situation	Description (who does this category apply to, what conditions may lead to this category, and what are the implications of being in such a situation)
Overstayer	A person who has legally entered but then stayed in Türkiye after expiry of visa (up to 90 days and any case cannot exceed 90 days within a period of one hundred and eighty days) or the residence permit. If the duration of overstaying surpasses 10 days, the following penalties apply: an administrative fine, an invitation to leave the country within a month and an entry ban to Türkiye. The duration of the entry ban depends on the payment of the fine and the individual's adherence to the voluntary departure.
Illegal entry or attempted exit	Foreigners who enter illegally or attempt to irregularly exit, either by providing false information or clandestinely crossing the border. Those persons are penalised with increased administrative fines and longer duration of entry bans compared to overstayers and cannot benefit from voluntary return but instead are held in removal centres.
Rejected asylum seeker	If a person's international protection application is rejected, they are asked to leave the country similarly to overstayers. However, they can also fall into provisional status by appealing the decision. Since 2018 when the PMM has taken the refugee status determination process from UNHCR, the size of this category has significantly increased.
Breaching work permit requirements	Any individual who violates work permit requirements is subject to removal. Apart from the considerable administrative fines, they are requested to leave the country. Compared to others, this category includes a higher variety of nationalities, as migrants from both Eastern Europe (e.g., Moldova, Romania) and Central Asian Republics (e.g., Uzbekistan, Turkmenistan) have been identified working in private homes without permits.

Most relevant categories of migrants with a reasonable claim to a provisional status	Conditions (e.g. who does this category apply to, under what conditions, who is exempted, implications)
Beneficiaries of temporary protection	Individuals who fled the Syrian civil war, including stateless persons, are granted temporary protection status starting in 2014. Their legal status in the country is temporary and recent policies focus on voluntary returns. However, temporary protection beneficiaries can still fall into irregularity for various reasons, such as posing threats to public order and security, leaving their registered cities without authorisation from the PMM, or in the context of unsuccessful forced returns.
Persons whose removal cannot be affected	Individuals who should normally be deported but cannot be due to specific conditions including: facing risks due to serious health conditions, age or pregnancy in case of travel, and access to healthcare treatment in the destination country while undergoing treatment for a life-threatening health condition.
Beneficiaries of humanitarian residence permit	The permit is given only under specific circumstances (for instance, those whose removal is temporarily not possible) and for a short duration. Recipients usually have to find an alternative way to regularly stay in the country as their status is only temporary.
Beneficiaries of residence permit for victims of human trafficking	A victim of human trafficking can be provided with a temporary residence permit for 30 days. Similar to beneficiaries of a humanitarian residence permit, the person might fall into irregularity after 30 days.
Rejected asylum seeker appealing the negative decision	During the review of the decision, the applicant is allowed to stay in the country. Yet rights of residency and movement are strictly regulated.

1.3.1 Pathways into and out of irregularity

- **Illegal entries and exits**

The LFIP Article 5 explicitly states entry into and exit from the country should be done through border crossing points. Notably, the definition of exit from the country was expanded to include also “attempts” to exit, as outlined in the law enacted in 2019 that amended the LFIP (Law no. 7196, 2019). With this expansion, a person who

attempts to exit the country but is apprehended can be held at removal centres and deported without the option of voluntary return.

- **Overstay of existing permit**

Foreigners can stay in Türkiye with a visa for up to 90 days and cannot exceed 90 days within a period of one hundred and eighty days. The LFIP introduces six different residence permits: a) short-term residence permit (Article 31); b) family residence permit (Article 34); c) student residence permit (Article 38); ç) long-term residence permit (Article 42); d) humanitarian residence permit (Article 46); e) victim of human trafficking residence permit (Article 48). The LFIP obliges foreigners to make the renewal application for the residence permit to the authorities prior to its expiration.

- **Work permit regulations**

The article on those subject to removal (LFIP 54(1)) includes foreigners working without work permits. A work permit is required only for asylum seekers and conditional refugees (can apply after six months), whereas refugees and subsidiary protection beneficiaries may work independently or be employed after being granted the status, as their identity document also substitutes for a work permit. The majority of Syrians who benefit from temporary protection work without a permit, because otherwise, they cannot find jobs. This problem puts them in a “grey zone” of irregularity, given that breaching the work permit requirement would result in deportation.

- **Residency regulations**

The place of residence of asylum seekers and international protection beneficiaries is strictly regulated, widely known as ‘satellite cities’, though PMM no longer refers to them as such. Asylum applications of those who do not show up in the designated place of residence or who leave the place of residence without permission are considered withdrawn. For temporary protection beneficiaries, PMM announced that travelling to cities other than those in which the person is registered requires a travel document. Non-compliance with this requirement shall be interpreted as disruption to the public order and might lead to the cancellation of temporary protection.

1.3.2 Regularisation

*There has been no individual regulation act outside the regulations defined by the LFIP after its introduction. The following provide examples also of additional pathways out of irregularity and ways to regularise status.

