

THE INTERPLAY OF EXTERNAL AND DOMESTIC FACTORS: WHY THE TURKISH
GOVERNMENT PREPARED A LAW ON FOREIGNERS AND INTERNATIONAL
PROTECTION

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THE INTERPLAY OF EXTERNAL AND DOMESTIC FACTORS: WHY THE TURKISH
GOVERNMENT PREPARED A LAW ON FOREIGNERS AND INTERNATIONAL
PROTECTION

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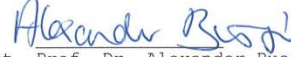
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ABSTRACT

THE INTERPLAY OF EXTERNAL AND DOMESTIC FACTORS: WHY THE TURKISH GOVERNMENT PREPARED A LAW ON FOREIGNERS AND INTERNATIONAL PROTECTION

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The Law on Foreigners and International Protection has been adopted on 11 April 2013. In relation, the impact of Europeanization during the preparation of the Law on Foreigners and International Protection is an area where to date a little research has been conducted. Therefore, the aim of the thesis is to examine the interplay of external and domestic factors for the preparation of this new law. In doing so, the three models of Europeanization – external incentive model, social learning model and lesson-drawing model- will offer different propositions for the Turkish government to prepare this law. In order to assess the explaining power of this variety of factors, I proceeded as follows: First I analyzed the literature on Turkey’s EU accession process and the literature on Turkey’s asylum policy. Second, I analyzed documents and public statements of the Turkish political actors. For the public statements, I have used nineteen articles from different journals and websites such as Milliyet, Hürriyet, TRT Türk, EU Observer, Zaman, Dünya, Mazlumder, UNHCR and Aktif Haber. Third I developed an online survey.

Key words: The Law on Foreigners and International Protection, Turkish Asylum Policy, Europeanization of Turkey

ÖZET

TÜRK HÜKÜMETİ NEDEN YABANCILAR VE ULUSLARARASI KORUMA KANUNU'NU HAZIRLADI? - İÇ VE DIŞ FAKTÖRLERİN ETKİLEŞİMİ

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Yabancılar ve Uluslararası Koruma Kanunu 11 Nisan 2013 tarihinde kabul edilmiştir. Buna ilişkin olarak, “Yabancılar ve Uluslararası Koruma kanununun hazırlanması sürecinde Avrupalılaştırma'nın etkisi” konusunda bu güne kadar az sayıda çalışma yürütülmüştür. Bu nedenle bu tez çalışması, sözkonusu kanunun hazırlanmasında iç ve dış faktörlerin etkileşimini araştırmayı amaçlamıştır. Bu kanunun hazırlanmasında, üç değişik Avrupalılaştırma modeli - external incentive model, social learning model and lesson-drawing model- Türk hükümetine farklı seçenekler sunmuştur. Bu faktörlerin tanımlama gücünü değerlendirmek amacıyla şu şekilde ilerledim: Öncelikle Türkiye'nin Avrupa Birliğine giriş sürecine ilişkin ve Türkiye'nin sığınmacı politikasına ilişkin literatürü inceledim. Daha sonra, Türkiye'nin politikalarına yön veren kişilere ait doküman ve demeçleri inceledim. Son olarak da online anket düzenledim.

Anahtar kelimeler: Yabancılar ve Uluslararası Koruma Kanunu, Türkiye'nin Sığınmacı Politikası, Türkiye'nin Avrupalılaştırması

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List of Abbreviations

CEECs	Central and Eastern European Countries
EU	European Union
EURODAC	European Data Archive Convention
JHA	Justice and Home Affairs
MOI	The Ministry of Interior
NAPP	Turkish National Action Plan for the Adoption of the ‘EU Acquis’ in the field of Asylum and Migration
NGOs	Non - Governmental Organizations
UNHCR	United Nations High Commissioner for Refugees

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1. Introduction:

“The Law on Foreigners and International Protection was adopted by Turkish President Abdullah Gül on 11 April 2013 and published in the Official Gazette” (Erdem, 2013). Therefore, aim of the thesis is to explain why Turkey had adopted the law; because of external pressures or domestic reasons.

Which factors best explain the readiness of the Turkish government to draft the Law on Foreigners and International Protection? In particular, were external or internal factors more important?

This topic is of high relevance in EU-Turkey relations. European Union has always been the target area of most of the asylum movements. By the late of the 1990's, the member states of the European Union started to understand the importance of immediate cooperation in the field of Justice, Freedom and Security and management of immigration and asylum policies within the boundaries of the EU. In that sense, member countries started to adopt common EU rules and correspondingly, the Europeanization of member states on asylum area started. Furthermore, the need for the harmonization of asylum policies of neighboring countries with that of the EU's received the growing attention of member countries. In that case, Turkey carries the banner. With the launch of Turkey's EU candidacy in 1999, the Europeanization of Turkey started.

Turkey's geographical situation on the crossroads of illegal immigration coming from Middle East, Asia, Caucasus, and Africa placed its asylum policies today, as one of the top priority areas of the EU (Özgür/Özer, 2010: 2). An effective asylum policy of Turkey will prevent the flow of asylum to member countries. Furthermore, today, being at the same time an immigration and a transit country (İçduygu

(2004)/Kirişçi, 2009), Turkey should learn to deal with the problems and deficiencies emanating from the flow of asylum. However, so far, Turkey did not succeed to develop an effective asylum policy and lacks to have a legal structure with a physical and as well as administrative infrastructure in order to enhance the protection of asylum seekers and refugees (Kirişçi, 2012: 63).

Turkey is among the first countries to sign the 1951 Geneva Convention relating to the status of refugees. However, Turkey is insisting on keeping the geographical limitation as defined in Article 1, B(1)(a) of the Convention (United Nations High Commissioner for Refugees, 1951: 15). This geographical limitation prevents the government to grant the refugee status to persons coming from ‘outside Europe’. Also, based on 1934 Law on Settlement, only people from Turkish descent and who are committed to Turkish culture can easily settle and get the Turkish citizenship (Avcı and Kirişçi, 2008: 148). Due to the flow of illegal immigration and asylum which emerged in the 1980s, the Turkish government introduced for the first time the 1994 Asylum Regulation giving the government full rights and responsibility for the status determination. It was the first piece of legal national legislation adopted by the government. However, this regulation attracted many criticisms at the international level because it did not take into consideration the rights of asylum seekers and refugees and violated the principle of non-refoulement. These legislations are far from to ensure a functioning asylum system. Starting from the early 1990s, Turkish government started to make some improvements on its asylum policies with the assistance of the United Nations High Commissioner for Refugees (UNHCR) (Kirişçi, 2012a: 67). Then, Turkish government continued to conduct a policy of reforms in order to adopt and implement the EU *acquis* after European Council recognized the candidacy of Turkey in 1999.

However, Turkey's reform process on its asylum system did not gain much credit within EU countries, as well as at international level. Turkey's first success on asylum policy area in a proper sense is realized when Turkish government adopted the first asylum law which has waited the approval of the Parliament since January 2011. The historical roots for the preparation of the law go back to 2005, when the government declared its National Action Plan for the Adoption of the EU Acquis in the field of Asylum and Migration (NAP). This Action Plan for Asylum and Migration prepared by a "Special Task Force" is a roadmap for the development of a functioning asylum system.

In this sense, the adoption of the law on Foreigners and International Protection will respond to a larger extent to the legal arrangements and improvements mentioned on the Action Plan for Asylum and Migration (The Ministry of Interior, 2005: 1-2). The law on Foreigners and International Protection will bring Turkey some major improvements on Turkish asylum system and will help the government to comply mostly with the EU acquis on Justice and Home Affairs in the field of migration and asylum and also with the norms of international refugee law; but a reservation on geographical limitation of the 1951 Geneva Convention will continue to remain.

The development process of the Law on Foreigners and International Protection was not so swift and the steps involved in this process were laborious and took lots of years. At this point, it is time to narrow the analysis on the preparation process of the draft law.

After the literature review of Europeanization in candidate states and explanation of three models as important Europeanization tools; this study examines how different mechanisms of Europeanization could have counteraction on Turkey in the

preparation of the new law on asylum. Furthermore, which one of these models best explain this development on asylum or did these different models of Europeanization had a relevant influence at different times during the preparatory process of this new law?

Schimmelfening and Sedelmeier define “Europeanization as a process in which states adopt EU rules”. By adopting EU rules, candidate states try to institutionalize EU rules to their domestic politics; meaning that they are changing their domestic laws with the EU laws, restructuring their institutions in conformity with the EU rules. Three different models- the external incentives model, the social learning model and the lesson-drawing model- each of them with their own mechanism of Europeanization explain how and under which conditions non-member states adopt EU rules to their domestic politics (Schimmelfening and Sedelmeier, 2005: 7).

Consequently, these three models will offer different propositions for the Turkish government to draft this law. This study explains that the EU conditionality through the external incentive model is an important factor which contributed to the preparation of the Law on Foreigners and International Protection. Also, the fulfillments of the EU’s preconditions for visa liberalization are another important motive to prepare this new law. However; even, before the European Council declared Turkey as a candidate country in 1999, Turkey started its reform process with the unconditional assistance of the UNHCR especially. This relationship is explained through the social learning model, as Turkey’s asylum policies became conform to international asylum regime and the relation with the UNHCR prepared Turkey to follow the path which goes to the development of the law. Furthermore, the contributions of ECHR’s decisions against Turkey for the development of its asylum policy and as well as for the preparation of the new law through the

socialization process of Turkish officials cannot be deniable. The role of twinning projects is also an influential factor to consider. Turkish government adopted and continues to adopt EU rules and regulations because of domestic reasons also. Here, the lesson-drawing model constitutes an important factor. The growing importance of migration and asylum issues on Turkish domestic agenda indicates the readiness of the Turkish government to prepare the Law on Foreigners and International Protection. Turkey announced this draft law when the membership negotiations were not going well between the two parties. Therefore, the preparation of this draft law will clarify how Turkey wants to be understood at the world scene. Turkey's foreign policy changed considerably during the last couple of years. Consequently, Turkey, a growing economy, conducting an active foreign policy and ascending as an important actor in the Middle East and as well as worldwide, draw the country to carry out policies which are conform at international level, the adoption of the law on asylum will be a great example.

As Turkey today becomes an immigrant and transit country rather than an emigrant country, urge the country to adopt new policies in conformity with international system and the EU as well in order to cope with the flow of asylum. The adoption of this law will help the government to ameliorate its current asylum system and will enhance the living conditions of asylum seekers within Turkish territories. Today, 'EU *acquis communautaire*' is the best option Turkey has in its hands and a guide to follow in order to have an international asylum system approved worldwide.

Immigration and asylum issues are crucial for EU as well. European Union, as an attractive area for asylum flows, brought the need for a good management of migration and asylum policies and better relations with neighboring countries.

There has been little scholarly interest on which factors of Europeanization best explain the readiness of the Turkish government to prepare this law. The Law on Foreigners and International Protection is recently adopted, so there is not much research about it.

This study proceeds in seven steps: in order to reveal the differences and similarities between EU and Turkish asylum systems, first, a description of EU's asylum policy with its historical development, its basic standards is presented. Second, this study continues with a description of Turkish asylum policy explaining its historical development, deficits regarding the EU acquis and the most recent development which is the Law on Foreigners and International Protection. Third, the theoretical framework of Europeanization which forms a basis for explaining the factors lying behind for the preparation of the law on asylum is presented. Also, in order to answer my research question plausibility probe case study is used. Fourth, external incentives such as EU membership prospect and visa liberalization are presented to explain the preparation of the new law. Fifth, socialization of Turkish officials via ECHR, UNHCR and twinning projects are presented. Sixth, domestic factors such as economic development, pro-active foreign policy and role of domestic NGOs are presented. Academic literature review on the Europeanization of Turkey and as well as its asylum policy, public statement of Turkish political actors, document analysis and online survey results are combined with my case study. Finally as seventh conclusion is presented.

2. European Union's asylum policy:

A functioning asylum system for Turkey in conformity with EU and international standards is a prerequisite for EU membership and for visa liberalizations. Since EU officially declared Turkey's candidacy on December 1999 for membership, EU started to hold its cards to become an influential actor on Turkey's asylum policy. Thereby, a new era has been started.

Before explaining Turkey's improvements and reforms on asylum policy in line with EU and international standards, to mention about the asylum system in EU countries and how the Justice and Home Affairs issues started to constitute an important part of the European integration process throughout time is a necessity. In addition, the difference between Turkish asylum system and European asylum system will help to show us the path that Turkey has to follow regarding its asylum policy.

2.1 Historical Development and Standards of EU's Asylum Policy

Immigration policy gained unexpected political importance in Europe. Now, it is placed as one of the top priorities of the EU agenda. Before, there was any explanation about how to deal with asylum and immigration on the original text of the Treaty of the European communities. Direct regulations about asylum had not been implemented before the signing of 1993 Maastricht Treaty. In the 1960's, there were regulations about the free movement of workers from member countries and regulations were also applicable to people from third countries but only if these persons were under the responsibility of these workers. Furthermore, bilateral agreements with third countries provided sometimes the right of free movement to third country nationals due to economic reasons (Özgür and Özer, 2010: 11).

Only, 1951 Geneva Convention and then one amendment in the form of 1967 New York Protocol were adopted by EU member states and others. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), the 1951 Geneva Convention is the “centerpiece of international refugee protection” and “the most comprehensive codification of the rights of refugees at the international level” (The United Nations High Commissioner for Refugees, 1951 and 1967:3).

The 1951 Convention makes a clear definition of who is a refugee with Article 1. A refugee is someone who is unwilling or unable to return to his or her country of origin because of the fear to be persecuted in his or her country due to reasons of race, religion, nationality, membership of a particular social group, or political opinion as a result of events occurring before 1 January 1951 (The United Nations High Commissioner for Refugees, 1951 and 1967:14). The principle of non-refoulement is also a fundamental part of the Convention which prevents any persons who try to obtrude a refugee against his or her will to return to a place where he or she fears that his or her life will be threatened (The United Nations High Commissioner for Refugees, 1951 and 1967:30). Briefly, the Convention set up the basic rights and protections for refugees such as the right to work, to go to court, to education and so on. The Convention and the Protocol are still widely recognized by states. Indeed, states stated their commitment to the Convention and the Protocol by issuing a Declaration in 2001.

The New York Protocol signed in 1967 removed the time limitation imposed by the Geneva Convention giving the right to become a refugee as a result of events occurring before 1 January 1951(The United Nations High Commissioner for Refugees, 1951 and 1967:46).

When the Single European Act was adopted in 1986, the free movement of goods, persons, services and capital were established. With the loss of security due to the removal of internal borders, important measures had to be taken. Therefore, member states agreed on a common attitude on the entry, movement and residence of third country nationals who were coming only to work. These people and their families were allowed to live and work in member countries. However, as on the previous agreements, there were any articles related to the asylum policy (Gradin, 2003: 23).

After the 1973 economic crisis broke out, member states stopped the flow of workers coming from third countries. This prevention augmented in a significant manner asylum applications and illegal migration. Political crisis and armed conflict in third countries were other factors for the sharp increase on asylum applications (Özgür and Özer, 2010: 14). Based on Eurostat statistics, in 1992, asylum applications have been peaked to 670.000 in EU 15 member countries (Eurostat, 2013: 1). Consequently, asylum issue came to the agenda of the European Union starting from 1980s. For instance, this situation brought the need to make some regulations other than agreements. Two main regulations were created in order to secure external borders and diminish the concerns rising because of the flow of migration from third countries: the Schengen Agreement and Dublin Convention.

The Schengen Agreement was signed between five member countries in 1985 with a purpose of abolishing all internal borders and having common rules and procedures regarding visas for short stays, asylum requests and border controls (Europa, 2013a: 1). Contracting parties were France, Germany, Holland, Belgium and Luxembourg. Today, the Schengen area is extended to fifteen countries.

Chapter seven of the Agreement lays down ‘the responsibility for processing application for asylum’. This chapter clarifies which contracting party will take the charge for conducting an asylum application. It also mentions that the contracting party should take the responsibility of the asylum’s family if the applicant agrees. Article 37 and 38 of the agreement state contracting parties should exchange information with each other about asylum seekers (Europa, 1999: 26-27).

There was a concern within the EU countries regarding the possible flow of migration from Central and Eastern European Countries after the collapse of the Union of Soviet Socialist Republics. This inquietude about security within EU member countries engendered the need to prepare a regulation related only with asylum (Özgür and Özer, 2010:18). Dublin Convention was signed in 1990 among twelve EU member countries as an intergovernmental convention. However, it took seven years to put into force due to ratification problems.

The Dublin Convention of 1990 determines which state is responsible for examining applications for asylum lodged in one of the Member States of the European Communities. Article 2 of the Convention states the commitment of member states to the obligations mentioned in the Geneva Convention and as well as in the New York Protocol. The Convention considered baseless asylum applications which are not coherent with the Geneva Convention and the New York Protocol. This means if the person applying for asylum has no fear to be persecuted in his or her country, or if the person misused this procedure; the asylum application of this person will be considered as groundless. Article 3 of the Convention put an obligation to member states to examine the application of any alien who applies at the border or in the territory of one of the member states. However, in any case, the member state

responsible for the application of the asylum retains the right, in accordance with its national law to send an applicant to a third state.

The Convention is also designed for stopping asylum seekers to make several asylum applications in numerous EU countries and to make bargain with them. Hence, Articles 4 to 8 of the Convention set out the necessary criteria for reducing to a single member state the examination of the asylum application and designate which country carry out the prior responsibility for starting the application procedure of an asylum seeker. At the end, if there is no member state responsible for examining the application for asylum; EU countries agreed that the examination of asylum application should be made by the first EU country where the asylum seeker has a chance to make an application (Eur-lex, 1997b:1- 5).

The Convention provides the opportunity to exchange information between member countries regarding statistical data on arrivals of asylums, general information on applications for asylum, national legislative or regulatory measures. This information is collected on the Centre for Information, Reflection and Exchange on Asylum (CIREA) which has been established within the Council of the European Union (Hurwitz, 1999:670).

Setting common standards for the procedures concerning the asylum application does not mean to give up completely the national autonomy of member states on a sensitive area like security. Furthermore, problems concerning the effectiveness of the Convention arisen because the Maastricht Treaty were lacking binding instruments in order to enforce the implementation of the Dublin Convention. Thereby, member countries continued to apply different asylum procedures.

In addition, the Dublin Convention caused unequal distribution of responsibility among countries. Especially, countries which form the external border of the EU are entitled to receive more asylum applications than the others and this led to the imbalance of burden-sharing within EU countries. There are also criticism that the Convention is too formal and actually do not reflect the factual situations that member states could have face on regular basis (Hurwitz, 1999: 674-677).

The Treaty on European Union was put into force in 1993 in order to strengthen the Community's position at international level and as well as to develop the success of the Single European Act by implementing new reforms. Maastricht Treaty created the European Union which is constituted of three pillars: the European Communities, Common Foreign and Security Policy (CFSP) and police and judicial cooperation in criminal matters (JHA) (Europa, 1993: 1). EU member states agreed to cooperate at the intergovernmental level in the area of Justice and Home affairs. This meant that cooperation in the field of asylum and immigration occurred. Asylum issue with the migration issue together received consideration on Article K.1 of the JHA pillar of the Maastricht Treaty. Based on Article K.1, asylum policy, external borders, specifically the crossing from external borders of the member states, immigration policy and policies regarding nationals of third countries are regarded as matters of common interest. By replacing the asylum issue on third pillar, governments have no obligation to give up their national sovereignty to the Community on asylum area. However, sometimes the matters referred on Article K.1 could better deal with joint actions than by member states acting individually. Article K.4/3 states that the Council should act unanimously except in cases where the Unions' objectives could better be attained by qualified majority.

The matters mentioned on Article K. 1 should be dealt in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and the Convention relating to the Status of Refugees of 28 July 1951. Member states are entitled to inform and deliberate each other within the Council regarding the matters referred on Article K.1 (Eur-lex, 1993: 61-62).

Only, Article 100c related with migration received consideration on the first pillar of the Maastricht Treaty. According to the article, the Council, acting unanimously, after taking a proposal from the Commission and consultation from the Parliament seek to determine which third countries whose nationals must possess a visa when entering to member states (Eur-lex, 1993: 11). Other than this, no supranational institutionalization area is realized or binding decisions are not taken with the Maastricht Treaty on asylum policy.

The Amsterdam Treaty created a new era in Justice and Home Affairs because the policy on asylum, rules about border controls, free movement of people, visa policy, and the rights of third country nationals became the full responsibility of the Community (Gradin, 2003, 26). Immigration policy has been brought to the Community pillar by creating a new Title IV which is 'Visas, Asylum, Immigration and Other Policies Related to Free Movement of Persons'.

Immigration and asylum matters are mentioned on Articles 61 to 69 of Title IV. Although asylum and migration issues have been brought to the first pillar, five years of transition period ensured cooperation to be remained intergovernmental. Article 61 aimed to take measures for external border control, asylum and immigration, ensuring the free movement of persons assured on Article 14, combatting and

preventing crimes and protecting the rights of nationals of third countries. Furthermore, Article 61 states that measures should also be taken in the field of judicial cooperation in civil matters and encouraging administrative cooperation is a necessity. Asylum matters are specifically defined on Article 63, stating that measures on asylum should be in conformity with the Geneva Convention of 1951 and the New York Protocol of 1967. Article 63 aimed to determine:

- “Necessary criteria and mechanism to find out the responsible member state to conduct an asylum application submitted by a national of a third country in one of the member states,
- Minimum standards on the reception of asylum seekers in one of the member states,
- Minimum standards with respect to the qualification of nationals of third countries as refugees,
- Minimum standards on procedures for granting and withdrawing the refugee status,
- Minimum standards for giving temporary protection to displaced people who could not return to their country of origin and for people who need international protection for other reasons,
- Promoting a balance of effort between member states in receiving and bearing the consequences of receiving refugees and displaced persons (Eurelex, 1997a: 205-206).”

Important to note, this article could not be an obstacle for member states to the execution of necessary responsibilities with regard to the maintenance of order and law and protection of internal security. This means member states could adopt

exceptional measures and have no obligation to fully give up their national sovereignty to the Community regarding asylum matters.

Based on Article 67, within five years of transition period, after taking the proposition of the Commission or upon the interference of a member state and after consulting the European Parliament, the Council should act unanimously. The Commission is sharing the rights of legislative initiative with the member states and the Parliament is only a consultative body. Most of the legislative acts on asylum matters have passed within five years of transition period. After this transition period has finished, the Council should act in accordance with the proposition of the Commission and the Commission should examine any request submitted by a member state to the Council. Here, the Commission gained most of the rights of legislative initiative. The Council, after consulting the Parliament, should act unanimously. There are few areas on immigration where the Council acts with qualified majority. However, asylum matters are not decided with qualified majority (Eur-lex, 1997a:207-208).

The replacement of asylum and immigration matters from third pillar to the first pillar smoothed the path for the interference of the Court of Justice; however, some restrictions are applied when national security is a concern. Another important improvement with the Amsterdam Treaty is the incorporation of the Schengen Agreement into the 'acquis communautaire'.

Treaty of Amsterdam could not succeed to realize completely the execution of common asylum policies within the Community. However, it opened the path to move on this way and later there would be some crucial attempts to adopt common

asylum policies by implementing secondary law tools such as directives and regulations.

The European Council Meeting in Tampere in 1999 was held to enhance the cooperation on asylum and immigration policies among EU countries and to put into practice the decisions taken with the Treaty of Amsterdam. During the meeting, the leaders of the European Union produced a list of about sixty points identifying a lot of progress has to be accomplished in the field of JHA. The designation of necessary goals and tools, with deadlines in many cases showed that the Justice and Home Affairs have gained a growing attention within the EU. Indeed, free movement, immigration, asylum, police and justice cooperation are important matters at international level also. For this reason, the EU should pay much more attention to these issues (European Commission, 2002b:1-2).

The four main subjects discussed on the Council were on a ‘common asylum and migration policy’, ‘a genuine European area of justice’, ‘a union wide fight against crime’ and ‘stronger external action’. As such, in a long term, this will open the path for a common Community rule and common asylum procedure which will be applied in every member country of the EU. (European Commission, 2002b:1-2). The Council appointed the new “High Level Working Group on Asylum and Migration” to form action plans for the countries from which Europe receive high level of immigrants. These action plans aimed to find out the reasons of migration flows from these countries (Gradin, 2003: 27). In order to form a Common European Asylum System, measures adopted are in the form of sources of secondary law such as regulation, directives etc. (Öner, 2012: 131).

After the Treaty of Amsterdam, one of the most effective regulations is the foundation of the system called ‘European Data Archive Convention (EURODAC)’. With the establishment of this system, all fingerprints of asylum seekers and third country nationals who have crossed the borders illegally are registered. This system facilitates member states to find out if these people are applied for asylum before in one of the member countries or if these people have crossed the borders illegally before. In addition to the fingerprints, there is also other information available in the system such as the date and place of the asylum application, the gender of the applicant, the reference number and so on. The EURODAC regulation is not relevant only for member states. Countries like Iceland, Norway and Switzerland are profiting from this system (Özgür and Özer, 2010: 35-36).

European Migration Network was put into force in 2002 as a pilot project by the Commission and financed by member states in order to collect, analyze and exchange existing data on asylum and migration (Özgür and Özer, 2010: 37).

Later in 2003, The Dublin Convention was amended as the Dublin Regulation. According to the Dublin Regulation, member states agreed to examine the application of a migrant with a set of criteria they are responsible for. They attributed responsibility for examining an asylum application to the Member State which played the most important part in the applicant's entry or residence in the Union. Usually, the responsible member country became the one through asylum seekers entered first to the EU. The member state will be responsible from the applicant and has to take back the applicant who is illegally in another member country (European Commission, 2013a: 1). The Dublin Convention and The Dublin Regulation became part of the Community law.

But there were many criticisms from the European Council on Refugees and Exiles and also from UNHCR because this system fails to provide efficient and effective protection for asylum seekers. This Regulation prevented legal rights and personal welfare of asylum seekers because governments deport migrants back to the first countries where migrants made their entry without taking into consideration the capacity of border states. These countries cannot listen the asylum claims because they did not have sufficient officials and also they did not have residents to shelter all these migrants. For this reason, the Commission proposed an amendment of this regulation on 2008 and suggested to implement a new procedure in order to stop the transfer of the asylum seeker to the responsible state. This procedure will be put into action when the applicant will not profit in an efficient way from the protection standards of the country. This regulation called as Dublin Regulation III is not yet adopted (Özgür and Özer, 2010:40-41).

A Council Directive of 27 January 2003 has been prepared laying down minimum standards for the reception of asylum seekers. In order to work on the establishment of a 'Common European Asylum System' decided during the Tampere Conclusions, minimum standards should be implemented for the reception of asylum seekers, meaning 'a dignified standard of living and comparable living conditions in all member states' for asylum seekers. Information should be granted by member states regarding the organizations and group of people that could provide legal assistance and ways to contact these organisations. Furthermore, member states should inform asylum seekers about the reception conditions within a reasonable time period, not exceeding fifteen days. The information should be given in a language that the applicant can clearly understand. Within three days after the person applied for international protection, the applicant is provided with a document issued in his or

her name proving that he or she is an asylum seeker and is allowed to stay in the territory of the member state when his or her application is in the process of examination. According to the Directive, the asylum seekers may move freely within the territory of the Member state or within an area assigned to them by that member state. However member state may decide to reside the applicant when it seems appropriate for reasons of public interest or public order. Applicants are required to inform the member state regarding their current address and inform when there is a change in their current locations. Member states may provide medical screenings for applicants on public health grounds and ensure that the applicants receive at least emergency care and essential treatment of illness even they are generating important danger to national security or commit war crimes or against humanity. Member states should ensure that the asylum seekers who are minors get the similar education system that the nationals of the member state get. This education could take place in accommodation centres (Eur-lex, 2003: 2-4). Member states should not prevent the asylum seekers to work after six months has passed since the application. However, national labor market is in the hands of the member states and for this reason member states may decide by themselves for the kind of job that the applicants could work and also for how long they could work. Member states may give vouchers so the applicants could meet their need. In order to preserve family life and privacy, house, hotel or accomodation centres should be provided to the applicants. This directive is binding for every member states except Denmark and Ireland. Member countries are entitled to put into practice this directive no later than 6 January 2005. Also, this directive is provided to aliens who seek for international protection and not for aliens who applied for subsidiary protection status and so on (Özgür and Özer, 2010:42)

A Council Directive has been adopted on 29 April 2004 on minimum standards for the qualification and status of third-country nationals and stateless persons as refugees or as persons who otherwise need international protection. This directive grants appropriate status for any aliens in need for international protection and lay down minimum standards for the qualification of third country nationals or stateless persons as refugees or as persons who need international protection. According to this directive, international protection means the refugee and subsidiary protection status. Subsidiary protection is granted to third country nationals or a stateless person who does not qualifies as refugees; but this person has substantial reasons for not being deported. A third country national or stateless person can apply for the refugee status. Member states are entitled to give basic rights for refugees and for aliens who granted the subsidiary protection status such as:

- “Respect for the principle of non-refoulement by the member states,
- Residence permit for three years for people whom the refugee status has been granted, residence permit for one year to people who the subsidiary protection status has been granted,
- Full access to education for all minors granted refugee or subsidiary protection status,
- The right to travel within or outside the country,
- After the refugee status has been granted, the beneficiaries acquire the right to engage in employed or self-employed activities immediately, the same works for the beneficiaries of subsidiary protection,
- Access to accommodation to the beneficiaries of refugee or subsidiary protection status,

- The necessary social assistance and health care to the beneficiaries of refugee or subsidiary protection status (Eur-lex, 2004: 3-12)”.

The Hague Programme necessitated the need to strengthen the area of freedom, security and justice within the EU. The protection of external borders still becomes an important issue due to terrorist attacks in the USA in 2001 and Spain in 2004. The second phase of developing a common European immigration and asylum policy started in 2004. The aim was to build a common asylum procedure for all member states and a single status regarding the aliens who are granted subsidiary protection and refugee status. Also, a new European Refugee Fund was established in order to give necessary support for the efforts made by the origin and transit countries while dealing with migration and asylum problems. A Policy Plan was adopted in 2008 for announcing the deficiencies while implementing rules and regulations (Öner, 2012:134).

With the signing of the Treaty of Lisbon in 2009, the three pillar structure has been reduced to two pillar structure. Based on the Treaty on the Functioning of the EU, measures regarding immigration and asylum issues are set out in the Title V of the Community Pillar. With the Lisbon Treaty, a temporary protection status is granted to aliens who seek for asylum, apart from refugee and subsidiary protection status. Because immigration and asylum matters are integrated to Community Pillar; decisions are taken jointly by the Council of Ministers and the European Parliament (Öner, 2012: 136-137).

In conclusion, since 1990s, EU has made considerable efforts on establishing a common immigration and asylum policies by trying to provide nearly similar rights and freedoms to migrants compatible with international standards. However, still the concept of “Fortress Europe” dominates the EU’s asylum policy due to the fear of

external threat. Furthermore, although the EU tries to establish a common asylum system, still today there are important differences on the implementation of these measures in the member states due to the unwillingness of member states to incorporate these rules to their domestic politics and lack of control mechanism.

3. Turkey's Asylum Policy

Turkey has always been a country of immigration since the establishment of the Republic. Its immigration policy has always been shaped according to the flows of immigrants who entered the country. However, since the end of the 1990s, the Helsinki European Council had declared Turkey's candidacy to the EU, Turkey's immigration and asylum policies started to adjust to those of the EU. Still, Turkey has a very long way to go. In this section, I will try to explore how EU's asylum policy affected Turkey's asylum policy and what kind of institutional and political transformation Turkey has undergone so far.

Before analyzing the immigration and asylum policies implemented by Turkey, it is important to examine where these immigrants are coming from. Then, it will be easier to understand the reasons of Turkey to implement such kind of immigration and asylum policies. These immigrants can be divided into two categories: asylum seekers and illegal immigrants. But, it is important to note that, as it will be explained later, asylum seekers who could not get the refugee status and chose to stay in that country turned to be illegal immigrants also. It should not be forgotten also that there are other kind of immigrants like retirees, people who came to work or resided legally in Turkey.

3.1 Historical Development

3.1.1 Turkey as a country of immigration

On the one hand, Turkey is mostly known as a country of emigration by European countries; since for years Europe has received many migrants and asylum seekers from Turkey. For instance, in 1960s and 1970s, a flow of labor migration occurred from Turkey to Europe and in 1980s, this was accompanied by family

reunifications. In 1990s, an increase occurred in the number of Turkish citizens, mostly Kurds, who applied for asylum in Europe. On the other hand, Turkey has always been a country of immigration and transit as well, receiving Muslim ethnic groups, Turks from Balkans and migrants from the Caucasus and Central Asia. In addition, the breakout of the Nazi regime in 1933, the collapse of the Soviet Union, the instabilities in the Middle East starting from 1980s endangered the flow of immigrants into Turkey (Kirişçi, 2003:81-82). My study involves the migrants and asylum seekers who are fleeing to Turkey and using the country as a transit.

At first, the main immigration policy of Turkey was mostly encouraging and accepting Muslim immigrants who were speaking Turkish or immigrants who could easily assimilate to the Turkish population, like Bosnians, Pomaks, Tatars, Albanians, Circassians. After the collapse of the Ottoman Empire, millions of Turks and Muslims from the Balkans started to migrate to Turkey.

Turkey has also been a country of asylum. With the Nazi regime in Germany in 1933, Jews came to Turkey as refugees. But they were actually temporary taken into asylum then resettled in Palestine and Israel. But it is estimated that around 100.000 Jews chose Turkey as their first country of asylum. In addition, since the German occupied Balkan countries, Bulgarians, Greeks from the Aegean, Italian from the Dodocanese islands migrated as refugees. Most of these refugees also returned to their countries after the war (Kirişçi, 2003: 82).

Turkey started to conduct a two-tiered asylum policy after adopting the 1951 Geneva Convention by preserving the geographical limitation which will be explained later. The first tier of asylum policy encompasses asylum seekers who enjoyed all the rights provided by the Geneva Convention. During the Cold War, an important

number of migrants from Eastern Europe and as well Soviet Union came to Turkey to seek asylum. Turkish government has granted refugee status to most of them in assistance with the UNHCR. After a while, these refugees are resettled to third countries. With the collapse of the Soviet Union, the flow of asylum seekers has decreased. But, Turkey received refugees from the Communist Bloc countries in Europe due to ethnic conflicts, mostly Muslim and Turkic groups. These refugees had fallen within the scope of the Geneva Convention. However, the Turkish government did not wanted to give refugee status to Azeris, Ahiska Turks, Chechens and Uzbeks. They had the access to pass easily from the Turkish border with proper travel documents and once they enter Turkey, many of them overstayed their visa. Coming from Turkish descent provided them to live, work and even get the Turkish citizenship (Kirişçi, 2003: 83-84).

With the Bosnian War, there were also refugees coming from Bosnia who stayed in refugee camps near the Bulgarian border or stayed with their relatives. According to statistics, there were approximately 20.000 – 25.000 Bosnian refugees in Turkey. “Temporary asylum” was granted to Bosnian refugees meaning that access to education, employment and health possibilities were provided by the Turkish government (Avcı and Kirişçi, 2008: 151). In 1999, Albanian refugees migrated to Turkey and most of them stayed in refugee camps like the Bosnians. There were also Kosovars who migrated to Turkey and their number is estimated around 18.000 (Kirişçi, 2003: 84).

The second tier of Turkey’s asylum policy encompasses people who could not be recognized as refugee because they are coming from outside of Europe. Starting from the early 1980s, there were an increase in the number of asylum seekers in Turkey due to instability in the Middle East, also in Africa and Southeast Asia. Most of these

immigrants came to Turkey illegally and most of them were rejected by the Turkish government (Kirişçi, 2007: 11).

In 1979, because of the regime change in Iran, they were Iranians who tried to seek asylum in Turkey. These immigrants, including former Shah Supporters, regime opponents, Kurds and members of the Jewish and Bahai communities, most of them stayed in Turkey for a temporary period and resettled in Europe or in North America. There were also Iranians who asked assistance from UNHCR regarding their application and they achieved to get residence permit. Because there was not any kind of requirement to show visa for Iranians, it was very easy for them to come to Turkey.

In 1991, because of the military onslaught started by the Iraqi government against the Kurdish uprisings, there were many immigrants who decide to fly to Turkey. The Turkish government tried to refuse these immigrants to have the refugee status, claiming that the northern part of Iraq was safe and that they could settle there. In fact, the Turkish government wanted to prevent the entry of Kurdish militans in Turkey (Kirişçi, 2003: 85).

