

Evaluation of irregular migration governance in Turkey from a foreign policy perspective

N. Ela Gökalp Aras and Zeynep Şahin Mencütek

Abstract

This article analyzes the extent to which Turkey's irregular migration governance has evolved since the 1990s and the most salient factors in that process. Relying on the methods of process tracing and political ethnography, the article demonstrates that, since the early 1990s, Turkey's irregular migration governance has been driven by the following factors: 1) responses to the European Union's (EU) attempts to control migration through externalization; 2) Turkey's national security concerns, which increased with the advent of mass migration from the Middle East; and 3) the increase in the number of irregular migrants on Turkish territory. The Syrian mass migration that began in 2011 gave momentum to the evolution of irregular migration governance in line with the long-term externalization on the part of the EU. Our analysis sheds light on the interconnectedness of irregular and mass migration, as well as on the outcomes of interactions between international politics and national migration governance. Thus, the article provides insights that will prove valuable for migration studies, EU studies, and studies on Turkish foreign policy.

Keywords: *Irregular migration; foreign policy; EU externalization; Syrian mass migration; Turkey*

Introduction

This article investigates the nature and evolution of Turkey's policies on irregular migration and the forces that have driven developments since the early 1990s. Specifically, it addresses how the country's irregular migration

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policy has changed since the 1990s, focusing particularly on the foreign policy dimension, and examines what factors have become salient in the evolution of national irregular migration governance. The principal claim made by this study is that the patterns of continuity and change observed in Turkey's irregular migration regime have been conditioned by shifts in Turkey's migration profile and in the external political and security environment. Our analysis divides the era under study into two periods: 1990 to 2011, and 2011 to the present. This periodization reflects key "critical junctures" that have affected Turkey's migration profile, allowing us to effectively track shifts in the drivers of irregular migration to Turkey as well as the attendant impacts on irregular migration governance.¹

1990 is taken as a starting year for periodization in that it was around this time that Turkey's migration profile started to change in relation to regional and international conjecture. During this period, both mass migration flows, such as from Iraq in the wake of the 1991 Gulf War, and the arrivals of large numbers of irregular migrants became more salient issues to be addressed by Turkey's migration policymakers. Turkey's role as a transit country became more crystallized as the number of irregular migrants arriving in Europe through Turkey increased throughout this period. While the transit country profile was not directly questioned by Turkish policymakers, it was the mass refugee migration from the Middle East that received more attention, resulting in the introduction of a 1994 regulation² that was the first of its kind aimed at regulating the mass arrivals. It was also in the 1990s that the European Union (EU) became a much more pervasive influence in Turkey's migration policies.

1 Migration scholars have proposed several alternative periodizations. These approaches, while useful, have tended to privilege EU-centrism in evaluating Turkey's migration governance, and thus have not adequately captured broader changes in the country's migration profile, including the fundamental shifts that occurred after 2011; these are weaknesses that this study proposes to address. See, among others, Ahmet İçduygu and Damla B. Aksel, *Irregular Migration in Turkey* (Ankara: International Organization for Migration, 2012); Juliette Tolay, "Turkey's 'Critical Europeanization': Evidence from Turkey's Immigration Policies," in *Turkey, Migration and the EU: Potentials, Challenges and Opportunities*, ed. Seçil Paçacı Elitok and Thomas Straubhaar (Hamburg: Hamburg University Press, 2012): 39–61; Fulya Memişoğlu, "Between the Legacy of Nation-state and Forces of Globalization: Turkey's Management of Mixed Migration Flows," EUI/RCSAS Working Paper No. 2014/122, <http://cadmus.eui.eu/handle/1814/33862>; Gökçe Bayındır Goularas and Ulaş Sunata, "Türk Dış Politikasında Göç ve Mülteci Rejimi," *Moment Journal* 2, no. 1 (2015): 12–40; Saime Özçürümez and Deniz Yetkin, "Limits to Regulating Irregular Migration in Turkey: What Constrains Public Policy and Why?" *Turkish Studies* 15, no. 3 (2014): 442–457.

2 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 Either from Turkey or Requesting Residence Permits with the Intention of Seeking Asylum from a Third Country (*Türkiye'ye İltica Eden veya Başka Bir Ülkeye İltica Etmek Üzere Türkiye'den İkamet İzni Talep Eden Münferit Yabancılar ile Topluca Sığınma Amacıyla Sınırlarımıza Gelen Yabancılarla ve Olabilecek Nüfus Hareketlerine Uygulanacak Usul ve Esaslar Hakkında Yönetmelikte Değişiklik Yapılmasına Dair Yönetmelik*).

The advent of mass Syrian migration to Turkey beginning with the advent of the Syrian Civil War in 2011 proved to be another critical juncture in Turkey's irregular migration governance. Initially, Turkey pursued an open-door policy to those fleeing the war, which represented a 180-degree shift from its pre-2011 approach to mass migration from the Middle East. Prior to 2011, Turkey had adopted a closed-door approach to mass migration from the region, a policy most clearly reflected in Turkey's geographical limitation to the 1951 Convention Relating to the Status of Refugees, which in effect ensured that Turkey would not grant refugee status to people fleeing from conflicts and persecution in non-European countries, as had been the case for the 1991 mass migration from Iraq. After 2011, however, Turkey became the top refugee-hosting country in the world.³ The existence of multiple legal and institutional policy developments in this period necessitate treating it as a new period in terms of governance. The newly instituted open-door policy addressed Syrians exclusively, not all irregular migrants, and the geographical limitation on the 1951 Refugee Convention was not lifted.

The post-2011 system of irregular migration governance firmed up in 2013–14 with the completion of two new “pillars” in the governance regime: a legal framework for reception and protection, the 2013 Law on Foreigners and International Protection (LFIP), and the 2014 Temporary Protection Regulation (TPR). At the same time, a separate agency, the Directorate General of Migration Management (DGMM; *Göç İdaresi Genel Müdürlüğü*), was established in order to administer to migration affairs. The LFIP has been critical insofar as it has demonstrated precisely how Turkey defines irregular migration, while the TPR draws the lines of international protection in cases of mass migration. To these two legal pillars we can add the signing of the Readmission Agreement with the EU (2013) and the EU-Turkey Statement (2016), as these reinforced the existing EU angle to Turkey's irregular migration governance.

It is true that the post-2011 regime did not start from scratch. Under the EU influence, work on the new pillars had commenced as far back as the mid-2000s. Nevertheless, the Syrian crisis brought a new urgency and momentum to developments in irregular migration governance, not least because it accelerated the EU's long-term policy of externalization, especially in regards to Turkey. The crisis also prompted a strengthening of what Castles has called the “asylum-migration nexus,”⁴ with an attendant blurring of the three major

3 United Nations High Commissioner for Refugees (UNHCR), “Global Focus: Turkey.” <http://reporting.unhcr.org/node/2544>.

4 Stephen Castles, “The Migration-Asylum Nexus and Regional Approaches,” in *New Regionalism and Asylum Seekers: Challenges Ahead*, ed. Susan Kneebone and Felicity Rawlings-Sanae (London: Berghahn Books, 2007), 39.

models—irregular labor migration, irregular transit migration, and asylum flows—used for framing irregular migration movements in Turkey. It is also crucial to point out that the post-2011 governance framework was built around the already existing pillar of the geographical limitation to the 1951 Refugee Convention. The grafting of the new pillars onto the older pillar of the geographical limitation further strengthened the “migration–asylum nexus,” since as a result the distinction between asylum seekers and irregular migrants became increasingly blurred.

