

THE REASONS OF IRREGULAR MIGRATION AND FIGHTING METHODS IN TURKEY

TÜRKİYE'DE DÜZENSİZ GÖÇÜN NEDENLERİ VE MÜCADELE YÖNTEMLERİ

Prof. Dr. İbrahim Ethem TAŞ

KSÜ, İİBF, Kamu Yönetimi Bölümü, i.ethem.tas@gmail.com, Kahramanmaraş/Türkiye.

ORCID ID:0000-0003-0958-7306

Research Assistant Sadegül DURGUN

KSÜ, İİBF, Kamu Yönetimi Bölümü, sadegulozcankusu@gmail.com, Kahramanmaraş/Türkiye.

ORCID ID:0000-0003-4652-7804

Abstract

Migration refers to multidimensional and multiactor human mobility that affects people, societies, states and the international arena from various perspectives. Migration occurs as a result of several reasons and purposes, and there are various types of migration. One of these types is irregular migration. Irregular migration is a migration type that is fought because it takes place in violation of the legal procedures of countries. Turkey is also a country that faces irregular migration and fights against it. The aim of this paper is to reveal the reasons of irregular migration and fighting methods against irregular migration in Turkey.

Keywords: Migration, Irregular Migration, Fighting Methods, Turkey

Özet

Göç insanları, toplumları, devletleri ve uluslararası alanı farklı şekilde etkileyen çok boyutlu ve çok aktörlü insan hareketliliğidir. Göçler farklı neden ve amaçlarla gerçekleştirilirler ve çeşitli türleri vardır. Bu türlerden biri de düzensiz göçtür. Düzensiz göç ülkelerin yasal prosedürlerinin ihlal edildiği ve bu nedenle mücadele edilmesi gereken bir göç türüdür. Türkiye de düzensiz göçle karşı karşıya kalan ve onunla mücadele eden bir ülkedir. Bu çalışmanın amacı Türkiye'de düzensiz göçün nedenlerini ve düzensiz göçle mücadele yöntemlerini ortaya koymaktır.

Anahtar Kelimeler: Göç, Düzensiz Göç, Mücadele Yöntemleri, Türkiye

1.INTRODUCTION

Migration is a phenomenon that is originated from several reasons, has various types, effects many fields and ones related these fields especially nowadays and has a long history. Migration is a situation bringing psychological, sociological, political and economic changes as well as spatial mobilization of people.

There are various types of migration phenomenon. While migration occurred intrastate is internal migration, trans boundary migrations is stated as external migration. It is voluntary migration that people make migration decision without any external factors even though they have the freedom to stay where they are, and on the contrary, within some external factors forced migration arises. If people act in compliance with legal procedures while migrating, it would be regular migration; acting without legal procedures consists of irregular migration. This last type of migration is one that

countries usually have problems. As one of these countries, Turkey encounters migration in general, irregular migration in special for several years.

In this study, the dimensions, types, reasons and methods of combating irregular migration in Turkey are discussed in detail. In this context, firstly, the phenomenon of migration and irregular migration is mentioned in general, and then the issue of coping with irregular migration in Turkey is emphasized.

2.CONCEPTS OF MIGRATION AND IRREGULAR MIGRATION

Migration is an act of mobilization which has a history equal to history of humanity. This is an opening new door of people into a new life space by moving away from being lived geography and from accustomed social, economic, cultural structures. Migration states a leaving of people from being resided space as temporal or permanent with various goals and reasons. Migration phenomenon is a situation effecting migrating people, countries of origin, target countries, people of target countries, transit countries or regions. In short, migration is a multidimensional and multiactor phenomenon that has local, national, regional, global effects. In addition to cultural, economic, social, psychological, legal effects; it has effects in area of security (Taş ve Durgun, 2020:478, Aydın ve Durgun, 2018:504).