Although asylum and illegal migration are different matters, sometimes they intermingled with each other. Asylum seekers who could not get registered themselves as asylum are entitled as illegal migrants by the Turkish authorities. For this reason, it will be necessary to give a brief description about illegal migrants in Turkey.

Turkey's geographical location being situated between Europe and immigrant producing countries, made the country attractive for illegal migration also. Therefore, immigrants coming from Middle East and Africa chose Turkey as transit country.

Then, they resettled in European countries. But, since Europe has strengthened its border controls, it has made it difficult for illegal migrants to enter Europe. Also, Turkey's economy is far better than its neighbors, therefore some people chose to migrate to Turkey illegally and work there illegally.

Illegal migrants were mainly constituted of people who chose to overstay their visas and continued to work illegally. There were illegal migrants who migrated from Iran and Iraq due to political instabilities. These immigrants were asylum seekers who could not get refugee status in Turkey. There was an increase in the number of illegal immigrants in Turkey between 1994 and 2001 due to the 1994 Asylum Regulation adopted in Turkey. With this regulation, it was decided only by the Turkish government to grant refugee status to asylum seekers. For this reason, asylum seekers could turn to be entitled as illegal migrants. The 1994 Asylum Regulation will be discussed later in detail on the historical analysis of immigration policies implemented by Turkey. They were illegal immigrants coming from Middle East (Iran and Iraq) because of the economic conditions. There were coming also from old Soviet bloc countries such as Russia, Romania, Moldavia and Ukraine. These people entered Turkey legally but they overstayed their visas. Even, they did not have work permits, they worked illegally. Usually, these people came to work illegally to textile factories, construction enterprises and to households. Besides, they are Ukrainian and Moldavian show girls who are working illegally in nights clubs (İçduygu, 2004: 32-36)

Also, there were migrants who chose Turkey as a transit country. These people were coming usually from Asia (Pakistan, Bangladesh, Sri Lanka) and African countries (Nigeria, Somali) and the Middle East. In relation to this, Turkey started to implement more active immigration policies. After 2001, there was not a significant

decrease on illegal migration. Instead, illegal migration changed its form; it became institutionalized. Human trafficking and human smuggling became the core subject of many countries (İçduygu, 2004: 32-35). These immigrants who use Turkey as a transit country are usually brought to the country by human smugglers. They are paying large amount of fees to human smugglers in order to go to European countries, America or Canada (Kirişçi, 2007: 24).

3.1.2 Asylum policies implemented by the Turkish government

The immigration policy of Turkey is related to the Turkey's notion of national identity and its national identity is based on one common culture. The important thing was to integrate immigrants easily to the Turkish society. Therefore, at first, immigration to Turkey occurred mainly from Balkan countries. People who were Muslim Turkish speakers or people who could easily melt into Turkish society were chosen by the government (Avcı and Kirişçi, 2008: 148).

The founding fathers of the Turkish Republic introduced a civic definition of citizenship and national identity. This was reflected in the Article 88 of the 1924 Constitution, "all citizens irrespective of their religious or ethnic affiliations were defined as Turks". Because of the Kurdish rebellions and Islamic fundamentalist uprisings against secularism starting from the 1920s, to come from a Turkish ethnicity was no longer enough; also the ability and willingness to speak Turkish became important also. Bosnians, Pomaks, Circassians and Tatars are very well fitted to this definition. However, Gagauz Turks because they are Christian, Alevis and Kurds are not included in this definition.

According to the Law on Settlement of 1934 (No.2510), only people from Turkish descent and who are committed to Turkish culture can easily settle and get the

Turkish citizenship. But this does not imply that to be from Turkish descent and culture is an obligation in order to settle in Turkey and get the Turkish citizenship. But, instead it facilitates the acquisition procedure. This notion of national identity is also reflected on Turkish asylum policies. Turkish government has granted the refugee status to people coming from “Turkish descent and culture” (Avcı and Kirişçi, 2008: 148-149, 152).

Before the adoption of the 1951 Geneva Convention, Turkey has possessed various pieces of legislation which contained ‘provisions on the entrance, admission, naturalization, settlement, work/residence permits and deportation of foreigners in Turkey’ (The Ministry of Interior, 2005: 8). For instance, according to third paragraph of Article 3 under Settlement Law No.2510, refugees are defined as follows: “Those persons who take shelter in Turkey in order to reside temporarily on account of compelling reasons without the intention to settle permanently shall be called refugees (International Organization for Migration, 2002:2)”. The fourth paragraph of Article 4 under Passport Law No:5862 provides: “In general, admission of refugees and aliens arriving with or without passports to settle in Turkey and falling outside the scope of the legislation on settlement shall be decided by the Ministry” (Ministry of Interior, 2005:8). Also, Article 17 of the Aliens Act No.5863 states “Those aliens seeking asylum in Turkey on political grounds may reside in places permitted by the Ministry of Interior only” (Ministry of Interior, 2005:8).

Turkey insisted to conduct this kind of asylum policy throughout the following years and signing of the Geneva Convention of 1951 with time and geographical reservation reflected its manner. Turkey is one of the original signatories of the 1951 Geneva Convention. This convention is a legal document which helps to define who is refugee, what are the conditions to get the refugee status, the rights of the refugees

and the duties of the states as explained in the second chapter. The 1967 Protocol removed time and geographical limitation from the Convention. At first, Turkish government signed the Convention with a geographical and time limitation. This meant that Turkey granted refugee status to asylum seekers fleeing persecution in Europe and prior to events 1951. In 1968, Turkey accepted the 1967 New York Protocol only to remove the time limitation and not the geographical limitation introduced in the Article 1B (1) of the 1951 Convention (United Nations High Commissioner for Refugees, 1951 and 1967: 14-16). This means that Turkey has any obligation to grant refugee status to people who are from outside Europe. Even today geographical limitation is applied by the Turkish government.

Especially with the Cold War, Turkey started to receive large number of refugee from the Communist Bloc countries in Europe. Its refugee policy changed and accepting only immigrants from Turkish descent and culture had fallen down in order to overcome the problems faced by the Turkish government with the Cold War. However, the majority of these immigrants resettled in another country and only a small number of refugees stayed in Turkey due to marriages with Turkish citizens. The Turkish government cooperated with the United Nations High Commissioner for Refugees and these immigrants were benefited with all the rights given by the 1951 Geneva Convention (Avcı and Kirişçi, 2008: 151-153).

Turkey started to receive refugees coming from outside Europe in 1980s. Due to Iranian Revolution and instability in the Middle East, Africa and Southeast Asia, there was an increase in the number of asylum seekers coming to Turkey. The Turkish government accepted that the UNHCR could shelter these immigrants within the Turkish national border in condition that they will be resettled out of Turkey and that the UNHCR would recognize them as refugees. However this practice did not

worked well because there was a considerable increase in the number of illegal immigrants and also asylum seekers who were rejected by the UNHCR continued to stay in Turkey. All these reasons made it difficult to make it work. In addition, the mass influxes of Kurdish people in 1991, especially the rise of militants of PKK caused the Turkish government to take action against the flow of asylum seekers to Turkey. In 1994, the government introduced the first piece of legislation which is the Asylum Regulation. The Regulation states that it is up to the Turkish government to decide whether to give or not temporary asylum status to immigrants. The Turkish government faced many criticisms from western governments and also from groups which were supporting human rights. They argue that the government came against the principle of non-refoulement stated on the 1951 Geneva Convention and they did not take into consideration the rights of asylum seekers (Kirişçi, 2007: 11-12). Also, the Regulation stated that asylum seekers should fill their asylum applications within maximum five days of entry into Turkey.

However, some improvements occurred by the late of 1990s. The Asylum Regulation of 1994 was amended in 1999. According to this amendment, the time limitation to fill the asylum applications was extended from five to ten days. Besides, training seminars started for officials who were working on the Foreigners Department of the General Directorate of Security of the Turkish ministry of the Interior (MOI). Then, it was expanded to other officials like judges, prosecutors and gendarmes. Because gendarmes are the first people who confront asylum seekers on border areas, they are taught to differentiate between illegal immigrants and asylum seekers. Also, prosecutors and judges are important people in determining whether these immigrants should be deported or not because gendarmes and police would report to

them. The training seminars were organized at first by UNHCR (Kirişçi, 2012a: 67-68).

Non-governmental organizations also helped the government to organize training programs for officials and as well as seminars for lawyers and human rights activists. Also, they were running some projects in order to improve the conditions of asylum seekers and refugees (Kirişçi, 2007: 12-14).

Turkish government has worked in close cooperation with the UNHCR regarding the determination of the refugee status of asylum seekers. The government has usually relied on UNHCR for the status determination but insisted on a condition that these people would be also registered to the Ministry of Interior in order to make sure that they will be resettled to a third country (Kirişçi, 2012a: 69).

The EU prepared four accession partnership documents for Turkey starting from 2001. These documents are important guide in order to comply with the EU acquis. With these accession partnership documents, EU tries to map out the necessary developments that should be fulfilled on certain fields. EU has emphasized the need for Turkey to harmonize its asylum legislation with that of the EU. In that respect, through the accession partnership documents of 2001, 2003, 2006 and 2008, the EU has pointed out certain reforms that Turkey should implement in the field of asylum:

- “Develop information and awareness programmes on the legislation and practices in the European Union in the field of justice and home affairs, (Ministry For EU Affairs, 2001, 6),”
- “Lift the geographical reservation to the 1951 Geneva Convention in the field of asylum and develop accommodation facilities and social support for refugees (Ministry for EU Affairs, 2001, 10),”

- “Start the harmonization with the EU acquis in the field of asylum (Ministry for EU Affairs, 2003b, 15),”
- “The need to continue to strengthen all law enforcement institutions and align their status and functioning with European standards, including through developing inter-agency cooperation. Adopt a code of ethics and establish an independent and effective complaints system to ensure greater accountability covering all law enforcement bodies (Ministry for EU Affairs, 2006, 10),”
- “Continue efforts to implement the National Action Plan on Migration and Asylum (Ministry for EU Affairs, 2006, 10),”
- “Make progress in the preparations for the adoption of a comprehensive asylum law in line with the acquis including the establishment of an asylum authority (Ministry for EU Affairs, 2008a, 10),”
- “Continue with alignment with the acquis in the field of asylum, in particular through the lifting of the geographical limitation to the Geneva Convention and through strengthening protection, social support and integration measures for refugees (Ministry for EU Affairs, 2008a, 14).”

Based on these accession partnership documents, Turkish government prepared national programs in 2001, 2003 and 2008 for the adoption of the EU acquis which sets out the priorities and intermediate objectives with timetables in the field of asylum. There will be some important developments on the accommodation facilities and social aid mechanisms for refugees. Lifting the geographical limitation to the 1951 United Nations Convention Relating to the Status of Refugees will be considered in a condition that the EU will take its responsibility on burden-sharing, necessary legislative, infra-structural measures should be undertaken and the massive flow of migration from the East will not occur during the progression of EU

accession negotiations of Turkey. Programs should be prepared in order to inform and to make conscious the public regarding the EU acquis and practices in the field of justice and home affairs. Improvements should be accelerated on administrative reform in the field of justice and home affairs. A single and centralized institution under the Ministry of Interior will be established regarding the determination of the refugee status (Ministry for EU Affairs, 2003a: 2,5). Although the Turkish government puts on his national program of 2003 the possibility of removal of geographical limitation of the 1951 Geneva Convention relating the status of refugees after realization of certain conditions, Turkey changes its statements as follows on its national program of 2008: "harmonization of the Turkish legislation on asylum, immigration and foreigners with the EU legislation while maintaining the existing geographical restrictions" (Ministry for EU Affairs, 2008b:7).

Twinning projects were completed in order to align Turkish migration and asylum system with that of the European Union. Within this framework, Denmark-England Consortium started a Twinning Project entitled as "Support for the Development of an Action Plan to implement Turkey's Asylum and Migration Strategy". In terms of transforming these recommendations into an action plan a 'Task Force for the Asylum- Migration Action Plan' was established. As a result, Turkish National Action Plan for the Adoption of the 'EU Acquis' in the field of Asylum and Migration (NAPP) was ratified on 25 March 2005. This Action Plan includes legislation and development projects which aim to harmonize Turkish asylum and migration policies with the 'EU acquis' by giving a time table and priority to certain matters (The Ministry of Interior, 2005: 1). The NAPP mentions that with the HLWG project entitled 'Supporting Turkish Authorities Responsible for Migration in the Field of Asylum' and as well as with the Asylum-Migration Twinning Project ,

experts from Denmark, Netherlands, Sweden, Federal Republic of Germany, the UK and Turkey came together to analyze major gaps in the legal arrangements of Turkey's migration and asylum policies. The findings were used during the preparation of the draft Law on Foreigners and International Protection (The Ministry of Interior, 2005:13).

In 2006, an Implementation Circular has been prepared by the General Directorate of Security under the Ministry of Interior (MOI) in terms of directing the asylum procedure and as well as the rights and obligations of refugees and asylum seekers (Kaya, 2009: 1). This Circular aimed to bridge the draft bill and the current asylum regulation. Based on the Circular, any aliens who seek asylum will be accepted without any restriction.

In 2006, time limitation has been removed and the reference stating "within a reasonable period of time" was implemented. However, today, European Union wants from Turkey to lift also the geographical limitation to third country nationals. EU expects from Turkey to grant the refugee statue to asylum seekers coming from non-European countries. There are still negotiations going on in this context. Furthermore, before only the Ministry of Interior (MOI) had the right to decide on asylum applications, in 2006, this power has been given also to selected Governorates (European Commission, 2006: 64).

In 2008, the department for foreigners, borders and asylum in the Turkish National Police has started to prepare to take over the country of origin information system. Based on 2008 progress report, extensive work had been done to improve administrative capacity and streamline asylum procedures (European Commission, 2008: 73).

In 2010, the regulation implementing the Law on work permits for foreigners had been softened with an amendment under which an asylum seeker can apply for work permit. Based on the amendment: “A person to whom asylum seeker status has been granted by the Ministry of Interior can apply for work permits irrespective of the validity period for which the residence permit has been delivered” (European Commission, 2010: 83). In addition, a circular has been adopted for asylum seekers who are living at the institutions which encompass data protection, social and general health insurance including only unaccompanied minors, the physically disabled and elderly people (Europa, 2010: 83-84).

In summary, Turkey’s asylum policy is formed from a number of pieces of legislation such as the Passport Law, the Law on Residence and Travel of Foreigners and the 1994 Asylum Regulation which was amended in 1999 and 2006 (Kaya, 2009: 1). This caused to the implementation of different practices of asylum procedures and regulations in different cities because these rules are not binding (Soykan, 2012: 40). The most current and important legislation on migration and asylum is the adoption of the Law on Foreigners and International Protection which has passed from the Turkish Parliament on 4 April 2013. This Law is now officially published on the Official Gazette on 11 April 2013.

3.2 The content of the Law on Foreigners and International protection

The law on Foreigners and International Protection was prepared by the Bureau for Development and Implementation of Asylum and Migration Legislation and Strengthening the Administrative Capacity under the Ministry of Interior, founded in 2008, with the participation of relevant public institutions, international institutions, civil society organizations and academicians. The launch of the draft law

was occurred in early 2010 and completed in 2011. The draft law became public on January 2011, after the receiving comments from the Council of Europe and the EU. The Council of Ministers accepted the draft law on 16 January 2012 (Soykan, 2012: 38). The draft Law on Foreigners and International Protection was announced under the fourth legislative package and is accepted by the Turkish Parliament on 4 April and published in the Official Gazette on 11 April 2013.

This law is critically important in terms of being the first legislative framework in Turkey to protect the rights of immigrants and refugees by strengthening the institutional capacity in conformity with EU and international standards (European Commission, 2012: 75).

Fundamental changes will occur on previous legislations with the implementation of this new law. The Law on Sojourn and Movement of Foreigners will be abolished and the Passport Law will be invalid. Also, important changes will occur on the Law on Work Permits for Foreigners. A standardized practice in the management of asylum will be provided across the country with the establishment of the Directorate General of Migration Management at the Ministry of Interior (Soykan, 2012: 40).

There is not yet the English translation of the Law on Foreigners and International Protection; so I have translated some articles which are relevant with my study.

The purpose of this law, stated on the first article, is to designate principles and procedures regarding the entry to, residence in and exit from Turkey, as well as the scope of protection and imposition that should be provided for foreigners who seek protection. Furthermore, the law sets out the establishment, duties and authorities of the Directorate General of Migration Management at the Ministry of Interior. This law encompasses foreigners' works and procedures, international protection which

will be provided for the protection requests on borders, border gates and inside the country, temporary protection which will be ensured for foreigners who could not return to their countries where they were forced to leave and for foreigners who come to Turkey as a result of a mass movement and finally the duty and responsibilities of the of the Directorate General of Migration Management (The Ministry of Interior, 2013: 1).

By analyzing the content of articles, it will be possible to see clearly the reforms which will be implemented with this new law and how this law will fill the gaps in Turkish asylum system.

The article four states that any person who is under the scope of this law cannot undergo to any kind of torture, inhuman or humiliating punishment or treatment or cannot be send to a place where his/her life or freedom would be threatened because of his or her race, religion, ethnicity or affiliation to a specific social group or political beliefs. (The Ministry of Interior, 2013: 2).

This study analyzes the content of this law regarding the articles related particularly with the asylum policy in order to better analyze the development which will be implemented in the near future on Turkish asylum system. Principles and procedures concerning the arrival, stay and exist of foreigners from the country and illegal migration are other matters on the law that will not be mentioned.

Third chapter of the law covers different types of international protection, situations excluded from international protection and general procedures, rights and responsibilities concerning international protection. First section of the third chapter mentions about different types of international protection. Correspondingly, articles 61, 62 and 63 define three different types of international protection. The reason

behind this division emanate from the insistence of the Turkish government to keep geographical limitation of the 1951 Geneva Convention relating to the status of refugees. At first, refugee status is provided to a stateless person who is unwilling or unable to return to his or her country of origin because of the fear to be persecuted in his or her country due to reasons of race, religion, nationality, membership of a particular social group, or political opinion as a result of events occurring within European countries. Second, Turkish government grants conditional refugee status to stateless person who is unwilling or unable to return to his or her country of origin because of the fear to be persecuted in his or her country due to reasons of race, religion, nationality, membership of a particular social group, or political opinion as a result of events occurring outside European countries. The government allows these conditional refugees to stay within the Turkish territories until he or she will be resettled in a third country. Third, subsidiary protection status is provided to person who cannot not be entitled as refugee or conditional refugee; but cannot not either send back to his or her country of origin because of the fear to be persecuted or to be exposed to inhuman treatment or humiliating situation or to be confronted to individual threats due to international or national wide armed conflict. (The Ministry of Interior, 2013: 14).

The second section of the third chapter of the law lays out the general procedures that are carried out when a foreigner or stateless person applies for international protection. Based on Article 65, procedures regarding the application are executed by governorship. A foreigner or stateless person by himself or herself can apply for international protection. Furthermore, he or she can request international protection on behalf of his or her family. Within a reasonable time period, if a foreigner or stateless person applies for international protection and in a condition that the

applicant will explain valid reasons of his or her illegal stay in the country or reasons for violating the illegal entrance conditions to the country; then penal act will not be executed (The Ministry of Interior, 2013: 15).

According to Article 68, applicants who applied for international protection cannot be put under administrative surveillance. The administrative surveillance for people who seek international protection could be an exceptional situation. The administrative surveillance could not exceed 30 days (The Ministry of Interior, 2013: 15).

The article 69 sets out the necessary procedures that should be followed when a foreigner applies for international protection. The applicant must show the accurate identity information and obliged to hand over papers and travel documents which will prove his or her identity. In the case that the applicant could not show necessary papers for her or his identity approval, information will be used from the comparison of personal data and from the research conducted. The applicant's statement only will be taken into consideration if any result is taken from identification research. While conducting application, some information and documents regarding reasons for leaving his or her country of origin or residence, the events occurred after the applicant had leaved his or her country of origin or residence and incidents that caused the applicant to seek international protection, the way the applicant entered Turkey, routes that the applicant used so far, if the applicant applied for international protection before in another country and provided from international protection will be taken into consideration. During the application procedure, a registration card will be provided for 30 days including his or her identity information and defining he or she is seeking for international protection. Based on Article 70, if the applicant requests a translator, he or she will be at his or service during the application,

registration and interview. The applicant will be informed regarding the procedures that he or she should follow during the application, rights and obligations that the applicant requires and consequences that the applicant will face if he or she will not obey these responsibilities or the applicant does not involve in corporation with the officials (The Ministry of Interior, 2013: 16-17).

The article 71 puts an obligation to the applicant for a requested time to settle at a reception center, place or city designated by the Directorate General. The applicant is entitled to register to the address register system and declare his or her living address to the governorship. There are certain circumstances in which the application could be terminated (Article 72):

- If the applicant renewed his or her application with no different reasons,
- If the applicant made another application even his or her application is refused with no proper reason for his or her renewal
- If the applicant came from the first refugee country,
- If the applicant came from the safe third country; the application will be refused (The Ministry of Interior, 2013: 17).

The applicant who came from the first refugee country means that this person is already get the refugee status from another country and still he or she has the possibility to profit from this protection or the applicant can still benefit from the principle of non-refoulement in an effective and sufficient manner from this country. In that case, the application will be unacceptable and procedure will be initiated in order to sent back the applicant to the first country who became refugee (Article 73). In addition, if the Turkish government finds out that the applicant came from a safe

third country where he or she can make an application there, the application will be also unacceptable. There are some conditions to assume a country as a safe third country:

- A person's life and freedom should not be in danger because of race, religion, membership to a social group or for political beliefs,

- If the country complies with the rule of non-refoulement,

- In the case the person applies for refugee status and qualifies as refugee, the applicant should have the possibility to get the protection in conformity to the agreement,

- The applicant should carry out any risk to suffer a severe danger (Article 74).

In order to decide in an effective and righteous way, the interview should take place within thirty days after the person applied for international protection. During the interview, with a view of preserving interview confidentiality and taking into consideration the applicant's choice for language selection, the applicant will find out the possibility to express his or herself. If it is required, the applicant will enter the interview with the family members. At applicant's call, the lawyer could assist to the interview. The applicant is entitled to collaborate with the officials and required to submit all the information and documents that will support his or her application. If the applicant is a minor or unaccompanied minor, then a psychologist, child's parent or legal representative will assist during the interview. If the interview is not carried out, the other interview should take place within ten days. Also the interview is recorded as visual as well as audio (Article 75). After the interview, International Protection Applicant Identity Card will be provided to the applicant and his or her

family members for six months determining the applicant's demand for international protection and including foreigner identity number. This identity card will stand for residence permit (Article 76). A decision should be taken by the Directorate General no later than six months regarding the application and this decision should encompass all the family members. In the case that the decision would not be taken within the stated period, the applicant should be informed. In addition, if the application is refused, the applicant should be informed concerning the rights and duration of the objection. Article 79 lays out certain conditions where the General Directorate could take decision within a very short time period. The applicant or his or her legal representative or lawyer has the right to make an objection to the International Protection Commission (Uluslararası Koruma Değerlendirme Komisyonu) against the decision taken for the applicant. Concerning the articles 68, 72 and 79, the applicant can only make an objection by taking a legal action (Article 80). Based on Article 81, the applicant has the right to get a lawyer, in a condition that he or she pays the charge. If the applicant cannot afford to hire a lawyer, lawyer services would be provided or he or she could profited from consultation services provided by civil society organizations. Article 82 mentions that people who have been granted subsidiary protection status or conditional refugee status could be entitled to live in cities designated by the General Directorate. They have to register their addresses to the registration system and inform the governorates their residence addresses. According to Article 83, identity card for three years should be given for people who the refugee status has been granted and identity card for one year should be given for people who the subsidiary protection status has been granted. The identity card is the substitute of residence permit. Article 85 sets out the circumstances in which the international protection ends and also Article 86 sets out

circumstances in which international protection has been cancelled. Article 87 grants people who have applied to international protection and want to return of their own will to their countries a financial aid. Article 88 stipulates that mutual condition for people that have been allowed protection is not expected but they must not wait for more rights or opportunities than Turkish citizens. Article 89 allows these people and the members of their families to benefit from the services of primary and secondary education. Article 89 gives these people the right to be granted social help and services. Article 89 explains the conditions required for people without health protection to benefit of Social Securities or General Health Security and the consequences of fraud on this matter. Article 89 says that the applicant or conditional refugees who have applied for protection can apply for a work permit after six months. After obtaining his or her status of refugee or subsidiary protection status, a person can work free lance or for someone but restrictions and limits in some work areas can be made. People with low revenues or in need can apply for financial help. People who do not respect the conditions are liable to lose some of their rights on certain matters except education and health services.

Article 91 treats of temporary protection for people who were obliged because of war to flee their countries. Article 92 is about the cooperation in the international protection process.

Article 94 tells us that people postulating for protection are submitted to researches about their sayings and doings. These researches cannot be made public and must not put in danger the members of his or her family. The article 94 maintains a secrecy principle of the files of people under protection; but gives his /her lawyer the right to look at the files but the documents implying the country security or preventing crimes are kept secret.

Article 95 says that people asking for protection should provide for their lodgings but ministry can build centers for the refugees to provide foods, health and social needs. These centers can be run by the prefecture or red-cross or other organizations. They allowed families to stay together. The fifth part of the law sets duties and responsibilities of the General Directorate of Migration Unit. The main aim of this unit is to apply strategies and politics related with the migration area, to provide coordination among the institutions relevant with this subject, to conduct the works of foreigners in terms of their entrance, their stay and exit of the country, their deportations, international protection and illegal migration (The Ministry of Interior, 2013: 24-25).

4. Europeanization for Candidate Countries: Mechanism and Scope Conditions

Most of the empirical literature has focused on the effect of the European Union (EU) on the member states. The Europeanization of member states is realized through legal coercion because ‘they are subject to policies and institutions diffused by the case law of the European Court of Justice or European directives harmonizing national legislations’ (Börzel and Soyaltın, 2012: 7).

The research on Europeanization of candidate countries is emerged in particular with CEECs enlargement (see Schimmelfening and Sedelmeier, 2005). The EU’s influence started to be intensified in the 1990’s when the post-communist Central and Eastern European countries (CEECs) declared that they want to join the EU (Sedelmeier, 2006: 4). Indeed, CEECs passed hundreds of laws which were not subject to any debate in their parliamentary sessions in order to be in conformity with the ‘*acquis communautaire*’. The influence of the EU on CEECs was obvious.

Schimmelfening and Sedelmeier define “Europeanization as a process in which states adopt EU rules”. By adopting EU rules, candidate states try to institutionalize EU rules to their domestic politics; meaning that they are changing their domestic laws with the EU laws, restructuring their institutions in conformity with the EU rules (Schimmelfening and Sedelmeier, 2005:7).

According to Sedelmeier, the Europeanization of non-member states should be analyzed in a particular sub-field of Europeanization research because the EU uses different tools for candidate countries in order to influence the adjustment process. Here, treaty based sanctions will not be influential; more soft instruments should be needed such as conditional incentives, normative pressure and persuasion (Sedelmeier, 2006: 5).

Two different approaches –rationalist institutionalism and sociological institutionalism- explain in distinct ways the Europeanization of candidate countries. Based on rationalist institutionalism, the EU's impact on candidate countries occurs with 'logic of consequences'. This domestic change realizes with certain actors by giving them legal and political resources. In this way, these rational actors try to enhance their power and welfare as much as they can. Based on sociological institutionalism, the EU's impact on candidate countries occurs with 'logic of appropriateness'. This domestic change realizes with a process of socialization in which domestic actors internalize certain EU norms, values and identities to their domestic politics. Domestic norm entrepreneurs and informal institutions are important actors for this domestic change. While these two approaches favor different mechanisms of Europeanization, scholars argue that these approaches are partly complementary rather than being totally exclusive with each other (Sedelmeier, 2006: 10).

It is important to analyze the domestic political systems of candidate countries to understand how EU rules are transferred during the accession process. The adjustment process can differ from countries to countries and as well as from issue areas to issue areas (Sedelmeier, 2006:6). Most of the scholars have focused on domestic changes in Turkey when the Turkish government started its reform process to meet the Copenhagen criteria regarding its democratization process (Aydın and Keyman, 2004; Baç, 2005; Kubicek, 2005; Keyman/Öniş, 2007), the role of the military (Heper, 2005; Gürsoy 2011), state and civil society relations (Diez et al. 2009). Indeed, Turkey can be considered as a 'textbook example' of the EU conditionality (Kirişçi, 2011).

Tocci tried to find out a relationship between the accession process and reforms: She seeks to analyze if the accession process as an external power triggered changes on Turkish domestic politics or domestic change in Turkey has been the result of domestic actors empowered by the 'EU anchor'. According to Tocci, changes became true as a consequence of endogenous factors but reforms are realized during Turkey's accession process. EU is an important and key 'anchor' concerning the modernization of Turkey as it gives support for domestic actors. However, the 'EU conditionality' will not be sufficient by itself. (Tocci, 2005: 73). Kubicek addresses the transformation of Turkey by analyzing the role of forces 'from below' within Turkey and seek to understand how the EU has played a role in terms of influencing these forces. He pointed out that the Helsinki decision and the rise of AKP government which is pro-EU has created "a domestic constellation of forces more conducive to reforms". He calls EU as a "central figure" on the Turkish modernization process as the timing of the reforms and also the content of the reforms have proved so far. However, he argued that the role of the civil society should not be seen as irrelevant. Indeed, both external and internal actors have played an important role on putting the Turkish government to implement reforms (Kubicek, 2005:15). Kirişçi (2007b) seeks to answer how candidate states perceive 'EU conditionality' and what the reasons are behind for the implementation of EU rules and conditions with a specific focus to Turkey.

With the launch of Turkey's EU candidacy in 1999, the Europeanization of Turkey has intensified. In this respect, EU is a major external force who motivated the domestic change in Turkey. Turkey started its Europeanization process when it became clearer that negotiations will not start with the EU; if Turkey will not fulfill necessary conditions for accession. Here, one should note that the democratic change

realized in Turkey before the December 1999 Helsinki European Council. However, these reforms were largely superficial and did not cause any influential and fundamental change compared to reforms implemented after EU declares Turkey's candidacy (Tocci, 2005: 74) Indeed, Kubicek also stressed the importance of the 1999 Helsinki decision on Turkey's democratic transformation and agreed with Gamze Avcı on calling this decision as the "irreversible impetus" to the reforms process (Kubicek, 2005: 5).

Relations between EU and Turkey have been deteriorated since the beginning of accession negotiations. The conflict over Cyprus and the recognition of the Armenian genocide have prevented the opening of chapters and resulted to the slowing down of relations. In relation to this, Kirişçi (2007b) has argued that the loss of EU's credibility concerning Turkey's membership and cost-benefit calculations have prevented the 'EU conditionality' to work properly during the negotiation process. So, why it is still possible to talk about the Europeanization of Turkey although the relations came to a dead end?

Empirical studies on the domestic impact of the EU on specific policies in Turkey are still rare (Börzel and Soyaltın, 2012: 6). Here, the influence of the EU on Turkish asylum policy is an important example. Three different models proposed by Schimmelfening and Sedelmeier (2005)- the external incentives model, the lesson-drawing model and the social learning model- each of them with their own mechanism of Europeanization will give an insight how and under which conditions Turkey adopt EU rules to its domestic politics, in particular on its asylum policy.

These three models vary from each other with two main aspects. First, rule adoption can be EU-driven because non-member states would not otherwise implement these

EU rules if the EU does not exercise pressure to fulfill the *acquis*. Second, non-member states can be the main actors to implement these rules, meaning that rule adoption is domestically driven. There are some policy areas which EU cannot reinforce non-member state to adopt their rules. Also, there are some policy areas where member state already adopted these rules independently because these rules are for the benefit and well-being of the country (Schimmelfening and Sedelmeier, 2005: 8-9).

4.1 External Incentive Model

The EU is a normative power which promotes a series of normative principles that are universally applicable. According to Manners, the EU promotes these principles ‘by virtue of the principles of living by example, by duty of its actions in being reasonable and by consequence of its impact in doing least harm’ (Manners, 2008:66). However, Haukkala argues that in doing so, the EU uses its leverage more actively to promote its norms and values internationally (Haukkala, 2008: 1603). In this respect, Vachudova makes a distinction while referring to EU’s leverage. She denotes that there are two kinds of leverage which the EU used on CEECs: one is ‘passive’ leverage and the other is ‘active’ leverage. Based on Vachudova’s argument, it is possible to mention about ‘passive leverage’, when domestic changes on candidate states occur without requesting any explicit demands by EU policy-makers. The point here is that candidate states favour their domestic changes only with the existence of the EU. Although the EU did not exercise any deliberate and systematic policies over candidate countries; political transformations occurred in these countries. Indeed, Vachudova explains ‘passive leverage’ as the ‘the traction that the EU has on the domestic politics of credible candidate states merely by virtue of its existence and its usual conduct’ (Vachudova, 2005: 63-65). By contrast, it is

possible to mention about ‘active leverage’, when the EU uses its conditionality deliberately in order to promote domestic policy changes in the candidate states. Both Vachudova and Haukkala argue that clear material incentives such as full membership are the most effective way to provide economic and societal change in non-member states. Other forms of leverage such as social influence and transnational mobilization are considered as mostly ineffective (Haukkala, 2008: 1605).

In this respect, Schimmelfening and Sedelmeier have introduced the external incentive model which favors the EU conditionality for the adoption of EU rules by non-member states. According to the external incentive model, “adoption of democratic and tangible, material incentives provided by external actors as well as on the political costs that target governments occur when adopting and implementing these rules domestically” (Cirtautas and Schimmelfening, 2010:4). Candidate states may have tendency to conform to democratic and human rights norms as well as EU legal norms, when the external actors make sure that candidate states will get the rewards promised and also the size of the reward became crucial. Here, cost-benefit calculations are also very important conditions before adopting the rules.

The external incentive model favors ‘the logic of consequences’. Non-member states receive external rewards regarding their level of adjustments. Sometimes, candidate states may receive sanctions in case they did not fulfill their requirements. Here, the bargaining process becomes crucial. The bargaining power of the actors affects the result of the bargaining process. Usually, actors who does not need much from the bargain and acquire more and better information than the other have the power to threaten the other and manipulate the bargain for the benefit of them (Schimmelfening and Sedelmeier, 2005:10).

Some scholars argue that EU uses its bargaining power to exert control over candidate countries. However, there are also scholars who think that the EU influence is beneficial for candidate countries. They argue that the EU uses its leverage in order candidate states improve on democracy and human rights areas. Although these scholars have distinct views regarding the appropriateness of the EU influence, all of them are well aware of the strong influence of EU on the domestic politics of candidate countries (Schimmelfening and Sedelmeier: 2005:3).

EU uses 'conditionality' as the most effective strategy to influence candidate countries and change their domestic politics in accordance with the 'EU *acquis communautaire*'. These are usually positive incentives, considered as rewards for countries who accept to adopt certain EU rules. Here, material cost became crucial for candidate countries to decide whether to adopt EU rules or not. Schimmelfening, Engert and Knobel are calling this strategy as a 'reactive reinforcement by reward' (Schimmelfening and Sedelmeier, 2005:11). In cases where candidate states fail to adopt the rules, they will get sanctions and will be prevented to require assistance, association or membership. However, EU uses usually the reward in order to reinforce candidate countries for the adoption of EU rules.

At the end, the external incentive model works usually when non-member states adopt EU rules if the benefits of the rewards exceed the domestic adjustment costs of candidate states. In order this proposition works, Schimmelfening and Sedelmeier suggest that certain conditions should be taken into consideration. Here, the determinacy of conditions, the credibility of threats and promises, the size and speed of the rewards and the size of adoption costs matter (Schimmelfening and Sedelmeier, 2005.12).

4.1.1 Scope Conditions for Conditionality

The determinacy of conditions comprehends both the clarity and the formality of a rule. According to a number of studies conducted, clarity about the EU demands constitutes an important factor in order the conditional incentive works properly. Candidate countries should clearly understand what the EU demands from them and what are the rules particularly if they want to comply with the EU demands. In addition, if a rule is put in a legal form and binding for every states, then candidate countries will be more willing to adopt it. The determinacy of conditions is for the advantageous of both sides. If the conditions are set clearly, candidate states have no chance to avoid them or choice to change them according to their preferences. Also, the EU will have no right to hold the reward if the conditions are fulfilled by candidate states (Sedelmeier, 2006:11). Briefly, “the existence of precise rules, formal procedures, monitoring and sanctioning associated with hierarchy are also necessary prerequisite for the effective exercise of conditionality as a mode of top-down policy on the basis of external incentives” (Lavenex and Schimmelfening, 2009:8).