The evolution of Turkey’s irregular migration governance regime between 1990 and 2011 reflected the country’s attempts to navigate its distinct foreign policy environment. Specifically, the Turkish government sought simultaneously to address the perceived national security challenges arising from mass migration from the Middle East and to internalize the EU’s irregular migration policy within the framework of Turkey’s EU accession, an approach that has been described as “absorption with reservation.”⁵

Since 2011, Turkish policymakers have taken a more independent, less EU-oriented stance that, in the shadow of the Syrian crisis, has encompassed both *ad hoc* responses and more concrete regulation. As the refugee crisis moved to the foreground of European public policy around 2015, a new window of political opportunity opened for Turkey to address two persistent policy conundrums: the security and integration challenges associated with the protracted stay of around three million Syrians in the country,⁶ and the stalled EU accession process. It was the negotiations in this context that produced the EU-Turkey Statement in March 2016, an agreement that heralded a shift to a more collaborative approach to irregular migration issues.

Irregular migration policy analysis is effective when framed in terms of the standard phases of irregular migration control: (1) pre-entry measures, which address irregular migration before the migrating arrives in Turkey; (2) entry measures, which identify and detect irregular migrants at the borders; and (3) duration-of-stay measures, which seek to control irregular migration once inside the borders of the host country.⁷ This study focuses especially on border control policies; visa policy; policies on expulsion, return, and readmission; and specific legislation directed at conditions of the migrant stay in Turkey, including residence and work.

5 Saime Özçürümez and Nazlı Şenses, “Europeanization and Turkey: Studying Irregular Migration Policy,” *Journal of Balkan and Near Eastern Studies* 13, no. 2 (2011), 247.

6 N. Ela Gökalp Aras and Zeynep Şahin Mencütek, “International Migration and Foreign Policy Nexus: The Case of Syrian Refugees in Turkey,” *Migration Letters* 12, no.3, (2015), 200.

7 European Migration Network (EMN), *Practical Measures to Reduce Irregular Migration*, EMN Synthesis Report, October 2012.

In terms of methodology, the study adopts a qualitative approach that incorporates both process tracing (PT) and the ethnography of policy analysis, with the time frame covered being from the 1990s to the present. In PT, a number of causal mechanisms in a single policy area (here, irregular migration) are identified, with both theory testing and explanatory outcome variation being core outputs of the analysis. PT provides an opportunity, in connection with the case study in question (here, Turkey), for us to gain a greater understanding of the causal dynamics that produced the outcome of a particular historical case (here, the evolution of irregular migration policy) and allows us to shed light on the mechanisms linking causes and outcomes (here, the foreign policy dimension, with a specific focus on mass migration and the EU as significant policy determinants). In terms of theory testing, PT is employed in order to detect the imprints of externalization, coercive engineered migration, and securitization. Our article relies on the secondary literature and on a wide range of primary documentary sources from the EU, Turkey, and intergovernmental (IGOs) and non-governmental organizations (NGOs). The data for this study were gathered using the key official statements from both the EU and Turkey, as well as from documentary sources, open public sources, reports, scholarly work, and ethnography.

Our analysis is also supported by extensive political ethnography. The data here were drawn from 107 semi-structured interviews with public officials, IGOs and NGOs, and other actors (such as human and irregular transit migrants), which were conducted between July 1, 2011 and March 2013.⁸ These empirical data are employed to show how the relevant actors and institutions perceive, interpret, implement, and are affected by the irregular migration governance of both the EU and Turkey, thereby providing added empirical insight for the analysis.⁹

Understanding state responses to irregular migration: conceptualization and sub-categories for irregular migration

Irregular migration has attracted increasing attention since the 1990s, with interest surging in the wake of the Arab uprisings and the mass

8 Among the interviewees were representatives from the Turkish Ministry of the Interior, Ministry of Foreign Affairs, Ministry of EU Affairs, the General Directorate of Security, the General Directorate of Migration Management, the International Organization of Migration (IOM) mission to Turkey, and the Turkey Office of the UNHCR.

9 See N. Ela Gökalp Aras, "A Multi-level and Multi-sited Analysis of the European Union's Immigration and Asylum Policy Concerning Irregular Transit Migration and Its Implications for Turkey: Edirne and Izmir as Two Major Gateway Cities" (Ph.D. dissertation, Middle East Technical University, 2013).

migration¹⁰ of Syrians fleeing the civil war from early 2011 onward. The sheer numbers of internationally displaced Syrians and the implications of this for Europe (the preferred final destination for most of those fleeing) throw into sharp relief the nexus between mass migration and irregular migration. Under the conditions of mass migration, destination countries will typically be required to address what are called “mixed flows”; that is, “complex population movements including refugees, asylum seekers, economic migrants and other migrants.”¹¹ In doing this, countries will assume a range of policy responses that seek to apply categories of legal and illegal status to those seeking entry.

As for irregular migration, although there is still no consensus on its exact definition, it commonly refers to migratory movements that take place “outside the regulatory norms of the sending, transit and receiving countries.”¹² As a status, “irregular” is not fixed: each migrant can fall in and out of this category over time and in different places. At the entry and duration-of-stay phases of irregular migration control, which were mentioned in the previous section, migrants can find themselves moving into irregular status. At entry, they will generally be categorized as irregular if they have entered using false documents, with a fraudulent statement regarding the purpose of their stay, or via smuggling. At the duration-of-stay phase, those migrants who overstay their visa or their maximum visa waiver period, who violate the conditions of their visa or work permit, or who fail to leave the country upon a (final) negative decision regarding their application for international protection will move from regular to irregular status.

These various paths to irregularity demonstrate the strong connection between asylum and irregular migration. As mentioned, irregular status may come from a rejection of an application for protection or from a failure to return after rejection. It must be pointed out, of course, that irregular status is difficult to avoid for those fleeing from their home country, due to the long waiting process and the lack of reception conditions. Many migrants may even avoid the process of achieving regular status altogether, owing to the significant chance of rejection and to long waiting processes. Instead, they opt for the irregular path by seeking out assistance from smugglers.

Stephen Castles defines the asylum-migration nexus as fluid and blurred, with the terminology regarding migrants and asylum seekers always heavily

10 Mass migration has also been approached as a type of forced migration. The IOM defines it as “the sudden movement of a large number of persons”; see IOM, *Glossary on Migration: International Migration Law* (Geneva: International Organization for Migration, 2004). http://publications.iom.int/bookstore/free/IML_1_EN.pdf, 40.

11 *Ibid.*, 42.

12 *Ibid.*, 34.

politically and legally constructed.¹³ This fluidity became clear in the discourse of European leaders concerning mixed flows during the European refugee crisis. Despite legal status differences in relation to economic, irregular, and forced migrants, as the crisis clearly showed they all end up facing the same procedure at borders, even if they are in dire need of international protection.