- [2012, Regulation of overstayers](#)
An overstayer could apply to the authorities and pay the fines within 3 months of the announcement of the circular (May 2012) and be granted a 6 month residence permit.
- [2014, Temporary Protection Regulation](#)
The TPR alone has regularised millions of forcibly displaced migrants coming from Syria. A survey conducted with 2,500 households by AFAD in 2017 indicated that 53% (in-camp) and 27.7% (out-camp) of respondents entered Türkiye without passports through the official border gates; 42% (in-camp) and 55.7% (out-camp) respondents entered Türkiye from non-official border crossing points.
- [2014, Humanitarian residence permit](#), Article 46
Provides residence for one year, can be extended.
An overstayer can apply under certain criteria, including the best interest of the child. Permit is granted when departure or removal from Türkiye is not reasonable or possible.
- [2014, Victim of human trafficking residence permit](#), Article 48
Provides residence for one month to six months, can be extended.
Permit is applied to victims or suspected victims of human trafficking, impacted negatively by the experience, and willing to cooperate with authorities.
- [2020, Voluntary exit](#)
An overstayer (up to three months) who applies to the authorities to voluntarily leave the country by paying the administrative fine is exempted from the entry ban. Introduced with LFIP in 2013, originally there was no duration limit (even up to several years of violation) for overstaying. However, since 2020, if the stay exceeds three months in violation of the permit, an entry ban is imposed commensurate with the duration of overstay, as well as in relation to whether the administrative fine has been paid.

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ANNEX 1: Policy and Legal Frameworks

Laws and policies on migrant irregularity

Sr. No.	Title of policy/law	Year	Description	Weblink to source
1	Passport Law (no.5682)	1950	Although LFIP (2013) abrogated most of the articles, some general requirements such as a valid passport at the border gates are still regulated by this law. Nonetheless, the majority of the law regulates passports for Turkish citizens.	Link (TR)
2	Law on Foreigners and International Protection (LFIP) (no.6458)	2013	The most extensive law. It regulates foreign-related activities such as residence permits, entry bans, removal, detention centres, and establishment of the Presidency of Migration Management.	Link (EN)
3	Temporary Protection Regulation (TPR)	2014	To address forcibly displaced migrants coming from Syria as a result of the open-door policy adopted subsequent to the Syrian civil war, the government issued a mass regularisation of irregular migrants. Relying on the associated article of LFIP, which emphasises mass influx, the regulation has provided Syrians with a legal status. Prior to the regulation, Syrians were referred to as 'guests' which put them in legal limbo.	Link (EN)
4	International Labour Force (no.6735)	2016	Regulates the workforce of foreigners in Türkiye. Some foreigners, particularly as temporary protection beneficiaries, cannot work without work permits. In such cases, they would fall into irregularity.	Link (TR)

5	Securitisation and Border Walls	2015	With the increasing domestic terrorist attacks entangled with the gradually increasing flow of irregular border crossings, the government has employed a policy of securitization at the borders. Consequently, concrete walls started to be built on the Syrian border, supported by watchtowers, advanced electronic monitoring systems, and barbed wires. Eventually, the border-wall policy spread to the rest of the Eastern and Southeastern borders to tackle irregular flows.	Link (EN)
6	EU-Türkiye Statement	2016	Türkiye has promised to prevent unauthorized entry to Europe from its maritime jurisdiction in the Aegean Sea. While this has enhanced the controls during the irregular exits through the Aegean Sea to mainly Greece, simultaneously, this has led irregular migrants to stuck in Türkiye. Concurrently, the government shifted its focus to the Eastern borders in order to stop migrants from entering the country. However, this policy left irregular migrants stranded in Türkiye, causing their numbers and visibility to surge, ultimately drawing public contestation.	Link (TR)
7	COVID-19 Circular	2020	On 15 July 2020, the PMM announced that the travel restrictions during the pandemic were considered as force majeure. Consequently, foreigners who exceeded the legal duration of their stay in Türkiye were not considered irregular, and the PMM neither deported them nor issued a subsequent entry ban. After assessing the situation in their country of origin, the PMM allowed these foreigners a period of up to a month to leave the country.	Link (EN)

Laws and policies indirectly impacting migrant irregularity

Sr. No.	Title of policy/law	Year	Description	Weblink to source
1	Labour Law (no.4857)	2003	Regulates the relationship between employer and employee with respect to the end of contracts; thus, indirectly regulates the work permit. Also regulates part-time working conditions, which allow students to work without falling into irregularity.	Link (TR)
2	Foreign Direct Investment Law (no. 4875)	2003	Indirectly regulates the requirement of work permits for foreigners. Foreigners employed by foreign companies, regulated by the law, shall be granted a work permit by the Ministry of Labour and Social Security.	Link (TR)
3	Turkish Criminal (Penal) Code (no.5237)	2004	Defines the crime of migrant smuggling as enabling a non-citizen to enter, or remain in the country, and enabling a non-citizen to go abroad.	Link (TR)
4	Law on Criminal Procedure (no.5271)	2004	With respect to the associated crimes in the Turkish Criminal (Penal) Code, the law regulates criminal procedures including pre-trial detention for the suspect of migrant smuggling.	Link (TR)
5	Turkish Citizenship Law (no.5901)	2009	Regulates under what conditions foreigners can acquire Turkish citizenship such as marriage or investment. Given that the conditions indirectly affect legal stay in the country, it also presents a pathway out of irregularity.	Link (TR)

6	Dual Asylum System	2013	<p>Despite being part of the LFIP, the dual asylum system of Türkiye indirectly, even in certain instances, directly affects the migrant irregularity. On the basis of national interest, Türkiye put geographical limitations on the 1951 Geneva Convention and the 1967 additional protocol. Consequently, Türkiye gives refugee status to only migrants coming from Europe, whereas majority of the asylum-seekers can only apply for conditional refugee status.</p> <p>The conditional refugee leads to differentiated integration as it does not allow long-term integration.</p>	Link (EN)
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