The second condition for the effectiveness of ‘EU conditionality’ is the credibility. Candidate countries need to know that they will receive the reward which the EU promised after fulfilling all the requirements demanded from them. The conditional incentive could fail when candidate countries doubt that the EU will not deliver the reward promised for them. The EU may not be capable of paying the rewards, if the costs of the rewards are very high for the EU. Then, instead of membership incentive, assistance or association will be more appropriate. As the accession negotiations start, the credibility that candidate states will receive the reward increases. Accession negotiations are usually a sign for both sides that they will

conclude with membership. Certain situations may cause the EU to lose its credibility. First, The EU should make necessary investments on improving its monitoring capacity to control effectively if the candidate countries fulfill their requirements as requested or not. Otherwise, EU can lose its effectiveness on conditionality and non-member countries can conceal easily in what areas they did not succeed to implement EU rules. Second, if the candidate countries find alternative sources which are offering similar or more benefits compared to EU, then EU may lose its effectiveness and credibility. Third, if there is an internal conflict among EU institutions, then candidate countries may call into question about the credibility of EU conditionality and take to their advantage this situation (Schimmelfening and Sedelmeier, 2005: 15).

The EU withholds in its hands its superior bargaining power compared to candidate countries. Thus, the EU has a power to hold the reward if the conditions have not fully met by the candidate country. However, here the size of the reward and benefit that the candidate country will get became crucial. Usually, the ultimate reward is the membership incentive. This membership incentive is more attractive than the other incentives such as association or assistance. However, the time that the candidate country gets the membership reward could be distant. Non-member states may lose their motivations to comply with the EU rules. Here, intermediate rewards became crucial for candidate countries to fulfill their conditions. These intermediate rewards are important motivations for candidate countries to reach their end goals (Sedelmeier, 2006:12).

The final condition for the effectiveness of 'EU conditionality' is veto players and adoption costs. According to the external incentive model, adopting EU rules is always costly. The government or other 'veto players' are important actors to decide

the adoption of EU rules or not. Then, it is possible to conclude that these actors are crucial for the effectiveness of ‘EU conditionality’. As the number of veto players and their distances increase, the likelihood of rule adoption will decrease. Sometimes, even the government realizes net adoption costs are higher than net adoption benefits and decide not to adopt the rules; the adoption may still occur as a result of elections and change in government.

In conclusion, the external incentive model assumes that the conditionality will be effective; if conditions and rules are determinate, rewards are certain, high and provided quickly as possible, conditional threats and promises are credible, adoption costs are small and veto players are few (Schimmelfening and Sedelmeier, 2005: 16-17).

4.2 The Social Learning Model

The ‘social learning model’ is a combination of ‘EU conditionality’ and ‘logic of appropriateness’ (Checkel, 2001; cited in Burgin, 2011), meaning that it shares both differences and similarities with the ‘conditionality’ model (Lavenex, 2008: 944). The ‘social learning model’ is favored by constructivists and they seek to explain “the content of actor identities/preferences and the modes of social interaction – so evident in everyday life- where something else aside from strategic exchange is taking place” (Checkel, 1999: 548).

Indeed, social learning is a process in which actors gain new interests and preferences through interaction in terms of ‘norms’ and ‘discursive interaction’ without the obvious material incentives (Checkel, 1999: 548). Constructivists, while analyzing the compliance of actors with social norms, they came up with two causal mechanisms through which they explain the reasons of compliance: social protest/

mobilization/ persuasion and social learning (Checkel 2001; Sedelmeier, 2006). Domestic actors such as NGOs and trade unions, with the cooperation of international organizations and networks, put pressure on domestic actors in order to provide the compliance of candidate countries with the 'EU acquis' (Checkel, 2001: 557). Also, compliance may occur when elites and publics internalize EU norms (Checkel, 2001) or identifies with the EU because the government becomes more open to persuasion (Epstein 2006, Kubicek 2003, Schimmelfening and Sedelmeier 2005 cited in Sedelmeier, 2006). Likewise, candidate states may decide to comply with the EU demands; if the government is convinced with the legitimacy of the EU demands (Burgin, 2011: 2). If more soft tactics are used rather than overt pressure and if the EU does not demand too much; then, candidate states become more eager to find legitimate the EU demands (Sedelmeier, 2006:13).

Indeed, networks become crucial during the learning process. Börzel (2007), Lavenex and Schimmelfening (2009) point out to the importance of network constellations as 'negotiation systems' which provide a context for mechanisms of influence in terms of socialization, social learning and communication. When interests are not satisfied with laws and legislations; negotiations and voluntary agreements provide the outcome of network cooperation. Within a network of constellations, all actors are formally equal; through which power asymmetries are not possible. In institutional terms, all actors have equal rights and it is not possible that an actor exerts pressure over the other (Börzel, 2007: 64-65, cited in Lavenex and Schimmelfening). The emergence of more 'horizontal' and 'process-oriented modes of network governance' between states, international organizations and non-state actors enables them to engage on more flexible forms of integration. Here, both parties possess more room for manoeuvre compared to the hierarchical model which

emphasizes vertical structure of governance. Schimmelfening and Sedelmeier (2002:503) view this EU influence ‘as a process of gradual formal and informal horizontal institutionalization’ instead of hierarchical nature. The EU influence is being analyzed not at macro level but rather at sectoral level. For this reason, actors participating in the process are composed of technocrats and experts which are specialized in a specific issue area. They are not representing a country’s national interests. This kind of interaction leads to the opening of coordinating bodies such as EUROPOL, agencies such as The European Environmental Agency and less formalized policy networks such as DABLAS initiative (Lavenex, 2008: 939, 943).

EU influence should not solely be considered as a driving force which leads to the adoption of EU rules by non-member states through conditionality model. EU influence extends integration dynamics in a sense that actors take joint regulatory actions and decide to comply with the EU rules. In relation to this, Schimmelfening and Sedelmeier (2005: 18) suggest a general proposition of the social learning model as follows: “A government adopts EU rules if it is persuaded of the appropriateness of EU rules”. The important point here is under what conditions social learning model functions. As mentioned above, social learning and external incentive models are not totally separated from each other. The EU might be able to persuade the government, societal groups and organizations of the appropriateness of its rules. In addition, there are other factors through which EU uses its persuasive power: legitimacy, identity and resonance (Schimmelfening and Sedelmeier, 2005: 18).

4.2.1 Scope Conditions for Social Learning Model

Firstly, “the likelihood of rule adoption increases as the legitimacy of the rules increases” (Schimmelfening and Sedelmeier, 2005: 19). The quality of rules and the process through which these rules are formed and the transfer of these rules

to the non-member states are important factors to provide legitimacy of the rules. EU must have some rules in a specific issue area that should be defined clearly and used consistently in order the compliance occurs. In that respect, it shares similarities with the 'conditionality' model, but works differently. For the transfer of EU rules, at first, member states should apply the rules coherently in their nations, then expect from non-members to comply. Furthermore, rule adoption on non-member states would be easier if rules are cohesive to the values and rules of the community. This would strengthen the legitimacy of the rules (Schimmelfening and Sedelmeier, 2005:18).

As it is known, non-member states could not be present during the EU's rule-making process. For this reason, there is common view within non-member states that the rules are imposed by the EU. In order to increase the rule adoption in non-member states, it is important that the EU values the concerns and needs of the target governments while interpreting and applying the EU rules. Then, the perception that the rules are imposed by the EU would be lessened and this would decrease the legitimacy problem. For instance, sometimes these situations lead to transitional arrangements for non-member states which provide some time in order to comply with the 'EU acquis'. Furthermore, there could be some situations in which there are no alternative and contradictory views and this could increase the legitimacy of the rules and in relation the rule adoption (Schimmelfening and Sedelmeier, 2005: 19). For instance, if an international organization like UNHCR suggests alternative propositions to the EU rules on asylum policy to the Turkish government; this could decrease the legitimacy and leads to question the adoption of the EU rules. In addition, Checkel (1999: 549) emphasizes that as the density of interaction between both parties increases, the adoption of EU rules could increase even there are other conflicting views in the international environment.

Secondly, “the likelihood of rule adoption increases with the identification of the target government and society with the community that has established the rules” (Schimmelfening and Sedelmeier, 2005: 19). Indeed, non-member states would be more willing to adopt EU rules, if they want to be a part of that community and want to share collective identity, values and norms.

Thirdly, “the likelihood of rule adoption increases with domestic resonance” (Schimmelfening and Sedelmeier, 2005:20). According to the social learning model, domestic factors could facilitate the persuasion and could be entitled under the term ‘resonance’. According to Checkel, rule adoption is likely to occur if the target government is in an uncertain environment as a result of a crisis or a serious policy failure and this situation drove the country to look to new and external rules (Checkel, 2001: 562). Schimmelfening and Sedelmeier (2005, 20) point out to the importance of ‘good policy’ for the increase of rule adoption, meaning that non-member states could harmonize their traditional and existing rules with the EU rules.

In summary, according to the social learning model, states are likely to adopt new rules when an increase on the legitimacy of rules and procedures, identification and domestic rule resonance occur.

4.3 Lesson- Drawing Model

Non-member states may decide to comply with the EU rules without the imposition of certain conditions from the EU. In that respect, how policies are transferred between the EU and the target government became crucial. Dolowitz and Marsh (2000:6) had focused on the distinction between voluntary and coercive forms of policy transfer. By using a continuum, researchers can find out if the transfer remained voluntary or changed into a more coercive process during the transfer, or

showed some variation among different political units within the same political system (Dolowitz and March, 2000: 14). Richard Rose has focused specifically on the voluntary forms of policy transfer and his work has developed important findings on lesson drawing model.

Lesson drawing model seeks to find a response to: “under what circumstances and to what extent can a programme that is effective in one place transfer to another” (Rose, 1991:3). Rose has argued that when policy-makers are not satisfied with the status-quo, they are seeking to find practical solutions and search for lessons across time and space. They are scanning programmes and searching for the best one and at the end they are trying to evaluate what would happen in their country if they decide to transfer what was tried abroad. The distinction of the lesson drawing model compared to other models is that the activities of the EU are not the ‘decisive factor’ for complying and adopting the EU rules. Here, in that model, domestic policy makers decide to comply with the EU rules without the imposition of the EU by rewards as membership or using the persuasion tools (Schimmelfening and Sedelmeier: 2005: 21). Policy transfer could occur in four possible degrees: “copying, which involves direct and complete transfer; emulation, which involves transfer of the ideas behind the policy or program; combinations, which involve mixtures of several different policies; and inspiration, where policy in another jurisdiction may inspire a policy change, but where the final outcome does not actually draw upon the original (Dolowitz and Marsh, 2000: 13).

There could be some cases in which domestic choice results to EU-induced rule-adoption. When the government is not satisfied with certain domestic policies and if the rules which the government wants to adopt is subject to EU conditionality and if there is no need to search alternative programmes; then the EU rules will be adopted.

The mechanism used is still lesson-drawing model; because rules are adopted voluntarily as a result of policy dissatisfaction. There could be some cases also in which the EU conditionality is imposing to adopt EU rules. However, if the EU conditions are loose and then by scanning different alternative programmes applied in distinct member states; domestic policy actors might choose the rules which would work most effectively. Here, the mechanism used is external incentive model; but the reason why they chose the specific rule within a broad range of possible rules explains with the lesson-drawing model. Schimmelfening and Sedelmeier have made a general proposition of the lesson-drawing model: “A government adopts EU rules if it expects these rules to solve domestic policy problems” (Schimmelfening and Sedelmeier, 2005:22).

A government might decide to draw lessons from EU rules if the government is searching for new rules abroad, insist to continue its search on the political system of the EU or on member states and decide to comply with the EU for domestic reasons. In relation to this, these conditions could be provided if certain factors are satisfied: policy dissatisfaction, EU-centered epistemic communities, transferability of rules and veto players (Schimmelfening and Sedelmeier, 2005:22).

4.3.1 Scope Conditions for Lesson-Drawing Model

Policy failure or domestic dissatisfaction with the status quo is the most determining and important factor for a government to search for other programmes abroad. This search might change the belief system of policy-makers and lead them alteration in policy paradigms. In that respect, Schimmelfening and Sedelmeier formulated a policy dissatisfaction hypothesis and two more specific conjectures:

“The likelihood of rule-adoption increases as the perception that domestic rules are working satisfactorily decreases. (1) Policymakers’ dissatisfaction with domestic rules increases as the threat of domestic sanctions for maintaining the status quo increases, and (2) dissatisfaction increases as policy failure discredits the ideas underpinning policy” (Schimmelfening and Sedelmeier, 2005:22).

Target government complies with the EU rules when it directs its search at the EU or its member states. Here, familiarity with the EU political system, geographical proximity and professional contacts are key factors which direct the government’s search at the EU. Epistemic communities are important source of ideas for influencing policy-makers which require special expertise and knowledge. In this regard, Schimmelfening and Sedelmeier formulated epistemic community hypothesis:

“The likelihood of rule adoption increases the more that public policy-makers have institutionalized relationship with epistemic communities that promote EU rules and the more that domestic structures are conducive to the influence of new ideas. (1) The influence of epistemic communities increases as uncertainty about cause and effect relationships in a certain policy area among policy makers and with the consensus among the experts involved increases, and (2) influence increases as the institutionalization of expert advice in the policy process and the receptiveness of domestic structures to new ideas increase” (Schimmelfening and Sedelmeier, 2005: 23).

The transferability of rules is an important and necessary condition for the rule adoption abroad. In cases of lesson-drawing, governments searches for new rules and decide to borrow policies, institutions, etc., from abroad because they believe that

this transfer will lead to policy success. Dolowitz and Marsh (2000: 17) pointed out to the underlying assumption that policies which become successful in one country will be successful in another. The important thing here is that the country should have complete information about the policy/institution and know how it is operated in the country where they transferred the rules. The borrowing country should make sure that crucial elements which provided the success of the policy are transferred completely. Thirdly, the borrowing country has to assess that political, economic, social and ideological differences will not prevent the success of the transfer (Dolowitz and March, 2000: 17).

Furthermore, domestic veto players and the heterogeneity of their preferences affect policy-makers to implement rules borrowed from abroad as in the 'EU conditionality'. In the lesson drawing model, domestic disequilibrium exists without the imposition of the EU and this lead to search for new and better policies. On the other hand, the external incentive model disturbs domestic equilibrium. Not only the material cost of complying with the EU rules is satisfactory; also EU rules and ideas have to compatible with the domestic political discourse. This is provided by common political ideals, familiar concepts, key issues and collective historical experiences. In this regard, Schimmelfening and Sedelmeier have formulated the transferability hypothesis as follows:

“The likelihood of rule adoption increases with the rule’s success in solving similar policy challenges in the EU and the transferability of this success. (1) Transferability increases with the similarity or substantiality of the institutional, administrative, and financial resources required for their implementation; (2) transferability increases with the compatibility of rules vis-à-vis the national political discourse; and (3)

transferability decreases with the number of veto players incurring net adoption costs (Schimmelfening and Sedelmeier, 2005: 24).

4.4 Research Method

This study examines how different mechanisms of Europeanization offered by the three above mentioned models have influenced the preparation of the Law on Foreigners and International Protection. Furthermore, this study tries to come up with which one of these models best explain this development on asylum or did these different models of Europeanization had a relevant influence at different times during the preparatory process of this new law.

R: Which factors best explain the readiness of the Turkish government to prepare the Law on Foreigners and International Protection? In particular, were external or internal factors more important?

The above-mentioned three models offer different hypothesis:

In relation with the external incentive model and research question, a hypothesis arises:

H1: The Law is explained by government's cost-benefit calculations.

In relation with the social learning model and research question, a hypothesis arises:

H2: The Law is explained by externally induced socialization effects.

In relation with the lesson drawing model and research question, a hypothesis arises:

H3: The Law is explained by domestic policy dissatisfaction with Turkey's asylum policy.

Independent and dependent variables are as follows:

Dependent Variable: Government's decision to prepare the Law on Foreigners and International Protection.

Independent Variable: In order to test the plausibility probe of the three hypothesis, I analyzed the influence of the independent variables offered by the three models.

As regards, the external incentive model, it has to be assessed to which extent the prospect of EU accession played a crucial role for drafting the Law on Foreigners and International Protection.

In 2008-2009, EU has established road maps for visa liberalisation for the Balkan countries, including a functioning asylum-system as one of the pre-conditions. As an alternative incentive, it has to be assessed whether the anticipation of a visa liberalization process played a crucial role for the preparation of the Law on Foreigners and International Protection. On December 2012, EU has announced the road map for visa liberalization which highlighted the importance of a well-functioning asylum policy in Turkey as a pre-condition for the abolition of the visa requirement.

As regards the social learning model, it has to be assessed to which extent the frequent exchange between Turkish officials and their counterparts in Twinning played an important role for the preparation of the Law on Foreigners and International Protection. In order to promote better implementation of asylum policies of Turkey in line with international standards and EU standards, twinning projects in the field of asylum policy have been executed.

Another, non-EU related socialization factor is the engagement of the UNHCR in Turkey. Turkish government is conducting asylum procedures with the collaboration of the UNHCR. Even before European Council has declared Turkish candidacy to the EU, UNHCR played a supportive role on Turkish asylum policy.

Another alternative to socialization factor is the avoidance of further rulings of the ECHR and in relation the realization of Turkish officials for important deficiencies on Turkish asylum policy as a result of rulings. There had been cases which all ended up against Turkey and obliged Turkey to pay substantial amount of money.

Regarding the domestic factors, it has to be assessed to which extent migration has become a salient factor in the political discourse. Can dissatisfaction with the current situation and thus lesson –drawing be detected? Previously, Turkey was a ‘transit country’; but with its economic growth, it became a target country. Previous legislation has become insufficient regarding the current problems and developments.

Related to that, it has to be assessed whether economical growth is considered by the involved actors as an important driving factor for the preparation of the Law on Foreigners and International Protection. Modernization theory suggested that certain conditions have contributed to political change such as ‘economic developments’ (Pye, 1990: 7). For instance, 3500 officials would be hired with the establishment of the General Directorate (Aktif Haber, 05.05.2012).

Another crucial domestic factor is the new foreign policy paradigm. It has to be assessed whether the pro-active foreign policy pushed Turkey to prepare a new law compatible with international standards. Turkey is now member of G20 and considered as the 17th largest global economy (Bürgin: 2010:4).

Finally, pressure of domestic NGOs is a further factor which has to be taken into consideration. It has to be assessed whether NGOs has succeeded to create an awareness within the Turkish government to implement better asylum policies and as well as for the preparation of the new law.

The aim of case studies is to understand and interpret the process of class of events. Scholars mostly used case studies by interpreting descriptive explanations to analytic explanations based on variables. There are several types of case studies and plausibility probe is one of them. The plausibility probe is a combination of hypothesis generation and hypothesis testing and which include also the illustrative case studies (Levy, 2008: 2). The reason I will use plausibility probe is that I will conduct a survey to test my hypothesis which include expert from academics, non-governmental organizations and government. In addition, I will use qualitative research design as I will explain Turkey's EU accession process and also Turkey's asylum policy.

In order to assess the explaining power of this variety of factors, I proceeded as follows: First I analyzed the literature on Turkey's EU accession process and the literature on Turkey's asylum policy. Second, I analyzed documents and public statements of the Turkish political actors. For the public statements, I have used nineteen articles from different journals and websites such as Milliyet, Hürriyet, TRT Türk, EU Observer, Zaman, Dünya, Mazlumder, UNHCR and Aktif Haber. Third I developed an online survey.

I conducted my survey to assess which factors best explain the readiness of the Turkish government to prepare the Law on Foreigners and International Protection: external factors or domestic factors. I chose people whose expertise is on the field of

Turkish migration and asylum policy particularly. In order to embody different opinions from different establishments, I chose experts from academics, non-governmental organizations, international organizations and also from government ministries.

For the academic part, while choosing the experts, I paid attention that they have at least one published article on Turkey's migration and asylum policy particularly. On the table below, there is the list of academicians who are experts in the field of Turkish migration and asylum policy with one publication related with the subject. I spent almost two months to collect the responses. I contacted them via telephone or e-mail.

Academicians	Publications																		
Prof. Dr. Ahmet İçduygu	EU-ization Matters.Changes in Immigration and Asylum Practices in Turkey																		
Prof Dr. Ali Çağlar	Almanya, İsviçre ve Fransa'daki Türkiye Kökenli Göçmenlerin Sorunları																		
Prof. Dr. Ayhan Kaya	Belçika ve Hollanda'da Göç ve Yurttaşlık Politikaları: Benzerlikler ve Farklılıklar																		
Prof. Dr. Kemal Kirişçi	Turkey's New Draft Law on Asylum: What to Make of It?																		
Prof Dr. Nuray Ekşi	Yabancılar ve Uluslararası Koruma Kanunu(Tasarısı)																		
Prof. Dr. Tevfik Odman	Vatansızların Hukuki Durumu ve Türk Hukuku																		
Prof. Dr. Yücel Acer	Türkiye'nin İltica Stratejisi																		
Associate Professor Dr. Başak Kale	The Impact of Europeanization on Domestic Policy Structures: Asylum and Refugee Policies In Turkey's Accession Process to the European Union																		
Associate Professor Dr. Cengiz Aktar	Güncel iltica meseleleri ışığında bürokrasi ve kamuoyunun iltica konusuna bakışı																		
Associate Professor Dr. İbrahim Kaya	Reform in Turkish Asylum Law: Adopting the EU acquis																		
Associate Professor Dr.Mehmet Okyayuz	Conference topic on the Role of NGOs On Asylum System																		
Associate Professor Dr. Murat Erdoğan	Türkiye-AB İşçilerinin Değişen Temel Dinamiği: Avrupalı Türk Göçmenler ve "Kazanılmış Avrupalılığa"																		
Associate Professor Dr. Nurcan Özgür Baklacı	Türkiye'de Sığınma Sisteminin Avrupalılaştırılması																		
Associate Professor Dr. Sema Buz	Master thesis on the Problems faced by the asylum seekers in Turkey in the process of waiting period to go to a third country																		
Associate Professor Dr. Zeynep Kıvılcım	Human Rights, Asylum and Migration in Turkey																		
Assistant Professor Dr. Aysel Yıldız	Türk Dış Politikasındaki Dönüşümlerin Türkiye'nin Göç ve Sığınma Uygulamalarına Yansımaları																		
Assistant Professor Dr.Deniz Yüksekler	A Survey on African Migrants and Asylum Seekers in Turkey																		
Assistant Professor Dr.Emrehan Zeybekoğlu	Migration and Labour in Europe: Views from Turkey and Sweden																		
Assistant Professor Dr.Gamze Avcı	Turkey's Immigration and emigration dilemmas at the gate of the European Union																		
Assistant Professor Dr.Lami Bertan Tokuzlu	Burden-sharing Games for Asylum Seekers between Turkey and the European Union																		
Assistant Professor Dr. Mahir Gümüş	Türkiye'nin İltica Stratejisi																		
Assistant Professor Dr. Nedime Ash Şirin	In Which Directions Do the Efforts Proceed? The European Union's Attempts to Develop a Common Immigration and Asylum Policy																		
Assistant Professor Dr. Özlen Çelebi	Kuramların sessizliği: Liberalizm, Realizm ve İltica Rejiminin Kuruluşu																		
Assistant Professor Dr. Saim Özçürümez	Türkiye'de İltica Politikası, Aktörleri ve Çalışmaları: Bir 'Epistemik Topluluk' Oluşurken																		
Research Assistant Dr.Yeşim Özer	Türkiye'de Sığınma Sisteminin Avrupalılaştırılması																		
Research Assistant Cavidan Soykan	Seeking Refugee in Turkey: The Formal and Informal Implications of Turkish Asylum System																		
Dr. Ayşem Biriz Karaçay	From the Nation-Building Project to the European Integration Project: The Turkish Law on Settlement																		
Dr. Deniz Şenol Sert	Country Profile: Turkey, Focus Migration																		

Actually, I have tried to contact 29 academicians. Based on different reasons, 55% of the academicians on the list responded my survey. Furthermore, 50% of these respondents allowed me to declare their names in my publications. Related with this,

academicians' names highlighted with the green color show that they accepted that I use their names in my publications.

For the government part, I have contacted The Ministry of Interior, specifically, the General Directorate of Migration Management and The Turkish National Police Departments of Foreign Borders and Asylum; The Ministry for EU Affairs. Actually, eight experts responded it. Through eight people, only one people accepted that I may use his name in my publications who is expert assistant Bilgi Can Köksal from the Ministry for EU Affairs.

For the non-governmental organizations and international organizations, I have contacted UNHCR, International Organization For Migration (IOM), Amnesty International (AI), Helsinki Citizens' Assembly (HCA), Association for Solidarity with Asylum Seekers and Migrants(ASAM), Mültecilerle Dayanışma Derneği (Mülteci-Der), Human Rights Research Association (HRRS), International Catholic Migration Commission (ICMC) and İnsan Hakları ve Mazlumlar için Dayanışma Derneği (Mazlum-Der). Actually, twelve experts responded it and 50% of the respondents accepted that I may use their names in my publications. Those people are: External Affairs Officer Metin Çorabatır at the UNHCR, Amnesty International Asylum Rights Coordinator Volkan Görendağ, General President of Mülteci-Der Lawyer Taner Kılıç, Mülteci-Der Administrative Coordinator Pırıl Erçoban, Human Rights Law Expert Selvet Çetin at Human Rights Research Association, Amnesty International Member Lawyer Salih Efe.

In total, there are 37 experts who have responded to my survey: 44% of the respondents are from academicians, 23% of the respondents are from government

ministries and 33% of the respondents are from non-governmental organizations and international organizations.

I have asked in total eighteen questions. First five questions are related with the experts: their names, their affiliations, their e-mail address and I am asking if they want their names to be anonymous. The rest of the questions are directly related with the independent variables offered by the three models

5. External Incentives

5.1 EU Membership Prospect

5.1.1 What the EU Requires from Turkey?

Ten central and east European countries had applied for EU membership in the 1990s. They were obliged to satisfy the Copenhagen criteria and adopt the 'acquis communautaire' for membership. The conditions were 'massive', 'non-negotiable', 'uniformly applied' and 'closely enforced' (Moravcsik and Vacudova, 2002:7). The 'Accession Partnership' was a key instrument which brought all the membership conditions together (Grabbe, 1999:2). In the same manner, the EU has requested Turkey to fulfill similar requirements for the membership prospect. Hence, the asylum issue has become an important policy area that Turkey has to implement for the EU membership. The Treaties of Maastricht and Amsterdam are keys for the EU in order to develop a common immigration and asylum policy. The EU has tried to establish common standards and rules for asylum seekers, for those who have granted the refugee status and also for asylum seekers who have granted subsidiary protection. So, it has become very crucial for the EU that candidate countries adopt the asylum acquis.

Turkey began to focus on Justice and Home Affairs issues starting from 2003 because until then, Turkey had to adopt to meet the Copenhagen political criteria in order to start the accession negotiations. When Turkish government revised its National Program on 2003, more focus has been paid on reform process and towards the harmonization in the area of Justice and Home Affairs.

Accession partnership documents and progress reports are keys for guiding Turkey to implement the EU acquis. As it is known, Turkey received its first accession partnership document in 2001 by the EU and it was revised three times (in 2003,

2006 and 2008). These documents set out priorities for reform that Turkey should follow for the membership prospect.

Correspondingly, Turkey announced first National Program in 2001 and revised in 2003 and 2008 in order to achieve the objectives declared on the Accession Partnership Document. Furthermore, starting from 1998, Turkey received annual Commission Progress Reports which evaluate the progress made by Turkey and compliance with the ‘*acquis communautaire*’.

The Accession Partnership Document of 2003 provided Turkey at some point to realize that it should take into consideration the lifting of the geographical limitation and also the implementation of structural, institutional and legislative reforms in the field of immigration and asylum. A Task Force has been formed in order to prepare Action Plans in the field of border protection, illegal migration, Schengen regime and asylum. This Task Force has brought together informally academics, experts, representatives of non-governmental organizations and the UNHCR. In relation to this, the Law on Foreigners and International Protection has been prepared with reference to the NAAP.

5.1.2 Literature about determinacy of conditions, credibility of rules, cost-benefit calculations and veto-players

Nurcan Özgür and Yeşim Özer (2010) have analyzed the Europeanization process of Turkish asylum policy. They concluded that Turkey is on the Europeanization path regarding its asylum policy. Turkey has passed through constitutional, normative and institutional transformation mostly compatible with EU rules and regulations. Kirişçi has argued that although the ‘EU conditionality’ fails to function properly, Turkey has continued its modernization process on Turkish

asylum policy due to socialization process of domestic actors and also due internal factors (Kirişçi, 2007b: 3). Juliette Tolay (2012:40,41) has mentioned about the obvious influence of the EU on Turkey's policy in the field of asylum and migration. Before Turkish candidacy to the EU, Turkey used to have 'an outdated, incomplete and largely ad-hoc policy' on migration including asylum, regular, irregular migration and border management. However, today this picture has changed considerably. According to Tolay, 'the timing and nature of these reforms' has pointed to the important role played by the EU. Also, she mentioned that the way that migration and asylum policy have Europeanized was not a 'traditional' form of Europeanization but rather a 'critical Europeanization'.

Scholars have mentioned about the undeniable and important influence of the EU on Turkey's migration and asylum reform process. However, they have also pointed out to the important role of endogenous factors. The historical analysis would support what the scholars have mentioned so far. In relation to this, before Turkey's candidacy to the EU, Turkish asylum policy was far from reaching to undermine the rights of asylum seekers and refugees. The 1994 Asylum Regulation took many criticisms at international level. This Regulation appointed only the government for asylum procedures and the government came against the principle of non-refoulement stated on the 1951 Geneva Convention. This Regulation has been amended in 1999 and 2006 (Kirişçi, 2007a:11-12).

As mentioned in the fourth chapter, Schimmelfening and Sedelmeier had defined three different models regarding the impact of EU on domestic change in candidate countries, each of them with their own mechanism of Europeanization. Scholars have agreed that the external incentive model as a top-down approach through 'EU conditionality' explains in a best way the rule adoption of non-member countries.

In this regard, the determinacy of conditions, credibility of conditions, size and speed of rewards and veto players and adoptions costs will determine if the fulfillment of EU demands related to Chapter 24 of the accession talks was an important motive for the Turkish asylum reform process and as well as for the preparation of the Law on Foreigners and International Protection.

For the ‘EU conditionality’ works properly; **the clarity and the formality of a rule** are important determinant to consider. Candidate countries should clearly understand what the EU demands from them and what are the rules particularly if they want to comply with the EU demands. Although there is not a comprehensive agenda but rather a short list of urgent measures regarding the asylum acquis; the Accession Programs and Progress Reports state necessary reforms that Turkey should fulfill. For instance, Progress Reports of 2002 stated that: “Turkey has recently established a working group within the Ministry of the Interior composed of representatives from several ministries and law enforcement agencies. This working group is to prepare a comprehensive strategy and timetable for the harmonization of the Turkish law and practice with the acquis in the areas of border management, asylum and migration” (European Commission, 2002a: 115). There are many other statements on progress report stating the works that has done for the alignment of Turkey in relation with the EU acquis. This indicated that the fulfillment of EU demands related to Chapter 24 of the accession talks was an important motive for Turkey’s asylum reform process.

All of these improvements indicate that Turkish reforms on asylum are occurring during the EU membership process and it could not be a coincidence. As Tolay has mentioned it, Turkey’s reform process reflected ‘a story of overall compliance to EU norms and regulations’ (Tolay, 2012:45). Furthermore, the EU has a crucial impact on the preparation of the Law on Foreigners and International Protection. Indeed, this

law shares similarities with the EU's asylum rules and regulations. Here, Turkey's harmonization efforts on asylum with the 'EU acquis' are obvious.

The EU's important influence on Turkey reform process is not deniable; however, at this point how it is possible to explain the adoption of the Law on Foreigners and International Protection with a geographical reservation. The lifting of the geographical limitation is an important condition imposed by the EU for Turkish membership prospect. This situation reveals that the 'EU conditionality' fails to function properly during the preparation of the law because the preparation process coincided with the deterioration of Turkey-EU relations. Indeed, as Tolay has argued that Turkey's reform process was never 'linear and progressive, but rather involved a lot of politics, resistance and unequal developments' (Tolay, 2012:45).

Although Turkey's reforms process has been intensified with Turkey's candidacy, relations between Turkey and EU have been deteriorated just after the accession negotiations started. The EU decided to constrain the opening of new chapters as a result of Cyprus conflict. In relation to this, Turkish government started to change its standing against EU and political actors started to show their unwillingness to perform reforms in sensitive issues particularly. Turkey's asylum policy is an important example here.

As mentioned on the fourth chapter, one of the most important and influential condition for the effectiveness of 'EU conditionality' is the **credibility condition**. Some scholars argue that if the membership incentive is certain, the EU's policy impact on candidate countries and as well as across policy areas will be strong. Studies find out that candidate countries did not fully conform to EU rules in all areas before the EU announced its conditionality. When the EU declared its requirements and started to monitor candidate countries by reporting them regularly;

these countries begin to adjust themselves with the EU rules. For instance, the CEECs started to adopt the 'EU acquis' when the EU opened the accession talks; because this showed that the membership incentive proposed by the EU was credible (Sedelmeier, 2006:17-18).

However, for Turkey, the situation was different compared to CEECs. For the first time, EU started to lose its credibility. Turkish political actors and the public as well started to have doubts that Turkey will receive the membership incentive even if all the requirements and conditions are met. This view has been increased among political actors and public as well when a 'privileged partnership' and 'cultural difference' have been articulated by Austria, France, Holland and Denmark. Also, based on surveys conducted, the majority of European public does not want Turkey to be a member of the EU (Kirişçi, 2007b:7). A clear roadmap for accession and indications were absent for Turkey. According to Tocci, the candidate status of Turkey was rather symbolic than real (Tocci, 2005:76).

The loss of EU credibility is also reflected on Turkish national programs. Regarding the Chapter 24 (Justice and Home Affairs), although the Turkish government had put on his national program of 2003 the possibility of removal of geographical limitation of the 1951 Geneva Convention relating the status of refugees after realization of certain conditions, Turkey has changed its statements as follows on its national program of 2008: "harmonization of the Turkish legislation on asylum, immigration and foreigners with the EU legislation while maintaining the existing geographical restrictions" (The Ministry for EU Affairs, 2008b:7). Turkey insisted to keep the geographical limitation of the 1951 Geneva Convention relating the status of refugees when they prepared the Law on Foreigners and International Protection. This insistence on keeping the geographical limitation proved that the 'EU

conditionality' did not work properly and Turkey is implementing reforms regarding its asylum system not only because the EU insist to do so but for endogenous factors and also because Turkish actors have internalized EU norms (Tolay, 2012: 51) which will be explained on following chapters. In addition, although the relations has been stagnated, EU and Turkey is conducting the 'positive agenda' in order to contribute to Turkey's accession process and continuing the reform process on asylum, fundamental rights, visa liberalization, mobility and migration.

The loss of 'EU credibility' drove domestic actors to think first their benefits and wait for the implementation of certain reforms until the membership prospect is certain. This was the case for the Law on Foreigners and International Protection. Turkey insisted on keeping the geographical limitation while preparing the draft bill. This uncertainty draws Turkey to postpone difficult reforms in the short-term.

In addition, Turkey has delayed for a long time the adoption of the Law on Foreigners and International Protection. According to Kirişçi, the loss of trust in the EU and the loss of the credibility of conditionality had an effective influence on the delay for the adoption of this law in the area of asylum (Kirişçi, 2007b:8). Indeed, the law was introduced to the Turkish Parliament on May 2012 and waited the approval almost one year. Also the mass flow of asylum seekers coming from Syria drove the Turkish government to consider the adoption of this new law on asylum.

Cost-benefit calculations are also important determinant for the 'EU conditionality' works effectively. If domestic actors realize that the costs of compliance are higher than the benefit they will get; they will choose to postpone the reforms as much as they can. Before Turkey's candidacy, EU conditions were perceived as a threat to national security. For this, reforms related with human, cultural and minority rights

were viewed as too costly by Turkish political actors. The situation exacerbated with the common belief that western powers are trying to dismember Turkey as it was before in the history. With the launch of Turkey's accession process, this view started to alter progressively. On the contrary of what Turkish political actors had believed so far, they started to realize that democratic change imposed by 'EU conditionality' provided Turkish security rather than being a threat (Tocci, 2005: 76). However, just after the accession negotiations started between Turkey and EU, the relations have worsened and this situation impacted the cost-benefit calculations of Turkish political actors. Political actors started to implement reforms by taking into account the possibility of being non-member of the EU at the end. The loss of 'EU credibility' pushed political actors to re-examine cost-benefit calculations of Turkey's accession process. In relation to this, the resistance on keeping the geographical limitation on the Law of Foreigners and International Protection does not only emanate from the loss of EU credibility but also from the cost-benefit calculations of Turkish political actors. By removing the geographical limitation, Turkey is afraid to be a buffer zone and a dumping-ground for asylum seekers and refugees that the EU does not want. In addition, according to the current *acquis*, in case of membership occurs Turkey would be a 'first country of asylum' for status determination. This would brought Turkey economic, social and as well as political burdens. In accession partnership documents, Turkey emphasizes that necessary legislative and infra-structural measures should be undertaken by the EU in terms of burden-sharing. Confidence between Turkey and EU could be ensured if a transition period would be provided as such that EU member countries would accept refugees from Turkey to resettle. However, there is no such thing written on the current

acquis. This fear among Turkish officials is aggravated by the EU tendency to create a ‘fortress Europe’ (Apap, Carera and Kirişçi, 2004:25-26).