Migration can be originated from several reasons. While individuals sometimes migrate for establishing a better life, taking a better education, for working in better conditions, they sometimes migrate for escaping fear of death, oppression and conflict (Aydın ve Durgun, 2020:134). Migration has different types as well as different reasons. These types can be denoted as internal, external, forced, voluntary, regular and irregular migration. Internal migration is geographical mobilization of people in the borders of country of nationality. People migrate from rural to urban, urban to metropolitan area because of several reasons. While there is not any change in country population in this migration type, there are some changes within province population. External migration means migrating of people from country of nationality to another country. People abandon from home countries because of different reasons and establish new lives in new countries. Voluntary migration is a migrating of individuals in own consents without any pressure. Individuals has completely own effect in this migration type. People leave from current places and sociocultural structure with own wish and will. Forced migration is one that individuals migrate indispensably without their own wishes because of an external factor. Reasons such as war, conflict, persecution, famine and natural disaster are causal factors to forced migration of individuals. Regular and irregular migrations consist of other types of migration. In literature, irregular migration takes place as nondocumentary migration, unpermitted migration and hidden migration (Kartal ve Başçı, 2014:277). Bounds between irregular and regular migrations are not always clear because several troubles and irregularities can occur at migration process. From beginning time of migration to arrival of people to target country including transit countries, several irregularities may come into question (Toksöz vd., 2012:12). Furthermore there is some permeability between irregular and regular migrations. When person who enters a country with illegal ways is recorded later, phenomenon of irregular migration will occur. Opposite situation may occur, too. In other words migration occurred with legal ways can become an illegal identity as a result of ending visa duration or neglecting legal procedures when exiting from country (Sağiroğlu, 2015:20).

Regular migration is a migration type that is regarded legal rules of countries and recorded with some regulations. In other words people migrate and get residence and work permits by using legal channels. From entrance to exit in this migration type all process continues in legal frame. In case of irregular migration there is neglect in legal procedures when people migrate. Irregular migration is consisted of the fact that individuals enter target country with illegal ways, reside and work without legal permit or remain at country after valid time is over though they have entered legally. In other words irregular migration is the fact that there are deficiencies in migrating people's documents and records (Atasü-Topçuoğlu, 2016:9; Bartram vd., 2017:309; Adıgüzel, 2018:112). In essence irregular migration is a multidimensional situation. Legal norms are violated in both migration sending country and migration receiving country and transit country (Kartal ve Başçı, 2014:277). Moreover irregular migration is stated as migration type that it is unknown that when and which way migrating people act and also it consists of transit and shuttle migration that properties of migrating people often change (Yılmaz, 2014:1687; Çelik ve Şemsit, 2019:281). While transit migration is passing to other countries that individuals make for arriving target country, shuttle migration is loop that individuals go and return one country for a certain time. Irregular migration can occur either when people leave their country voluntarily or when they leave their country for compulsory reasons. It is important fact that legal rules are determined by each country is exceeded (Gençler, 2014:145). In other words, irregular migration is determined by the policies and rules created by the countries regarding migration and going beyond the borders they have drawn. Responses of states related to 'what is legally determined' reveals irregular migration (Özcan, 2015:24). Additionally, irregular migration consists of part of migration that is not controlled, monitored and observed by countries (Atasü-Topçuoğlu, 2016:501).

Irregular migration is stated as entrance, settling, working and leaving of foreigners with illegal ways in country by The Law on Foreigners and International Protection (Law No. 6458). In other words individuals pass borderlines by neglecting legal regulations or enter country properly in terms of laws but do not leave country though valid time given them is over (Aydın, 2016:122). Irregular migration can have a very wide range of situations from exceeding borderlines in unauthorized manner to human trafficking and smuggling (Toksöz vd., 2012:12).

Notion of irregular migrant is described at The Law on Foreigners and International Protection. According to this law, irregular migrants are individuals that enter country with illegal ways and therefore do not have any legal status, or that even though they enter country with legal ways, duration of stay become ended (Akıncı vd., 2015:63).