Foreign policy and receiving states' policy responses to irregular migration

Policy responses to irregular migration vary among regions, states, and governments, as well as by refugee groups and time frame. As mentioned above, policy tends to fall into three standard phases of migration control: pre-entry measures (typically with a focus on early intervention); entry measures; and duration-of-stay measures, which are all the controls exercised on migrants during their stay within the border of the country. Among the most common tools used at the pre-entry stage are visa policy; information and awareness-raising campaigns; pre-entry controls before arrival at the national border; the role of carriers; identification of irregular migration routes; intelligence gathering; risk assessment; and cooperation with third countries.¹⁴ For entry measures at the borders, along with such traditional tools as walls and fences, advanced border surveillance technology is also becoming more widely used. Also common are pushbacks; measures to detect and prevent the use of false documents for entry; the establishment of new border management agencies; and cross-border cooperation with the sending and transit countries.¹⁵ Duration-of-stay controls include regular reporting of migrant residence and tracking of migrant movement; apprehension or relocation if found to be in unauthorized areas; and measures prohibiting employment. Where such measures fail, more restrictive tools are often adopted, including readmission, forced or voluntary returns, and refoulement.¹⁶

The varieties of response to irregular migration are shaped by divergent domestic and international factors, as well as by policy demands. Despite an extensive literature on migration policies, only a limited number of studies have focused on the link between irregular migration and international factors, specifically foreign policy. Michael Teitelbaum's 1984 study is a classic in this regard, with its detailing of four common types of linkage between foreign

13 Castles, "The Migration-Asylum Nexus," 39.

14 EMN, *Practical Measures*.

15 *Ibid.*

16 *Ibid.*

policy and migration.¹⁷ As far as mass migration is concerned, Teitelbaum identifies two key linkage types. The most salient of these is the one in which sending and receiving countries use migrants to destabilize or embarrass adversaries, such as by hosting opposition figures or permitting cross-border guerrilla activities. The other is where foreign policy or national security priorities come to directly shape migration policies, such as border control or international migration cooperation.¹⁸ While Teitelbaum did not elaborate on the point explicitly, this latter linkage can also, in order to control transit to the destination, incorporate political bargains among source states, the immediate receiving states that share a border with the source states, and destination countries or regional entities.

Kerry Greenhill's 2010 study focuses on the use of bargaining over migration control as a kind of political weapon, questioning how and why relatively weak actors resort to the creation and exploitation of mass migration as a method of foreign policy influence.¹⁹ She outlines a theory of coercive engineered migration (CEM) or migration-driven coercion, which refers to "cross-border population movements that are deliberately created or manipulated often by weak states or non-state actors to induce political, military and/or economic concessions from a target state, states or international organizations."²⁰ Opportunistic states—as a subcategory of coercive actors—do not create mass migration movements, but they do tend to use them in order to gain leverage in negotiations. Target states, by contrast, have a more complex set of interlinked demands, such as allowing the entry of forced migrants stranded on the borders into the coercing state, facilitating the access of refugees to education and the formal labor market in order to keep them inside the coercing state, and strict controlling of borders to prevent further onward movement toward the target destination. Coercers will typically seek financial aid to cover the cost of refugee hosting, developmental aid, trade concessions, mobility incentives, or progress in other long-term foreign policy objectives. In other words, coercers see bargaining over migration control as a window of opportunity to make gains that otherwise could not be achieved.

For transit countries like Turkey, the relations and bargains with the destination countries (or regions) that fall into the foreign policy domain are crucial. Europe is the main destination region for irregular migrants using Turkey as a transit country, and as such Turkey's irregular migration regime

17 Michael S. Teitelbaum, "Immigration, Refugees, and Foreign Policy," *International Organization* 38, no. 3 (1984), 433.

18 *Ibid.*, 436–441.

19 Kerry Greenhill, *Weapons of Mass Migration: Forced Displacement, Coercion, and Foreign Policy* (Ithaca, NY: Cornell University Press, 2010).

20 *Ibid.*, 13.

cannot escape the impact of EU policy. The EU has pursued two main approaches in irregular migration control, one addressing remote control and the other root causes. As part of the remote control approach, the EU prioritizes border externalization or “burden-sharing of the European borders with bordering countries, and the set-up of migration management policies in the countries of origin, and especially illegal migration, following European interests.”²¹ Externalization is a process in which the EU’s “norms, policy instruments, programs, rules, and institutions are fully or partly adopted by non-EU members.”²² While the EU has pursued a range of different externalization initiatives over time and among partners, all of these initiatives have been motivated by one common logic: keeping unwanted populations where they are and externalizing EU borders and border policies. The expectation from transit and sending countries is that they will control their borders and citizens via border management and visa policy, especially if third-country nationals are passing through their territories. If there is a failure in this regard, the EU expects unwanted migrants who have crossed to Europe to be returned through the use of readmission agreements.

Since the post-2011 wave of Syrian migration, Turkey has moved to the foreground of EU externalization policy, since without Turkey’s collaboration the EU could not manage this volume of mass migration in a way that suited its goals. The EU’s demands of Turkey have been twofold, though they are not so different from the demands in place since the mid-2000s: (1) support the EU’s external border control via integrated border management and controlling smuggling, and (2) harmonize visa policy and effectively implement readmission agreements, in addition to lifting the geographical limitations to the 1951 Refugee Convention. In return, Turkey has been promised capacity-building and financial support, visa exemption, and—assuming the other accession conditions are fulfilled—eventual full EU membership.

It is precisely during this European refugee crisis that we can see the underlying logic of Greenhill’s CEM theory at work.²³ The widely contested

21 Ounia Doukouré and Helen Oger, “The EC External Migration Policy: The Case of the MENA Countries,” Cooperation Project on the Social Integration of Immigrants, Migration and the Movement of Persons (European University Institute, Robert Schuman Centre for Advanced Studies, 2007). http://cadmus.eui.eu/bitstream/handle/1814/7991/CARIM-RR_2007_06.pdf, 2.

22 Sandra Lavanex, “EU Enlargement and the Challenge of Policy Transfer: The Case of Refugee Policy,” *Journal of Ethnic and Migration Studies* 28, no. 4 (2002): 701–721; Sandra Lavanex and Emek Uçarer, “The External Dimension of Europeanization: The Case of Immigration,” *Cooperation and Conflict* 39 (2004): 417–443.

23 Kerry Greenhill, “Open Arms Behind Barred Doors: Fear, Hypocrisy and Policy Schizophrenia in the European Migration Crisis,” *European Law Journal* 22, no. 3 (May 2016): 317–332; Kerry Greenhill, “Migration as a Weapon in Theory and in Practice,” *Military Review* (November–December 2016): 23–36.

EU-Turkey refugee deal of March 2016—officially called the EU-Turkey Statement—represents the culmination of this logic. According to Greenhill, Turkey has been an opportunistic state, using Syrian mass migration as part of a coercion strategy to draw political and economic concessions from the EU. Although Gökalp Aras and Şahin Mencütek acknowledge that Greenhill's analysis recognizes Turkey's active role as an opportunistic coercer, they also argued that Greenhill's analyses underestimate the externalization context that has existed since 1999.²⁴

In parallel to the CEM approach, Özçürümez and Şenses emphasize that the target countries of the EU's externalization policies *do* have the power to resist. They argue that the extent to which the Europeanization of irregular migration policy has occurred in Turkey confirms the idea of "absorption with reservations."²⁵ Here, we can speak of "absorption" because, despite the significant developments in the field of irregular migration, adaptation appears without real modification to the essential structures or changes in the logic of political behavior.²⁶

One final theoretical frame that applies in our analysis is that of securitization,²⁷ a discursive process of issue framing that provides insights that allow for an exploration of the motivations and strategies of policy-making in relation to irregular migration. This discursive process works by depicting issues such as irregular transit migration or mass migration as existential threats that must be elevated to the top of the political agenda. Such a speech act serves to legitimize extraordinary countermeasures taken to combat such threats, even if these countermeasures might breach such rules as international protection.