The uncertainty about Turkey’s membership provokes Turkish political actors to postpone certain reforms which are risky and could be a threat for the national security to a time when the rewards they will get is closer. Here, **domestic political actors** are important determinants for reforms to be realized. The perception of reforms varies from one person to another because political actors have different strategies, aims and interests. An authoritarian state could not realize EU reforms because these reforms do not overlap with domestic actors’ strategies, principles and interests. Indeed, the reforms which will realized with the adoption of the new law were prepared not because the EU said so; but domestic political actors find compatible with international standards. While the draft bill was prepared, Turkey adopted rules and regulations on asylum which are for their benefits and not adopted regulations which did not constitute a mutual benefit until the membership incentive would be realized. Indeed, the AKP government generally supported Turkish membership to the EU and made their statements usually in favour of the EU.

Kirişçi has argued that the impact of the EU was rather formalistic compared to the impact of the UNHCR which had more influence on Turkish officials and on the ‘actual substance of Turkey’s refugee policy’. According to Kirişçi, the impact of the EU was more visible because it set out rules and conditions that should be followed with a timetable and a formal agenda (Kirişçi, 2007b: 14).

5.1.3 Public Statements

Public statements also reveal that Turkey is willing to align with the EU acquis. Even the relations between Turkey and the EU have been worsened; Turkey is still continuing its reforms process quietly which could be explained with

domestic reasons. For instance, Turkey is establishing two units in the area of migration which indicates that the reform process is not stopped (Hürriyet, 10.05.2012).

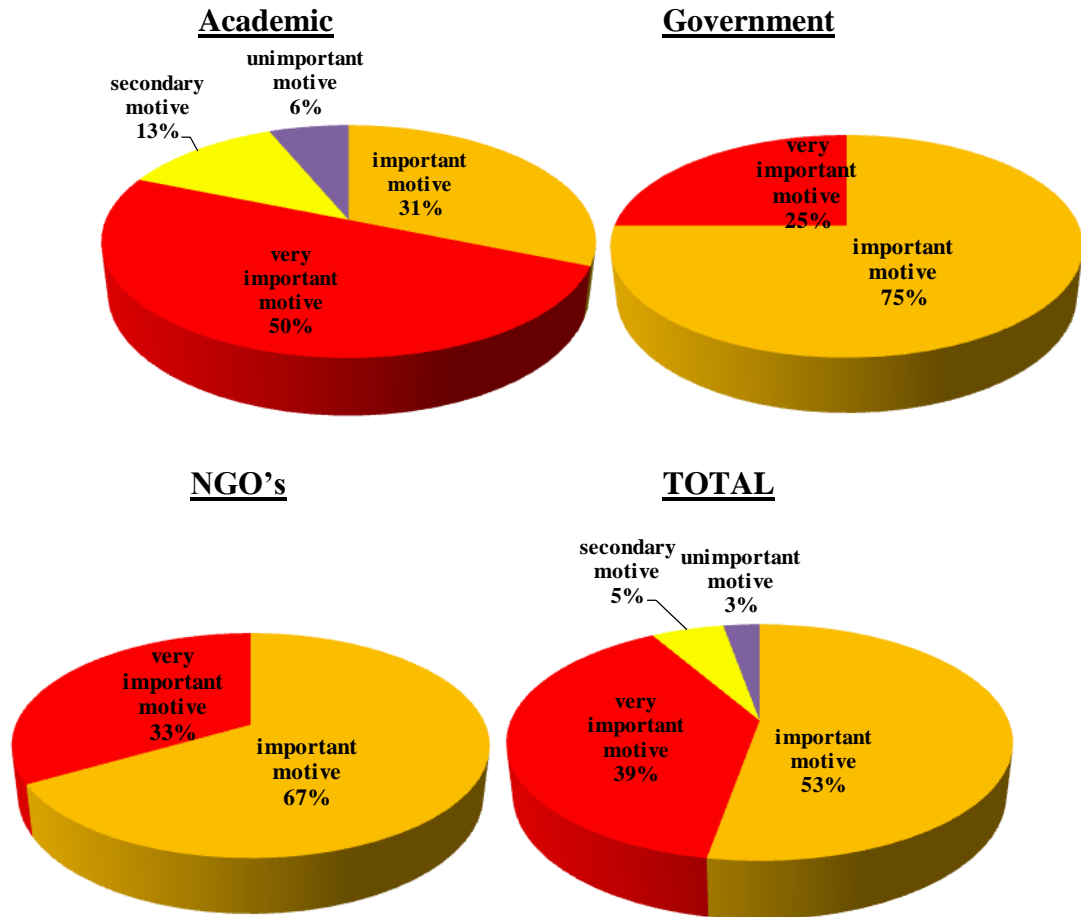
Also, the Deputy Prime Minister Ali Babacan stated that: “No matter we are facing major challenges, we will insist on our obstinacy. People are asking if still the EU is important for Turkey. The answer of our government will be a big yes; because our focus is democracy, basic rights, rule of law. Twenty seven countries believed to this, came together in the framework of these high standards. We want to be a member to here. It is the most important anchor for our internal reform process. We will continue to this process no matter what will happen in the EU. We think that this is our legal right in order to be in this process (Dünya, 22.11.2012)”. He continued his statement by mentioning that the EU carries important values. Also, the former Turkish ambassador Volkan Bozkır has stated that: “EU membership is still Turkey’s strategic objective, but only in the sense that adoption of EU standards and values is good for Turkey whether it joins or not” (EU observer, 18.11.2011).

Turkey has shown considerable improvement on its asylum policy proving its willingness to harmonize its legislation with that of the EU. Indeed, the Law on Foreigners and International Protection is an important step for Turkey in terms of aligning with the EU acquis. In this regard, Ariana Ferentinou has stated in her article that: “Ankara started to reheat its engines towards Europe, too. The adoption last week by the Parliament of a long awaited law to regulate migration and asylum was hailed as a ‘landmark decision’ by human rights organizations. It was also seen by the EU as sign that ‘Turkey is demonstrating its willingness to work in line with the EU and meet international standards’. The article gave place also to EU Foreign Minister Egemen Bağış claims as he stated: “The European process is a process

much more important than its ends. Looking back, we can see that we have reached a much better place while moving accession forward (Ferentinou, 2013).

5.1.4 Results of Online Survey

I have asked to 37 experts if the fulfillment of EU demands related to Chapter 24 of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.



According to academicians responses, 50% of academic respondents have found that the fulfillment of EU demands related to Chapter 24 of the accession talks was a very important motive for the Turkish government to prepare the Law on Foreigners and International Protection. 31% of the academic respondents have found that this was an important motive. It is possible to come up that 81% of the academic respondents have found that this was an important motive for the preparation of the new law. However, 13% of the academic respondents have found that the fulfillment of EU demands was a secondary motive and 6% of the academic respondents have found it

as an unimportant motive. None of the academic respondents have chosen ‘no motive at all’ alternative.

According to experts’ responses working on government’s ministries, 25% of the respondents have found that the fulfillment of EU demands related to Chapter 24 of the accession talks was a very important motive for the Turkish government to prepare the Law on Foreigners and International Protection. 75% of the respondents have found that this was an important motive. It is possible to come up that all of the respondents working on government’s ministries have found that the fulfillment of EU demands was an important motive for the preparation of the new law. There are no adverse responses. None of the respondents have chosen ‘unimportant’ and ‘no motive at all’ alternatives.

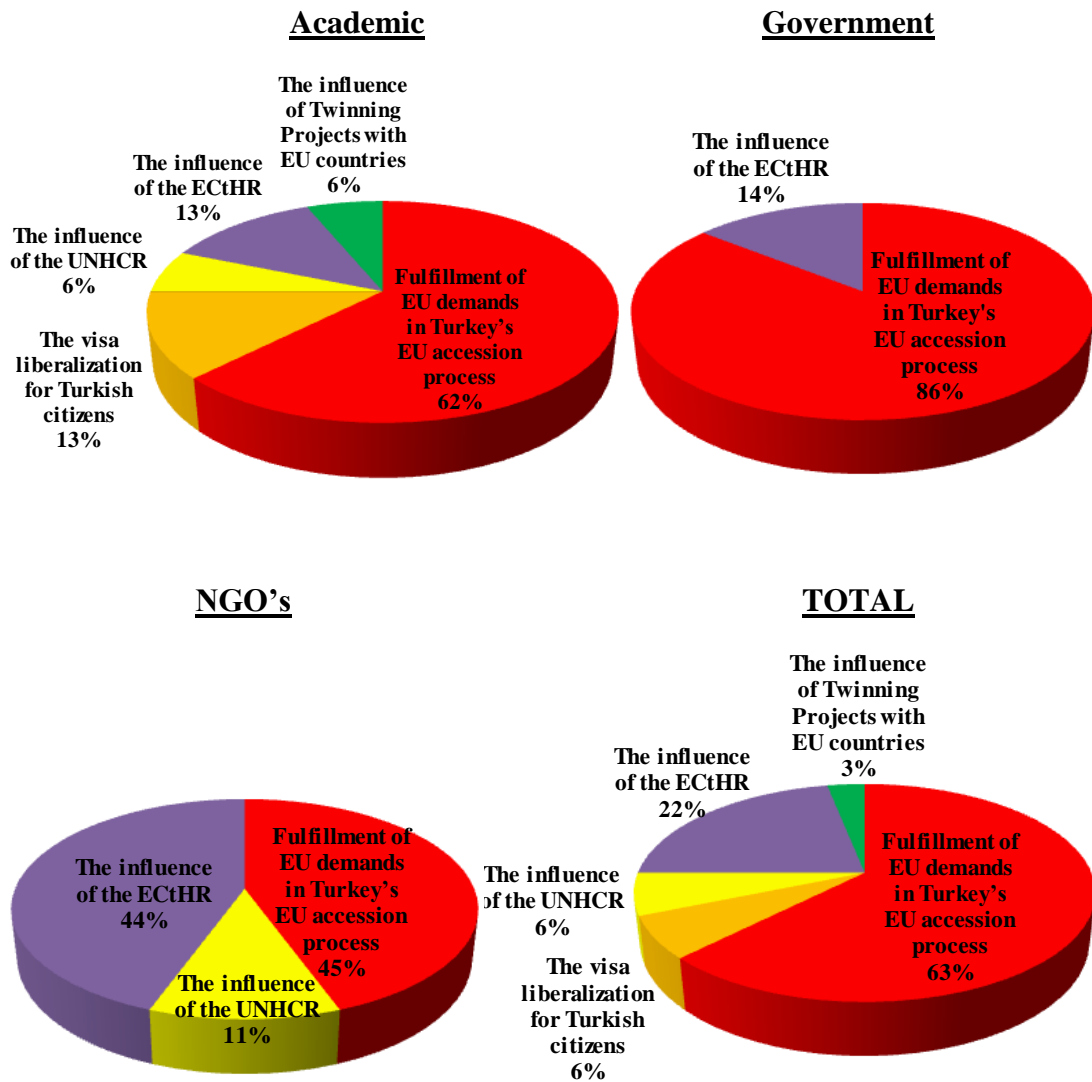
According to experts’ responses working on NGOs, 33% of the respondents have found that the fulfillment of EU demands related to Chapter 24 of the accession talks was a very important motive for the Turkish government to prepare the Law on Foreigners and International Protection. 67% of the respondents have found that this was an important motive. It is possible to come up that all of the respondents working on government’s ministries have found that the fulfillment of EU demands was an important motive for the preparation of the new law. This result is very surprising because NGOs as important independent domestic actors have found that the influence of the EU is undeniable. There are no adverse responses. None of the respondents have chosen ‘unimportant’ and ‘no motive at all’ alternatives.

Responses from experts working at governments or NGOs show that all of the respondents have found that the fulfillment of EU demands was an important motive for the preparation of the new law.

In total, from 37 experts, 39% of the respondents have found that the fulfillment of EU demands related to Chapter 24 of the accession talks was a very important motive for the Turkish government to prepare the Law on Foreigners and International Protection. 53% of the respondents have found that this was an important motive. It is possible to come up that 92% of the respondents have found it as an important motive. However, 5% of the respondents have found that the fulfillment of EU demands was a secondary motive and 3% of the respondents have found that this was an unimportant motive. Actually, this 8% belongs to the responses of academicians.

Mostly all the respondents found the fulfillment of EU demands related to Chapter 24 of the accession talks as an important motive. The responses from the government and NGOs look similar.

I have also asked to 37 experts which possible external factors they consider to be the most important one.



According to academicians responses, 62% of academic respondents have found that the fulfillment of EU demands related to Chapter 24 of the accession talks was the most important external factors for the preparation of the Law on Foreigners and International Protection. 13% of the academic respondents have found the visa liberalization for Turkish citizens as the most important external factor. 6% of the academic respondents have found the impact of the UNHCR as the most important external factor and 6% of the academic respondents have found the role of ECHR as

the most important external factor. Lastly, 6% of the respondents have found the impact of the twinning projects as the most important one.

According to experts' responses working on government's ministries, 86% of respondents have found that the fulfillment of EU demands related to Chapter 24 of the accession talks was the most important external factors for the preparation of the Law on Foreigners and International Protection. 14% of the respondents have found the role of ECHR as the most important external factor. It is very surprising that the respondents have not chosen other factors because when I have asked one by one what they thought about the impact of factors, they have mentioned other factors as very important.

According to experts' responses working on NGOs, 45% of respondents have found that the fulfillment of EU demands related to Chapter 24 of the accession talks was the most important external factors for the preparation of the Law on Foreigners and International Protection. 11% of the respondents have found the impact of the UNHCR as the most important external factor. Lastly, 44% of the respondents have found the role of ECHR as the most important external factor.

In total, from 37 experts, 63% of respondents have found that the fulfillment of EU demands related to Chapter 24 of the accession talks was the most important external factors for the preparation of the Law on Foreigners and International Protection. 6% of the respondents have found the role of visa liberalisation as the most important external factor. On the other hand, 6% of the respondents have found the impact of the UNHCR as the most important external factor. 22% of the total respondents have found the role of ECHR as the most important external factor. Lastly, 3% of the

respondents have found the impact of the twinning projects as the most important one. In summary, these statistics are in conformity with my analysis

Also, I have asked to respondents if there are other external factors for preparing the Law on Foreigners and International Protection. 39% of all the experts have responded it. Here are the respondents' comments:

The general president of the Mülteci-Der's Lawyer Taner Kılıç has stated that: "When we look to the general reasons for the preparation of the Law on Foreigners and International Protection, it involves EU accession process and in relation the EU acquis, the ECHR's decisions and international human rights law requirements. It is important to give credit to this picture. We could not know if the government has a secret agenda in this matter. However, I think that with the considerable rise of migration movements, the government has finally understood that this interest could not be handled only with the Foreigners Branch Police because it took a complicated situation. Apart from this, despite this official justification, from the head of the General Directorate of Migration Atilla Toros, I heard that: 'We have accomplished these amendments and law because of the importance and value attributed to humans and not because of the EU'. Throughout time, the vision may undergo to revision however the motivation in the beginning was mostly the harmonization of the EU acquis".

Human Rights Law Expert Selvet Çetin at Human Rights Research Association has mentioned that other than the factors mentioned above, Turkey as becoming a source and a destination country is considered as an important factor which drove the government to prepare the new law.

Mülteci-Der Administrative Coordinator Pırl Erçoban has pointed out that the UNHCR has played an important role during the preparation process of the new law. Although this study has mentioned that the explaining factor for the preparation of the new law was triggered by the long interaction with the UNHCR; Pırl Erçoban has emphasized the supportive role of the UNHCR.

Amnesty International Asylum Rights Coordinator Volkan Görendağ has referred to the reports of the Commissioner for Human rights and EU progress reports for factors influencing the preparatory process of the new law.

Assistant Professor Ayselin Yıldız from Yaşar University has stated: “The political and economic developments, crises in the region both including the political shifts and economic improvement in Turkey and changes in the neighboring regions which triggers the migration movement in the region are considered as other factors.”

Amnesty International Member Lawyer Salih Efe has stated: “The fulfillment of EU demands in Turkey’s EU accession process as well as not willing to pay more for the compensation awarded by the ECHR are other external factors to consider”.

Bilgi Can Köksal from the Ministry for EU Affairs has stated: “EU Accession together with the influence of the ECtHR are the primary external motives. Role of twinning projects are negligible (at least the recent ones), since they targeted mainly TNP while the Asylum and Migration Bureau worked on the draft. UNHCR always cooperated with TNP and they run a parallel procedure in determination of asylum applications but UNHCR had more of a supportive role (together with IOM and ICMPD) in development of the draft.

It has to be underlined that the main motive was internal rather than external. Turkey's need to regulate, not just asylum but migration, protection mechanism for human trafficking victims and obvious short comings of the eclectic system where there were many responsible institutions, many laws and by-laws, paved the way for the new law”.

External Affairs Officer Metin Çorabatır at the UNHCR has stated: “It is indeed difficult to prioritize among the external factors. A complex combination of all of them can be added as an independent factor”

One of the anonymous respondents from academics has stated: “Increasing numbers of asylum-seekers in general and of irregular migrants in Turkey in specific are important factors to consider”.

Another anonymous respondent from academics has stated: “EU is important but it have to be taken account with other external factors together. It is not only EU or not only UNHCR or ECHR. All of them affected the whole process”.

Associate Professor Cengiz Aktar at Bahçeşehir University has stated: “The Draft Law on Foreigners and International Protection has been rather influenced by academic advisers of the Ministry as the main aim of the latter was to keep the national security concerns unchanged while pretending to comply with the international as well as European criteria”.

5.1.5 Summary

The scanning of literature, public statements of politicians and results of online survey suggest that EU is an important anchor for Turkey to show the right the

path for adopting international rules and regulations compatible with human rights' norms and values. In contrast to public opinion that the EU is not important anymore, this shows that the EU is still matters in domestic reforms. However, the fulfillments of EU demands related to Chapter 24 is not the only explaining factor for the adoption of the new law; other external factors and also domestic factors should be taken into consideration.

5.2 Visa liberalization

5.2.1. A Functioning Asylum System as a pre-condition for lifting the visa requirements

“EU interior ministers backed an agreement that requires Turkey to take back illegal immigrants originating from Turkey and gave the green light to a visa dialog with Ankara” (Bürgin, 2011). Foreign Minister Ahmet Davutoğlu has mentioned this development as a ‘historical step’(Milliyet, 20/06/2012).

There are some requirements from the EU that Turkey should accomplish for the realization of visa liberalization. The main EU condition for the abolition of the visa obligation is the implementation of the readmission agreement and also the implementation of this agreement with all member states. Turkey should also give great emphasis to fight illegal migration and work for the harmonization of visa and asylum policies with that of the EU. The cooperation should be enhanced with FRONTEX and EUROPOL (Özalp,2012a).

Although the EU gave the green light to start the visa dialogue, there are important question marks about the duration of this process. As Bürgin has pointed in his article: “even if the European Commission receives the green light to start a visa dialogue with Turkey, whether the talks can be accomplished as quickly as in the case of the Balkan states remains uncertain” (Hürriyet Daily News, 27.02.2011).

Turkey has already introduced biometric passports and started to make progress for modernizing the border management. Indeed, Foreign Minister Ahmet Davutoğlu stated

that “EU announced its conditions as signing the readmission agreement, biometric passport and integrated border management, when they demanded for visa liberalization” (TrtTürk, 10.01.2013). However, these conditions are not found sufficient to start a visa dialogue as the Road Map reveals at the end of November with steps similar with that of Balkan countries’(Doğan, 2013). A functioning asylum system is also important for the realization of visa liberalization. Here, it is important to point out that Turkey has prepared the draft version of this new law before the EU has declared the road map for visa liberalization. However, the EU’s visa liberalization roadmaps are almost the same for all candidate countries.

The condition for removal of geographical limitation would constitute a major problem for Turkey because the Turkish government has just adopted the Law on Foreigners and International Protection with geographical limitation. This new Law is the most important legislation adopted so far in terms of introducing a functioning asylum acquis in conformity with the EU acquis.

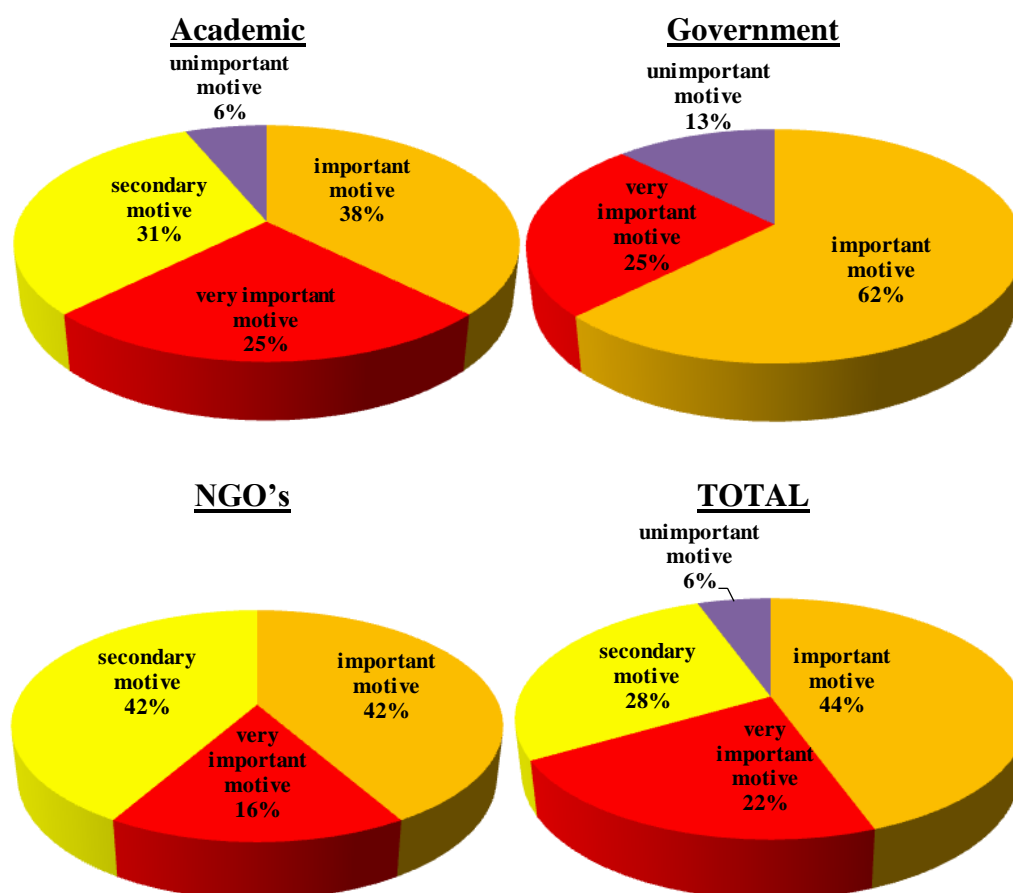
When the membership incentive is in the distant future, here, intermediate rewards became crucial for candidate countries to fulfill their conditions. These intermediate rewards are important motivations for candidate countries to reach their end goals (Sedelmeier, 2006:12). Indeed, the article written by Güven Özalp for Milliyet has mentioned that visa liberation has become one of the preferential expectations of Turkey. However, Özalp has interpreted this roadmap as a handicap running track; because this roadmap has included many strict rules. The road map has emphasized that Turkey should fulfill its responsibilities for visa liberalization. These responsibilities in terms of international protection included: ensuring that the UNHCR conduct its task without being exposed to restrictions, establishing a special unit for applying refugee application procedures, providing necessary resources for protecting the rights of refugees and asylum seekers (Özalp, 2012b).

The reforms realized for visa liberalization could be also considered as important steps in terms of the fulfillment of EU demands related to Chapter 24 of the accession talks. As a result, reforming Turkey's asylum system in order to fulfill one of the EU pre-conditions for visa liberalization was an important motive to prepare the Law on Foreigners and International Protection because in any way Turkey has working on aligning with the EU acquis. Indeed, this new law is considered as an important step for the visa liberalization process as the two officials of the EU has mentioned (Zaman Gazetesi, 06.04.2013). Even, they are not Turkish politicians, their statement indicate that the EU took seriously this new law for the realization of visa liberalization. Also, European officials have stated that: "If this new law would be properly implemented, then a substantial proportion of elements prepared for the roadmap of visa liberalization would be accomplished (Milliyet, 14.04.2013)".

There is no academic literature emphasizing directly the role of visa liberalization for the preparation of the new law. Apart from public statements, the results of online survey would reveal that reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

5.2.2 Results of Online Survey

A functioning asylum system was one of the EU's preconditions for lifting the visa duty for the Balkan countries. The 37 experts answered to the following assertion: Reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.



According to academicians responses, 25% of academic respondents have found that reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was a very important motive for the Turkish government to prepare the Law on Foreigners and International Protection. 38% of the academic respondents have found that this was an important motive. It is possible to come up that 63% of the academic respondents have found that this was an important motive

for the preparation of the new law. However, 31% of the academic respondents have found it as a secondary motive and 6% of the academic respondents have found that this was an unimportant motive.

According to experts' responses working on government's ministries, 25% of the respondents have found that the visa liberalisation was a very important motive for the Turkish government to prepare the Law on Foreigners and International Protection. 62% of the respondents have found that this was an important motive. It is possible to come up that 87% of the respondents working on government's ministries have found that the visa liberalisation was an important motive for the preparation of the new law. However, 13% of respondents have found that the visa liberalisation was an unimportant motive. None of the respondents have chosen 'secondary or no motive at all' alternatives.

According to experts' responses working on NGOs, 16% of the respondents have found that visa liberalization was a very important motive for the Turkish government to prepare the Law on Foreigners and International Protection. 42% of the respondents have found that this was an important motive. It is possible to come up that 58% the respondents working on NGOs have found that the visa liberalization was an important motive for the preparation of the new law. However, 42% of respondents have found that the visa liberalisation was a secondary motive. None of the respondents have chosen 'unimportant' and 'no motive at all' alternatives.

Actually, it is possible to come up those experts from academic and NGOs have responded similarly. Only, respondents from NGOs have not chosen unimportant motive option. The responses of experts from government differ, because they did not choose the secondary motive option.

In total, from 37 experts, 22% of the respondents have found that reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was a very important motive for the Turkish government to prepare the Law on Foreigners and International Protection. 44% of the respondents have found that this was an important motive. It is possible to come up that 66% of the respondents have found it as an important motive. However, 28% of the respondents have found that the visa liberalisation was a secondary motive and 6% of the respondents have found that this was an unimportant motive. None of the respondents have chosen 'no motive at all' alternative.

Most of the respondents have found visa liberalization as an important motive. However, 34% of the respondents have found that the visa liberalization incentive is not so much important. In addition, it is possible to come up that most of the respondents have found that the fulfillment of EU demands related to Chapter 24 of the accession talks is more important than the visa liberalization incentive.

5.2.3 Summary

Public statements and results of online surveys indicate that the visa liberalization is an important motive to prepare the Law on Foreigners and International Protection; but not so much as the membership incentive.

6. Socialization

6.1 Socialization via ECHR

6.1.1 The Literature on ECHR's impact

The European Court of Human Rights stands out as an important actor in terms of its strategic and transformative power related with human rights dimension in the field of Turkish migration and asylum policy. Especially, the Court has so far tried to provide the application of the postponed regulations on human rights issues. The ECHR's decisions against Turkey had been very determining on preventing the decisions taken for the deportation of asylum seekers. Since 2006, the ECHR has developed a system in which the preliminary injunction proceedings are realized in a very fast manner.

Until 2009, there had been fifteen cases which the Court did not convicted Turkey for violating European Human Rights Convention and also standing against the principle of non-refoulement of the 1951 Geneva Convention for the decisions taken and applied for the deportation of asylum seekers and refugees. However, one of the important dynamics which triggered the amendment of the 1994 Regulation on 2006 is considered as the decisions of the ECHR (Özgür and Özer, 2010: 142):

For instance, the first issue which the ECHR decisions become determining is related with the deportation resulted because of the 10 days limitation on application procedure. Two Iranian refugees who entered Turkey illegally and did not filed out their application were recognized by the UNHCR and were waiting to be resettled to a third country. The MOI had ruled for their deportation. However, decisions taken by the Administrative Courts and followed also by the decisions of the ninth Ankara Administrative Court and motion stay for execution developed effective mechanism

for preventing the deportation of asylum seekers. However, here, it is important to highlight the supportive role of the UNHCR played while encouraging them to go to judicial appeal. This event led the ECHR to intervene to Turkish decisions taken for the deportation of asylum seekers as in cases like *Jabari vs. Turkey*, *Mamatkulow & Abdurras vs. Turkey* etc.... (Özgür and Özer, 2010: 143). As a result, ECHR decisions played a crucial role regarding the removal of time limitation in 2006 and correspondingly to Turkish asylum reform process.

By referring to conference notes on ‘Asylum, International Migration and Stateless’, Deputy Undersecretary of Turkish Ministry of Interior Dr. Hasan Canpolat pointed out to the importance of the ECHR’s decision on *Abdolkhani and Karimnia* case which would have a crucial impact on Turkey’s geographical reservation in the field of asylum and this would increase Turkey’s burden (Birleşmiş Milletler Yüksek Komiserliği: 2011:21). In 2009, ECHR had decided unanimously that Turkey violated number of articles of European Human Rights Convention in the case of *Abdolkhani and Karimnia* and declared that the application is admissible. Furthermore, The Court charged Turkey to pay a substantial sum of amount for non-pecuniary damage and also for costs and expenses (Council of Europe, 2010:11). The ECHR has made its decision against Turkey in terms of damaging human rights law based on three main reasons. First of all, the Court has concluded that Turkey came against the principle of non-refoulement by deporting two Iranians who came to Turkey through Iraq. Secondly, the Court has decided that Turkey detained these two Iranians in detention centers without having a legal infrastructure and came up that their freedoms have been limited for no reasons. Finally, the Court decided that asylum seekers could not take any legal assistance or have fallen short to juridical mechanism (UNHCR, 2011: 21).

After this decision, there had been cases which all ended up against Turkey: Charahili vs. Turkey, Kesmiri vs. Turkey, Ranjbar and others vs. Turkey, Tehrani and others vs. Turkey (Ekşi, N. (2010) cited in Özgür and Özer).

The rulings of the ECHR and also the growing criticism of non-governmental organizations such as the Turkish branch of Helsinki Citizens' Assembly and as well as Human Rights Watch, urged the Turkish government to make substantial changes on its asylum policy. Here, the impact of the ECHR is visible and also crucial. In relation to this, the Former Minister of Interior Beşir Atalay has appointed two special inspectors in order to reveal if the allegations made by the Human Rights Watch are true and also to investigate why necessary improvements have not been accomplished for the harmonization of Turkish asylum policy with that of the EU. As a result, a personnel change has occurred within the Police and also the Migration Unit Office has been established within the Ministry of Interior to prepare the draft law on asylum (Kirişçi, 2011: 11).

According to Dr. Hasan Canpolat, by evaluating and analyzing ECHR's decisions, Turkey should manage to take the application of any aliens who ask for asylum and guide them for legal assistance. If the conditions are proving necessary, Turkish government should apply the principle of non-refoulement and without having a legal authorization, the government has no right to detain aliens who seek for asylum. Correspondingly, a temporary resident permit should be provided. Thereby, it is possible to conclude that Turkey's geographical limitation to the 1951 Convention would be influenced negatively; because the ECHR's decision opened the way with the principle of non-refoulement for the protection of asylum seekers coming from non-European countries (Birleşmiş Milletler Yüksek Komiserliği, 2011: 21).

In these circumstances, taking into consideration the ECHR's decisions and EU policies together, Turkey should overview its policies related with the geographical limitation of the 1951 Geneva Convention on asylum and migration areas. Indeed, with the new Law on Foreigners and International Protection, Turkey has tried to ensure at some point the protection of aliens coming from non-European countries. In that respect, the Law sets out three different types of international protection: refugee status as a result of events occurring within Europe, conditional refugee status as a result of events occurring outside of Europe and subsidiary protection status for those who cannot not be entitled as refugee or conditional refugee . However, the insistence of the Turkish government to keep the geographical limitation is causing criticism among civil societies, scholars and in the international area as well.

The new Law on Foreigners and International Protection make sure that the applicant is informed that he or she may get necessary legal assistance during the interview, in case of rejection and so on. If the application is refused, the applicant should be informed concerning the rights and duration of the objection. Furthermore, based on the Law, the applicant should be informed regarding access to education, social assistance and services and as well as to health services. The establishment and operation of reception centers are set on the new Law. These conditions and regulations are organized under the new Law in order to preserve the basic rights and freedoms of foreigners who need international protection and these could be considered as a reflection of the ECHR's decisions.

6.1.2 Public Statements

The impact of the ECHR on the preparation of the new law can be explained by both ‘the logic of consequences’ and also ‘the logic of appropriateness’. The rulings of the ECHR urge the government to make substantial changes as soon as possible. Hence, Turkish officials stated that: “these rulings were raining on Turkey and that the current situation is becoming untenable” (Kirişçi, 2011: 13). The law was important in order to save the government from financial burden. However, Turkey’s relation with the ECHR can be also explained by ‘the logic of appropriateness’. Based on Kirişçi’s article (2011), the Migration Unit has pointed out to the importance of the ECHR’s rulings and they wanted to remedy the deficiencies of Turkish asylum policy with a new law. The deputy of the Unit has argued “rather than the fines that Turkey was condemned to pay it was the loss of international prestige that constituted a major motivation for reform” (Kirişçi, 2011: 13).

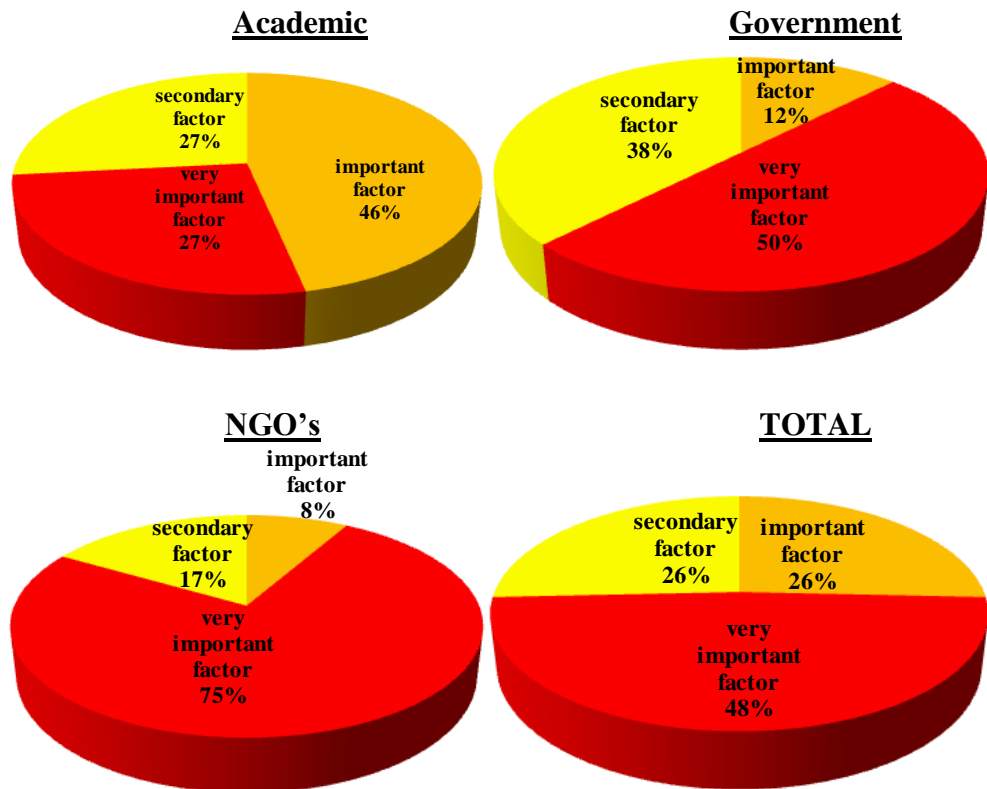
On the meeting in Istanbul entitled as ‘Last Developments on Migration and Asylum’, and also on the conference entitled as ‘Asylum, International Migration and Stateless’ organized by the UNHCR, top-level Turkish officials have mentioned that they are taking into consideration the ECHR’s decisions, while they are preparing the new law on migration and asylum (Conference on Last Developments on Migration and Asylum, İstanbul, 2010; cited in Özgür and Özer: 143). This shows the socializing effect of the ECHR’s decisions on Turkish officials who prepared the new law on asylum. Juliette Tolay (2012: 47) has stated in her article: “Turkish officials within the Task Force have admitted that they have been ‘hit hard’ by the most recent 2010 decisions of the Court, and that they were determined to put into place a new asylum system that would eschew altogether any such condemnation

from the Court in the future”. The Court had enabled the Turkish government to detect its gaps and fill the loopholes in relation with its asylum policy and also paying substantial amount of fees accelerated the process.