Irregular migration is a migration type that emerges and develops from results of population increase that lived especially in underdeveloped and developing countries; insufficiencies, conflicts, civil wars or wars in social and economic facilities and security problems and concerns resulted from these factors; manpower deficit and aging problem in Continental countries; individual search of conditions of better life that has not been found own countries, neoliberal policies that especially has leaved its mark on 1980s; and in addition to all of these and most importantly strict migration policies (Yılmaz, 2014:1689; Doğan, 2018:144).

Irregular migration usually has global effects. For this reason in fighting with irregular migration needs an international collaboration. Additionally, legal regulations and applications should be enacted at both national and international areas (Aydın, 2016:123). Countries mostly use increasing

border security method at fighting irregular migration. In addition to this, readmission agreements and legalizations that have emerged and been discussed recently are prominent methods at fighting this type of migration. Main objective of readmission agreements is to send back irregular migrants resided in country to past residences. These past residences can be both country of nationality and transit country. Legalizations are an amnesty program regarding irregular migrants. These are regulations made by states because people with irregular migrant status return legal status (Özcan, 2015:31).

Irregular migration is a situation faced by several countries. Although this is a situation that states try to prevent, several benefits could sometimes be gained from irregular migration. Especially in countries that have labor intensive production structure, this situation can be more at question. As stated, there is irregular migration at several countries and Turkey is one of them. Turkey has exposed to phenomenon of irregular migration for a long time. It was an irregular migration giving country but then has reached irregular migration taking country. For this reason irregular migration in Turkey needs to be handled in separate title.

3. IRREGULAR MIGRATION IN TURKEY

Turkey is a country that has faced almost all types of migration phenomenon. Among these types and one being suffered from is irregular migration. Turkey has lived phenomenon of irregular migration for many years. There are several reasons for these migrations. It is needed to fight because these lived migrations violate legal procedures. At below titles, there are information about reasons of irregular migration in Turkey and fighting methods.

3.1. Reasons of Irregular Migration in Turkey

Turkey has both origin and target and transit country situations relating to irregular migration (İçduygu ve Aksel, 2012:7; Atasü-Topçuoğlu, 2016:512). There are two dimensions at phenomenon of irregular migration in Turkey. First dimension is stopping of regular worker sending especially Western Europeans countries until mid-1970s after Western countries closed their borders and applied rigid visa conditions, and passing effort of citizens to these countries with illegal ways. These efforts have continued until 2000s. Second dimension is irregular migration taking from old Soviets Union countries and Asia and Africa countries especially since 1990s (Toksöz, 2012:12). There is irregular migration from Iran, Pakistan, Afghanistan, Syria, India and Iraq to Turkey. In addition to illegal workers pass to Turkey especially from Azerbaijan, Armenia and Georgia. People take easily visa from Russia and other neighboring countries and enter Turkey and then make illegal economic activities (Atasü-Topçuoğlu, 2016:512). Irregular migration directed to Turkey can be classified as three groups. First of these is migration that is consisted of short termed transit migrants that enters Turkey by considering legal rules and continues to stay although visa duration is ended, and tries to pass other countries especially European countries illegally. Second group is consisted of migrants that have entered Turkey with illegal ways, have not made refugee application or have taken rejection of application, after all cannot or do not pass another country and stays in country for a long time. Last group is migration that consisted of individuals who have entered country with legal ways but run economic activities from illegal ways, and make enter country frequently (Sağiroğlu, 2015:20, Öner, 2016:16). Global dynamics influence irregular migration of country significantly, more truly increase.

