Stuck in the limbo; The case of Afghan migrants inTurkey

Ahmad Wadeer
Currently pursuing masters degree program in Mobility Studies at the University of Padua

Abstract— This article analyzes the uncertain situation of Afghan migrants living in Turkey by using secondary data analysis. This article starts by investigating the Turkish government's migration policy over time, which will help in understanding the illegal status of Afghan migrants in Turkey. It is followed by a historical overview of Afghan migration, this section will demonstrate the history of Afghan migration from the 1970s to the present time. The article then focuses on Afghan migration flow to Turkey and beyond, this section explores the role of Turkey as a transit country and the migration patterns of Afghan migrants. Finally, the uncertain situation of Afghan migrants in Turkey is explored, this section will demonstrate why Afghan migrants are stuck in the limbo.

Keywords — Afghanistan, Afghan migrantion, Migration polices,Turkey, Taliban, Refugees

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1. INTRODUCTION

The 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol have defined a refugee as a person displaced from their country of origin and forced into mobility or 'forced migration.' That person has to prove a well-founded fear of persecution if returned home in order to receive protection and refuge in another country. According to policymakers, there are two groups of refugees: those situated in camps close to their country of origin and those who travel primarily by hiring a human smuggler who smuggles them to a country with an asylum or refugee claimant program (Cresswel & Merriman 2011).

Afghanistan has the third-largest displaced population in the world after Syria and Venezuela, and it is the country of origin of the second-largest refugee group. Around 6 million of the 70.8 million displaced people worldwide are Afghans. In 2021 more than half a million people in Afghanistan are forced to leave their homes due to the recent wave of brutality after the gradual departure of the United States Army (Albrecht, Rude, and Stitteneder, 2021).

The majority of those who flee Afghanistan travel to neighbouring Pakistan and Iran. These two countries have the highest numbers of Afghan refugees and asylum seekers, with 1.5 million Afghan refugees residing in Pakistan and 780,000 Afghan refugees in Iran. Pakistan recently announced that it would not allow Afghans without valid travel documents to enter the country, while Iran notified that it would only accommodate Afghan refugees in temporary camps near the border until they could be returned to Afghanistan (Canefe, 2021).

Afghans who want to go to European countries use Turkey as a transit corridor. Turkey is hosting the world's largest refugee population. The Turkish government recently stated that it could not take in more Afghan refugees. To prevent a new influx of migrants, Turkey constructed a wall and surveillance system along its 295-kilometre border with Iran (Albrecht, Rude, and Stitteneder, 2021; Canefe, 2021).

Afghans in Turkey do not enjoy protection under the 1951 Refugee Convention nor temporary protected status like the Syrians, because of which they are constantly at risk of deportation, and they are also targets of racist attacks and hate crimes (Global Detention Project,2021). Furthermore, due to their illegal status, many Afghans cannot find work opportunities, and those who do find get paid meager wages, which is hardly sufficient for their survival. Most Afghan migrants wait for years to save enough money to travel to Europe. Thus many Afghan migrants in Turkey are stuck in limbo, unable to save enough money to move forward and unwilling to return to Afghanistan (Alemi, Montgomery, and Stempel, 2018).

This case study uses secondary data analysis to explore the uncertain situation of Afghan migrants living in Turkey. This article starts by investigating the Turkish government's migration policy over time. This is followed by a brief historical overview of Afghan migration, and then this case study will explore Afghan migration flow to Turkey and beyond. Finally, it puts forward the uncertain situation of Afghan migrants stuck in limbo in Turkey.

2. A BRIEF OVERVIEW OF TURKISH MIGRATION POLICIES

Since the early 20th century, Migratory movements have shaped the structure and nature of Turkish society. One of the main characteristics of this phenomenon is that the Turkish state has exploited the mobility across and within Turkey's borders, either explicitly or implicitly, as a tool of the modernization process. With the fall of the Ottoman Empire and the emergence of the modern state of Turkey, both

emigration and immigration have become essential parts of deep-seated state policies concerning the nation-building process and national integrity. For example, on the one hand, people of Turkish origin and Islamic faith were encouraged to migrate to Turkey, and on the other, non-Muslims in Turkey were discouraged from staying (İçduygu and Aksel, 2013).