The former Minister of Interior Idris Naim Şahim stated: “With this new law, the deportation decision which is the densest sanction will be restructured according to ECHR’s decisions (Akparti, 20.04.2013). Also, the UN Special Rapporteur on Human Rights of migrants François Crepeau has mentioned that this new law has implemented the EU acquis in line with the standards enunciated by the ECHR (Crépeau, 29.06.2012). This highlights to the important role of ECHR’s decision on the preparation of the new law. The Court has triggered the awareness within Turkish officials to reconsider the loopholes of Turkish asylum system. The Interior Minister Muammer Güler has mentioned that with this new law, they would preclude objections taken by the ECHR (Akparti, 20.04.2013).

6.1.3 Results of Online Survey

The 37 experts answered to the following assertion: if the rulings of the European Court of Human Rights against Turkey are an important explaining factor for the preparation of the Law on Foreigners and International Protection.



According to academician responses, 27% of academic respondents have found that the rulings of the European Court of Human Rights against Turkey are an important explaining factor for the preparation of the Law on Foreigners and International Protection. 46% of the academic respondents have found it as an important factor. It is possible to come up that 73% of the academic respondents have found that this was an important factor for the preparation of the new law. However, 27% of the academic respondents have found it as a secondary factor. None of the academic respondents have chosen 'unimportant and no factor at all' alternatives.

According to experts' responses working on government's ministries, 50% of the respondents have found that the impact of the ECHR was a very important factor for the Turkish government to prepare the Law on Foreigners and International Protection. 12% of the respondents have found that this was an important factor. It is possible to come up that 62% of the respondents working on government's ministries have found that the role of the ECHR was an important factor for the preparation of the new law. However, 38% of respondents have found it a secondary factor. None of the respondents have chosen 'unimportant and no factor at all' alternatives.

According to experts' responses working on NGOs, 75% of the respondents have found that the impact of the ECHR was a very important factor for the Turkish government to prepare the Law on Foreigners and International Protection. 8% of the respondents have found that this was an important factor. It is possible to come up that 83% the respondents working on NGOs have found that the role of the ECHR was an important factor for the preparation of the new law. However, 17% of respondents have found that the impact of the ECHR was a secondary factor. None of the respondents have chosen 'unimportant and no factor at all' alternatives. It is not surprising that most of the experts working on NGOs found the impact of the UNHCR as important explaining factor because they are the main actors who have opened the way for asylum seekers to go to the ECHR.

In total, from 37 experts, 48% of the respondents have found that the rulings of the European Court of Human Rights against Turkey are an important explaining factor for the preparation of the Law on Foreigners and International Protection. 26% of the respondents have found that this was an important factor. It is possible to come up that 74% of the respondents have found it as an important factor. However, 26% of

the respondents have found that the impact of the UNHCR was a secondary factor. None of the respondents have chosen ‘unimportant and no factor at all’ alternatives.

6.1.4 Summary

The scanning of literature, public statements and results of online survey suggest that the impact of the ECHR is an important explaining factor but it comes after the fulfillments of EU demands related to Chapter 24.

6.2 Socialization via Twinning projects

6.2.1 The Role of Twinning projects

Social learning is a process in which actors gain new interests and preferences through interaction in terms of ‘norms’ and ‘discursive interaction’ without the obvious material incentives (Checkel, 1999: 548). Twinning projects aims to provide support for the implementation of EU rules and regulations on candidate states, including a broad range of activities implemented by experts of EU member states (Europa, 2013b: 1). Consequently, a process of socialization occurs among Turkish officials who have participated to twinning projects. They became familiar with EU practices and want to comply with them if certain conditions are met.

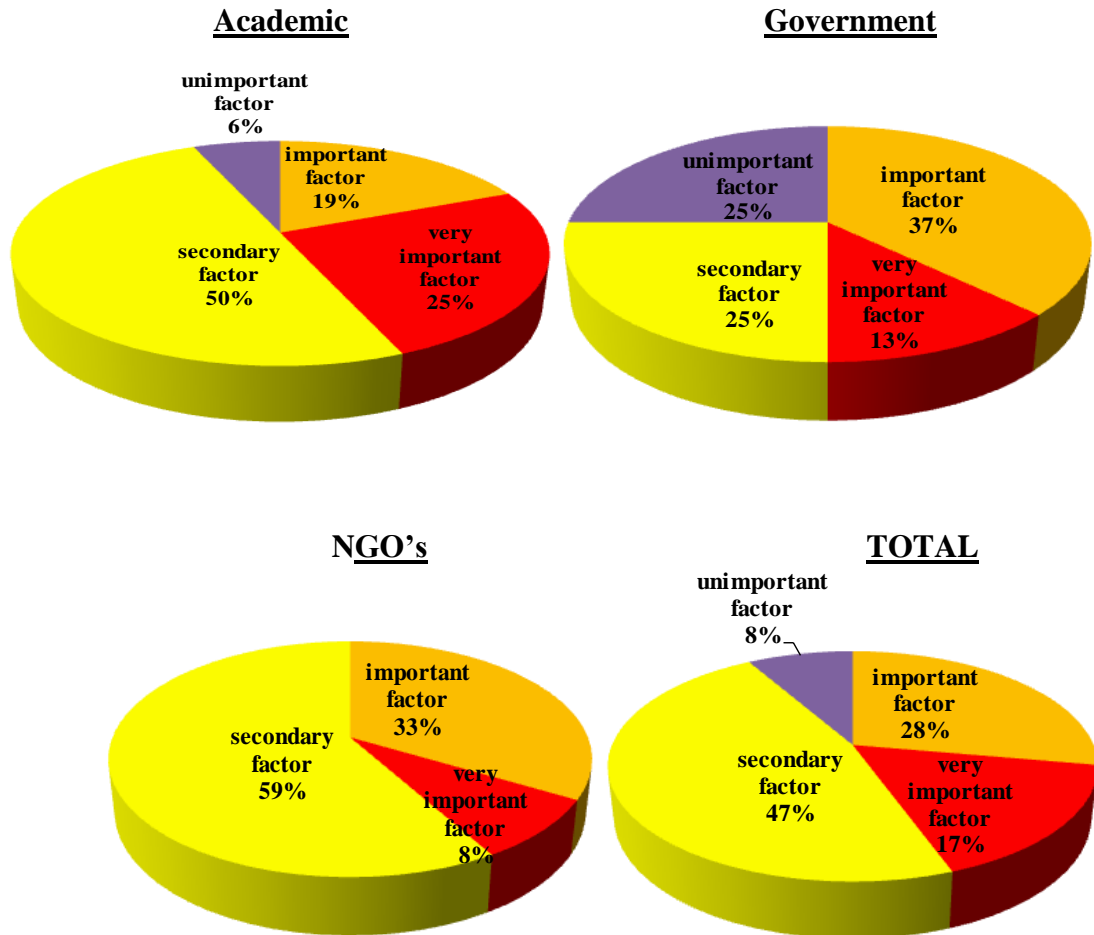
For instance, the twinning project supported by the British and Danish governments provided Turkish officials to spend for months with the EU officials and helped them to prepare the Turkish National Action Plan for the Adoption of the EU Acquis in the Field of Asylum and Migration (Kirişçi, 2012a:73). Thereby, Turkish officials have internalized EU norms which they found appropriate and legitimate and used them for the formulation of the NAPP. Socialization occurred among Turkish officials with the usage of soft tactics compared to the material incentives where overt

pressure is exercised. Here, to what extent twinning projects have played a crucial role on the preparation of the NAPP became problematic; because it is not possible to measure the level of influence of twinning projects to Turkish officials; unless a statement is made from people who prepared the NAPP and also the Law on Foreigners and International Protection.

NAPP stated: “At the implementation stage of the HLWG project entitled ‘Supporting Turkish Authorities Responsible for Migration in the Field of Asylum’ and within the framework of TR02-JH-03, Asylum-Migration Twinning Project; experts from Denmark, the Netherlands, Sweden, Federal Republic of Germany, the UK and Turkey analyzed existing Turkish legal arrangements in the field of Asylum and the loopholes therein. The findings of such analysis were used in the formulation of the draft bill on asylum” (The Ministry of Interior, 2005: 13). This statement has proved the impact of twinning projects for the preparation of the new law on asylum and was made by the Ministry of Interior who is the primary ministry responsible for the preparation of this new law. However, no other statements by scholars, civil society organizations, or international organizations found to support the impact of the role of twinning projects for the preparation of the new law on asylum.

6.2.2 Results of Online Surveys

37 experts answered to the following assertion: if socialization and learning processes in Twinning projects between EU countries and Turkey in the field of asylum policy are an important explaining factor for the preparation of the Law on Foreigners and International Protection.



According to academicians responses, 25% of academic respondents have found that socialization and learning processes in Twinning projects between EU countries and Turkey in the field of asylum policy are an important explaining factor for the preparation of the Law on Foreigners and International Protection. 19% of the academic respondents have found it as an important factor. It is possible to come up that 44% of the academic respondents have found that this was an important factor for the preparation of the new law. It is the lowest percentage compared to other

factors. 50% of the academic respondents have found it as a secondary factor and 6% of the academic respondents have found it as an unimportant factor. None of the academic respondents have chosen 'no motive at all' alternative.

According to experts' responses working on government's ministries, 13% of the respondents have found that the impact of the twinning projects was a very important factor for the Turkish government to prepare the Law on Foreigners and International Protection. 37% of the respondents have found that this was an important factor. It is possible to come up that 50% of the respondents working on government's ministries have found that the role of the twinning projects was an important factor for the preparation of the new law. It is the lowest percentage compared to other factors. 25% of respondents have found it a secondary factor and 25% of respondents have found it as unimportant factor. None of the respondents have 'no factor at all' alternative. Here, the percentage of secondary factor has decreased compared to academician responses but the percentage of the unimportant motive is higher than the academician responses.

According to experts' responses working on NGOs, 8% of the respondents have found that the impact of the twinning projects was a very important factor for the Turkish government to prepare the Law on Foreigners and International Protection. 33% of the respondents have found that this was an important factor. It is possible to come up that 41% the respondents working on NGOs have found that the role of the twinning projects was an important factor for the preparation of the new law. It is the lowest percentage compared to other factors. 59% of respondents have found that the impact of the twinning projects was a secondary factor. None of the respondents have chosen 'unimportant and no factor at all' alternatives.

In total, from 37 experts, 17% of the respondents have found that the socialization and learning processes in Twinning projects are an important explaining factor for the preparation of the Law on Foreigners and International Protection. 28% of the respondents have found that this was an important factor. It is possible to come up that 45% of the respondents have found it as an important factor. However, 47% of the respondents have found that the impact of the twinning projects was a secondary factor and 8% of the respondents have found it as an unimportant factor. None of the respondents have chosen 'no factor at all' alternative.

Actually, except the government's responses, more than 50% of experts from academics and NGOs found that the impact of the twinning projects was a secondary explaining factor. The government's responses have lowered a bit the percentage of secondary factor. However, in total the secondary factor has the highest percentage.

6.2.3 Summary

The scanning literature with official documents and results of online survey suggest that twinning projects on migration and asylum contributed to the Turkish asylum reform process and also to prepare the Law on Foreigners and International Protection, without the direct imposition of the EU but its impact is not important and influential as the ECHR's role. Socialization and learning processes in Twinning projects between EU countries and Turkey in the field of asylum policy was a secondary explaining factor for the preparation of the Law on Foreigners and International Protection.

6.3 Socialization via UNHCR

6.3.1 Literature on UNHCR's Impact

Before, there was a concern among Turkish political actors that reforms, especially EU- driven ones, may threaten the national security of Turkey. Especially, this situation prevented the development of reforms in the area of human, cultural and minority rights (Tocci, 2005:76). A paradigm shift occurred from a national security perspective to one that increasingly emphasized human rights and international refugee law with the launch of Turkey's accession process. However, it would be unfair to attribute the reason of this paradigm shift only to the EU; because the interaction between Turkey and the UNHCR paved the way for reforms on Turkish asylum policy. As Kirişçi (2012a) points out that UNHCR had 'a very long-standing relationship' with the Turkish government and also with the civil society. He also stated that: "This relationship has contributed to a slow but sure process of socialization of Turkey into the norms and rules of an international refugee regime" (Kirişçi, 2012a: 64). Indeed, as a result of long interaction with the UNHCR, Turkey succeeded to internalize some international norms and values into its domestic policies on asylum area and influenced from these norms while preparing the Law on Foreigners and International Protection. These international norms and values are sharing important similarities with the EU asylum rules and regulations. However, this situation causes a perception among scholars and domestic actors that these international asylum rules are totally imposed by the EU only with the 'conditionality' model.

Turkish government started its reform process on its asylum policy before EU declared Turkish candidacy in 1999 at the Helsinki Summit and this was encouraged by the UNHCR. In 1997, asylum seekers gained access to judicial appeal when the

MOI ruled against the deportation of two Iranians who entered the country illegally and had not filled the application forms with the Turkish authorities in time. Here, the UNHCR intervened to the situation and encouraged asylum seekers to go to judicial appeal. These similar developments carried the Turkish government to make amendment on the 1994 Asylum Regulation by extending the time limit to ten days in 1999 (Kirişçi, 2012a:68). With this amendment, Turkish government started to abide to the principle of non-refoulement and according to Kirişçi (2007b: 13) this date could be considered as ‘the Europeanization of Turkish asylum policy’. At the time when this amendment occurred, there was any sign that Turkey would be declared as a candidate to the EU.

Progress reports point out also to the importance of the UNHCR on Turkish asylum reform process. For instance, 2000 progress report of the European Commission stated that: “In the field of asylum, efforts had started in particular in the training of the staff in close-cooperation with UNHCR” (European Commission, 2000: 63). Turkey continued its collaboration with the UNHCR on training activities in the field of asylum and refugee law for mid-level police and gendarmerie officers (European Commission, 2002a:117) and also for law enforcement officers and judiciary (European Commission, 2002a: 112 and European Commission, 2004: 140). The European Commission has reported the continuing work of the Turkish government with the UNHCR to train officials in preparation for decentralization of decision-making (European Commission, 2008: 73). NAPP also refers to the support of the MOI since 1997 through series of training seminars organized with the UNHCR under the ‘Project for Developing an Asylum System in Turkey’. The cooperation with the UNHCR would continue since the objectives and gains have been attained with this project (The Ministry of Interior, 2005: 10-11). Kirişçi argues that the

starting period of these training seminars goes back to the end of 1990s and these seminars firstly targeted officials who are directly dealing with asylum seekers and refugees and then expanded to other officials. Actually, this process started to change the perception of officials regarding the issues of asylum and refugees. They started to change their behaviors via asylum seekers and refugees (Kirişçi, 2012: 68). Hence, this involves a process of socialization among Turkish officials, meaning that they internalized international norms and values to their behaviors.

Furthermore, Turkish government are conducting asylum procedures with the collaboration of the UNHCR (European Commission, 2004: 140) meaning that when an asylum seeker makes registration to Turkish police, he or she has to make another registration to the UNHCR in Ankara. UNHCR officers are also interviewing asylum seeker in order to determine if the applicant qualifies as refugee in relation with the UN guidelines. Asylum seekers coming from non- European countries and who granted the refugee status will be resettled to a third country by the UNHCR. (Kaya, 2009: 8-9). This provides Turkish government to conform to international asylum rules and regulation regarding the asylum policy and had been emphasized on the 2004 Turkey's Progress Report mentioning that the agreement with the UNHCR has been representing a step forward (European Commission, 2004: 145).

Close cooperation between Turkey and UNHCR went through the roof when the UNHCR started to determine the refugee status of asylum seekers on behalf of Turkey. Although the 1994 Asylum Regulation appointed MOI officials as body responsible for status determination; MOI officials continue to abide to UNHCR's decisions. The important thing here is that the asylum seekers should be also registered to Turkish authorities. The European Commission called UNHCR as "the

sole authority capable of carrying out and managing asylum procedures” (European Commission, 2010: 84).

Based on the social learning model, the target government decides to adopt new rules when it is persuaded of the appropriateness of these rules (Shimmelfening and Sedelmeier, 2005: 18). While adapting the social learning model to Turkish case regarding its asylum policy, by analyzing its long relationship with the UNHCR and the developments occurred with this relationship; it is possible to come up that a mutual confidence has been established for both sides. They realized that both the Turkish government and the UNHCR are benefiting from that cooperation. Hence, Turkish government started to conform and act along with the UNHCR and the UNHCR helped Turkey at some point to align with the ‘EU acquis’ as well; because Turkish government and officials are convinced of the appropriateness of UNHCR’s values and norms. Turkey is persuaded that the UNHCR would show the right path to follow in order to conform to international rules and regulations and provide the protection of asylum seekers and refugees. In doing so, some conditions should be provided by the persuader. Indeed, the target government may decide to comply with the new rules, if the government is convinced with the legitimacy of the persuader’s demands. In addition, if more soft tactics are used rather than overt pressure and if the persuader does not demand too much; then, the target government becomes more eager to find legitimate the persuader’s demands (Sedelmeier, 2006:13). In that respect, UNHCR is a great example. By providing assistance for training seminars and collaboration on determining the status of asylum seekers, without exerting pressure and without imposing the ‘conditionality’ principle; long interaction with the UNHCR contributed Turkey to pass through a process of socialization with the

international norms and rules of asylum and refugee law. Negotiations and voluntary agreements may provide the outcome of network cooperation as it is in this case.

As mentioned on the fourth chapter, another factor which contributes to the socialization process is related with ‘domestic resonance’. Domestic factors could facilitate the persuasion and could be entitled under the term ‘resonance’. According to Checkel, rule adoption is likely to occur if the target government is in an uncertain environment as a result of a crisis or a serious policy failure and this situation drove the country to look to new and external rules (Checkel, 2001: 562). In that respect, during the late 1990s, Turkey’s asylum policy was showing major protection gaps and with the 1994 Asylum Regulation, Turkey received many criticisms within the international arena. The cooperation of UNHCR helped Turkey in some way to start ameliorating its asylum and migration policy.

So far, the literature has mentioned about the invisible and indirect impact of the UNHCR on Turkish asylum policy and as well as for the preparation of the Law on Foreigners and International Protection. However, there are few official documents showing the visible impact of the UNHCR to prepare this new law on asylum. For instance, Turkey’s Progress report of 2010 mentioned that while the task force on asylum and migration was preparing a law on asylum and a law on the establishment of an asylum unit; a close consultation occurred with the UNHCR (European Commission, 2010: 83).

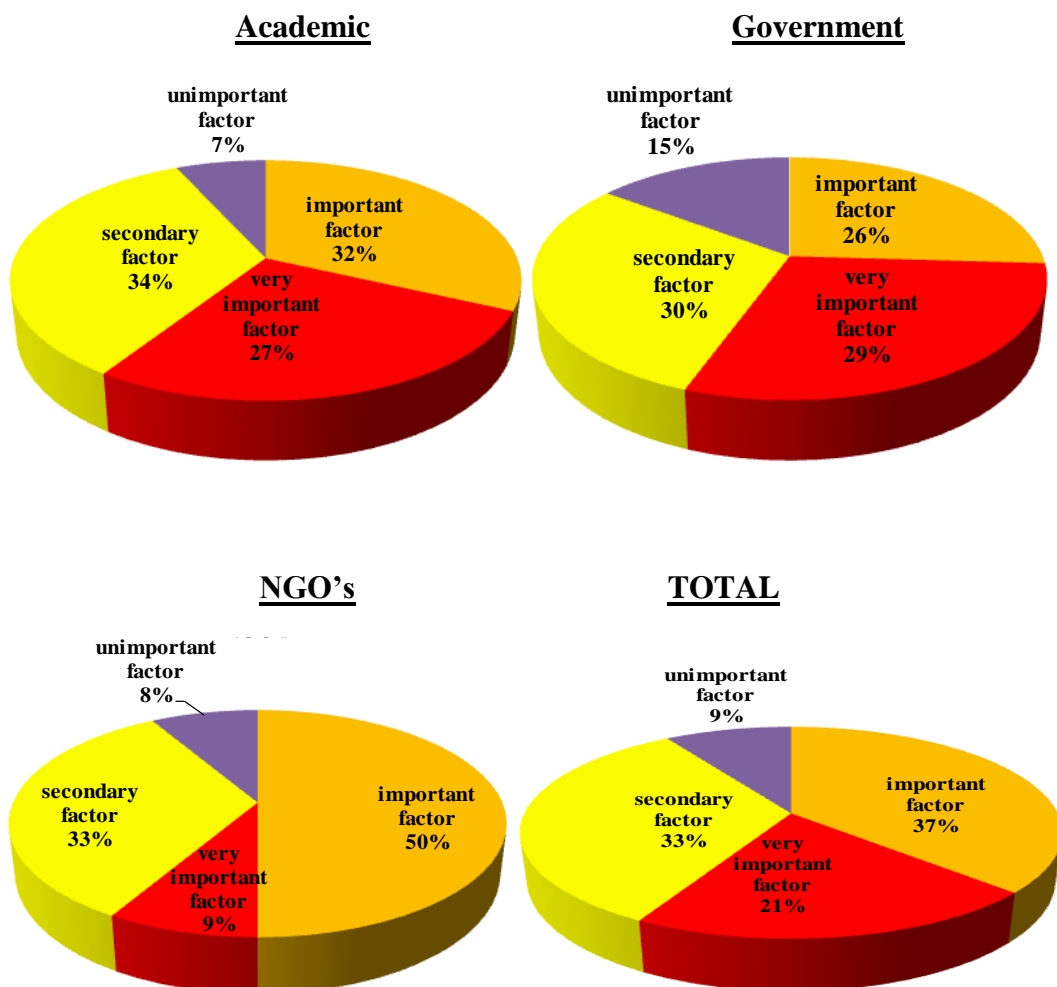
6.3.2 Public Statements

The article entitled as “UNHCR welcomes Turkey’s new law on asylum” has stated: “UNHCR was supportive during the drafting process which considered the law as an important advancement for international protection, and for

Turkey itself (UN News Centre, 2013). Also, one article published on the Journal Sabah, mentioned that the draft law has been prepared along with the demands of the EU and also the UNHCR (Sabah Gazetesi, 12.02.2012).

6.3.3 Results of Online Surveys

37 experts answered the following assertion: The paradigm shift from a primary national security perspective to one that increasingly emphasized human rights and international refugee law, triggered by the long interaction with the UNHCR, is an important explaining factor for the preparation of the Law on Foreigners and International Protection.



According to academician responses, 27% of academic respondents have found that the paradigm shift from a primary national security perspective to one that increasingly emphasized human rights and international refugee law, triggered by the long interaction with the UNHCR, is a very important explaining factor for the preparation of the Law on Foreigners and International Protection. 32% of the academic respondents have found it as an important factor. It is possible to come up that 59% of the academic respondents have found that this was an important factor for the preparation of the new law. However, 34% of the academic respondents have found it as a secondary factor and 7% of the academic respondents have found that this was an unimportant factor. None of the academic respondents have chosen 'no factor at all' alternative.

According to experts' responses working on government's ministries, 29% of the respondents have found that the impact of the UNHCR was a very important factor for the Turkish government to prepare the Law on Foreigners and International Protection. 26% of the respondents have found that this was an important factor. It is possible to come up that 55% of the respondents working on government's ministries have found that the impact of the UNHCR was an important factor for the preparation of the new law. However, 30% of respondents have found it a secondary factor and 15% of the respondents found it as unimportant factor. None of the respondents have chosen 'no factor at all' alternative.

According to experts' responses working on NGOs, 9% of the respondents have found that the impact of the UNHCR was a very important factor for the Turkish government to prepare the Law on Foreigners and International Protection. 50% of the respondents have found that this was an important factor. It is possible to come up that 59% the respondents working on NGOs have found that the long interaction

with the UNHCR was an important factor for the preparation of the new law. However, 33% of respondents have found that the role of the UNHCR was a secondary motive, 8% of the respondents found it as unimportant factor. None of the respondents have chosen 'no factor at all' alternatives.

Actually, it is possible to come up that respondents from academic, government and NGOs responded similarly.

In total, from 37 experts, 21% of the respondents have found the paradigm shift from a primary national security perspective to one that increasingly emphasized human rights and international refugee law, triggered by the long interaction with the UNHCR, is a very important explaining factor for the preparation of the Law on Foreigners and International Protection. 37% of the respondents have found that this was an important factor. It is possible to come up that 58% of the respondents have found it as an important factor. However, 33% of the respondents have found that the impact of the UNHCR was a secondary factor and 9% of the respondents have found that this was an unimportant factor. None of the respondents have chosen 'no factor at all' alternative.

6.3.4 Summary

The scanning literature, public statements and results of online survey suggest that the role of the UNHCR was important but not so important and visible compared to EU incentive.

7. Domestic Factors

7.1 Economic growth and capacity building

7.1.1 Recent developments regarding the flow of illegal migrants

Turkey's increasing economic growth and its geographical position are attraction factors for the increase in the level of migration flows. Previously, Turkey was a 'transit country'; but with its economic growth, it became a target country. The EU accession process had an important impact on Turkey's economic development. Indeed, Turkey's inflation has fallen to first digit since for many years. The institutional reforms enabled Central Bank to act autonomously. Turkey started to attract a large amount of foreign direct investment (Öniş, 2009:7).

According to the statistics, while the number of foreigners applied for international protection was 2.024 people in 1995, this number has reached to 8.190 in 2010. In total, there were 77.430 people who applied for international protection between 1995-2010 (Türkiye Büyük Millet Meclisi, 2012: 2). These developments have resulted Turkey to establish urgent reforms on asylum and migration area because former regulations have remained insufficient and ineffective.

7.1.2 Literature on economic development

Based on historical studies, certain conditions should be implemented for the existence of modern democracies in capitalist industrialization. Lerner and Lipset had pointed out to the importance of a 'complex of interrelated social and economic conditions as prerequisites for political democracy' (Arat; 1988: 22). Indeed, the modernization theory suggested that certain conditions has contributed to political change such as 'economic developments', 'the spread of

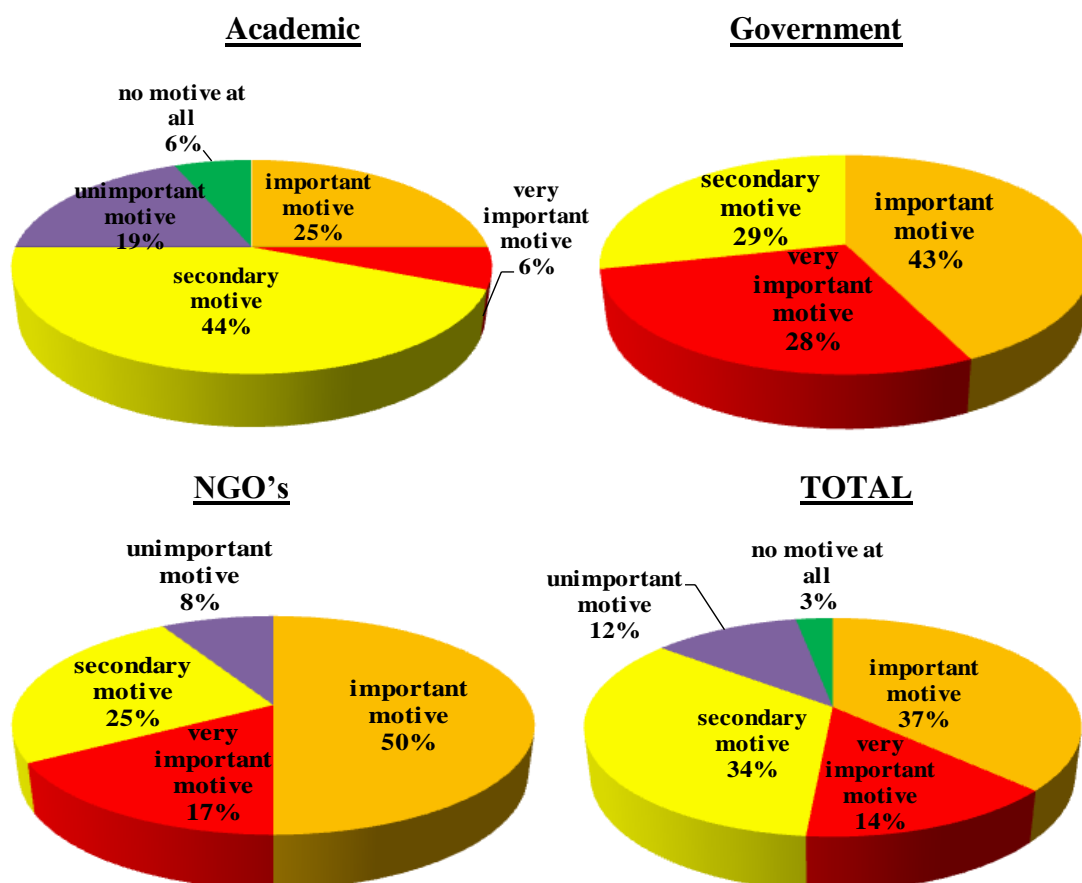
science and technology’, ‘the acceleration and spread of communications’ and ‘the establishment of educational systems’ (Pye, 1990: 7).

In this regard, economic development enabled Turkey to engage more responsibilities in the international burden sharing of refugees protection because Turkish government now has more power and material resources to ameliorate the deficiencies on its asylum policy. For instance, the establishment of the General Directorate for Migration reflects the modernization strategy of Turkey. As well as the establishment of reception centers is another example. These reforms could not be realized without sufficient material resources.

However, there is no literature review on economic development which directly link to Turkish asylum policy or press coverage to support this argument.

7.1.3 Results of Online Survey

37 experts answered the following assertion: Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the law reflects the modernization strategy of Turkey



According to academicians responses, 6% of academic respondents have found that Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the law reflects the modernization strategy of Turkey. 25% of the academic respondents have found it as an important factor. It is possible to come up that 31% of the academic respondents have found that this was an important factor for the

preparation of the new law. 44% of the academic respondents have found it as a secondary factor. This is the highest percentage compared to government and NGOs. 19% of the academic respondents have found it as an unimportant factor. %6 of the academic respondents have chosen 'no motive at all' alternative. It is the second time that respondents have chosen no factor at all option.

According to experts' responses working on government's ministries, 28% of the respondents have found that the impact of the economic development was a very important factor for the Turkish government to prepare the Law on Foreigners and International Protection. 43% of the respondents have found that this was an important factor. It is possible to come up that 71% of the respondents working on government's ministries have found that the role of the economic development was an important factor for the preparation of the new law. This percentage is very different from the responses of academicians. 29% of respondents have found it a secondary factor. None of the respondents have chosen 'unimportant and no factor at all' alternatives.

According to experts' responses working on NGOs, 50% of the respondents have found that the impact of the economic development was a very important factor for the Turkish government to prepare the Law on Foreigners and International Protection. 17% of the respondents have found that this was an important factor. It is possible to come up that 67% the respondents working on NGOs have found that the role of Turkey's economic development was an important factor for the preparation of the new law. 25% of respondents have found that the impact of the economic development was a secondary factor and 8% of the respondents found it as unimportant. None of the respondents have chosen 'no factor at all' alternatives. It is

very surprising that these respondents have found the role of the economic development more important than the role of the domestic NGOs.

In total, from 37 experts, 14% of the respondents have found that the influence of economic development is an important explaining factor for the preparation of the Law on Foreigners and International Protection. 37% of the respondents have found that this was an important factor. It is possible to come up that 51% of the respondents have found it as an important factor. However, 34% of the respondents have found that the impact of economic development was a secondary factor and 12% of the respondents have found it as an unimportant factor. 3% of the respondents have chosen 'no factor at all' alternative.

7.1.4 Summary

My analysis and online survey results suggest that the impact of economic development is the least important factors among the domestic factors.

7.2 Foreign Policy Paradigm Change

7.2.1 Literature on Foreign Policy Change in Turkey

Since the 1990s, Turkish foreign policy has been in transition from a firmly security focused foreign policy towards to reaching a multi-dimensional foreign policy. This provided Turkey to become an important regional actor (Öztürk, 2009:11).

The EU process has constituted the largest part of Turkey's Foreign Policy. Apart from this, Turkey has worked to develop a multi-dimensional foreign policy known also as 'zero problems' with all neighboring countries. Turkey's Foreign Policy has shifted towards the use of more soft power under the leadership of Foreign Minister Ahmet Davutoğlu. In this regard, Turkey has made its effort to ameliorate its

relations with its neighbors such as Greece, Syria, Russia and Black Sea Neighbors (Öniş, 2009: 8) in order to diversify energy supplies and expand its trade opportunities (Kirişçi, 2012b: 319) and as well as ‘to establish itself as a partner in business, a centre of cultural attraction, and as a hub for political mediation’(South East European Studies, 2010: 10) . Also, Turkey has undertaken important initiatives in terms of improving relations with the Arab Middle East and participating actively in the Islamic Conference Organization. These developments have created new rooms for engagement and set new rules for interaction. Related with this, new forms of interaction have emerged as a result of significant changes on social, economic and political structures in Turkey.

Turkey has been making considerable efforts for adapting to new regional setting which led ‘to an increased regional activism from the government’s part and a diversification of the foreign and security policy debates and priorities in Turkey’. The security-focused foreign policy is extended to include ‘an economic and political diplomatic dimension’ (Öztürk, 2009: 12). A stable Turkey, in economic and political terms, is very important in order to provide regional stability.

Furthermore, with the AKP government, Turkey’s global role became more emphasized. Öniş (2009: 12) has argued that Turkey’s historical legacies and its geo-political position provide Turkey to play a global role.

In this respect, Turkish government’s willingness on conducting more pro-active foreign policy will lead to engage to international problems and apply for the adoption of new rules compatible with the human rights, peace and stability.

Indeed, the law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international protection such as refugee protection. The general manifesto of the draft law on asylum mentions that

with the new law, a migration system compatible with human rights standards would be realized (Türkiye Büyük Millet Meclisi, 2012: 3).

7.2.2 Public Statements of Turkish actors

In an international conference entitled as ‘Turkey’s Foreign Policy in a Changing World’ Foreign Minister Ahmet Davutoğlu stated that: “his ‘strategic depth doctrine’ is based on four central principles: A secure neighbourhood based on a common understanding of security, pro-active, high-level political dialogue with all neighbours, fostering regional economic interdependence and finally, promoting “multi-cultural, multi-sectarian peace and harmony” (South East European Studies, 2010:12) Thereby, he pointed out to the importance of reforms regarding Turkey’s political system, engaging to global issues, supporting the UN reform and being more representative within the global governance. He also stated that: “his doctrine is visionary, based on human rights, historical continuity, peace and stability” (South East European Studies, 2010:13).

Furthermore, The Minister of Interior Muammer Güler stated that “Migration movements are not only placed as one of the top agenda of migrant receiving states but has also placed on geographies where globalization has taken place. The draft law has been prepared in order to provide Turkey’s needs, to provide its interests, to establish necessary policies and strategies (Akpatri, 20.03.2013). Even if not a Turkish politician, the statement of founding chairman of the European Stability Initiative Gerald Knaus’ statement indicated that foreign policy change is influencing other policy areas. He would support the importance of conducting pro-active foreign policy to prepare an asylum law.