Irregular migration can be originated from several reasons. One of the important reasons of irregular migration directed to Turkey is geographical location. Individuals who want to migrate to developed European and Northern countries make use of Turkey as transit country because of location of Turkey between East-West and North-South. Additionally, people come to Turkey that is seen safer by themselves because of conflicts and civil wars at neighbor countries (Kolukırık, 2014:47). Another reason is visa flexibility applied by Turkey compared to European countries. Turkey is a country that has flexible visa applications (Toksöz, 2012:12). For this reason irregular migration is a situation faced frequently. One of the reasons of irregular migration against Turkey is to be included to labor market. Individuals especially have come to Turkey that has better economic conditions compared to neighbor countries consist of phenomenon of irregular migration. After they have been included to labor market somehow, earning income and returning own countries are general purposes of them (Lordoğlu,2015:32). Human trafficking is another reason of irregular migration in Turkey. Although there is some prevention at regional, national and international level, human trafficking that have got strong gradually in global level increases irregular migration at transit countries. In today's world Turkey is an important transit country. Additionally there are some deficiencies about inspection of foreigners in country, so it is an important reason at irregular migration (Kartal ve Başçı, 2014:285). Record system regarding asylum seekers and migrants has been carried into action newly. This situation is one of the reasons of irregular migration. When taken into account of above explanations, it is possible to summarize reasons of irregular migration in Turkey below:

- Geographical position,
- Economic and political instabilities of neighbor countries,
- Visa flexibility,
- Human trafficking and smuggling,
- Lack of inspection
- Newness of record system,

When looking at reasons stated, it is seen that irregular migration is originated from both internal dynamics of Turkey and external factors. For reasons originated from internal dynamics, Country can take several precautions, in fact has already taken but for external reasons precautions taken by Turkey will not be sufficient and collaboration at global level is needed.

3.2. Fighting Methods with Irregular Migration in Turkey

Turkey has been facing irregular migration for long years. Both internal dynamics and external dynamics cause irregular migration. Turkey has hosted thousands of irregular migrants because of reasons stated.

It is not possible to know about how many irregular migrants are at country because irregular migrants stay out of legal boundaries. However Directorate General of Migration Management provides rich information regarding irregular migrants with annual reports. Below in Table 1, there is number of irregular migrants seized in Turkey between 2005-2021 years.

Table 1. Number of irregular migrants seized in Turkey between 2005-2021 years.

Years	Number of Irregular Migrants
2005	57.428
2006	51.983
2007	64.290
2008	65.737
2009	34.345
2010	32.667
2011	44.415
2012	47.510
2013	39.890
2014	58.647
2015	146.485
2016	174.466
2017	175.752
2018	268.003
2019	454.662
2020	122.302
2021	31.623

Source: Göç İdaresi Genel Müdürlüğü, www.goc.gov.tr, 01.05.2021.

As examined in Table 1, it is seen that number of seized irregular migrants is very high. Number of seized irregular migrants in 2020 is 122.302. This number is greater than or close to the international migrant stock of many countries. For example migrant inventory of Armenia is 190.300, of Georgia is 79.400, of Bulgaria is 184.400, of Bosnia-Herzegovina is 36.000, of Slovak Republic is 197.200, of North Macedonia is 131.300, of Albania is 48.800, of Republic of Moldova is 104.400 and of Turkmenistan is 194.900 (<https://migrationdataportal.org/>, 01.05.2021). This data states

number of all migrants in these countries. Number of irregular migrant of Turkey is more than number of all migrants of aforementioned countries. It is remarkable that number is increasing especially in recent years. Seized migrant have different country of nationality. When it is looked at 2020 data with regards to nationality of irregular migrants, it is seen that they usually come from Middle East countries. Seized irregular migrants in 2020 have nationality such as Afghanistan, Pakistan, Syria, Iraq, Bangladesh, Uzbekistan, Iranian, Turkmenistan, Somalia.

As it is seen, Turkey is a country that is exposed to irregular migration significantly. For fighting, preventing and minimizing irregular migration as other countries, it takes various precautions. These precautions can be grouped such as;

- Legal regulations,
- International collaboration,
- Readmission agreements,
- Developing strategies,
- Forming departments and organizations.