In sum, CEM theory, the EU externalization, and securitization provide a comprehensive framework for analyzing the two phases of Turkey's

24 N. Ela Gökalp Aras and Zeynep Şahin Mencütek, "From Assertive to Opportunist Usage of Mass Migration for Foreign and Asylum Policy: Turkey's Response to the Refugees from Syria," in *Turkish Migration Policy*, ed. Ibrahim Sirkeci and Barbara Pusch (London: Transnational Press London, 2016), 91–127.

25 Özçürümez and Şenses, "Irregular Migration," 233.

26 *Ibid.*, 246–247.

27 Waever defined securitization as a speech act that fulfils three important rhetorical criteria. The first of these is the discursive process, which portrays a problem as an "existential threat," such as irregular transit migration or mass influxes as part of a "claim" action. The second criterion is the demand for the right to take extraordinary countermeasures in order to fight against the socially constructed threat. And finally, since securitization is a speech act that labels something as a threat and thus makes it an issue of the first priority, the third criterion is the justification of rule-breaking actions in order to combat the existential threat, such as the severe human rights violations and even criminal acts committed against irregular migrants by states. See Ole Waever et al., *Identity, Migration and the New Security Agenda in Europe* (New York: St. Martins Press, 1993).

irregular migration governance regime, as well as the policy drivers of the mass migration challenge and the EU's approach to managing its borders beyond its borders.

Periodization and categorization of irregular migration governance in Turkey

İçduygu and Aksel suggest the following periodization for the development of migration management strategies in Turkey: the fertilization period (1979–1987); the maturation period (1988–1993); the saturation period (1994–2000/2001); and a period of degeneration after 2001.²⁸ They suggest that the “degeneration” of the last of these periods reflects growing concerns over the issues of irregular migration, trafficking, and smuggling and their effect on Turkey.²⁹ As already mentioned, since the advent of increased flows of mass migration (from Africa, Iraq, Iran, and Afghanistan) to Turkey from the 1990s onward, mass migration has steadily come to assume greater significance in the EU-Turkey relations.³⁰ The aforementioned 1994 regulation on asylum represented Turkey's initial response to this shift, while 2011 marked another profound “critical juncture.”

Beyond their periodization, İçduygu and Aksel's analysis also focuses on the three major patterns of irregular migration to Turkey: transit migration (illegal entries), circular migration (overstays), and asylum seekers/refugee movements.³¹ Until the Syrian mass migration started in 2011, the largest group had been irregular transit migrants entering Turkey with the aid of smugglers and intending to continue their journey to Europe via sea and land routes. Between 1995 and 2009, the total number of irregular migrants was 796,494, with 461,934 of these being irregular transit migrants (Iraqis were the most numerous of these).³² This latter group attracted the attention of the EU, prompting it to concentrate its externalization approach specifically on the problem. While official statistics do not currently break down the data by subcategory, the most recent EU data shows that there were 42,305 irregular border crossings from Turkey (with Syrians being the largest group at 16,395,

28 İçduygu and Aksel, “Irregular Migration.”

29 See also Memişoğlu, “Between the Legacy of Nation-state and Forces of Globalization,” 9.

30 Özçürümez and Şenses, “Europeanization and Turkey,” 232.

31 İçduygu and Aksel, “Irregular Migration.”

32 Ahmet İçduygu, “The Irregular Migration Corridor between the EU and Turkey: Is It Possible to Block It with a Readmission Agreement?” EU-US Immigration Systems Research Project Report No. 2011/14. cadmus.eui.eu/handle/1814/17844, 5.

followed by Iraqis and Afghans).³³ It is fair to assume that Turkey recorded similar numbers. In 2017, 175,752 irregular migrants were detected.³⁴

The second subgroup is circular migrants,³⁵ those who enter Turkey legally but either overstay or make multiple trips as irregular workers or traders; these are often circular migrants from Eastern Europe and the former Soviet Union. Despite entering legally, these migrants become irregular as soon as their visas expire or they start work without a permit. The number of irregular transit migrants was higher than that of irregular labor migrants/overstayers from 1995 to 2010, but fluctuations in both overlap, reaching a peak in 2000 and declining afterward.³⁶ Although there is no official classification for this group, 334,560 irregular labor migrants were recorded for the 1995–2009 period.³⁷

The third group is asylum seekers and refugees, who display characteristics of the migration-asylum nexus, which as already mentioned is reinforced in Turkey on account of the geographical limitation to the 1951 Refugee Convention that blurs the distinction between asylum seekers and irregular migrants. Under this limitation, only European nationals are able to attain refugee status. For non-European nationals (whom the LFIP deems “conditional refugees”), the Turkish authorities collaborate with the United Nations High Commissioner for Refugees (UNHCR) to find a safe third country for resettlement. While this lengthy process results in a “legalized transit” phase for those awaiting resettlement, there are also cases where rejected asylum seekers continue to stay in Turkey or become irregular transit migrants. The true number of irregular migrants in this category is not available. However, approximations can be reached by looking at increases in the number of irregular migrants from certain origin countries from which forced migration is known to have occurred. For example, forced migration of Iraqis occurred after 1991, but these migrants were legally prohibited from entering Turkey to seek asylum. After 1995, the number of irregular migrants from Iraq apprehended on Turkish soil for irregular entry, exit, presence, or breach of visa and residence permit has increased substantially: from 2,228 in 1995, the number

33 Frontex (European Border and Coast Guard Agency), “Risk Analysis for 2018.” https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis_for_2018.pdf, 18.

34 Directorate General of Migration Management (DGMM), “The Number of Irregular Migrants Those Who Have Been Captured by Years,” Irregular Migration Statistics. http://www.goc.gov.tr/icerik6/irregular-migration_915_1024_4746_icerik.

35 The IOM defines circular migration as “the fluid movement of people between countries, including temporary or long-term movement which may be beneficial to all involved, if occurring voluntarily and linked to the labor needs of countries of origin and destination.” IOM, “Key Migration Terms.” <https://www.iom.int/key-migration-terms>.

36 İçduygu, “The Irregular Migration Corridor,” 4.

37 Ibid.

reached 20,926 in 2002.³⁸ A similar trend is also observable in connection with the Syrian mass migration, as will be discussed in subsequent sections of this article. Due to the TPR, official statistics in Turkey distinguish between international and temporary protection. Accordingly, the most recent data shows that there were 112,415 asylum applications in 2017,³⁹ while 3,554,496 Syrians are under temporary protection in 2018.⁴⁰ However, statistics show that the number of asylum applications was 5,200 in 2001 and 16,020 in 2011, reflecting the dramatic increase even as the geographical limitation has remained unchanged.⁴¹

Understanding Turkey's irregular migration governance from the 1990s to 2011

A process tracing (PT) of Turkey's response to mass migration movements from the Middle East as well as its response to irregular transit shows that, from the 1990s to 2011, Turkey prioritized its security concerns and partly (i.e., with certain reservations) adopted the EU's irregular migration control policies. Immigration policies initially became highly exclusivist through the construction of a broad "unwanted population" group encompassing illegal, undocumented, irregular, and transit migrants.