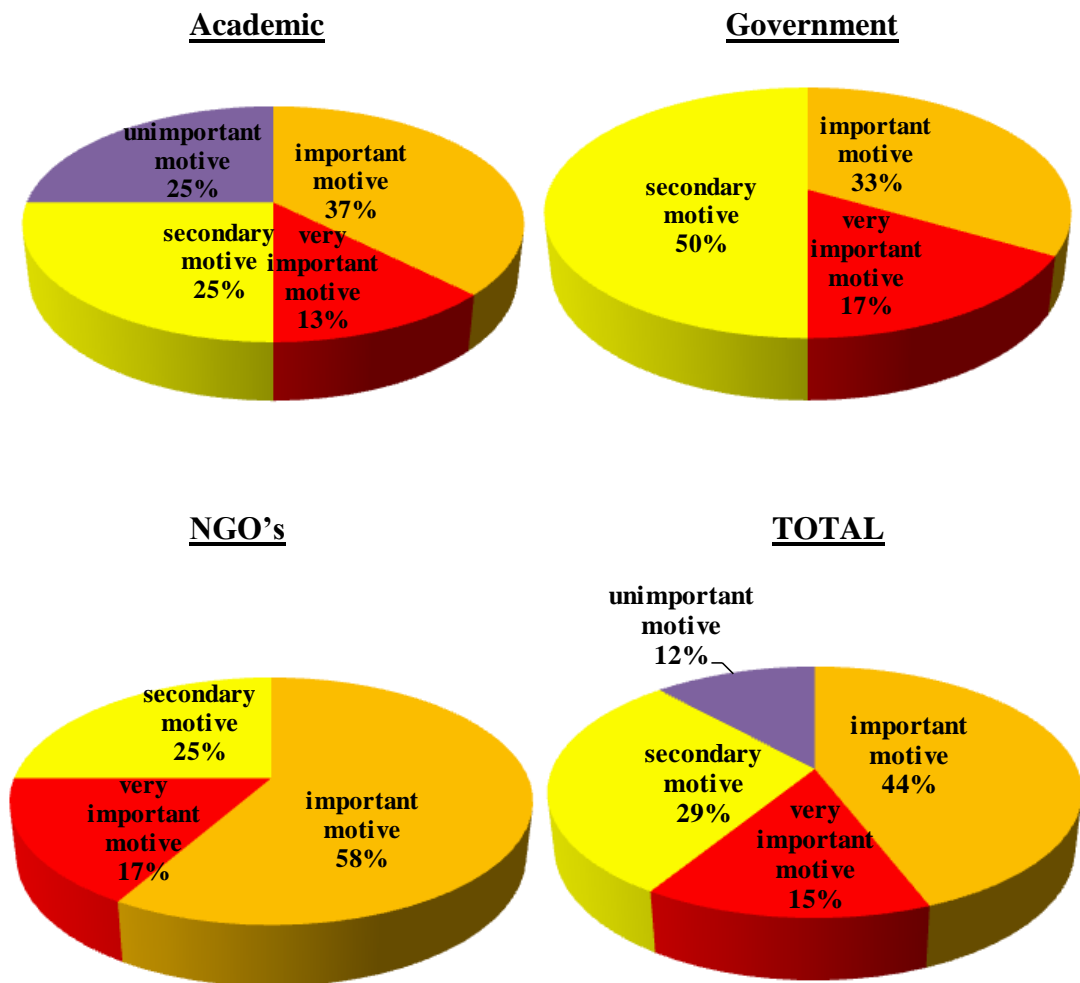
“Turkey is now in the G-20. It is the 16th largest economy in the world. It gives development aid to other countries. It hosts some 160,000 Syrian refugees. Yet at the same time asylum seekers in Turkey, both those from European countries and those

from elsewhere, are not treated well -- they hardly receive aid, at the same time are not allowed to work, etc. So, the new asylum law is very important for Turkey. It will fix the shortcomings and show that Turkey is aware of its humanitarian obligations”(Doğan, 2013).

Turkish government have found compulsory to implement an asylum law compatible with international norms and values in terms of becoming an important global actor. This study refers that Turkey’s willingness to conduct more pro-active foreign policy is an important factor for the preparation of the new law; but not the most important one.

7.2.3 Results of Online Survey

37 experts answered to the following assertion: The law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection



According to academician responses, 13% of academic respondents have found that the law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection. 37% of the academic respondents have found it as an important factor. It is possible to come up that 50% of the academic respondents have found that this

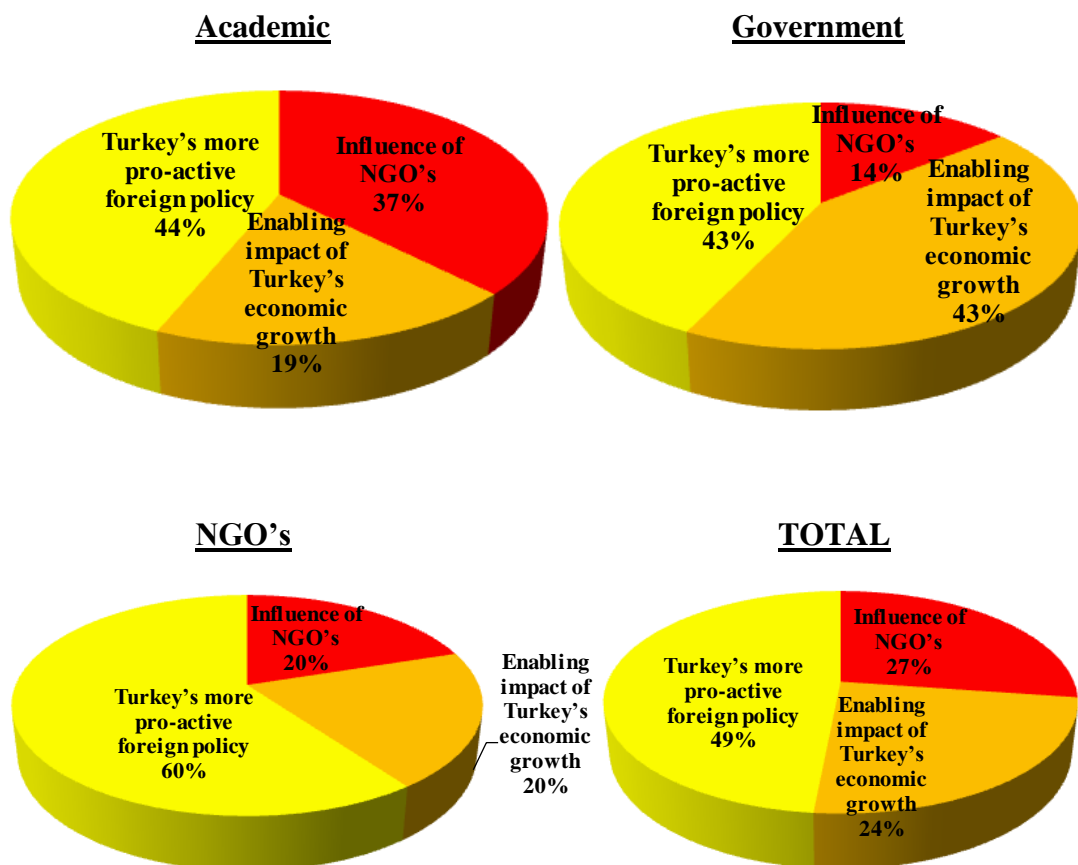
was an important factor for the preparation of the new law. 25% of the academic respondents have found it as a secondary factor. 25% of the academic respondents have found it as an unimportant factor. None of the academic respondents have chosen 'no motive at all' alternative.

According to experts' responses working on government's ministries, 17% of the respondents have found that the impact of conducting a more pro-active foreign policy was a very important factor for the Turkish government to prepare the Law on Foreigners and International Protection. 33% of the respondents have found that this was an important factor. It is possible to come up that 50% of the respondents working on government's ministries have found that the role of conducting a more pro-active foreign policy was an important factor for the preparation of the new law. 50% of respondents have found it a secondary factor. None of the respondents have chosen 'unimportant and no factor at all' alternatives.

According to experts' responses working on NGOs, 17% of the respondents have found that the impact of conducting more pro-active foreign policy was a very important factor for the Turkish government to prepare the Law on Foreigners and International Protection. 58% of the respondents have found that this was an important factor. It is possible to come up that 75% the respondents working on NGOs have found that the role of conducting a more pro-active foreign policy was an important factor for the preparation of the new law. 25% of respondents have found it as a secondary factor. None of the respondents have chosen 'unimportant and no factor at all' alternatives. It is very surprising that these respondents have found the role of conducting a more pro-active foreign policy more important than the role of the domestic NGOs.

In total, from 37 experts, 15% of the respondents have found that the influence of of conducting a more pro-active foreign policy is an important explaining factor for the preparation of the Law on Foreigners and International Protection. 44% of the respondents have found that this was an important factor. It is possible to come up that 59% of the respondents have found it as an important factor. However, 29% of the respondents have found that the impact of conducting a more pro-active foreign policy was a secondary factor and 12% of the respondents have found it as an unimportant factor.

I have also asked which of the mentioned domestic factors they found to be the most important one.



According to academicians responses, 37% of academic respondents have found that the influence of domestic NGOs as the most important domestic factor for the

preparation of the Law on Foreigners and International Protection. 19% of the academic respondents have found the enabling impact of Turkey's economic growth as the most important external factor. 44% of the academic respondents have found the impact of Turkey's more pro-active foreign policy as the most important external factor.

According to experts' responses working on government's ministries, 14% of respondents have found that the influence of domestic NGOs as the most important domestic factor for the preparation of the Law on Foreigners and International Protection. 43% of the respondents have found the enabling impact of Turkey's economic growth as the most important external factor. 43% of the respondents have found the impact of Turkey's more pro-active foreign policy as the most important external factor.

According to experts' responses working on NGOs, 27% of respondents have found that the influence of domestic NGOs as the most important domestic factor for the preparation of the Law on Foreigners and International Protection. 20% of the respondents have found the enabling impact of Turkey's economic growth as the most important external factor. 60% of the respondents have found the impact of Turkey's more pro-active foreign policy as the most important external factor.

In total, from 37 experts 20% of respondents have found that the influence of domestic NGOs as the most important domestic factor for the preparation of the Law on Foreigners and International Protection. 24% of the respondents have found the enabling impact of Turkey's economic growth as the most important external factor. 49% of the respondents have found the impact of Turkey's more pro-active foreign policy as the most important external factor.

It is surprising that academicians found the role of NGOs more important than the NGO's itself. These statistics reveal that Turkey's more pro-active foreign policy is the most important domestic factor for the respondents.

Also, I have asked to respondents if there were other domestic factors for preparing the Law on Foreigners and International Protection. 33% of all the experts have responded it. Here are the respondents' comments:

The general president of the Mülteci-Der's Lawyer Taner Kılıç has stated that: "I think that Turkey tries to develop such an initiative because it tries to establish a more powerful country image in its region and also in relation with its foreign policy. I think that the attitude Turkey conducted to the Kurdish asylum-seekers fleeing from Halepçe during the First Gulf War and now to the Syrian asylum-seekers fleeing from Syria show the obvious behavior difference. Because of this, I do not think that not all the Ministries have internalized the subject the way the Foreign Ministry gave importance to the subject. Unfortunately, I do not think that the influence of all the domestic actors is not so much important during the preparation of the Law on Foreigners and International Protection. None of the political parties have tried to establish a public opinion and have criticized the government because of this. Any warning came to judiciary in terms of stating the need for the preparation of a law where there is no proper legislation and setting order to implementations. (The Turkish judiciary has not done anything for decisions taken by the ECHR as part of Article 13 stating the judiciary as 'ineffective road'. If I was the judge of the Administrative Court, I would blush because of these decisions). Actors who should be important in this field are civil society, academy, local administrations, primarily bar associations,

professional associations and trade unions. However, they did not raise their voices. Religious organizations, churches, religious communities or Department of Religious Affairs kept their salience. Maybe, human rights organizations that I am also a part of them have tried to raise their voice. They have transcribed some violations, especially they brought suits, they have written press statements, letters and so on. However, these efforts have remained behind the level that should be”.

Human Rights Law Expert Selvet Çetin at Human Rights Research Association has stated: “The need for legal regulation in terms of Turkey’s asylum system could be considered as another domestic factor”.

Mülteci-Der Administrative Coordinator Pırıl Erçoban has stated: “Because there was any option as ‘none of them’ for question stating which one is considered as the most important factor to prepare the new law; she chose the impact of the economic development option. She thinks that the economic development has put Turkey as one of the target countries which could be considered as a ‘pull’ factor. In terms of domestic factors; I believe that the statements below should be taken into consideration: there was a need to put an end to confusion emanating from the absence of any legal regulation on asylum policy, loopholes and to the absence of implementation. There was a need to update and assemble the former legislation on foreigners and illegal migration which could not respond to current conditions. Also, the rise of asylum applications and illegal migration has put pressure to prepare an updated and well-organized legislation”.

One of the anonymous respondents from NGOs has stated: “It is possible to include academicians also. During the preparation process, it is known that the Bureau for Migration and Asylum consulted the views of academicians. Civil groups such as the Migrant Solidarity Network were also effective regarding their attitude on cases related directly with asylum seekers. Especially the case of Festus Okey is a great example”.

Amnesty International Asylum Rights Coordinator Volkan Görendağ has stated: “Reports prepared by civil society organizations, Administrative Court’s and State’s Council decisions” are considered as important domestic factors.

One of the anonymous respondents from academicians has stated: “legal vacuums that existed for a long time” could be considered as important domestic factors.

Amnesty International Member Lawyer Salih Efe has stated: “Winning so many cases at the courts against the government” could be considered as important domestic factors.

One of the anonymous respondents from governments has stated: “Turkey's own national needs namely the need to manage the increasing migration flow towards Turkey as it became more and more a destination country rather than a transit one” could be considered as another domestic factors.

External Affairs Officer Metin Çorabatır at the UNHCR has stated: “I believe that the process of reform started in 2000s and reached its zenith in 2005, with the issuance of the National Action plan. This was followed by 2006 regulations and circulars. But at the same time, Turkey's relations with EU

deteriorated and the reformist spirit in asylum disappeared. Asylum situation deteriorated. Meanwhile, in 2007-2008 the Ruling AK party realized that its survival against a Constitutional Court ruling depended on Western support. This coincided with ECtHR rulings. Government's decision to renew the ties with the democratic institutions of Europe, not necessarily with EU, played an important role”.

Professor Dr. Ali Çağlar from Hacettepe University has stated: “The recent and current situations related to the illegal migrations that Turkey faced” could be considered as domestic factors to prepare the Law on Foreigners and International Protection”.

7.2.4 Summary

The result of online survey is different compared to my analysis because my study refers to the influence of NGOs as the most important explaining factor.

7.3 NGO's Influence

7.3.1 The role of NGOs in Turkey

Non-governmental organizations started to face asylum problems in the mid-1990s due to a regime change in Iran and also with the start of Gulf War. As a result, thousands of hundred Iranians and Iraqis had to leave their countries and seek for asylum in Turkey. Thereby, this situation brought together major human rights problems and the asylum issue became a public matter in Turkey. Especially the rise of asylum-seekers coming from non-European countries, the exclusion of these asylum-seekers from international protection rights, and followed by human rights violations paid the attention of NGOs, specifically human rights advocates.

Mainly, at the present day, the main actors dealing with asylum issue in Turkey are: UNHCR, International Organization for Migration, Amnesty International (AI), Helsinki Citizens' Assembly (HCA), Association for Solidarity with Asylum Seekers and Migrants(ASAM), Mültecilerle Dayanışma Derneği (Mülteci-Der); Human Rights Association (HRS), Human Rights Research Association (HRRS), International Catholic Migration Commission (ICMC), İnsan Hakları ve Mazlumlar için Dayanışma Derneği (Mazlum-Der) and Foundation for Human Rights and Freedoms and Humanitarian Relief. Especially, human rights organizations are working mainly on the area of law and in collaboration with international organizations with the aim of preventing human rights violations and provide the fair execution of the international asylum law in Turkey.

Also, with the collaboration of five organizations in the area of asylum, Refugee Rights Coordination has been established with the aim of providing awareness among decision-makers and within the public and also making contribution to provide the implementation of human rights norms while there is an ongoing study on asylum legislation (multecihaklari.org). In 2010, The Migrant Solidarity Network as a struggle platform has been formed to provide the participation of migrants.

These organizations are mainly considered as the main actors who triggered the amendments on asylum and migration area; and their work became concentrated with human rights courts such as the ECHR. In this regard, human rights organizations such as Amnesty International, Helsinki Citizen's Assembly, Mülteci-Der worked for the prevention of deportations and also for the prevention of violations of the principle of non-refoulement. These organizations are informing asylum seekers regarding the application procedure, human rights violations and providing legal assistance and consultancy. They are carrying and following on a legal process rights

violations. Furthermore, these human rights organizations are publishing annual reports, press releases gathered by observing the conditions of asylum seekers on places called 'guesthouse'. For instance, Human Rights Research Association has published each year reports to analyze how the rights of asylum seekers and refugees are protected (see <http://www.ihad.org.tr/>). This creates awareness and visibility within the public about the difficulties and problems encountered by asylum seekers and refugees. These reports aim to trigger the re-questioning and re-examination of current asylum and migration legislations. Lobbying with government ministries paved the way to put into political agenda problems related with the asylum issue and has created awareness within political actors. Especially between 2009-2010, attention has been paid on matters related with asylum and illegal migration on Human Rights Commission's and as well as Turkish Parliament's agenda (Özgür and Özgür, 2010: 175-177). However, efforts that have been made by human rights organizations related with the ECHR, sometimes resulted to aggravate the relations with the government.

7.3.2 Literature on NGO's Impact

Lesson-drawing model explains in a way the reason for the adoption of EU rules on asylum policy. This model suggests that the transfer of EU rules occurs voluntarily rather than coercively. The major important condition for the transfer of EU rules to a non-member state is policy dissatisfaction. Correspondingly, civil society organizations are declaring at every possible occasion the major problems, human rights violations encountered by asylum-seekers and loopholes of the government policies on asylum area. They seek to create awareness among decision makers and at some point they succeeded it. The policy dissatisfaction of

these organizations helped the government to consider these problems and to realize the need to implement some revisions on its asylum policy.

Furthermore, the general manifesto of the draft law on asylum states that: “The Passport Law No. 5682 and the Law on 5683 of July 1950 on Residence and Travel of Aliens in Turkey regularizing the entrance of aliens, their exit from the country, their deportations and their rights and duties of aliens who fall outside the international protection has become insufficient regarding the current problems and developments. In addition, in the area of international protection on a legal basis there is no general regulation and implementation has been conducted, only in terms of institutional regulations” (Türkiye Büyük Millet Meclisi, 2012:2). This statement has emphasized the policy dissatisfaction of Turkish government regarding its asylum policy and has called for a need to prepare a new law.

Apart from this, domestic choice could result to EU induced rule adoption. Indeed, the rules that the Turkish government wants to adopt is subject to ‘EU conditionality’ and there is no need to search for alternative rules. Here, familiarity with the EU political system and geographical proximity are key factors which direct the government’s search at the EU.

Furthermore, the EU accession process resulted to the rising of credibility and empowerment of civil society organizations and is still continuing to empower them (Tocci, 2005; Diez, Agnantopoulos and Kaliber, 2005). The more freedoms they get without the repressive laws and bureaucratic procedures; the more civil society organizations had influence on policies and get more room for manoeuvre. Indeed, the Turkish current government has worked in collaboration with civil society organizations while establishing the reform agenda (Tocci, 2005:81).

As a result, civil society organizations have tried to establish awareness within the Turkish government in order to rectify its asylum policy. Sometimes, it had influential role by reporting human rights violations to ECHR and the Court has taken substantial amount of decisions against Turkey which drove the government to make important amendments on asylum. Sometimes, it had an influential role by consulting and working together with the Turkish government. In this respect, non-governmental organizations and the government worked together for organizing and running some of the trainings of officials. In terms of providing legal assistance for asylum seekers, bar associations in big cities and also in border towns developed support programs (Kirişçi, 2012a: 69).

So far, this study concludes that the role of civil society organizations is very important on Turkish asylum process and specifically for the preparation of the Law on Foreigners and International Protection. This argument is supported by press coverage.

7.3.3 Public Statements

As the new legal Turkey representative of the EU, Jean-Maurice Rupert has pointed out, reforms are not only conducted by the Turkish government only for the accession process explained by external factors; but also it is for the benefit of Turkey (Kohen, 2012). Even, if not a Turkish politician, the statement of Jean-Maurice Rupert indicates that domestic factors are important factors to consider for the implementation of reforms.

The general president of the Mülteci-Der's Lawyer Taner Kılıç has stated in his article: "The asylum area has become an area made of odds and ends. Though, in recent times, the Turkish citizens are not aware of the dimension of the problem, the

asylum issue is going toward a deep crisis. Apart from the Syrian refugees, in 2011, 17.000 new applications have been made from other countries. This number is the highest score registered from all times and with this new application, Turkey has now reached the number of 26.000 refugees applications. Aside this number, around 23.000 refugees from Syria has been installed in refugee camps at different places. Aside these people who have engaged an official procedure in Turkey, a very large number of populations have continued to move. Only, in the town of Edirne, around 23.000 people have been caught when trying to pass in Greece. For the people who have passed in Greece without being caught according to the last number given by the EU, all the illegal entrance to all the European countries is around 93%. Apart this, we know that in Turkey, around 250.000 registered aliens are working and it is estimated that around 100.000 people are working without a permit. Though, we cannot stay indifferent to the evidence that there is a very important mass of people (Kılıç, 2012).

This statement reveals that the asylum issue became an important problem that needs to be resolved and the Turkish government could not stay indifferent also. In that manner, the 2012 progress report has announced that Turkish government has welcomed Syrian nationals fleeing from the violence in Syria with a high level of competence and capacity. The government has granted “guest status” and “open border policy” and provided humanitarian aid to Syrian nationals. Most of them are living on refugee camps and container sites which are built on four southern cities.

The general president of the Mülteci-Der’s Lawyer Taner Kılıç has pointed out in his article that while preparing the law on asylum, ‘the Asylum and Migration Unit’ has conducted an intensive deliberative program with experts in the asylum area including academicians, civil society organizations and government ministries. Also,

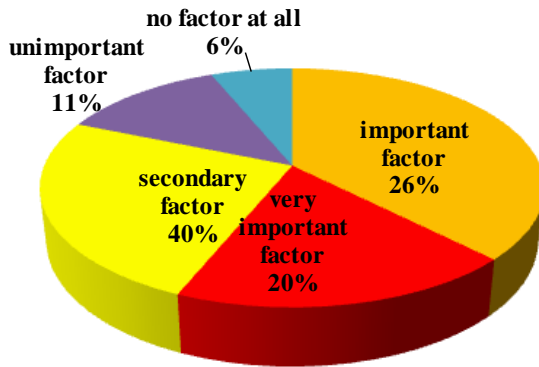
he stated that Refugee Rights Coordination has delivered its opinions to deputies of Commission's members and gave propositions to ameliorate the new law (Kılıç, 2013).

Furthermore, the general assessment of the Mazlum-Der's Lawyer Halim Yılmaz about new Law on Foreigners and International Protection will highlight the effective role of civil society organizations in Turkey. He stated that: "In the work of preparation stage of the new law, bureaucracy is to make collaboration with NGOs in the matter of subject and to take support; furthermore it is important that at the parliament all the parties compromised and accepted. As Mazlum-Der, we have brought contribution to the first preparation works of the law. We have proposed verbally and in written form our concerns and propositions concerning some article in the draft law. After that, the draft law had been sent to the Parliament on 23.05.2012. We have prepared a written report with our views on the draft law entitled as "Propositions About the Amendments for the Foreigners and International Protection Law". We have presented it in a meeting of the Parliament Human Right Commission. In this report, taking care of the text of the draft law and current practice, we have proposed to change some articles. In this report, a part of we had expressed some amendments have been made (In the fourth article, to cancel the derogation put on the non-refoulement principle and in the 94th article, to enlarge the enclosure of the file access) but still in some articles statement that could create problems have been legitimized (Yılmaz, 2013).

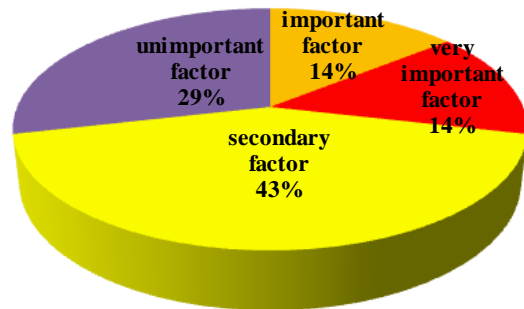
7.3.4 Results of Online Survey

37 experts answered the following assertion: The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

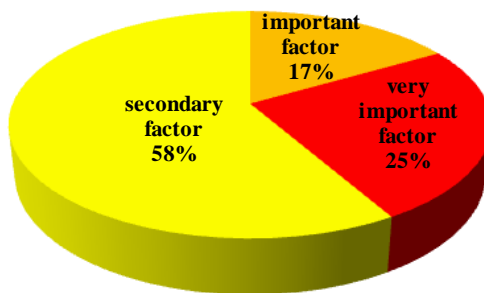
Academic



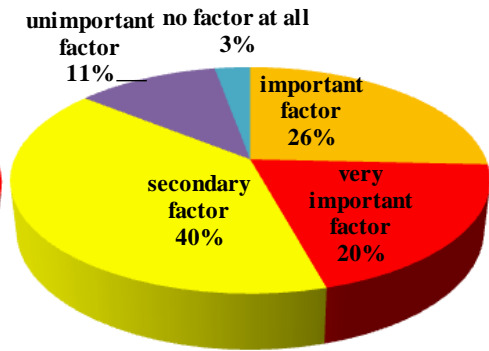
Government



NGO's



TOTAL



According to academicians responses, 20% of academic respondents have found that the influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection. 26% of the academic respondents have found it as an important factor. It is possible to come up that 46% of the academic respondents have found that this was an important factor for the preparation of the new law. 40% of the academic respondents have found it as a secondary factor and 11% of the academic respondents have found it as an unimportant factor. %6 of the academic respondents have chosen 'no motive at all' alternative. It is the first time that respondents have chosen no factor at all option.

According to experts' responses working on government's ministries, 14% of the respondents have found that the impact of the NGOs was a very important factor for the Turkish government to prepare the Law on Foreigners and International Protection. 14% of the respondents have found that this was an important factor. It is possible to come up that 28% of the respondents working on government's ministries have found that the role of the NGOs was an important factor for the preparation of the new law. It is the lowest percentage compared to other factors. 43% of respondents have found it a secondary factor and 29% of respondents have found it as unimportant factor. None of the respondents have chosen 'no factor at all' alternative.

According to experts' responses working on NGOs, 17% of the respondents have found that the impact of the NGOs was a very important factor for the Turkish government to prepare the Law on Foreigners and International Protection. 25% of the respondents have found that this was an important factor. It is possible to come up that 42% the respondents working on NGOs have found that the role of the NGOs was an important factor for the preparation of the new law. 58% of respondents have found that the impact of the NGOs was a secondary factor. None of the respondents have chosen 'unimportant and no factor at all' alternatives. It is very surprising that most of them found it as secondary motive compared to academics and government.

In total, from 37 experts, 20% of the respondents have found that the influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection. 26% of the respondents have found that this was an important factor. It is possible to come up that 46% of the respondents have found it as an important factor. However, 40% of the respondents have found that the impact of the domestic NGOs was a secondary factor and 11% of the respondents

have found it as an unimportant factor. 3% of the respondents have chosen ‘no factor at all’ alternative.

7.3.5 Summary

The scanning literature and public statements indicate that the influence of the NGOs as the most important domestic factors. The reason is the important and visible role played by the NGOs on the preparation of this law by publishing reports and by bringing cases to the ECHR. If the NGOs had not carried out on a legal process rights violations, it would not possible to mention about the impact of the ECHR on Turkey’s reform process. However, results of online survey point out to pro-active foreign policy as the most important domestic factors.

7.4 Additional Statements of the respondents

Also, I have asked to respondents if there are further comments on this new law. 28% of all the experts have responded it. Here are the respondents’ comments:

One of the anonymous respondents from academics has stated: “This new law did not change dramatically the legal situation before the new law”.

Amnesty International Member Lawyer Salih Efe has stated: “This law is mostly in line with the EU regulation as well as the decision of the ECtHR. However, it still needs some improvement on some parts. Despite some deficiency it is a great achievement on the part of government. The interior ministry was incredibly cooperative with the NGOs. That is good point for the ministry”.

External Affairs Officer Metin Çorabatır at the UNHCR has stated: “I am questioning the reformist character of the Law. In 2013, the first ever asylum law of

a country like Turkey should be in full compliance with international norms which requires lifting of geographical limitation”.

One of the anonymous respondents from academics has stated: “The external factors make Turkey to consider the issue and to take action in these issues”.

One of the anonymous respondents from NGOs has stated: “To prepare a legislation that will regulate the migration and asylum field is a very positive step and the inclusive and consultative process that has been deployed is exemplary. The secondary legislation will bring more clarity to NGOs working in the field”.

One of the anonymous respondents from academics has stated: “I believe in the important role of the bureaucrats working at the new office under the Ministry of Interior. They personally put much effort to draft this legislation. Without their open-minded liberal thinking, this new legislation wouldn't be drafted with the contribution of human rights NGOs”.

Human Rights Law Expert Selvet Çetin at Human Rights Research Association has stated: “In terms of the implementation of this new law and for the execution of control mechanism, I think that public and civil society dialogue should continue to process”.

Mülteci-Der Administrative Coordinator Pırıl Erçoban has stated: “In general, this legislation will bring further the current situation. It is a positive development in terms of living asylum and migration field to a civil and specialist unit, realizing the union of implementation through the new law, clarifying the basis and procedures, expanding the protection area and its implementation. However, preserving the geographical limitation shows that Turkey is insisting on his attitude of ‘limited protection ’attitude. This leaves Turkey behind the international standards in terms of

protection. Procedure guarantees on deportations, administrative surveillance are not enough, the negative situation is continuing on the matter related with working permit of 'conditional refugees'. Articles such as accelerated procedures, the first country of asylum, safe third country drove people to think. This law is prepared by taking the EU acquis as the base; however the EU acquis in this field has also been criticized. There are deficiencies, annoyances; it does not completely satisfy human rights standards. However, it is a regulation which will bring Turkey further”.

One of the anonymous respondents from NGOs has stated: “This new law should not be regarded as a complete positive development and also should not be denied completely because there was any legislation in this field until now. Still now geographical limitation is still a bargain issue with the EU. I am curious how the implementation of this law will be on local basis”.

Amnesty International Asylum Rights Coordinator Volkan Görendağ has stated: “It is not possible that Turkey reaches permanent protection status until the removal of its geographical limitation”.

One of the respondents from has stated: “Effects of countries receiveing refugees from Turkey coming from third countries could be considered as .

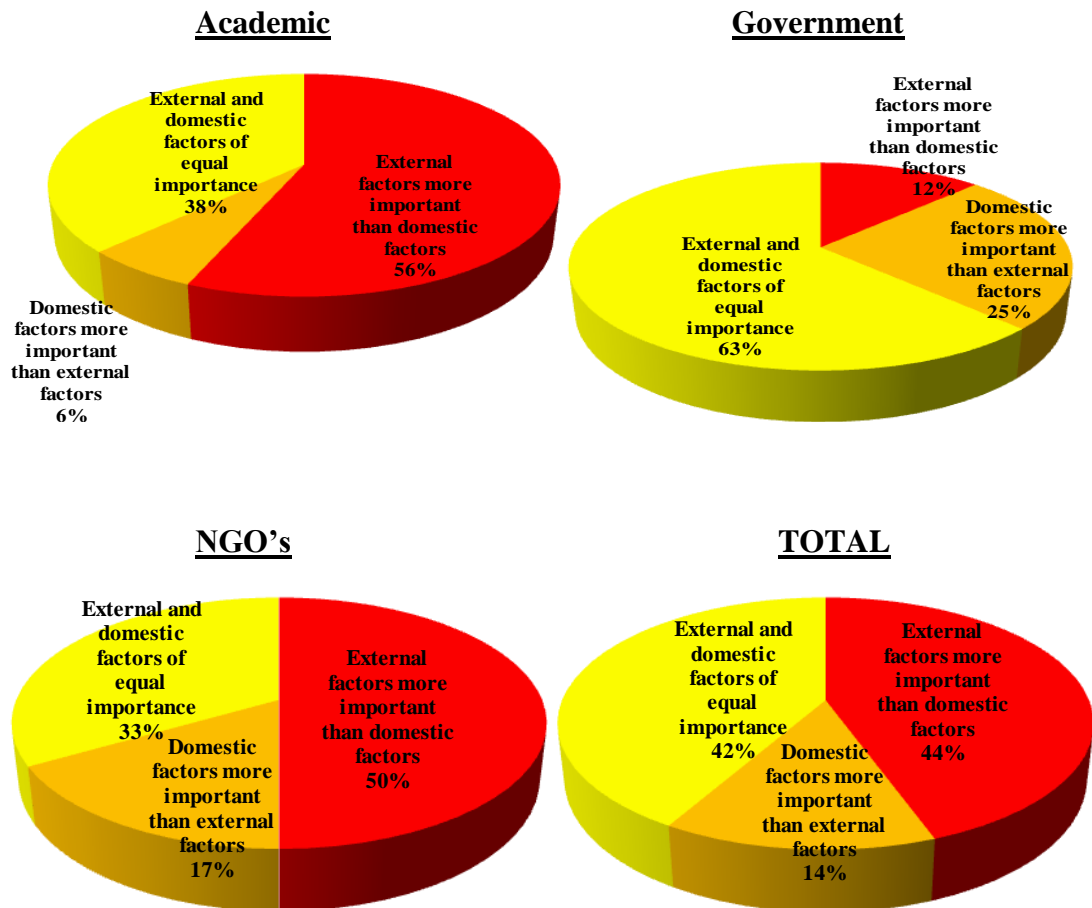
8. Conclusion

Although the EU conditionality started to function not properly; still the timing and nature of these reforms indicate that the most important role is played by the fulfillments of EU demands related to Chapter 24 of the accession talks to prepare the new law on asylum. However, the other factors mentioned are also important as external factors; because all affected the whole process. The analysis has put that the impact of the ECHR comes after the EU conditionality. Then visa liberalization and the role of the UNHCR follow it. This study refers that the role of the twinning projects is considered as secondary motive.

For the domestic factors, NGOs is the most important factor. An active civil society with an interest on Turkish asylum policy urged the government to make substantial reforms. Then, the pro-active foreign policy follows it. The willingness to conduct a more pro-active foreign policy necessitated to need to implement reforms on asylum area compatible with international standards. The economic development is the least important factors among these domestic factors to prepare this new law.

My analysis has concluded that external and domestic factors are of equal importance because the external factors have remained insufficient to explain some of the reforms specified on the Law. Also, it is important to conclude that all of these factors have influenced the preparation of this new law; some of them more, some of them less.

37 experts answered to the following question: which factors they found more important for the drafting of the Law on Foreigners and International Protection.



According to academicians responses, 56% of academic respondents have found that external factors are more important than the domestic factors for the preparation of the Law on Foreigners and International Protection. 6% of the academic respondents have found that domestic factors are more important than external factors. 38% of the academic respondents have found that external and domestic factors are of equal importance.

According to experts' responses working on government's ministries, 12% of respondents have found that external factors are more important than the domestic factors for the preparation of the Law on Foreigners and International Protection. 25% of the respondents have found that domestic factors are more important than external factors. 63% of the respondents have found that external and domestic factors are of equal importance.

According to experts' responses working on NGOs, 50% of respondents have found that external factors are more important than the domestic factors for the preparation of the Law on Foreigners and International Protection. 17% of the respondents have found that domestic factors are more important than external factors. It is very surprising that only very few respondents from NGOs chose this option. 33% of the respondents have found that external and domestic factors are of equal importance.

In total, from 36 experts 44% of respondents have found that external factors are more important than the domestic factors for the preparation of the Law on Foreigners and International Protection. 14% of the academic respondents have found that domestic factors are more important than external factors. 42% of the academic respondents have found that external and domestic factors are of equal importance. Actually, these results support my study as I also find that both factors are of equal importance.

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Annex

1. Name (Voluntary):

AHMET İÇDUYGU

2. Affiliation:

Academic

3. E-mail (Voluntary):

(no answer)

4. May I use your name in my publications?

Yes

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Very important motive

6. A functioning asylum system was one the EU's preconditions for lifting the visa duty for the Balkan countries. Thus, reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Important motive

7. The paradigm shift from a primary national security perspective to one that increasingly emphasized human rights and international refugee law, triggered by the long interaction with the UNHCR, is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

8. The rulings of the European Court of Human Rights against Turkey are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

9. Socialization and learning processes in Twinning projects between EU countries and Turkey in the field of asylum policy are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Very important factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

Fulfillment of EU demands in Turkey's EU accession process

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

13. Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the draft law reflects the modernization strategy of Turkey.

Important motive

14. The draft law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection.

Important motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Turkey's more pro-active foreign policy

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External and domestic factors of equal importance

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

(no answer)

1. Name (Voluntary):

Ayselin Yıldız

2. Affiliation:

Academic

3. E-mail (Voluntary):

4. May I use your name in my publications?

Yes

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Secondary motive

6. A functioning asylum system was one the EU's preconditions for lifting the visa duty for the Balkan countries. Thus, reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Secondary motive

7. The paradigm shift from a primary national security perspective to one that increasingly emphasized human rights and international refugee law, triggered by the long interaction with the UNHCR, is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

8. The rulings of the European Court of Human Rights against Turkey are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

9. Socialization and learning processes in Twinning projects between EU countries and Turkey in the field of asylum policy are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Very important factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

The influence of Twinning Projects with EU countries

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

The political and economic developments and crises in the region both including the political shifts and economic improvement in Turkey and the changes in the neighboring region which triggers the migration movements towards Turkey

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

13. Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the draft law reflects the modernization strategy of Turkey.