Turkey has made several legal regulations because of fighting irregular migration. It has signed one convention and two protocols at 13 December 2000. While the convention is Convention against Transnational Organized Crime, protocols are regulations that are made in addition to this convention and handle the topics of human trafficking and migrant smuggling. With these convention and protocols, Turkey has made attempts and taken precautions regarding an important topic both resulted and caused by irregular migration. Another regulation is has been made to prevent contracted marriage that made for gaining citizenship in 4 June 2003. In Turkish Citizenship Law the sentence that if someone marries with Turkish citizens, he or she directly gains citizenship has been removed. The condition that minimum marriage time is three years has been brought for gaining citizenship. Another legal regulation made is Law on The Work Permit for Foreigners (Law No. 4817) and implementing regulation of this law published in 2013 in order to preclude working of irregular migrants with illegal and low wages and pull individuals legal basis. With this law and regulation, so to speak irregular migrant exposed to labor exploitation will be saved and get regular migrant status because of record system. In this manner illegal working problem that is issue for both individuals under irregular migration status and State is to be disappeared or decreased. Another regulation has been made in Turkish Criminal Law. In this law crime of migrant smuggling is regulated. Thus it is realized that smugglers of migrants will be punished. Moreover, a clause related to tools used in migrant smuggling has been added to Law Number 6458 on Foreigners and International Protection. With these regulations, precautions regarding migrant trafficking and smuggling that is an important problem in global manner will have been taken. Involving of individuals in crime will be prevented by these deterrent punishments. Thus problem that is both reason and result in irregular migration will be tried to prevent. In 2019 a Minister Circular named as “Implementing Instruction Regulating the Working and Cooperation Principles in Fulfilling the Work and Procedures of Irregular Migrants” has been issued and, within the scope of this circular, authorities, tasks and responsibilities of all organizations and institutions about irregular migration are regulated (www.goc.gov.tr, 01.05.2021). It becomes clear that what is done, how is done and which authorities are used.

Turkey has not confined itself to legal regulations and gone international collaboration at fighting irregular migration because irregular migration has multidimensional effect. In this line Turkey has collaborated with International Organization for Migration, United Nations High Commissioner for Refugees, The International Centre for Migration Policy Development and several non-governmental organizations. Additionally, for fighting irregular migration, Turkey has been involved in Budapest Process that was formed in order to generate durable solutions and provide efficient and sustainable migration management, and in 2006 has taken over presidency. Moreover, in order to prevent irregular migration, it was signed FRONTEX (The European Border and Coast Guard Agency) in 2012, and Readmission Agreements with the Memorandum of Understanding within the scope of international cooperation efforts. In these agreements irregular migrants can be sent to country of origin or transit. In this line Turkey has signed readmission agreements with countries such as Syria, Greece, Kyrgyzstan, Romania, Ukraine, Pakistan, Russia, Nigeria, Bosnia and Herzegovina, Yemen, Republic of Moldova, Belarus, Montenegro, Kosovo, Norway and European Union countries. At least it will be possible that some portion of irregular migrants will be sent to country of origin or transit. Especially sending of migrants that have irregular migration status in Syrian asylum seekers that its number is stated as millions can decrease problems related to these individuals at minimum level, even if not it will be ended. However, considering nationality of seized irregular migrants, it can be stated that additional readmission agreements should be made with countries that are these people's nationality because most of seized people have nationality of Middle East. If it is looked at countries signed readmission agreements, there are more European countries. Thus it seems impossible that Turkey will gain expected utility from readmission agreements because European countries will be able to send people passed over Turkey back but Turkey will not be able to send these people back country of origin. As long as these people are not sent back to the countries of origin, irregular migration and its problem will continue. In other words, to solve this problem needs to sign new readmission agreements. However mainly to be done is to form global collaboration for making effective solution of problems at countries of origin and to prevent these people from becoming irregular migrants.