Emigration in the mid-20th century was viewed through the political-economic lens, which served the country's developmentalism projects. However, there have been two significant developments in recent decades that resulted in major changes in the Turkish state's position on international migration issues. First, as the transnational spaces developed alongside the foundation of Turkish diaspora communities and the effects of the global changes on these transnational spaces and networks led the Turkish state to engage in diaspora politics. The Turkish state used these spaces and networks as diplomatic tools and its expatriates as political and cultural agents abroad. Second, Turkey has increasingly become a transit and destination country for immigration since it started to attract non-Turkish and non-Muslim immigrants for the first time in its recent history. This forced the Turkish state to develop new policies and programs on immigration. With the implementation of such measures, Turkey experienced a cautious transition from long-established policies that mainly were constructed through the lens of nationalism to the new liberal ones, which have been partially influenced by Turkey's involvement with global dynamics and its involvement in the European Union (EU) affairs (İçduygu and Aksel, 2013).

Since the 1980s, Turkey has acted as the main bridge for migration flow from neighbouring countries in the Middle East and other faraway countries in Asia and Africa towards Europe. The Turgut Özal governments in the 1980s and 1990s adopted a practical approach to foreign policy after the collapse of the Soviet Union. Moreover, the Turkish state also implemented a liberal visa policy for the citizens of Balkan, ex-Soviet, and Middle Eastern countries to increase street trade and cross-border mobility. Nevertheless, this post-Cold War liberal approach to the migratory movement that depends on the idea of the "trading state" had its own limitations and contradictions. The security concerns of the Turkish state regarding its Kurdish population had restrictive impacts on bordering affairs that targeted specific groups and nationalities (Genç, Heck, and Hess, 2018).

In December 1999, the EU's Helsinki decision declared Turkey's candidacy for EU membership. Furthermore, in December 2004 EU's Brussels decision which announced the beginning of membership negotiation with Turkey in 2005, raised concerns and questions regarding the immigration policies and practices in Turkey (Içduygu and Aksel, 2012). In March of 2005, the Turkish government adopted the "Action Plan on Asylum and Migration," which laid out the tasks and the timetable that the Turkish government had to follow in order to prepare for a fully-fledged development of a national status determination system which will ease the geographical limitation and adopt the directions of EU on asylum and migration in general (İçduygu and Aksel, 2013).

The Turkish government has carried out demands of the EU and introduced a series of new laws in recent years. Turkish government updated its laws on work permits and naturalization, followed Palermo protocols regarding human trafficking, expanded deportation facilities with EU's financial aid, and in 2006 reinforced the "protection" of Turkish borders within the extent of the National Action Plan for the Implementation of Turkey's Integrated Border Management (IBM) Strategy. The Ministry of Interior in 2004 established the Directorate of Project Implementation on Integrated Border Management in order to create effective coordination and collaboration in accordance with IMB. However, this unit which was responsible for planning, preparing, and administering EU projects on IBM, was replaced by the Bureau for Border Management in 2012. Lastly, the visa regulations were also reformed following the visa allocation policies of the EU (Genç, Heck, and Hess, 2018).

The expected outcomes from the new legal framework changed with the arrival of large numbers of Syrians starting from 2011 onwards. The new system was not meant for mass displacement situations. Turkey is a signatory to the United Nations' 1951 Geneva Convention, and the 1967 Protocol carried on the geographical limitation clause of the Convention, which allowed Turkish authorities to grant refugee status only to applicants from European countries. Keeping Syrian refugees out of this new asylum law framework allowed the Turkish government to implement its own policy regarding the situation in Syria. Therefore, the Turkish government in October 2014 adopted a new regulation on temporary protection for Syrians. In the beginning, this allowed the Turkish bureaucracy to manage the large flow of people quickly. However, putting aside the new law and its procedural guarantees brought Turkey back to square one to secure fundamental rights for refugees (Atac et al., 2017).

Since the early 2000s, Turkey's migration policies have undergone a remarkable transformation. However, there seem to be several contradictory developments about the direction of these changes. It is uncertain whether these changes with new regulations will lead to more liberalization or whether they will face opposition to long-established regulations in migration policies. The last decade's evidence shows mixed and confusing results (İçduygu and Aksel, 2013).