Important motive

14. The draft law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection.

Important motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Turkey's more pro-active foreign policy

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External and domestic factors of equal importance

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

(no answer)

1. Name (Voluntary):

2. Affiliation:

Academic

3. E-mail (Voluntary):

(no answer)

4. May I use your name in my publications?

No

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Very important motive

6. A functioning asylum system was one of the EU's preconditions for lifting the visa duty for the Balkan countries. Thus, reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Important motive

7. The paradigm shift from a primary national security perspective to one that increasingly emphasized human rights and international refugee law, triggered by the long interaction with the UNHCR, is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

8. The rulings of the European Court of Human Rights against Turkey are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

9. Socialization and learning processes in Twinning projects between EU countries and Turkey in the field of asylum policy are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

Fulfillment of EU demands in Turkey's EU accession process

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

Effects of countries receivein refugees from Turkey coming from third countries.

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

13. Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the draft law reflects the modernization strategy of Turkey.

Secondary motive

14. The draft law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection.

Important motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Turkey's more pro-active foreign policy

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

legal vacumes that existed for a long time.

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External factors more important than domestic factors

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

It does not change dranatically the the legal situation before the new Law.

1. Name (Voluntary):

Salih Efe

2. Affiliation:

Non-governmental organizations

3. E-mail (Voluntary):

4. May I use your name in my publications?

Yes

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Very important motive

6. A functioning asylum system was one the EU's preconditions for lifting the visa duty for the Balkan countries. Thus, reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Secondary motive

7. The paradigm shift from a primary national security perspective to one that increasingly emphasized human rights and international refugee law, triggered by the long interaction with the UNHCR, is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

8. The rulings of the European Court of Human Rights against Turkey are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Very important factor

9. Socialization and learning processes in Twinning projects between EU countries and Turkey in the field of asylum policy are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Very important factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

The influence of the ECtHR

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

Fulfillment of EU demands in Turkey's EU accession process as well as not willing to pay more for the compensation awarded by the ECtHR.

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

13. Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the draft law reflects the modernization strategy of Turkey.

Important motive

14. The draft law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection.

Important motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Turkey's more pro-active foreign policy

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

Winning so many cases at the courts against the government.

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External factors more important than domestic factors

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

It is mostly in line with the EU regulation as well as the decision of the ECtHR. However, it still needs some improvement on some parts. Despite some deficiency it is a great achievement on the part of government. The interior ministry was incredibly cooperative with the NGOs. That is good point for the ministry.

1. Name (Voluntary):

M.MURAT ERDOĞAN

2. Affiliation:

Academic

3. E-mail (Voluntary):

4. May I use your name in my publications?

Yes

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Very important motive

6. A functioning asylum system was one the EU's preconditions for lifting the visa duty for the Balkan countries. Thus, reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Very important motive

7. The paradigm shift from a primary national security perspective to one that increasingly emphasized human rights and international refugee law, triggered by the long interaction with the UNHCR, is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

8. The rulings of the European Court of Human Rights against Turkey are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Very important factor

9. Socialization and learning processes in Twinning projects between EU countries and Turkey in the field of asylum policy are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

The prospect of visa liberalization for Turkish citizens

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

yes:Fulfillment of EU demands in Turkey's EU accession process

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

13. Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the draft law reflects the modernization strategy of Turkey.

Very important motive

14. The draft law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection.

Important motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Turkey's more pro-active foreign policy

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External and domestic factors of equal importance

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

(no answer)

1. Name (Voluntary):

(no answer)

2. Affiliation:

International Organization

3. E-mail (Voluntary):

(no answer)

4. May I use your name in my publications?

No

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Important motive

6. A functioning asylum system was one the EU's preconditions for lifting the visa duty for the Balkan countries. Thus, reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Important motive

7. The paradigm shift from a primary national security perspective to one that increasingly emphasized human rights and international refugee law, triggered by the long interaction with the UNHCR, is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

8. The rulings of the European Court of Human Rights against Turkey are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Very important factor

9. Socialization and learning processes in Twinning projects between EU countries and Turkey in the field of asylum policy are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

Fulfillment of EU demands in Turkey's EU accession process

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

13. Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the draft law reflects the modernization strategy of Turkey.

Very important motive

14. The draft law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection.

Very important motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Turkey's more pro-active foreign policy

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External and domestic factors of equal importance

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

(no answer)

1. Name (Voluntary):

(no answer)

2. Affiliation:

Government

3. E-mail (Voluntary):

(no answer)

4. May I use your name in my publications?

No

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Important motive

6. A functioning asylum system was one the EU's preconditions for lifting the visa duty for the Balkan countries. Thus, reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Important motive

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Important factor

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Secondary factor

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Fulfillment of EU demands in Turkey's EU accession process

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Secondary factor

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Very important motive

14. The draft law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection.

Secondary motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Enabling impact of Turkey's economic growth

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External and domestic factors of equal importance

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

(no answer)

1. Name (Voluntary):

Bilgi Can Köksal

2. Affiliation:

Government

3. E-mail (Voluntary):

4. May I use your name in my publications?

Yes

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Important motive

6. A functioning asylum system was one the EU's preconditions for lifting the visa duty for the Balkan countries. Thus, reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Unimportant motive

7. The paradigm shift from a primary national security perspective to one that increasingly emphasized human rights and international refugee law, triggered by the long interaction with the UNHCR, is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Unimportant factor

8. The rulings of the European Court of Human Rights against Turkey are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

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Unimportant factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

Fulfillment of EU demands in Turkey's EU accession process

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

EU Accession together with the influence of the ECtHR are the primary external motives. Role of twinning projects are negligible (at least the recent ones), since they targeted mainly TNP while the Asylum and Migration Bureau worked on the draft. UNHCR always cooperated with TNP and they run a parallel procedure in determination of asylum applications but UNHCR had more of a supportive role (together with IOM and ICMPD) in development of the draft. It has to be underlined that the main motive was internal rather than external. Turkey's need to regulate, not just asylum but migration, protection mechanism for human trafficking victims and obvious shortcomings of the eclectic system where there were many responsible institutions, many laws and by-laws, paved the way for the new law.

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Unimportant factor

13. Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the draft law reflects the modernization strategy of Turkey.

Secondary motive

14. The draft law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection.

Secondary motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Enabling impact of Turkey's economic growth

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

Your focus is on the "international protection" part of the law. Please consider there are foreigners and institution (establishment of the new DG) parts to it. Motives for the law are somehow different for each part of the law, hence your questions and possible answers are limiting.

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

Domestic factors more important than external factors

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

(no answer)

1. Name (Voluntary):

(no answer)

2. Affiliation:

Government

3. E-mail (Voluntary):

(no answer)

4. May I use your name in my publications?

No

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Very important motive

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Important factor

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Fulfillment of EU demands in Turkey's EU accession process

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

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12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

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Important motive

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Secondary motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Enabling impact of Turkey's economic growth

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

Turkey's own national needs namely the need to manage the increasing migration flow towards Turkey as it becomes more and more a destination country rather than a transit one

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

Domestic factors more important than external factors

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

(no answer)

1. Name (Voluntary):

Ayhan Kaya

2. Affiliation:

Academic

3. E-mail (Voluntary):

(no answer)

4. May I use your name in my publications?

Yes

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Very important motive

6. A functioning asylum system was one the EU's preconditions for lifting the visa duty for the Balkan countries. Thus, reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Very important motive

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Very important factor

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Fulfillment of EU demands in Turkey's EU accession process

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

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Important motive

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Important motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Enabling impact of Turkey's economic growth

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External and domestic factors of equal importance

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

(no answer)

1. Name (Voluntary):

Metin Corabatir

2. Affiliation:

International Organization

3. E-mail (Voluntary):

4. May I use your name in my publications?

No

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Important motive

6. A functioning asylum system was one the EU's preconditions for lifting the visa duty for the Balkan countries. Thus, reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Secondary motive

7. The paradigm shift from a primary national security perspective to one that increasingly emphasized human rights and international refugee law, triggered by the long interaction with the UNHCR, is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

8. The rulings of the European Court of Human Rights against Turkey are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Very important factor

9. Socialization and learning processes in Twinning projects between EU countries and Turkey in the field of asylum policy are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

The influence of the UNHCR

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

It is indeed difficult to prioritize among the external factors. A complex combination of all of them them can be added as an independent factor.

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

13. Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the draft law reflects the modernization strategy of Turkey.

Unimportant motive

14. The draft law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection.

Important motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Turkey's more pro-active foreign policy

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

I believe that the process of reform started in 2000s and reached its zenith in 2005, with the issuance of the National Action plan. This was followed by 2006 regulations and circulars. But at the same time, Turkey's relations with EU deteriorated and the reformist spirit in asylum disappeared. Asylum situation deteriorated. Meanwhile, in 2007-2008 the Ruling AK party realized that its survival against a Constitutional Court ruling depended on Western support. This coincided with ECtHR rulings. Government's decision to renew the ties with the democratic institutions of Europe, not necessarily with EU, played an important role.

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External factors more important than domestic factors

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

3- I am questioning the reformist character of the Law. In 2013, the first ever asylum law of a country like Turkey should be in full compliance with international norms which requires lifting of geographical limitation

1. Name (Voluntary):

(no answer)

2. Affiliation:

Academic

3. E-mail (Voluntary):

(no answer)

4. May I use your name in my publications?

Yes

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Important motive

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Secondary motive

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Important factor

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Secondary factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

Fulfillment of EU demands in Turkey's EU accession process

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

Increasing numbers of asylum-seekers in general and of irregular migrants in Turkey in specific.

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

13. Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the draft law reflects the modernization strategy of Turkey.

Unimportant motive

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Important motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Influence of NGO's

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External factors more important than domestic factors

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

(no answer)

1. Name (Voluntary):

(no answer)

2. Affiliation:

Government

3. E-mail (Voluntary):

(no answer)

4. May I use your name in my publications?

No

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Important motive

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Secondary factor

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Unimportant factor

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Fulfillment of EU demands in Turkey's EU accession process

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

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Important motive

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Turkey's more pro-active foreign policy

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External and domestic factors of equal importance

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

(no answer)

1. Name (Voluntary):

(no answer)

2. Affiliation:

Academic

3. E-mail (Voluntary):

(no answer)

4. May I use your name in my publications?

No

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Very important motive

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Secondary factor

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Secondary factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

The prospect of visa liberalization for Turkish citizens

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

13. Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the draft law reflects the modernization strategy of Turkey.

Unimportant motive

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Unimportant motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Enabling impact of Turkey's economic growth

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External factors more important than domestic factors

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

(no answer)

1. Name (Voluntary):

Ali CAGLAR

2. Affiliation:

Academic

3. E-mail (Voluntary):

4. May I use your name in my publications?

Yes

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Important motive

6. A functioning asylum system was one the EU's preconditions for lifting the visa duty for the Balkan countries. Thus, reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

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Important factor

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Important factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

Fulfillment of EU demands in Turkey's EU accession process

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Unimportant factor

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Unimportant motive

14. The draft law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection.

Secondary motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Turkey's more pro-active foreign policy

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

The recent and current situations related to the illegal migrations that Turkey faced.

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External factors more important than domestic factors

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

(no answer)

1. Name (Voluntary):

(no answer)

2. Affiliation:

Academic

3. E-mail (Voluntary):

4. May I use your name in my publications?

No

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Important motive

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Very important factor

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9. Socialization and learning processes in Twinning projects between EU countries and Turkey in the field of asylum policy are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Very important factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

Fulfillment of EU demands in Turkey's EU accession process

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

EU is impoerant but it have to be taken account with other external factors together. It is not only EU or not only UNHCR or ECHR. All of them affected the whole process!

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

13. Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the draft law reflects the modernization strategy of Turkey.

Secondary motive

14. The draft law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection.

Very important motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Influence of NGO's

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

I have to mention again. These are inter-related factors. Both NGOs and other factors influenced the process

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External factors more important than domestic factors

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

The external factors make Turkey to consider the issue and to take action in this issues. Without the Progress Reports and National Programs and

1. Name (Voluntary):

2. Affiliation:

Non-governmental organizations

3. E-mail (Voluntary):

(no answer)

4. May I use your name in my publications?

No

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Important motive

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Secondary factor

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Secondary factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

Fulfillment of EU demands in Turkey's EU accession process

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

None apart from those mentioned above

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Very important factor

13. Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the draft law reflects the modernization strategy of Turkey.

Very important motive

14. The draft law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection.

Very important motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Enabling impact of Turkey's economic growth

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

None, apart from those mentioned above.

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

Domestic factors more important than external factors

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

To prepare a legislation that will regulate the migration and asylum field is a very positive step and the inclusive and consultative process that has been deployed is exemplary. The secondary legislation will bring more clarity to NGOs working in the field.

1. Name (Voluntary):

Cengiz Aktar

2. Affiliation:

Academic

3. E-mail (Voluntary):

(no answer)

4. May I use your name in my publications?

Yes

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Unimportant motive

6. A functioning asylum system was one the EU's preconditions for lifting the visa duty for the Balkan countries. Thus, reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Unimportant motive

7. The paradigm shift from a primary national security perspective to one that increasingly emphasized human rights and international refugee law, triggered by the long interaction with the UNHCR, is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

8. The rulings of the European Court of Human Rights against Turkey are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

9. Socialization and learning processes in Twinning projects between EU countries and Turkey in the field of asylum policy are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

Fulfillment of EU demands in Turkey's EU accession process

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

The Draft Law on Foreigners and International Protection has been rather influenced by academic advisers of the Ministry as the main aim of the latter was to keep the national security concerns unchanged while pretending to comply with the international as well as European criteria.

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

No factor at all

13. Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the draft law reflects the modernization strategy of Turkey.

No motive at all

14. The draft law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection.

Unimportant motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Enabling impact of Turkey's economic growth

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

Domestic factors more important than external factors

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

(no answer)

1. Name (Voluntary):

(no answer)

2. Affiliation:

Academic

3. E-mail (Voluntary):

(no answer)

4. May I use your name in my publications?

Yes

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Very important motive

6. A functioning asylum system was one the EU's preconditions for lifting the visa duty for the Balkan countries. Thus, reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Secondary motive

7. The paradigm shift from a primary national security perspective to one that increasingly emphasized human rights and international refugee law, triggered by the long interaction with the UNHCR, is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Very important factor

8. The rulings of the European Court of Human Rights against Turkey are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

9. Socialization and learning processes in Twinning projects between EU countries and Turkey in the field of asylum policy are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

Fulfillment of EU demands in Turkey's EU accession process

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

13. Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the draft law reflects the modernization strategy of Turkey.

Secondary motive

14. The draft law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection.

Secondary motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Influence of NGO's

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External factors more important than domestic factors

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

(no answer)

1. Name (Voluntary):

(no answer)

2. Affiliation:

Academic

3. E-mail (Voluntary):

(no answer)

4. May I use your name in my publications?

No

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Important motive

6. A functioning asylum system was one the EU's preconditions for lifting the visa duty for the Balkan countries. Thus, reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Secondary motive

7. The paradigm shift from a primary national security perspective to one that increasingly emphasized human rights and international refugee law, triggered by the long interaction with the UNHCR, is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

8. The rulings of the European Court of Human Rights against Turkey are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Very important factor

9. Socialization and learning processes in Twinning projects between EU countries and Turkey in the field of asylum policy are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

Fulfillment of EU demands in Turkey's EU accession process

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Very important factor

13. Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the draft law reflects the modernization strategy of Turkey.

Important motive

14. The draft law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection.

Secondary motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Influence of NGO's

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

Rather than international burden sharing for refugees, this new law represents the modernisation of migration policy of Turkey. According to me, it is closely connected to the labour sector demands. With this law, Turkey will be able to manage its labour need from outside of the country (right to work will be connected to legal residency which is a radical change for Turkey). Asylum is actually not a big deal in this law because even after this law, non-European applicants' status will not change. Unless Turkey lifts the geographical limitation, we cannot call this law as a reform. If you look at the law closely, it only aims to regulate the field of migration and asylum in a legal, - European- way.

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External and domestic factors of equal importance

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

I believe in the important role of the bureaucrats working at the the new office under the Ministry of Interior. They personally put much effort to draft this legislation. Without their open-minded liberal thinking, this new legislation wouldn't be drafted with the contribution of human rights NGOs.

1. Name (Voluntary):

(no answer)

2. Affiliation:

Academic

3. E-mail (Voluntary):

(no answer)

4. May I use your name in my publications?

No

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Very important motive

6. A functioning asylum system was one the EU's preconditions for lifting the visa duty for the Balkan countries. Thus, reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Important motive

7. The paradigm shift from a primary national security perspective to one that increasingly emphasized human rights and international refugee law, triggered by the long interaction with the UNHCR, is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

8. The rulings of the European Court of Human Rights against Turkey are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Very important factor

9. Socialization and learning processes in Twinning projects between EU countries and Turkey in the field of asylum policy are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

The influence of the ECtHR

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

13. Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the draft law reflects the modernization strategy of Turkey.

Secondary motive

14. The draft law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection.

Unimportant motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Influence of NGO's

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External factors more important than domestic factors

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

(no answer)

1. Name (Voluntary):

N.Asli Sirin Oner

2. Affiliation:

Academic

3. E-mail (Voluntary):

4. May I use your name in my publications?

Yes

5. The fulfilment of EU demands related to chapter 24 (Justice, Freedom and Security) of the accession talks was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Important motive

6. A functioning asylum system was one the EU's preconditions for lifting the visa duty for the Balkan countries. Thus, reforming Turkey's asylum policy in order to fulfill one of the EU's preconditions for visa liberalization was an important motive for the Turkish government to prepare the Law on Foreigners and International Protection.

Important motive

7. The paradigm shift from a primary national security perspective to one that increasingly emphasized human rights and international refugee law, triggered by the long interaction with the UNHCR, is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Important factor

8. The rulings of the European Court of Human Rights against Turkey are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

9. Socialization and learning processes in Twinning projects between EU countries and Turkey in the field of asylum policy are an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

10. Which of the above-mentioned external factors do you consider to be the most important one?

Fulfillment of EU demands in Turkey's EU accession process

11. Are there other external factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

12. The influence of domestic NGOs is an important explaining factor for the preparation of the Law on Foreigners and International Protection.

Secondary factor

13. Turkey's positive economic development enables Turkey to take more responsibilities in the international burden sharing of refugees protection. Thus, the draft law reflects the modernization strategy of Turkey.

Secondary motive

14. The draft law reflects the willingness of the Turkish government to conduct a more pro-active foreign policy, which is engaged in international problems such as refugee protection.

Important motive

15. Which of the above-mentioned domestic factors do you consider to be the most important one?

Turkey's more pro-active foreign policy

16. Are there other domestic factors for drafting the Law on Foreigners and International Protection? If yes, please specify them.

(no answer)

17. In conclusion, which factors do you consider more important for the drafting of the Law on Foreigners and International Protection

External factors more important than domestic factors

18. Do you have further comments regarding the draft Law on Foreigners and International Protection or the reform of Turkey's asylum policy?

(no answer)

1. Isim (isteğe bağlı):

Gülşah

2. Kurum:

Devlet Kurumu

3. E-posta (isteğe bağlı):

(no answer)

4. Çalışmalarında adınızın yer almasına izin verir misiniz?

Evet

5. Müzakerelerde yer alan Fası 24 (Adalet, Özgürlük ve Güvenlik) ile ilgili olan Avrupa Birliği şartları, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Çok önemli bir etkidir

6. İyi işleyen bir sığınma sistemi, Avrupa Birliği'nin Balkan ülkeleri için vizeyi kaldırmada ön şartı idi. Bu nedenle Türkiye'nin, vize muafiyeti nin ön koşullarından birini yerine getirmek amacıyla sığınmacı politikasında reformlar yapma eğilimi, "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

7. Önceliği başlangıçta ulusal güvenlik olan Türkiye, Birleşmiş Milletler Mülteciler Yüksek Komiserliği ile uzun süredir devam eden etkileşimin tetiklemeyle, gittikçe insan hakları ve uluslararası mülteci kanununu önemser hale gelmiştir. Buna göre, Birleşmiş Milletler Mülteciler Yüksek Komiserliği "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Çok önemli bir etkidir

8. Avrupa İnsan Hakları Mahkemesi'nin Türkiye'ye karşı olan hükümleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Çok önemli bir faktördür

9. Sığınma politikası alanında, Avrupa Birliği ülkeleri ve Türkiye arasında Twinning (Eşleştirme) projeleri doğrultusunda gerçekleşen sosyalleşme ve öğrenme süreçleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Önemli bir faktördür

10. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıda söz edilen dış faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye'nin AB'ye katılım sürecinde AB şartlarını yerine getirmesi

11. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka dış faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

12. Ulusal sivil toplum kuruluşlarının etkisi "Yabancılar ve Uluslararası Koruma Kanunu" nun hazırlanmasını açıklayan önemli bir faktördür.

Önemli bir faktördür

13. Türkiye'nin ekonomisindeki olumlu gelişmeler mülteci konusunda uluslararası yük paylaşımı ile ilgili daha fazla sorumluluk almasını mümkün kılmaktadır. Dolayısıyla söz konusu kanun taslağı, Türkiye'nin modernleşme stratejisini yansıtmaktadır. Bu olumlu gelişmeler, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında önemli etkindir.

Önemli bir etkindir

14. Söz konusu Kanun taslağı; Türkiye'nin, mültecileri korumak gibi uluslararası problemlere müdahil olan, daha proaktif bir dış politika izleme isteğini yansıtmaktadır.

Önemli bir etkindir

15. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıdaki ulusal faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye'nin artan proaktif dış politikası

16. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka ulusal faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

17. Sonuç olarak, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında hangi faktörlerin daha önemli olduğunu düşünüyorsunuz?

Dış ve ulusal faktörler aynı önemde

18. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"ya da Türkiye'nin sığınmacı politikası ile ilgili başka yorumlarınız var mıdır?

(no answer)

1. İsim (isteğe bağlı):

(no answer)

2. Kurum:

Devlet Kurumu

3. E-posta (isteğe bağlı):

(no answer)

4. Çalışmalarında adınızın yer almasına izin verir misiniz?

Hayır

5. Müzakerelerde yer alan Fası 24 (Adalet, Özgürlük ve Güvenlik) ile ilgili olan Avrupa Birliği şartları, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

6. İyi işleyen bir sığınma sistemi, Avrupa Birliği'nin Balkan ülkeleri için vizeyi kaldırmada ön şartı idi. Bu nedenle Türkiye'nin, vize muafiyeti nin ön koşullarından birini yerine getirmek amacıyla sığınmacı politikasında reformlar yapma eğilimi, "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Çok önemli bir etkidir

7. Önceliği başlangıçta ulusal güvenlik olan Türkiye, Birleşmiş Milletler Mülteciler Yüksek Komiserliği ile uzun süredir devam eden etkileşimin tetiklemeyle, gittikçe insan hakları ve uluslararası mülteci kanununu önemser hale gelmiştir. Buna göre, Birleşmiş Milletler Mülteciler Yüksek Komiserliği "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Dolaylı bir etkidir

8. Avrupa İnsan Hakları Mahkemesi'nin Türkiye'ye karşı olan hükümleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Çok önemli bir faktördür

9. Sığınma politikası alanında, Avrupa Birliği ülkeleri ve Türkiye arasında Twinning (Eşleştirme) projeleri doğrultusunda gerçekleşen sosyalleşme ve öğrenme süreçleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Çok önemli bir faktördür

10. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıda söz edilen dış faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye'nin AB'ye katılım sürecinde AB şartlarını yerine getirmesi

11. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka dış faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

12. Ulusal sivil toplum kuruluşlarının etkisi "Yabancılar ve Uluslararası Koruma Kanunu" nun hazırlanmasını açıklayan önemli bir faktördür.

Çok önemli bir faktördür

13. Türkiye'nin ekonomisindeki olumlu gelişmeler mülteci konusunda uluslararası yük paylaşımı ile ilgili daha fazla sorumluluk almasını mümkün kılmaktadır. Dolayısıyla söz konusu kanun taslağı, Türkiye'nin modernleşme stratejisini yansıtmaktadır. Bu olumlu gelişmeler, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında önemli etkindir.

Çok önemli bir etkindir

14. Söz konusu Kanun taslağı; Türkiye'nin, mültecileri korumak gibi uluslararası problemlere müdahil olan, daha proaktif bir dış politika izleme isteğini yansıtmaktadır.

Çok önemli bir etkindir

15. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıdaki ulusal faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Ulusal sivil toplum kuruluşlarının etkisi

16. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka ulusal faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

17. Sonuç olarak, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında hangi faktörlerin daha önemli olduğunu düşünüyorsunuz?

Dış faktörler ulusal faktörlerden daha önemli

18. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"ya da Türkiye'nin sığınmacı politikası ile ilgili başka yorumlarınız var mıdır?

(no answer)

1. İsim (isteğe bağlı):

(no answer)

2. Kurum:

Akademi

3. E-posta (isteğe bağlı):

(no answer)

4. Çalışmalarında adınızın yer almasına izin verir misiniz?

Hayır

5. Müzakerelerde yer alan Fası 24 (Adalet, Özgürlük ve Güvenlik) ile ilgili olan Avrupa Birliği şartları, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Dolaylı bir etkidir

6. İyi işleyen bir sığınma sistemi, Avrupa Birliği'nin Balkan ülkeleri için vizeyi kaldırmada ön şartı idi. Bu nedenle Türkiye'nin, vize muafiyeti nin ön koşullarından birini yerine getirmek amacıyla sığınmacı politikasında reformlar yapma eğilimi, "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Çok önemli bir etkidir

7. Önceliği başlangıçta ulusal güvenlik olan Türkiye, Birleşmiş Milletler Mülteciler Yüksek Komiserliği ile uzun süredir devam eden etkileşimin tetiklemeyle, gittikçe insan hakları ve uluslararası mülteci kanununu önemser hale gelmiştir. Buna göre, Birleşmiş Milletler Mülteciler Yüksek Komiserliği "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

Dolaylı bir etkidir

8. Avrupa İnsan Hakları Mahkemesi'nin Türkiye'ye karşı olan hükümleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Önemli bir faktördür

Önemsiz bir faktördür

9. Sığınma politikası alanında, Avrupa Birliği ülkeleri ve Türkiye arasında Twinning (Eşleştirme) projeleri doğrultusunda gerçekleşen sosyalleşme ve öğrenme süreçleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Önemsiz bir faktördür

10. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıda söz edilen dış faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye'nin AB'ye katılım sürecinde AB şartlarını yerine getirmesi

11. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka dış faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

12. Ulusal sivil toplum kuruluşlarının etkisi "Yabancılar ve Uluslararası Koruma Kanunu" nun hazırlanmasını açıklayan önemli bir faktördür.

Önemsiz bir faktördür

13. Türkiye'nin ekonomisindeki olumlu gelişmeler mülteci konusunda uluslararası yük paylaşımı ile ilgili daha fazla sorumluluk almasını mümkün kılmaktadır. Dolayısıyla söz konusu kanun taslağı, Türkiye'nin modernleşme stratejisini yansıtmaktadır. Bu olumlu gelişmeler, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında önemli etkindir.

Önemli bir etkindir

14. Söz konusu Kanun taslağı; Türkiye'nin, mültecileri korumak gibi uluslararası problemlere müdahil olan, daha proaktif bir dış politika izleme isteğini yansıtmaktadır.

Çok önemli bir etkindir

15. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıdaki ulusal faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye'nin artan proaktif dış politikası

16. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka ulusal faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

17. Sonuç olarak, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında hangi faktörlerin daha önemli olduğunu düşünüyorsunuz?

Dış ve ulusal faktörler aynı önemde

18. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"ya da Türkiye'nin sığınmacı politikası ile ilgili başka yorumlarınız var mıdır?

(no answer)

1.

1. İsim (isteğe bağlı):

(no answer)

2. Kurum:

Akademi

Uluslararası Kuruluş

3. E-posta (isteğe bağlı):

(no answer)

4. Çalışmalarında adınızın yer almasına izin verir misiniz?

Hayır

5. Müzakerelerde yer alan Fası 24 (Adalet, Özgürlük ve Güvenlik) ile ilgili olan Avrupa Birliği şartları, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

6. İyi işleyen bir sığınma sistemi, Avrupa Birliği'nin Balkan ülkeleri için vizeyi kaldırmada ön şartı idi. Bu nedenle Türkiye'nin, vize muafiyeti nin ön koşullarından birini yerine getirmek amacıyla sığınmacı politikasında reformlar yapma eğilimi, "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

7. Önceliği başlangıçta ulusal güvenlik olan Türkiye, Birleşmiş Milletler Mülteciler Yüksek Komiserliği ile uzun süredir devam eden etkileşimin tetiklemeyle, gittikçe insan hakları ve uluslararası mülteci kanununu önemser hale gelmiştir. Buna göre, Birleşmiş Milletler Mülteciler Yüksek Komiserliği "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Çok önemli bir etkidir

8. Avrupa İnsan Hakları Mahkemesi'nin Türkiye'ye karşı olan hükümleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Çok önemli bir faktördür

9. Sığınma politikası alanında, Avrupa Birliği ülkeleri ve Türkiye arasında Twinning (Eşleştirme) projeleri doğrultusunda gerçekleşen sosyalleşme ve öğrenme süreçleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Dolaylı bir faktördür

10. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıda söz edilen dış faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye'nin AB'ye katılım sürecinde AB şartlarını yerine getirmesi

Birleşmiş Milletler Mülteciler Yüksek Komiserliği'nin etkisi

Avrupa İnsan Hakları Mahkemesi'nin etkisi

11. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka dış faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

12. Ulusal sivil toplum kuruluşlarının etkisi“Yabancılar ve Uluslararası Koruma Kanunu”nun hazırlanmasını açıklayan önemli bir faktördür.

Dolaylı bir faktördür

13. Türkiye’nin ekonomisindeki olumlu gelişmeler mülteci konusunda uluslararası yük paylaşımıile ilgili daha fazla sorumluluk almasını mümkün kılmaktadır. Dolayısıyla söz konusu kanun taslağı, Türkiye’nin modernleşme stratejisini yansıtmaktadır. Bu olumlu gelişmeler, “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında önemli etkindir.

Önemli bir etkindir

14. Söz konusu Kanun taslağı; Türkiye’nin, mültecileri korumak gibi uluslararasıproblemlere müdahil olan, daha proaktif bir dış politika izleme isteğini yansıtmaktadır.

Önemli bir etkindir

15. “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında, aşağıdaki ulusal faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye’nin büyüyen ekonomisinin yapmış olduğu etki

Türkiye’nin artan proaktif dış politikası

16. “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında, yukarıda sayılanlardan başka ulusal faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

17. Sonuç olarak, “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında hangi faktörlerin daha önemli olduğunu düşünüyorsunuz?

Dış ve ulusal faktörler aynı önemde

18. “Yabancılar ve Uluslararası Koruma Kanun Taslağı”ya da Türkiye’nin sığınmacı politikası ile ilgili başka yorumlarınız var mıdır?

(no answer)

1. İsim (isteğe bağlı):

TANER KILIÇ

2. Kurum:

Sivil Toplum Kuruluşu

3. E-posta (isteğe bağlı):

4. Çalışmalarında adınızın yer almasına izin verir misiniz?

Evet

5. Müzakerelerde yer alan Fasıl 24 (Adalet, Özgürlük ve Güvenlik) ile ilgili olan Avrupa Birliği şartları, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Çok önemli bir etkidir

6. İyi işleyen bir sığınma sistemi, Avrupa Birliği'nin Balkan ülkeleri için vizeyi kaldırmada ön şartı idi. Bu nedenle Türkiye'nin, vize muafiyeti nin ön koşullarından birini yerine getirmek amacıyla sığınmacı politikasında reformlar yapma eğilimi, "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

7. Önceliği başlangıçta ulusal güvenlik olan Türkiye, Birleşmiş Milletler Mülteciler Yüksek Komiserliği ile uzun süredir devam eden etkileşimin tetiklemeyle, gittikçe insan hakları ve uluslararası mülteci kanununu önemser hale gelmiştir. Buna göre, Birleşmiş Milletler Mülteciler Yüksek Komiserliği "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Dolaylı bir etkidir

8. Avrupa İnsan Hakları Mahkemesi'nin Türkiye'ye karşı olan hükümleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Önemli bir faktördür

9. Sığınma politikası alanında, Avrupa Birliği ülkeleri ve Türkiye arasında Twinning (Eşleştirme) projeleri doğrultusunda gerçekleşen sosyalleşme ve öğrenme süreçleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Dolaylı bir faktördür

10. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıda söz edilen dış faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye'nin AB'ye katılım sürecinde AB şartlarını yerine getirmesi

11. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka dış faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.
Yabancılar ve Uluslararası Koruma Kanunu (YUKK) genel gerekçelerine bakıldığında, AB üyelik müzakere süreci ve buna bağlı olarak AB ilgili müktesebatı, AİHM kararları ve uluslararası insan hakları hukuku gerekleri olarak belirtilmiş olduğunu görmekteyiz. Bu resmi gerekçelendirmeye itibar etmek gerekir. Hükümetin bu konuda gizli bir ajandası olup olmadığını bilemeyiz ancak artık oldukça büyüyen göç hareketleri ile hükümet olarak ilginin sadece Yabancılar Şube Polisi tarafından yürütülemeyecek kadar komplike bir hal aldığı artık ve nihayet anlaşılabilir olduğunu düşünüyorum. Bunun dışında bu resmi gerekçelendirmeye rağmen "Büro"nun başındaki Atilla Beyden "AB için bu iyileştirme ve kanun çalışmalarını yaptık demeyi zul sayarım, Türkiye'de insana verilen değer ve önem gereği biz bunu yaptık" gibi sözleri bir kaç toplantıda duydum. Zaman içinde vizyon revizyona uğramış olabilir ancak baştaki motivasyon bence büyük oranda AB müktesebatı idi.

12. Ulusal sivil toplum kuruluşlarının etkisi"Yabancılar ve Uluslararası Koruma Kanunu"nun hazırlanmasını açıklayan önemli bir faktördür.

Dolaylı bir faktördür

13. Türkiye'nin ekonomisindeki olumlu gelişmeler mülteci konusunda uluslararası yük paylaşımı ile ilgili daha fazla sorumluluk almasını mümkün kılmaktadır. Dolayısıyla söz konusu kanun taslağı, Türkiye'nin modernleşme stratejisini yansıtmaktadır. Bu olumlu gelişmeler, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında önemli etkidir.

Önemli bir etkidir

14. Söz konusu Kanun taslağı; Türkiye'nin, mültecileri korumak gibi uluslararası problemlere müdahil olan, daha proaktif bir dış politika izleme isteğini yansıtmaktadır.

Önemli bir etkidir

15. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıdaki ulusal faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye'nin artan proaktif dış politikası

16. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka ulusal faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

Türkiye'nin bölgesinde daha güçlü bir ülke görüntüsü vermesine bağlı olarak dış politikasına da biraz bağlı olarak böylesi bir insiyatif geliştirdiğini düşünüyorum. 1991 Birinci Körfez Krizinde Halepçe'den kaçan Kürt sığınmacılara takındığı tavır ile Suriye'den kaçan sığınmacılara yönelik takındığı tavır farklılığı bunun en bariz göstergesi bence. Bundan dolayı örneğin Dışişleri Bakanlığının bu konuya verdiği önemin aynı oranda diğer Bakanlıklar tarafından içselleştirilmediğini düşünüyorum. Maalesef hiç bir ulusal aktörün YUKK'nun hazırlanmasında çok önemli bir faktör olduğunu düşünmüyorum. Siyasi yelpazenin hiç bir yerindeki siyasi parti bu konuda kamuoyu oluşturmada, hükümeti bu nedenle eleştirmedi. Yargıdan "doğru dürüst mevzuatın olmadığı bu alanda yasa hazırlaması ve uygulamaya çeki düzen vermesi" yönünde hiç ikaz gitmedi (AİHM'nin 13. madde kapsamında yargının bu alanda "etkisiz yol" olduğuna ilişkin içtihatlarına hiç ses çıkarmadı (ben İdare Mahkemesi hakimi olsaydım bu kararlardan sonra yüzüm kızardı). Alanda önemli olması gereken aktörler olarak sivil toplum, akademi, yerel yönetimler, başta Baro ve Tabip Odaları olmak üzere meslek odaları ve sendikalar hemen hiç ses çıkarmadılar. Dindar örgütler, cemaatler, kiliseler veya Diyanet bu alanda gık demedi. Belki içinde bulunduğum hak örgütleri camiası ses çıkarmaya çalıştı, bazı ihlalleri deşifre etti, özellikle AİHM'de davalar açtı, basın açıklamaları, mektuplar, başvurular, vs. yazdı. Ancak bunlar da olması gereken seviyenin çok gerisinden geldi.