Turkey has made an effort for fighting irregular migration by forming some governmental organizations and departments. Within the Law No. 6458 on Foreigners and International Protection, Directorate General of Migration Management has started to their activities in 2014 within the body of Ministry of Interior (www.goc.gov.tr, 01.05.2021). Directorate General of Migration Management is one of the necessary institutions, even late in its establishment, for such country that is nested in phenomenon of migration. This institution that is interested phenomenon of migration as a whole carries on works about irregular migration. All developments related to irregular migration is kept track of, information is shared and precautions are tried to be taken. Additionally in 2018 within number 4 on Presidential Decree on the Organization of foundations and Institutions Related, Associated and Affiliated to the Ministries and Other Institutions and Foundation, Fighting Irregular Migration Office has been established. This office takes place in central organization of Directorate General of Migration Management. The tasks of this office are stated in clause e of 161th article of Decree as below:

- 1) "To conduct jobs and transactions related to irregular migration.

- 2) In order to be able to fight against irregular migration, to ensure coordination between law enforcement units and relevant public institutions and foundations, to develop measures and to monitor the implementation of the measures taken.
- 3) To execute provisions on readmission agreements which side Turkey is.
- 4) To perform other duties assigned by the General Manager.”

Turkey is developing a variety of strategies to combat irregular migration addition to building institutions and units, making regulations and performing international cooperation. These strategies are to come together with the countries of origin, target and transit that are subject to irregular migration and to make the necessary legal arrangements, to ensure coordination on irregular migration both in the national and international arena, to take necessary measures for border security, to make the necessary arrangements to prevent illegal work, to ensure the legal status of irregular migrants, to take the necessary and deterrent measures related to human trafficking and smuggling, to identify the problems causing this migration in irregular migration giving countries and to prevent the problem at its source by taking actions to solve these problems (www.goc.gov.tr, 02.05.2021). In fact, when it is looked at the strategies mentioned, it is seen that many of them have started to implement them.

4. CONCLUSIONS

Turkey is a country faced with the phenomenon of migration throughout its history. It is in a location where all types of migration find their place. Irregular migration is one of these types. Irregular migration is carried out intensively in Turkey for reasons that arising from both the country's own internal dynamics and other countries. Irregular migrants, expressed in thousands, remain in the country. Irregular migration violates the country's legal procedures and therefore needs to be prevented.

Turkey is trying to fighting irregular migration through various methods. It tries to prevent irregular migration by developing strategies, establishing organizations, making legal arrangements and making international cooperation.

When the number of irregular migrants seized is observed, it is seen that there has been a significant increase especially in recent years. From these numbers, it can be concluded that the Country is effectively fighting against irregular migration, increasing control, and increasing the number of irregular migrants seized in this direction, as well as, rather than a success in fighting methods and control, it can also be concluded that the number of people who have entered the country illegally or become illegal in the country might have increased because the number of people seized by the same methods has increased. If the first conclusion is accepted as correct, it can be evaluated that the fighting against irregular migration is successful, and if the second conclusion is accepted as correct, there are some problems in the fighting against irregular migration. There are a number of points that need to be considered in both outcomes. All of the fighting methods expressed form a whole. All of them should be applied simultaneously. The weakness shown in one will affect the success of other methods. A holistic perspective is therefore required. Planning and coordination should be done well. Continuity of fighting methods should be ensured because migration is not a static phenomenon but a dynamic phenomenon. In addition, these fighting methods should have the

flexibility to be revised according to new situations that may arise. Along with these, cooperation should be made not only internationally but also nationally. Provincial organizations, local governments, non-governmental organizations, private sector and citizens should be included in the fighting methods and should be made stakeholders. The opinions, experiences and ideas of all stakeholders should be utilized and their demands and criticisms should be taken into consideration. In this way, it will be possible to make the methods of fighting against irregular migration more effective.

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