The Turkish state's security-centered policy approach was a response to post-Cold War developments, whereby Turkey sought to develop a realist foreign policy stance to deal with increasing security challenges in its immediate neighborhood amid fears that it was losing its strategic importance in the eyes of its traditional allies. As mentioned above, at this time Turkey's migration profile shifted and the numbers of Middle Eastern and African irregular migrants grew, prompting attention from the EU.⁴² What had once been either ignored⁴³ or dealt with on an *ad hoc* basis by the Turkish state became a priority that demanded a concrete response. Both securitization and externalization processes moved to the forefront of an irregular migration governance regime in which both Turkey and the EU emerged as joint stakeholders in new methods for controlling irregular migration.

38 Ahmet İçduygu, "Rethinking Irregular Migration in Turkey: Some Demo-Economic Reflections," CARIM Analytic and Synthetic Notes No. 2008/72. <http://cadmus.eui.eu/handle/1814/10117>, 20.

39 DGMM, "The Number of Irregular Migrants."

40 Ibid.; UNHCR, "Global Focus: Turkey."

41 Ahmet İçduygu et al., "MPC - Migration Profile: Turkey," Migration Policy Centre, June 2013. http://www.migrationpolicycentre.eu/docs/migration_profiles/Turkey.pdf, 3.

42 İbrahim Kaya, "Undocumented Migration: Counting the Uncountable; Country Report: Turkey" (Athens: ELIAMEP, 2008), 6.

43 Ahmet İçduygu, ed. *Kentler ve Göç* (İstanbul: Bilgi Üniversitesi Yayınları, 2012).

The securitization of immigration by the Turkish state was prompted by mass migration from Iraq after 1991, although Turkey had experienced earlier mass migration as well, from Iran after 1979 and Iraq after 1988, with Afghan refugees and many other irregular migrants also of some concern. Thus, Turkey had already evolved various border control mechanisms and allegedly used refoulement in order to restrict the numbers of asylum seekers from the east, but it had not yet established a legal framework for the reception and protection of people arriving irregularly. Legal regulation was, however, prompted by the post-1991 waves of migration, which led to the aforementioned 1994 regulation.⁴⁴

As Turkish policymakers were overwhelmed by the sheer numbers of post-1991 Iraqi arrivals, the issue was internationalized and securitized from the outset. In March 1991, 460,000 Iraqis, mostly Kurds and Turkmens from northern Iraq, arrived at the border. Pending United Nations Security Council (UNSC) action, Turkey closed its borders.⁴⁵ Turkey negotiated with the United States and the UNSC to internationalize the crisis—a key foreign policy priority at the time—and this led to a no-fly zone/safe area in northern Iraq that sought “safe return conditions” for Iraqis at the border to be able to go back to their homes.⁴⁶ In a matter of months, hundreds of thousands of Iraqis had settled in this safe zone, with only 14,000 asylum seekers remaining in shelters on the Turkish side.⁴⁷ Beyond the priority of internationalization, the restrictive measures taken by the Turkish state signaled a strong securitization component that intersected with both domestic and international politics. The Iraqi refugee population was thought likely to exacerbate domestic Kurdish nationalism, and as a result was framed as a serious ethnonational threat.⁴⁸

This securitization approach led, necessarily, to the concrete policy response of the 1994 regulation. The regulation continued to limit “refugee” status to the European field, thereby casting Middle Eastern and African arrivals not as refugees but as asylum seekers. The legislation served as a powerful signal of Turkey’s determination to halt mass migration from the Middle East at the border and to prevent asylum seekers’ entry on the grounds of border and domestic security. The regulation can be also read as an attempt by the Turkish

44 “Regulation No. 1994/6169 on the Procedures and Principles Related to Possible Population Movements and Aliens Arriving in Turkey Either as Individuals or in Groups Wishing to Seek Asylum Either from Turkey or Requesting Residence Permission in order to Seek Asylum from Another Country,” January 19, 1994. <http://www.refworld.org/docid/49746cc62.html>.

45 Dilek Latif, “Refugee Policy of the Turkish Republic,” *The Turkish Year Book XXXIII* (2002), 12.

46 Greenhill, *Weapons of Mass Migration*.

47 Muhteşem Kaynak, *The Iraqi Asylum Seekers and Türkiye (1988–1991)* (Ankara: Tanmak, 1992), 45.

48 Katy Long, “No Entry! A Review of UNHR’s Response to Border Closures in Situations of Mass Refugee Influx,” report for the UNHCR Policy Development and Evaluation Service (PDES, June 2010). <http://www.unhcr.org/4c207bd59.pdf>, 17.

state to mitigate the perceived risk that Turkey might become a perpetual buffer zone for asylum seekers and other migrants trying to reach Europe.

Within this securitization context, Turkey's EU accession process emerged as a parallel driver. Just like securing the borders in order to prevent crises in the Middle East from spilling over into Turkish territory, the EU accession process was also one of Turkey's vital foreign policy objectives. After Turkey was granted candidate status in December 1999, successive governments made substantive efforts to adopt a domestic governance regime that was in line with EU policies and priorities regarding irregular migration.

The EU's demands from Turkey from the late 1990s onward can be found in progress reports, accession partnership documents, and national programs. The issues raised in such documents can be seen to revolve around certain central themes: coordinating with the EU's Integrated Border Management (IBM), establishing better border control, harmonizing Turkish visa policy with that of the EU, signing a readmission agreement, establishing a better asylum system, and abolishing Turkey's geographical limitation to the 1951 Refugee Convention.⁴⁹ So as to achieve the goal of preventing irregular migration, the EU was especially insistent that Turkey should enhance its border controls and establish a civilian authority for the management of irregular migration. In the process of meeting these demands, Turkey was promised support for capacity building, finance, visa exemptions, and—if the other accession conditions were fulfilled—eventual full EU membership.

During this period, the legal and institutional framework for irregular migration governance remained highly fragmented. Until the LFIP in 2013, matters concerning the entry, stay, and exit of foreigners were governed by the Law on Residence and Travel of Foreigners in Turkey (No. 5683, adopted in 1950), the Passport Law (No. 5682, adopted in 1950), and the Law on Work Permits for Foreigners (LWPF, No. 4817, adopted in 2003). The LWPF was effectively the first formal attempt to prevent irregular labor migration.⁵⁰ In August 2002, the Turkish government introduced new articles into the penal code that criminalized human smuggling and trafficking and introduced stricter controls at borders and ports. In 2003, the Turkish Citizenship Law was amended in such a way as to introduce strict measures aimed at preventing irregular migration via “fake marriages” arranged by human smugglers. In 2004, the Road Transportation Law came into force, stipulating penalties against human smuggling. And in 2005, Article 79 of the new Turkish criminal code (Law No. 5237) introduced heavy sanctions for migrant smugglers.

49 Gökalp Aras, “A Multi-level and Multi-sited Analysis.”

50 Özçürümez and Yetkin, “Limits,” 446.