17. Sonuç olarak, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında hangi faktörlerin daha önemli olduğunu düşünüyorsunuz?

Dış faktörler ulusal faktörlerden daha önemli

18. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"ya da Türkiye'nin sığınmacı politikası ile ilgili başka yorumlarınız var mıdır?

1. İsim (isteğe bağlı):

(no answer)

2. Kurum:

Akademi

3. E-posta (isteğe bağlı):

(no answer)

4. Çalışmalarında adınızın yer almasına izin verir misiniz?

Hayır

5. Müzakerelerde yer alan Fası 24 (Adalet, Özgürlük ve Güvenlik) ile ilgili olan Avrupa Birliği şartları, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Çok önemli bir etkidir

6. İyi işleyen bir sığınma sistemi, Avrupa Birliği'nin Balkan ülkeleri için vizeyi kaldırmada ön şartı idi. Bu nedenle Türkiye'nin, vize muafiyeti nin ön koşullarından birini yerine getirmek amacıyla sığınmacı politikasında reformlar yapma eğilimi, "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

7. Önceliği başlangıçta ulusal güvenlik olan Türkiye, Birleşmiş Milletler Mülteciler Yüksek Komiserliği ile uzun süredir devam eden etkileşimin tetiklemeyle, gittikçe insan hakları ve uluslararası mülteci kanununu önemser hale gelmiştir. Buna göre, Birleşmiş Milletler Mülteciler Yüksek Komiserliği "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Çok önemli bir etkidir

8. Avrupa İnsan Hakları Mahkemesi'nin Türkiye'ye karşı olan hükümleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Dolaylı bir faktördür

9. Sığınma politikası alanında, Avrupa Birliği ülkeleri ve Türkiye arasında Twinning (Eşleştirme) projeleri doğrultusunda gerçekleşen sosyalleşme ve öğrenme süreçleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Dolaylı bir faktördür

10. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıda söz edilen dış faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Birleşmiş Milletler Mülteciler Yüksek Komiserliği'nin etkisi

11. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka dış faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

12. Ulusal sivil toplum kuruluşlarının etkisi "Yabancılar ve Uluslararası Koruma Kanunu" nun hazırlanmasını açıklayan önemli bir faktördür.

Çok önemli bir faktördür

13. Türkiye'nin ekonomisindeki olumlu gelişmeler mülteci konusunda uluslararası yük paylaşımı ile ilgili daha fazla sorumluluk almasını mümkün kılmaktadır. Dolayısıyla söz konusu kanun taslağı, Türkiye'nin modernleşme stratejisini yansıtmaktadır. Bu olumlu gelişmeler, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında önemli etkindir.

Dolaylı bir etkindir

14. Söz konusu Kanun taslağı; Türkiye'nin, mültecileri korumak gibi uluslararası problemlere müdahil olan, daha proaktif bir dış politika izleme isteğini yansıtmaktadır.

Dolaylı bir etkindir

15. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıdaki ulusal faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Ulusal sivil toplum kuruluşlarının etkisi

16. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka ulusal faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

17. Sonuç olarak, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında hangi faktörlerin daha önemli olduğunu düşünüyorsunuz?

Dış ve ulusal faktörler aynı önemde

18. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"ya da Türkiye'nin sığınmacı politikası ile ilgili başka yorumlarınız var mıdır?

(no answer)

1. İsim (isteğe bağlı):

(no answer)

2. Kurum:

Akademi

3. E-posta (isteğe bağlı):

(no answer)

4. Çalışmalarında adınızın yer almasına izin verir misiniz?

Hayır

5. Müzakerelerde yer alan Fası 24 (Adalet, Özgürlük ve Güvenlik) ile ilgili olan Avrupa Birliği şartları, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

6. İyi işleyen bir sığınma sistemi, Avrupa Birliği'nin Balkan ülkeleri için vizeyi kaldırmada ön şartı idi. Bu nedenle Türkiye'nin, vize muafiyeti nin ön koşullarından birini yerine getirmek amacıyla sığınmacı politikasında reformlar yapma eğilimi, "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Çok önemli bir etkidir

7. Önceliği başlangıçta ulusal güvenlik olan Türkiye, Birleşmiş Milletler Mülteciler Yüksek Komiserliği ile uzun süredir devam eden etkileşimin tetiklemeyle, gittikçe insan hakları ve uluslararası mülteci kanununu önemser hale gelmiştir. Buna göre, Birleşmiş Milletler Mülteciler Yüksek Komiserliği "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

8. Avrupa İnsan Hakları Mahkemesi'nin Türkiye'ye karşı olan hükümleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Önemli bir faktördür

9. Sığınma politikası alanında, Avrupa Birliği ülkeleri ve Türkiye arasında Twinning (Eşleştirme) projeleri doğrultusunda gerçekleşen sosyalleşme ve öğrenme süreçleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Önemli bir faktördür

10. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıda söz edilen dış faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Avrupa İnsan Hakları Mahkemesi'nin etkisi

11. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka dış faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

12. Ulusal sivil toplum kuruluşlarının etkisi "Yabancılar ve Uluslararası Koruma Kanunu" nun hazırlanmasını açıklayan önemli bir faktördür.

Dolaylı bir faktördür

13. Türkiye'nin ekonomisindeki olumlu gelişmeler mülteci konusunda uluslararası yük paylaşımı ile ilgili daha fazla sorumluluk almasını mümkün kılmaktadır. Dolayısıyla söz konusu kanun taslağı, Türkiye'nin modernleşme stratejisini yansıtmaktadır. Bu olumlu gelişmeler, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında önemli etkindir.

Dolaylı bir etkindir

14. Söz konusu Kanun taslağı; Türkiye'nin, mültecileri korumak gibi uluslararası problemlere müdahil olan, daha proaktif bir dış politika izleme isteğini yansıtmaktadır.

Önemsiz bir etkindir

15. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıdaki ulusal faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye'nin artan proaktif dış politikası

16. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka ulusal faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

17. Sonuç olarak, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında hangi faktörlerin daha önemli olduğunu düşünüyorsunuz?

Dış faktörler ulusal faktörlerden daha önemli

18. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"ya da Türkiye'nin sığınmacı politikası ile ilgili başka yorumlarınız var mıdır?

(no answer)

1. İsim (isteğe bağlı):

selvet çetin

2. Kurum:

Sivil Toplum Kuruluşu

3. E-posta (isteğe bağlı):

4. Çalışmalarında adınızın yer almasına izin verir misiniz?

Evet

5. Müzakerelerde yer alan Fası 24 (Adalet, Özgürlük ve Güvenlik) ile ilgili olan Avrupa Birliği şartları, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

6. İyi işleyen bir sığınma sistemi, Avrupa Birliği'nin Balkan ülkeleri için vizeyi kaldırmada ön şartı idi. Bu nedenle Türkiye'nin, vize muafiyeti nin ön koşullarından birini yerine getirmek amacıyla sığınmacı politikasında reformlar yapma eğilimi, "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Dolaylı bir etkidir

7. Önceliği başlangıçta ulusal güvenlik olan Türkiye, Birleşmiş Milletler Mülteciler Yüksek Komiserliği ile uzun süredir devam eden etkileşimin tetiklemeyle, gittikçe insan hakları ve uluslararası mülteci kanununu önemser hale gelmiştir. Buna göre, Birleşmiş Milletler Mülteciler Yüksek Komiserliği "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

8. Avrupa İnsan Hakları Mahkemesi'nin Türkiye'ye karşı olan hükümleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Dolaylı bir faktördür

9. Sığınma politikası alanında, Avrupa Birliği ülkeleri ve Türkiye arasında Twinning (Eşleştirme) projeleri doğrultusunda gerçekleşen sosyalleşme ve öğrenme süreçleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Dolaylı bir faktördür

10. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıda söz edilen dış faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye'nin AB'ye katılım sürecinde AB şartlarını yerine getirmesi

11. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka dış faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

Türkiye'nin mülteci ve sığınmacılar için kaynak ve hedef ülke haline gelmesi.

12. Ulusal sivil toplum kuruluşlarının etkisi "Yabancılar ve Uluslararası Koruma Kanunu"nun hazırlanmasını açıklayan önemli bir faktördür.

Çok önemli bir faktördür

13. Türkiye'nin ekonomisindeki olumlu gelişmeler mülteci konusunda uluslararası yük paylaşımı ile ilgili daha fazla sorumluluk almasını mümkün kılmaktadır. Dolayısıyla söz konusu kanun taslağı, Türkiye'nin modernleşme stratejisini yansıtmaktadır. Bu olumlu gelişmeler, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında önemli etkindir.

Önemli bir etkindir

14. Söz konusu Kanun taslağı; Türkiye'nin, mültecileri korumak gibi uluslararası problemlere müdahil olan, daha proaktif bir dış politika izleme isteğini yansıtmaktadır.

Önemli bir etkindir

15. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıdaki ulusal faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Ulusal sivil toplum kuruluşlarının etkisi

Türkiye'nin artan proaktif dış politikası

16. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka ulusal faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

Türkiye'nin sığınma sistemi bakımından yasal düzenlemeye olan ihtiyacı.

17. Sonuç olarak, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında hangi faktörlerin daha önemli olduğunu düşünüyorsunuz?

Ulusal faktörler dış faktörlerden daha önemli

18. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"ya da Türkiye'nin sığınmacı politikası ile ilgili başka yorumlarınız var mıdır?

Yasanın uygulanması ve uygulamanın denetimi bakımından kamu-sivil toplum diyalogunun kesintisiz olarak sürdürülmesi gerektiğini düşünüyorum.

1. İsim (isteğe bağlı):

(no answer)

2. Kurum:

Devlet Kurumu

3. E-posta (isteğe bağlı):

(no answer)

4. Çalışmalarında adınızın yer almasına izin verir misiniz?

Hayır

5. Müzakerelerde yer alan Fası 24 (Adalet, Özgürlük ve Güvenlik) ile ilgili olan Avrupa Birliği şartları, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

6. İyi işleyen bir sığınma sistemi, Avrupa Birliği'nin Balkan ülkeleri için vizeyi kaldırmada ön şartı idi. Bu nedenle Türkiye'nin, vize muafiyeti nin ön koşullarından birini yerine getirmek amacıyla sığınmacı politikasında reformlar yapma eğilimi, "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

7. Önceliği başlangıçta ulusal güvenlik olan Türkiye, Birleşmiş Milletler Mülteciler Yüksek Komiserliği ile uzun süredir devam eden etkileşimin tetiklemeyle, gittikçe insan hakları ve uluslararası mülteci kanununu önemser hale gelmiştir. Buna göre, Birleşmiş Milletler Mülteciler Yüksek Komiserliği "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

8. Avrupa İnsan Hakları Mahkemesi'nin Türkiye'ye karşı olan hükümleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Çok önemli bir faktördür

9. Sığınma politikası alanında, Avrupa Birliği ülkeleri ve Türkiye arasında Twinning (Eşleştirme) projeleri doğrultusunda gerçekleşen sosyalleşme ve öğrenme süreçleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Dolaylı bir faktördür

10. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıda söz edilen dış faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Avrupa İnsan Hakları Mahkemesi'nin etkisi

11. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka dış faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

12. Ulusal sivil toplum kuruluşlarının etkisi "Yabancılar ve Uluslararası Koruma Kanunu"nun hazırlanmasını açıklayan önemli bir faktördür.

Dolaylı bir faktördür

13. Türkiye'nin ekonomisindeki olumlu gelişmeler mülteci konusunda uluslararası yük paylaşımı ile ilgili daha fazla sorumluluk almasını mümkün kılmaktadır. Dolayısıyla söz konusu kanun taslağı, Türkiye'nin modernleşme stratejisini yansıtmaktadır. Bu olumlu gelişmeler, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında önemli etkindir.

Önemli bir etkindir

14. Söz konusu Kanun taslağı; Türkiye'nin, mültecileri korumak gibi uluslararası problemlere müdahil olan, daha proaktif bir dış politika izleme isteğini yansıtmaktadır.

Önemli bir etkindir

Dolaylı bir etkindir

15. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıdaki ulusal faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye'nin artan proaktif dış politikası

16. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka ulusal faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

17. Sonuç olarak, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında hangi faktörlerin daha önemli olduğunu düşünüyorsunuz?

Dış ve ulusal faktörler aynı önemde

18. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"ya da Türkiye'nin sığınmacı politikası ile ilgili başka yorumlarınız var mıdır?

(no answer)

1. İsim (isteğe bağlı):

Pırl Erçoban

2. Kurum:

Sivil Toplum Kuruluşu

3. E-posta (isteğe bağlı):

(no answer)

4. Çalışmalarında adınızın yer almasına izin verir misiniz?

Evet

5. Müzakerelerde yer alan Fası 24 (Adalet, Özgürlük ve Güvenlik) ile ilgili olan Avrupa Birliği şartları, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Çok önemli bir etkidir

6. İyi işleyen bir sığınma sistemi, Avrupa Birliği'nin Balkan ülkeleri için vizeyi kaldırmada ön şartı idi. Bu nedenle Türkiye'nin, vize muafiyeti nin ön koşullarından birini yerine getirmek amacıyla sığınmacı politikasında reformlar yapma eğilimi, "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

7. Önceliği başlangıçta ulusal güvenlik olan Türkiye, Birleşmiş Milletler Mülteciler Yüksek Komiserliği ile uzun süredir devam eden etkileşimin tetiklemeyle, gittikçe insan hakları ve uluslararası mülteci kanununu önemser hale gelmiştir. Buna göre, Birleşmiş Milletler Mülteciler Yüksek Komiserliği "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Dolaylı bir etkidir

8. Avrupa İnsan Hakları Mahkemesi'nin Türkiye'ye karşı olan hükümleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Çok önemli bir faktördür

9. Sığınma politikası alanında, Avrupa Birliği ülkeleri ve Türkiye arasında Twinning (Eşleştirme) projeleri doğrultusunda gerçekleşen sosyalleşme ve öğrenme süreçleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Dolaylı bir faktördür

10. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıda söz edilen dış faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye'nin AB'ye katılım sürecinde AB şartlarını yerine getirmesi

Avrupa İnsan Hakları Mahkemesi'nin etkisi

11. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka dış faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

YUKK'un hazırlanması sürecinde BMMYK önemli bir rol oynamıştır. Ancak bu rol sizin sorularınızdan anladığım "harekete geçirici" bir rol olmaktan sürece katkı koyma yönünde bir roldür. Aynı nokta, ulusal faktörlerden sivil toplum kuruluşları için de geçerlidir.

12. Ulusal sivil toplum kuruluşlarının etkisi "Yabancılar ve Uluslararası Koruma Kanunu" nun hazırlanmasını açıklayan önemli bir faktördür.

Dolaylı bir faktördür

13. Türkiye'nin ekonomisindeki olumlu gelişmeler mülteci konusunda uluslararası yük paylaşımı ile ilgili daha fazla sorumluluk almasını mümkün kılmaktadır. Dolayısıyla söz konusu kanun taslağı, Türkiye'nin modernleşme stratejisini yansıtmaktadır. Bu olumlu gelişmeler, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında önemli etkindir.

Dolaylı bir etkindir

14. Söz konusu Kanun taslağı; Türkiye'nin, mültecileri korumak gibi uluslararası problemlere müdahil olan, daha proaktif bir dış politika izleme isteğini yansıtmaktadır.

Dolaylı bir etkindir

15. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıdaki ulusal faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye'nin büyüyen ekonomisinin yapmış olduğu etki

16. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka ulusal faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

15. soruda hiçbiri cevabı olmadığı için ekonomi ile ilgili cevap işaretlenmiştir. Ekonominin gelişmesinin Türkiye'yi düzensiz göç açısından hedef ülkeler arasına koyan bir "pull" faktör olduğunu düşünüyorum. Ulusal faktörler açısından aşağıdakilerin gözönüne alınması gerektiğine inanıyorum. Türkiye'nin iltica alanında şimdiye kadar bir yasal düzenlemenin olmamasından kaynaklanan karmaşıya, boşluklara, uygulama birliği yokluğuna son verme ihtiyacı. Yabancılar ve düzensiz göç konusunda dağınık ve günün koşullarını karşılamayan eski mevzuatının güncellenmesi, toparlanması ihtiyacı. Son yıllarda artan iltica başvurularını ve düzensiz hareketlerin güncel, derli toplu bir yasal mevzuatın hazırlanması için getirdiği baskı.

17. Sonuç olarak, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında hangi faktörlerin daha önemli olduğunu düşünüyorsunuz?

Dış faktörler ulusal faktörlerden daha önemli

18. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"ya da Türkiye'nin sığınmacı politikası ile ilgili başka yorumlarınız var mıdır?

Genel olarak mevcut durumu olumlu yönde oldukça ileriye götürecek bir mevzuat. İltica-göç alanını sivil ve uzman bir teşkilata bırakması, ülke çapında uygulama birliğinin YUKK vasıtasıyla gerçekleşecek olması; esas ve usullerin netleşmesi, koruma alanı ve uygulamasının genişletilmesi açısından olumlu bir gelişme. Ancak coğrafi sınırlamanın sürmesi uluslararası korumada Türkiye'nin şimdiye kadar takındığı "sınırlı koruma" tavrını sürdürdüğünü gösteriyor ve Türkiye'de korumayı uluslararası standartların gerisinde bırakıyor. Sınır dışı, idari gözetim konularında getirilen usul güvenceleri yeterli değil, "şartlı mülteci"lerin çalışma izni konusundaki mevcut olumsuz durum sürüyor. Hızlandırılmış prosedür, sığınılan ilk ülke, güvenli 3. ülke, başvurunun geri çekilmesi gibi sıkıntılara yol açabilecek maddeler düşünüyor. AB mevzuatı temel alınarak hazırlandı ama bu alandaki AB mevzuatı da eleştiriliyor. Eksiklikler, sıkıntılar var, uluslararası insan hakları standartlarını tam karşılamıyor ama Türkiye'deki mevcut durumu oldukça ileriye götürecek bir düzenleme.

1. İsim (isteğe bağlı):

(no answer)

2. Kurum:

Uluslararası Kuruluş

3. E-posta (isteğe bağlı):

(no answer)

4. Çalışmalarında adınızın yer almasına izin verir misiniz?

Hayır

5. Müzakerelerde yer alan Fası 24 (Adalet, Özgürlük ve Güvenlik) ile ilgili olan Avrupa Birliği şartları, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Çok önemli bir etkidir

6. İyi işleyen bir sığınma sistemi, Avrupa Birliği'nin Balkan ülkeleri için vizeyi kaldırmada ön şartı idi. Bu nedenle Türkiye'nin, vize muafiyeti nin ön koşullarından birini yerine getirmek amacıyla sığınmacı politikasında reformlar yapma eğilimi, "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Çok önemli bir etkidir

7. Önceliği başlangıçta ulusal güvenlik olan Türkiye, Birleşmiş Milletler Mülteciler Yüksek Komiserliği ile uzun süredir devam eden etkileşimin tetiklemeyle, gittikçe insan hakları ve uluslararası mülteci kanununu önemser hale gelmiştir. Buna göre, Birleşmiş Milletler Mülteciler Yüksek Komiserliği "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

8. Avrupa İnsan Hakları Mahkemesi'nin Türkiye'ye karşı olan hükümleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Çok önemli bir faktördür

9. Sığınma politikası alanında, Avrupa Birliği ülkeleri ve Türkiye arasında Twinning (Eşleştirme) projeleri doğrultusunda gerçekleşen sosyalleşme ve öğrenme süreçleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Önemli bir faktördür

10. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıda söz edilen dış faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye'nin AB'ye katılım sürecinde AB şartlarını yerine getirmesi

Avrupa İnsan Hakları Mahkemesi'nin etkisi

11. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka dış faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

12. Ulusal sivil toplum kuruluşlarının etkisi“Yabancılar ve Uluslararası Koruma Kanunu”nun hazırlanmasını açıklayan önemli bir faktördür.

Dolaylı bir faktördür

13. Türkiye’nin ekonomisindeki olumlu gelişmeler mülteci konusunda uluslararası yük paylaşımıile ilgili daha fazla sorumluluk almasını mümkün kılmaktadır. Dolayısıyla söz konusu kanun taslağı, Türkiye’nin modernleşme stratejisini yansıtmaktadır. Bu olumlu gelişmeler, “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında önemli etkindir.

Önemli bir etkindir

14. Söz konusu Kanun taslağı; Türkiye’nin, mültecileri korumak gibi uluslararasıproblemlere müdahil olan, daha proaktif bir dış politika izleme isteğini yansıtmaktadır.

Önemli bir etkindir

15. “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında, aşağıdaki ulusal faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye’nin artan proaktif dış politikası

16. “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında, yukarıda sayılanlardan başka ulusal faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

17. Sonuç olarak, “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında hangi faktörlerin daha önemli olduğunu düşünüyorsunuz?

Dış faktörler ulusal faktörlerden daha önemli

18. “Yabancılar ve Uluslararası Koruma Kanun Taslağı”ya da Türkiye’nin sığınmacı politikası ile ilgili başka yorumlarınız var mıdır?

(no answer)

1. Isim (isteğe bağlı):

2. Kurum:

Devlet Kurumu

3. E-posta (isteğe bağlı):

-

4. Çalışmalarında adınızın yer almasına izin verir misiniz?

Hayır

5. Müzakerelerde yer alan Fası 24 (Adalet, Özgürlük ve Güvenlik) ile ilgili olan Avrupa Birliği şartları, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

6. İyi işleyen bir sığınma sistemi, Avrupa Birliği'nin Balkan ülkeleri için vizeyi kaldırmada ön şartı idi. Bu nedenle Türkiye'nin, vize muafiyeti nin ön koşullarından birini yerine getirmek amacıyla sığınmacı politikasında reformlar yapma eğilimi, "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

7. Önceliği başlangıçta ulusal güvenlik olan Türkiye, Birleşmiş Milletler Mülteciler Yüksek Komiserliği ile uzun süredir devam eden etkileşimin tetiklemesiyle, gittikçe insan hakları ve uluslararası mülteci kanununu önemser hale gelmiştir. Buna göre, Birleşmiş Milletler Mülteciler Yüksek Komiserliği "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Dolaylı bir etkidir

8. Avrupa İnsan Hakları Mahkemesi'nin Türkiye'ye karşı olan hükümleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Önemli bir faktördür

9. Sığınma politikası alanında, Avrupa Birliği ülkeleri ve Türkiye arasında Twinning (Eşleştirme) projeleri doğrultusunda gerçekleşen sosyalleşme ve öğrenme süreçleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Önemli bir faktördür

10. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıda söz edilen dış faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye'nin AB'ye katılım sürecinde AB şartlarını yerine getirmesi

Avrupa İnsan Hakları Mahkemesi'nin etkisi

11. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka dış faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

-

12. Ulusal sivil toplum kuruluşlarının etkisi“Yabancılar ve Uluslararası Koruma Kanunu”nun hazırlanmasını açıklayan önemli bir faktördür.

Önemli bir faktördür

Dolaylı bir faktördür

13. Türkiye’nin ekonomisindeki olumlu gelişmeler mülteci konusunda uluslararası yük paylaşımıile ilgili daha fazla sorumluluk almasını mümkün kılmaktadır. Dolayısıyla söz konusu kanun taslağı, Türkiye’nin modernleşme stratejisini yansıtmaktadır. Bu olumlu gelişmeler, “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında önemli etkidir.

Önemli bir etkidir

Dolaylı bir etkidir

14. Söz konusu Kanun taslağı; Türkiye’nin, mültecileri korumak gibi uluslararasıproblemlere müdahil olan, daha proaktif bir dış politika izleme isteğini yansıtmaktadır.

Önemli bir etkidir

Dolaylı bir etkidir

15. “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında, aşağıdaki ulusal faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Ulusal sivil toplum kuruluşlarının etkisi

Türkiye’nin büyüyen ekonomisinin yapmış olduğu etki

Türkiye’nin artan proaktif dış politikası

16. “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında, yukarıda sayılanlardan başka ulusal faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

-

17. Sonuç olarak, “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında hangi faktörlerin daha önemli olduğunu düşünüyorsunuz?

Dış ve ulusal faktörler aynı önemde

18. “Yabancılar ve Uluslararası Koruma Kanun Taslağı”ya da Türkiye’nin sığınmacı politikası ile ilgili başka yorumlarınız var mıdır?

-

1. İsim (isteğe bağlı):

2. Kurum:

Akademi

Sivil Toplum Kuruluşu

3. E-posta (isteğe bağlı):

4. Çalışmalarında adınızın yer almasına izin verir misiniz?

Hayır

5. Müzakerelerde yer alan Fasıl 24 (Adalet, Özgürlük ve Güvenlik) ile ilgili olan Avrupa Birliği şartları, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkindir.

Önemli bir etkindir

6. İyi işleyen bir sığınma sistemi, Avrupa Birliği'nin Balkan ülkeleri için vizeyi kaldırmada ön şartı idi. Bu nedenle Türkiye'nin, vize muafiyeti nin ön koşullarından birini yerine getirmek amacıyla sığınmacı politikasında reformlar yapma eğilimi, "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkindir.

Çok önemli bir etkindir

7. Önceliği başlangıçta ulusal güvenlik olan Türkiye, Birleşmiş Milletler Mülteciler Yüksek Komiserliği ile uzun süredir devam eden etkileşimin tetiklemeyle, gittikçe insan hakları ve uluslararası mülteci kanununu önemser hale gelmiştir. Buna göre, Birleşmiş Milletler Mülteciler Yüksek Komiserliği "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkindir.

Dolaylı bir etkindir

8. Avrupa İnsan Hakları Mahkemesi'nin Türkiye'ye karşı olan hükümleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Çok önemli bir faktördür

9. Sığınma politikası alanında, Avrupa Birliği ülkeleri ve Türkiye arasında Twinning (Eşleştirme) projeleri doğrultusunda gerçekleşen sosyalleşme ve öğrenme süreçleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Önemli bir faktördür

10. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıda söz edilen dış faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Avrupa İnsan Hakları Mahkemesi'nin etkisi

11. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka dış faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

YUKK hazırlanmasında ulusal ve uluslararası sivil toplum kuruluşlarının önemli katkısı olmuştur. Raporlarda henüz bir yasanın olmayışına sıklıkla yer verilmiştir. Hammarberg raporu, Uluslararası Af Örgütü raporları gb.

12. Ulusal sivil toplum kuruluşlarının etkisi“Yabancılar ve Uluslararası Koruma Kanunu”nun hazırlanmasını açıklayan önemli bir faktördür.

Çok önemli bir faktördür

13. Türkiye’nin ekonomisindeki olumlu gelişmeler mülteci konusunda uluslararası yük paylaşımıile ilgili daha fazla sorumluluk almasını mümkün kılmaktadır. Dolayısıyla söz konusu kanun taslağı, Türkiye’nin modernleşme stratejisini yansıtmaktadır. Bu olumlu gelişmeler, “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında önemli etkindir.

Dolaylı bir etkindir

14. Söz konusu Kanun taslağı; Türkiye’nin, mültecileri korumak gibi uluslararasıproblemlere müdahil olan, daha proaktif bir dış politika izleme isteğini yansıtmaktadır.

Dolaylı bir etkindir

15. “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında, aşağıdaki ulusal faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Ulusal sivil toplum kuruluşlarının etkisi

16. “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında, yukarıda sayılanlardan başka ulusal faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

Akademisyenleri de bu kapsama dahil etmek mümkündür. Yasa hazırlanırken bu konuda çalışan İltica ve Göç Bürosu yetkililerinin akademisyenlerin görüşlerine de başvurdukları bilinmektedir. Ayrıca tam olarak 'kuruluş' adı altında sayılmasa da Göçmen Dayanışma Ağı gibi sivil oluşumlar/gruplar da özellikle Festus Okey davası gibi mültecileri doğrudan ilgilendiren davalardaki tutumları ile etkileyici olmuştur.

17. Sonuç olarak, “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında hangi faktörlerin daha önemli olduğunu düşünüyorsunuz?

Dış faktörler ulusal faktörlerden daha önemli

18. “Yabancılar ve Uluslararası Koruma Kanun Taslağı”ya da Türkiye’nin sığınmacı politikası ile ilgili başka yorumlarınız var mıdır?

YUKK Türkiye’de şimdiye kadar herhangi bir yasa olmaması bakımından önemlidir; ancak tamamen olumlanmamalı veya tamamen reddedilmemelidir. Zira halen coğrafi çekince AB ile görüşmeler kapsamında bir pazarlık konusu olarak durmaktadır. En önemlisi de yasanın çıkmasının yanında bunun yereldeki uygulamasının ne şekilde olacağıdır.

1. İsim (isteğe bağlı):

(no answer)

2. Kurum:

Sivil Toplum Kuruluşu

3. E-posta (isteğe bağlı):

(no answer)

4. Çalışmalarında adınızın yer almasına izin verir misiniz?

Hayır

5. Müzakerelerde yer alan Fası 24 (Adalet, Özgürlük ve Güvenlik) ile ilgili olan Avrupa Birliği şartları, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Önemli bir etkidir

6. İyi işleyen bir sığınma sistemi, Avrupa Birliği'nin Balkan ülkeleri için vizeyi kaldırmada ön şartı idi. Bu nedenle Türkiye'nin, vize muafiyeti nin ön koşullarından birini yerine getirmek amacıyla sığınmacı politikasında reformlar yapma eğilimi, "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Dolaylı bir etkidir

7. Önceliği başlangıçta ulusal güvenlik olan Türkiye, Birleşmiş Milletler Mülteciler Yüksek Komiserliği ile uzun süredir devam eden etkileşimin tetiklemeyle, gittikçe insan hakları ve uluslararası mülteci kanununu önemser hale gelmiştir. Buna göre, Birleşmiş Milletler Mülteciler Yüksek Komiserliği "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkidir.

Dolaylı bir etkidir

8. Avrupa İnsan Hakları Mahkemesi'nin Türkiye'ye karşı olan hükümleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Çok önemli bir faktördür

9. Sığınma politikası alanında, Avrupa Birliği ülkeleri ve Türkiye arasında Twinning (Eşleştirme) projeleri doğrultusunda gerçekleşen sosyalleşme ve öğrenme süreçleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Dolaylı bir faktördür

10. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıda söz edilen dış faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Avrupa İnsan Hakları Mahkemesi'nin etkisi

11. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka dış faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

12. Ulusal sivil toplum kuruluşlarının etkisi“Yabancılar ve Uluslararası Koruma Kanunu”nun hazırlanmasını açıklayan önemli bir faktördür.

Önemli bir faktördür

13. Türkiye’nin ekonomisindeki olumlu gelişmeler mülteci konusunda uluslararası yük paylaşımıile ilgili daha fazla sorumluluk almasını mümkün kılmaktadır. Dolayısıyla söz konusu kanun taslağı, Türkiye’nin modernleşme stratejisini yansıtmaktadır. Bu olumlu gelişmeler, “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında önemli etkindir.

Önemli bir etkindir

14. Söz konusu Kanun taslağı; Türkiye’nin, mültecileri korumak gibi uluslararasıproblemlere müdahil olan, daha proaktif bir dış politika izleme isteğini yansıtmaktadır.

Önemli bir etkindir

15. “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında, aşağıdaki ulusal faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Türkiye’nin artan proaktif dış politikası

16. “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında, yukarıda sayılanlardan başka ulusal faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

(no answer)

17. Sonuç olarak, “Yabancılar ve Uluslararası Koruma Kanun Taslağı”nın hazırlanmasında hangi faktörlerin daha önemli olduğunu düşünüyorsunuz?

Dış ve ulusal faktörler aynı önemde

18. “Yabancılar ve Uluslararası Koruma Kanun Taslağı”ya da Türkiye’nin sığınmacı politikası ile ilgili başka yorumlarınız var mıdır?

(no answer)

1. İsim (isteğe bağlı):

volkan görendağ

2. Kurum:

Sivil Toplum Kuruluşu

3. E-posta (isteğe bağlı):

4. Çalışmalarında adınızın yer almasına izin verir misiniz?

Evet

5. Müzakerelerde yer alan Fasıl 24 (Adalet, Özgürlük ve Güvenlik) ile ilgili olan Avrupa Birliği şartları, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkindir.

Önemli bir etkindir

6. İyi işleyen bir sığınma sistemi, Avrupa Birliği'nin Balkan ülkeleri için vizeyi kaldırmada ön şartı idi. Bu nedenle Türkiye'nin, vize muafiyeti nin ön koşullarından birini yerine getirmek amacıyla sığınmacı politikasında reformlar yapma eğilimi, "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkindir.

Dolaylı bir etkindir

7. Önceliği başlangıçta ulusal güvenlik olan Türkiye, Birleşmiş Milletler Mülteciler Yüksek Komiserliği ile uzun süredir devam eden etkileşimin tetiklemesiyle, gittikçe insan hakları ve uluslararası mülteci kanununu önemser hale gelmiştir. Buna göre, Birleşmiş Milletler Mülteciler Yüksek Komiserliği "Yabancılar ve Uluslararası Koruma Kanunu" nu hazırlamasında önemli bir etkindir.

Önemsiz bir etkindir

8. Avrupa İnsan Hakları Mahkemesi'nin Türkiye'ye karşı olan hükümleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Çok önemli bir faktördür

9. Sığınma politikası alanında, Avrupa Birliği ülkeleri ve Türkiye arasında Twinning (Eşleştirme) projeleri doğrultusunda gerçekleşen sosyalleşme ve öğrenme süreçleri, Türkiye'nin "Yabancılar ve Uluslararası Koruma Kanunu"nu hazırlanmasını açıklayan önemli bir faktördür.

Önemli bir faktördür

10. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıda söz edilen dış faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Avrupa İnsan Hakları Mahkemesi'nin etkisi

11. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka dış faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

AP insan hakları komiserliğinin yazmış olduğu raporlar, AB nin hazırlamış olduğu ilerleme raporu.

12. Ulusal sivil toplum kuruluşlarının etkisi"Yabancılar ve Uluslararası Koruma Kanunu"nun hazırlanmasını açıklayan önemli bir faktördür.

Önemli bir faktördür

13. Türkiye'nin ekonomisindeki olumlu gelişmeler mülteci konusunda uluslararası yük paylaşımıile ilgili daha fazla sorumluluk almasını mümkün kılmaktadır. Dolayısıyla söz konusu kanun taslağı, Türkiye'nin modernleşme stratejisini yansıtmaktadır. Bu olumlu gelişmeler, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında önemli etkendir.

Dolaylı bir etkendir

14. Söz konusu Kanun taslağı; Türkiye'nin, mültecileri korumak gibi uluslararasıproblemlere müdahil olan, daha proaktif bir dış politika izleme isteğini yansıtmaktadır.

Dolaylı bir etkendir

15. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, aşağıdaki ulusal faktörlerden hangisinin en önemli olduğunu düşünüyorsunuz?

Ulusal sivil toplum kuruluşlarının etkisi

16. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında, yukarıda sayılanlardan başka ulusal faktörler de var mıdır? Eğer cevabınız evet ise, lütfen belirtiniz.

sivil toplum kuruluşları tarafından hazırlanan raporlar idare mahkemeleri ve danıştay'ın kararları

17. Sonuç olarak, "Yabancılar ve Uluslararası Koruma Kanun Taslağı"nın hazırlanmasında hangi faktörlerin daha önemli olduğunu düşünüyorsunuz?

Dış ve ulusal faktörler aynı önemde

18. "Yabancılar ve Uluslararası Koruma Kanun Taslağı"ya da Türkiye'nin sığınmacı politikası ile ilgili başka yorumlarınız var mıdır?

1951 mültecilerin hukuki statüsüne ilişkin cenevre sözleşmesi coğrafi kısıtlama olarak uygulanmaya devam edecektir. Bu söz konusu çekince kaldırılıp mülteci korumasındaki avrupalı - avrupalı olmayan ayrımı ortadan kaldırılıncaya kadar Türkiye'nin kalıcı bir mülteci koruma perspektifine kavuşması imkansızdır.