To satisfy the EU's demands, between 2002 and 2012 Turkey undertook several programmatic and institutional initiatives to harmonize its policies so as to protect external borders. These included setting up a Task Force for Asylum, Migration, and Protection of External Borders; preparing a strategy paper in 2003; adopting twinning projects and action plans; and establishing the Directorate for Integrated Border Management under the Ministry of the Interior in 2008, which in 2012 became the Bureau for Border Management. All of these initiatives focused Turkish state authorities' attention increasingly on border controls, which in turn prompted ever more institutionalized administrative arrangements.⁵¹ In parallel with the intense externalization of EU border management, field research indicates that Turkish actors became increasingly critical of the EU approach.⁵² This criticism centered on the following themes: the EU's self-oriented and narrow-minded, security-based perspective; the framing of Turkey as a buffer or "dumping zone" in the fight against irregular migration; the EU's ignorance of economic, social, and political dynamics in Turkey; and the lack of burden sharing on the part of the EU. At the same time, Turkish critics also challenged border management policies in neighboring countries, particularly Greece and Bulgaria, which were seen as less effective than Turkey's. The following quotation offers a taste of the criticisms that emerged:

[We] come across a remote control approach on the part of the EU. As long as they are out of my territories, I am fine, and my main concern to keep them [i.e., irregular migrants] outside of my borders [i.e., the EU's approach] cannot be seen as a constructive approach at all.⁵³

This type of criticism, which problematizes the EU's externalization approach, had an influence on the implementation stages, as in the case of border controls. The following quote sheds some light on this:

I do not care; their aim is come to your country [i.e., to Europe], not mine. If you can catch them, then do it, and if you send them back, then do so. Now the EU is asking for a readmission agreement. This year we apprehended 20,000 in Edirne—why should I catch more?⁵⁴

51 Diğdem Soyaltın, "Good News, Bad News or No News: Management of Irregular Migration in Turkey," *Research Turkey* 2, no. 3 (2014): 33–45.

52 Gökalp Aras, "A Multi-level and Multi-sited Analysis."

53 *Ibid.*, 318.

54 *Ibid.*, 415.

Externalization has not been limited to border controls, because it intersects with visa policy as well. The EU's main concerns in this regard have been to standardize visa procedures by implementing both negative and positive visa lists by member and non-member states alike. By the end of 2004, Turkey had committed to matching the EU's negative list, but it did not align with the Schengen negative list. Adoption of the Schengen negative list is seen as especially important to strengthening Turkish border control, as indicated by the following quote from an interviewee:

As law enforcement bodies, we have been facing problems with the liberal visa policy. People can enter Turkey easily. For 30 years, almost 90 percent of countries can get a visa at the border. This situation creates a burden on us. People come in as tourists; they contact each other through the Internet. Then in İstanbul somehow their passports disappear and they become irregular transit migrants waiting for the right time to cross over into Europe.⁵⁵

Understanding the post-2011 changes in national irregular migration governance

After 2011, Turkey introduced both *ad hoc* responses and new concrete regulations in irregular migration governance. It was primarily Syrian mass migration and the continuation of EU externalization that drove the direction of the responses. For Turkey, challenges in controlling its borders and the increasing number of irregular migrants made the country's response to the matter an issue of national security quite independent from the EU. But in 2015, Turkish policy and EU objectives in controlling irregular migration once again intersected. As already mentioned, the sheer volume of post-2011 movement from Syria, together with the initial open-door policy and the continuing geographical limitation, meant that for the first time the country had to formalize temporary protection status.⁵⁶

The LFIP was enacted on April 11, 2013 and came into force one year later.⁵⁷ This law marked the end of the period in which foreigners, but particularly asylum seekers, were regulated by a highly fragmented system of secondary legislation. The law arranged for the entry, residence, and exit of

55 Ibid., 428–429.

56 DGMM, "Türkiye'de Geçici Koruma." www.goc.gov.tr/icerik3/turkiye/de-gecici-koruma_409_558_1097.

57 DGMM, *Law on Foreigners and International Protection* [LFIP] (Ankara: DGMM, 2014). http://www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf.

foreigners, as well as defining the scope of international protection. It also determined the authorities and responsibilities of a new civilian state agency, the aforementioned DGMM, under the auspices of the Ministry of the Interior.⁵⁸ In addition to the DGMM, recently a Coordination Board on Combating Irregular Migration (*Düzensiz Göçle Mücadele Koordinasyon Kurulu*) has been assigned specific duties in relation to the management of irregular migration.⁵⁹

The LFIP defines irregular migration as being the status of “foreigners [who] enter into, stay in or exit from Turkey through illegal channels and work in Turkey without a permit; as well as international protection [*sic*].”⁶⁰ Rather than lifting the geographical limitation, it instead introduces a conditional refugee category⁶¹ and promises subsidiary protection to those who cannot obtain refugee or conditional refugee status.⁶² The Council of Ministers was given authority to stipulate a new regulation to address mass influxes.⁶³ Temporary protection status was further elaborated upon with the national TPR of October 22, 2014.⁶⁴ This regulation reflects both the EU’s externalization approach and the peculiarities of the 1994 regulation on asylum.

Although Syrians are granted temporary protection status under the TPR, there are nevertheless certain situations in which they have fallen into irregularity. As was the case with Iraqis in the mid-1990s, now Syrians are the most numerous among all apprehended irregular migrants: according to figures from the DGMM, some 50,217 Syrians were apprehended as irregular migrants in 2017, ahead of Afghans (45,259) and Pakistanis (30,337).⁶⁵

Both Turkey’s open-door policy and the relatively rapid legalization of Syrians via the granting of temporary protection status represent a shift from Turkey’s past responses to similar mass movements, such as in 1991, when the country avoided opening its borders and did not grant status to migrants. What is more, Turkey has avoided viewing Syrian mass arrivals as a security threat and asking for international burden sharing in the early years, as a demonstration of its more flexible and liberal humanitarian response as compared to the pre-2011 period.

58 LFIP, Art. 1.

59 *Ibid.*, Art. 116.

60 *Ibid.*, Art. 3 (i).

61 *Ibid.*, Art. 62.

62 *Ibid.*, Art. 4, 63.

63 *Ibid.*, Art. 91–92

64 DGMM, “Temporary Protection Regulation,” 2014. http://www.goc.gov.tr/files/_dokuman28.pdf.

65 DGMM, Irregular Migration Statistics. http://www.goc.gov.tr/icerik6/irregular-migration_915_1024_4746_icerik.

This response was driven mainly by the Turkish government's intense involvement in the Syrian crisis from the very beginning, an involvement that can be attributed to the government's assertive foreign policy objectives and is itself a reflection of the post-2002 emphasis on a regionally engaged and collaborative foreign policy approach. However, within only a short period of time, this assertive stance *vis-à-vis* the Syrian crisis was challenged by the complexities that emerged with the further unfolding of the crisis and the involvement of a plethora of both state and non-state actors, all of whom have played a part in escalating the crisis into a highly militarized conflict and, indeed, a full-blown humanitarian catastrophe.

Turkey was compelled to reassess its initial open-door policy due to the erosion of control and increasing security threats, including bombings that caused the deaths of Turkish civilians in border regions. Although policy-makers did not actually associate such border incidences with Syrian arrivals, nonetheless the scale of arrivals reached a distressing level in and of itself.⁶⁶ In response, Turkey took several measures, including "zero-point delivery"; i.e., the provision of humanitarian aid at the border. Another initiative was to demand an international response, calling on the United Nations (UN) to establish a safe haven, buffer zone, or no-fly zone similar to the one that had been implemented in northern Iraq from 1991 to 2003. None of these measures, however, stopped the flow, and ultimately, in late 2012, Turkey suspended the open-door policy. Syrian entry is now only allowed through official border crossings, and is conditional on available places in camps or on urgent humanitarian need.⁶⁷ This move reflects a return by Turkey to the more traditional national security-oriented approach to mass migration.

At the same time, the EU stepped in with its own demands, which came to affect Turkish irregular migration governance in new ways. In December 2013, Turkey and the EU signed a controversial and long-awaited agreement, the Readmission of Persons Residing without Authorization.⁶⁸ The EU also introduced the Roadmap towards a Visa-Free Regime with Turkey, which raised Turkey's expectations regarding direct visa exemption.⁶⁹ The Joint Action Plan (JAP) agreed upon by Turkey and the EU on November 29, 2015 sought to bring order to migratory flows and help to stem irregular migration.⁷⁰

66 Ibid.

67 Human Rights Watch, "World Report 2014: Turkey, Events of 2013," *Human Rights Watch* (2014). <https://www.hrw.org/world-report/2014/country-chapters/turkey>.

68 Available at [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:22014A0507\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:22014A0507(01)&from=EN).

69 Available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-is-new/news/news/docs/20131216-roadmap_towards_the_visa-free_regime_with_turkey_en.pdf.

70 Available at http://europa.eu/rapid/press-release_MEMO-15-5860_en.htm.

Another concrete outcome of the EU-Turkey collaboration was the plan to build a 911-kilometer wall along the Turkey-Syria border, a plan that was formally introduced to the Turkish cabinet in July 2015. This initiative was in response to increased border security risks, which had been exacerbated by the crossing into Turkey of “smugglers, asylum seekers, terrorists, [and] foreign fighters.”⁷¹ In line with the JAP, construction on the wall has begun, with further plans in place to enhance it via surveillance vehicles and an integrated command and control center.⁷² These initiatives shared similarities with the EU’s Frontex system of external border management and with its patrols and high-tech surveillance system (Eurosur), which form part of the EU’s integrated border management system.

Overall, the post-2011 approach has seen Turkey act more independently than in the past in terms of designing its policy responses, with Ankara’s own foreign policy objectives in the Middle East playing the key role in driving efforts in this regard. When the initial open-door approach failed and the security challenges associated with the escalating Syrian crisis intensified, Turkey returned to the securitization approach of the past. At the same time, though, new legislative initiatives were influenced by the EU’s ongoing efforts to consolidate externalization.

As the refugee crisis engulfed Europe in 2015, a new opportunity opened up for Turkey, enabling it to bargain with the EU by way of CEM. CEM had been used during the 1991 mass migration crisis, with the no-fly zone being a key outcome thereof, but on terms that, as Greenhill argues, sought mainly to prevent arrivals and create a space for Iraqis to return by shifting responsibility to international actors. In 2015, however, Turkey more explicitly resembled an opportunistic coercer. The bargain heavily favored the EU objectives, focused as it was on the prevention of Middle Eastern irregular migrant and asylum seeker exit, rather than on preventing entry into Turkey. Unlike its previous responses, though, this time Turkey preferred to show a conditional collaborative stance toward the EU’s long-standing migration control attempts.

The concrete outcome of the bargain, which was created within the framework of externalization, was the EU-Turkey Statement of March 2016.⁷³

71 “Arınc: Suriye Sınırında Fiziki Güvenlik Sistemi Kurulacak,” *BBC Türkçe*, July 22, 2015. https://www.bbc.com/turkce/haberler/2015/07/150721_bulent_arinc_.

72 “One-third of Turkey’s Rocket-resistant Concrete Wall along Syria Border Completed,” *Daily Sabah*, April 7, 2016. <https://www.dailysabah.com/turkey/%202016/04/07/one-third-of-turkeys-rocket-resistant-concrete-wall-along-syria-border-completed>.

73 The EU-Turkey Statement addresses the provisions of three previous legal/political instruments: the EU-Turkey Joint Action Plan (November 2015); the EU-Turkey Readmission Agreement (2013); and the Greece-Turkey Readmission Protocol (2002). The statement is available at <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>.

Prior to the statement, the Readmission Agreement was not implemented,⁷⁴ and accordingly the statement emerged as the *de facto* readmission agreement. With the statement, the European Council and Turkey agreed on “three main objectives: preventing loss of lives in the Aegean Sea; breaking the migrant smuggling networks; and replacing illegal migration with legal migration.”⁷⁵ According to Article 1 of the statement, Turkey agreed to accept the rapid return of all migrants not in need of international protection crossing from Turkey into Greece and to take back all irregular migrants who had been intercepted in Turkish waters. Both sides agreed that all new irregular migrants crossing from Turkey to the Greek islands as of March 20, 2016 would be returned to Turkey. In Article 2, the statement formulates the regulations concerning Syrians distinctly from general irregular transit migrants. Known as the “one-to-one” formula, this article requires that for every Syrian returned to Turkey from the Greek islands, another Syrian be resettled in the EU.

According to the European Commission’s sixth report, crossings from Turkey to EU members have declined sharply since the agreement.⁷⁶ According to Frontex, while there were 885,400 irregular border crossings via the Eastern Mediterranean Route in 2015, in 2016 only 182,537 were recorded.⁷⁷ At the same time, within Turkey, the number of apprehended irregular migrants has been increasing rather substantially, from 146,485 in 2015 to 174,466 in 2016 to 175,752 in 2017.⁷⁸ These statistics—which show a clear rise in the number of irregular migrants in Turkey and a decline in the number of crossings into the EU—indicate that Turkey is at risk of becoming a *de facto* buffer zone. This risk is underscored by the fact that readmission is designed to be unidirectional (from the EU to Turkey), even though both the statement and the Turkey-Greece Readmission Protocol are based on the principle of reciprocity.

74 On June 1, 2016, the European Commission (EC) announced that all provisions of the readmission agreement signed by Turkey and the EU had entered into force. However, on June 6, due to an administrative measure, Turkey suspended the agreement.

75 Deniz Sert and Fulya F. Türkmen, “The EU-Turkey Refugee Deal: The ‘Disturbing’ Balance between Protecting Refugee and Human Rights and Controlling Refugee Flows,” in *Solidarity in the European Union: Challenges and Perspectives*, ed. Angelos Giannakopoulos (Tel Aviv: Tel Aviv University, 2017), 34.

76 European Commission (EC), “Sixth Report on the Progress Made in the Implementation of the EU-Turkey Statement” (Strasbourg, June 13, 2017). https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/170613_6th_report_on_the_progress_made_in_the_implementation_of_the_eu-turkey_statement_en.pdf, 3.

77 European Stability Initiative (ESI), “The Refugee Crisis through Statistics: A Compilation for Politicians, Journalists and Other Concerned Citizens,” January 30, 2017. <https://www.esiweb.org/pdf/ESI%20-%20The%20refugee%20crisis%20through%20statistics%20-%2030%20Jan%202017.pdf>.

78 DGMM, “The Number of Irregular Migrants.”

Despite the success and the clear example of Turkey-EU collaboration, Turkish politicians have continued to CEM in their discourse, displeased as they have been with the EU's slowness and reluctance in meeting its side of the bargain. Such politicians' discourse has tended to brandish the stick of potential irregular migrant exit across the EU borders from Turkish territory. What is more, confirming Greenhill's argument that "opportunistic states might threaten to open their border,"⁷⁹ President Recep Tayyip Erdoğan responded forcefully after the European Parliament voted on November 24, 2016 to suspend accession talks with Turkey. Erdoğan declared, "If you go any further, you should know that these border gates will be opened. [Do you think] it will be those who have not opened the door of the EU to Turkey for 53 years who will enforce sanctions?"⁸⁰ This reinforced previous statements by the president:

Sorry, but we do not have the word "idiot" written on our foreheads. In Edirne, we put people back on the buses and sent them back [...] We'll open the gates and say, "Have a pleasant journey!" We can only be patient so long, and then we will do what we have to. Don't think that the planes and the buses are there for nothing.⁸¹

CEM can also be detected in Turkey's approach to the EU financing, thereby confirming the argument that "opportunists sometimes offer to alleviate existing crises in exchange for political or monetary payoffs."⁸² In the beginning, the bargain was seen as a success, as was emphasized by then Prime Minister Ahmet Davutoğlu:

[The EU] will also be covering all the expenses of readmission [...] Let's say there are a thousand readmitted from the Aegean Sea, then you [i.e., the EU side] will be paying to fly them all back to their countries. The Kayseri bargain was good, it amount to an additional three billion Euros [for Turkey].⁸³

In addition to the influences of externalization and CEM, securitization was also in evidence due to the increasing number of incidents at the borders as well as the

79 Greenhill, *Weapons of Mass Migration*, 30–31.

80 "Erdoğan AB'yi Tehdit Etti: Sınırları Açarız," DW, November 25, 2016. <https://www.dw.com/tr/erdo%C4%9Fan-abyi-tehdit-etti-s%C4%B1n%C4%B1rlar%C4%B1-a%C3%A7ar%C4%B1z/a-36519386>.

81 "Erdoğan'dan AB'ye Mülteci Krizi Tepkisi: Alnımızda Enayi Yazmıyor," *BBC Türkçe*, February 11, 2016. https://www.bbc.com/turkce/haberler/2016/02/160211_erdogan_omer_celik_multeciler_aciklama.

82 Greenhill, *Weapons of Mass Migration*, 30–31.

83 "Davutoğlu: AB ile Kayserili Pazarlığı Yaptık," *Hürriyet*, March 9, 2016. <http://www.hurriyet.com.tr/dunya/davutoglu-ab-ile-kayserili-pazarligi-yaptik-40065646>.

substantial rise in the number of irregular migrants within Turkish territory. The border wall project, a reflection of the zero-tolerance policy at the border, has nearly been completed. The wall has been framed as a way to prevent terror attacks from Syria, border smuggling, and illegal crossings, as well as a means of controlling refugee movements.⁸⁴ In 2017, Prime Minister Binali Yıldırım underscored the increasing tendency toward securitization, which also targeted Syrians under temporary protection, when he stated, for the benefit of Turkish public consumption, that “any Syrians stepping out of line would be deported.”⁸⁵ In other words, extraordinary countermeasures like deportation or relocation became justifiable as a way of combating supposed problems or threats.

Conclusion

This article has analyzed the evolution of Turkey’s irregular migration governance since 1990 and the key drivers of change in that context. By examining legal and institutional measures implemented in regards to the regulation of the pre-entry, entry, and duration-of-stay processes of irregular migrants, it has shed light on changes and continuities in terms of Turkey’s migration governance regime. One key conclusion that can be drawn from the analysis is that this regime is best divided into two distinct periods: 1990–2011, and 2011 to the present.

Our analysis has demonstrated that, across both periods, both mass migration from the Middle East and the EU externalization have been common drivers of irregular migration governance. During the first period, from the early 1990s to 2011, Turkey responded to mass movements from the Middle East with restrictive non-arrival policies grounded in security concerns that had pressing domestic implications. The enactment of the first national regulation targeting non-European refugees in 1994 saw irregularity defined, indirectly, for the first time. This period is also marked by a slow and partial adoption of EU practices and policy priorities in irregular migration, a process that proceeded at a slow pace owing to the fact that these policies did not directly threaten Turkey’s security inasmuch as they primarily targeted transit migrants trying to reach Europe.

A new phase in Turkey’s irregular migration governance began in 2011. Initially, Turkey did not securitize Syrian mass migration due to the ideology lying behind its foreign policy and interests, instead seeking a humanitarian

84 “Milli Savunma Bakanı Işık: Duvarı Gelecek Ay Bitirmeyi Hedefliyoruz,” *Milliyet*, June 11, 2017. <http://www.milliyet.com.tr/milli-savunma-bakani-istik-duvari-siyaset-2466570/>.

85 “Başbakan’dan Suriyelilere Uyarı: Suç İşleyen Dışarıda Kalır,” *NTV*, July 6, 2017. <https://www.ntv.com.tr/turkiye/basbakan-dan-suriyelilere-uyari-suc-isleyen-disarida-kalir,8hNDIOQfnU2PATlqkWBFW>.

approach. But the escalation of the crisis challenged this autonomous approach, and there was soon a return to a securitization discourse, as well as to pertinent control measures and attempts at international burden sharing. The onset of the European refugee crisis in 2015 opened a new window of opportunity for Turkey to use both irregular migration and asylum as foreign policy tools in its dealings with the EU. At the same time, Turkey has faced a dramatic increase in irregular migration and in the risk of becoming a buffer zone. While the EU-Turkey Statement of March 2016 has been applauded for leading to a decrease in the number of irregular border crossings, the increasing numbers in Turkey—along with deaths at the borders and the usage of more dangerous routes by irregular migrants—raises serious but fair concerns about the statement's real impact.

Overall, this study provides insight into the scholarship on migration policies, EU studies, and Turkish foreign policy. In terms of migration scholarship, three findings are especially important. Firstly, the research indicates the interconnectedness of irregular and mass migration, while also challenging the politics of categories, due to the fact that the relevant categories are highly fluid as well as being politically constructed so as to serve aims of control. Secondly, our analysis of Turkey's irregular migration governance provides evidence that states are largely effective in controlling the entry and exit of migrants, even if they are not able to fully prevent irregular migration. And thirdly, a set of dynamic foreign policy interests in the nearby neighborhood whence refugees originate appears to be the most determinant factor influencing first destination countries' policy choices in responding to migration movements.

In regards to Turkish foreign policy, one important finding is that migration is *the* vital issue in the country's international relations. Turkey's strategic importance shows fluctuations according to the unfolding of Syrian crises, but was also reinforced when the EU labelled mass migration and irregular crossings a crisis. Moreover, the case of Turkey proves that foreign policy and migration policies are indispensable policy areas. As for EU studies, this study's contribution lies in its explanation of the bargain between the EU and third countries. This bargain shows that receiving and transit countries like Turkey cannot simply be approached as passive policy receivers, because they act as agents during externalization attempts at migration controls in general, and at negotiations in this realm in particular. This study thus provides insights important for future analysis of EU migration collaborations with third countries like Turkey, since it offers an explanation for the forces that drive both sides' policy responses and their implications in terms of irregular migration.

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