3. Historical overview of Afghan migration

Afghans are among the largest groups of asylum seekers arriving in Europe over the past several decades, and their numbers will likely keep growing. What makes Afghan refugees' case incredibly unique is their long-lasting exile status. Afghanistan has become a fragile state due to ongoing conflict, war, and violence. This has forced millions of Afghan citizens to seek asylum elsewhere. From the late 1970s till now, Afghanistan has remained the leading country of origin of refugees. While Iran and Pakistan, the two neighbouring

countries of Afghanistan, have been most directly affected by Afghan refugee flows, these flows have also had a substantial effect on other regions, such as Turkey, which since the early 1980s not only has been host to thousands of Afghan refugees but it has also been acted as a transit country for thousands of Afghan en route to different European countries. The history of forced displacement in Afghanistan, which led to the development of migratory systems across Turkey and Europe, can roughly be divided into four phases (İçduygu and Karadağ, 2018).

The first phase started with the Saur Revolution (Saur is the second month of the Solar Hijri calendar), which took place on April 27, 1978, when the government of Mohammed Daoud Khan was overthrown by the Marxist People's Democratic Party of Afghanistan (PDPA). The PDPA introduced a secular regime which resulted in immediate resistance from the Muslim Brotherhood (Mujahideen), who declared a jihad. The 1979 Soviet invasion, which lasted till 1989, led to further insecurity in the country (İçduygu and Karadağ, 2018, 5). Afghans, by 1990, constituted the world's largest group of displaced persons with 6.22 million. After 1992 when Mujahideen captured Kabul and overthrew Dr. Najib's government, many refugees came back to Afghanistan. However, middle-class and educated Afghans continued to flee the country (Mixed Migration Centre, 2020). In this first phase, Iran and Pakistan were the central host countries for the exodus of the Afghan refugee population, and asylum-seeking and citizenship in Europe were limited. (İçduygu and Karadağ, 2018).

The second phase started in 1996 when the Taliban took control of Kabul and the majority of the Afghan territory. The Taliban introduced a repressive regime based on strict interpretations of Sharia laws, which resulted in severe human rights violations. The Taliban regime faced harsh criticism from the international arena through two rounds of United Nations sanctions and embargoes. This paved the way for a drastic increase in the Afghan population's internal and external displacement (İçduygu and Karadağ, 2018, 5).

The third phase commenced after the US-led invasion of Afghanistan in October 2001, following September 11 attacks by al-Qaeda, whose leader Osama bin Laden was believed to be given shelter in Afghanistan by the Taliban. The US-led invasion forced an initial displacement of 200,000 to 300,000 people. In December 2001 with the fall of the Taliban regime and the formation of the new government backed by the international community resulted in the return of Afghan refugees. Between 2002 to 2008, more than 4.3 million refugees, mainly from Pakistan and Iran, returned to Afghanistan with the help of the Afghanistan Voluntary Repatriation Program. It is considered the largest return operation in UNHCR's history. However, the return trend slowed down in 2005 with the resurgence of the Taliban and security problems (Mixed Migration Centre, 2020).

The fourth phase of displacement began in the mid-2000s and has continued until today. It is characterized by political insecurity and instability despite international and national

actors' attempts to bring peace and stability. The Taliban, by August 2019, controlled more territory than at any time since the war began. On February 29, a peace agreement between the US and the Taliban was signed, stipulating the withdrawal of all US foreign forces from Afghanistan (Mixed Migration Centre, 2020, 16).

The Taliban took over Afghanistan in August of 2021, which forced tens of thousands of Afghans to flee by taking desperate measures. The United Nations High Commissioner for Refugees (UNCHR) has estimated that half a million Afghans will leave Afghanistan by 2021 (Human Rights Watch, 2021).

4. Afghan migration flow to Turkey and beyond

For nearly four decades, Tukey has been acting as a transit country. Turkey has played a vital role in establishing a migratory system that links different migrant/refugee countries to Europe. Afghanistan has been one of the major countries connected to Turkey and via Turkey to elsewhere. Some Afghans come to Turkey to settle, while others arrive in the country to go to mainly Europe and other parts of the world. The patterns of Afghan migration to Turkey since the early twentieth century have gone through four successive periods, the pre-1980 period of sporadic cases, the 1982/83 assisted-refugees period, network migration, and mixed flows between the period 1983 and the late 1990s post-1990s period of network migration and mixed flows (İçduygu and Karadağ, 2018).

Before the 1980s, the migratory movements of Afghan citizens to Turkey were somewhat limited to the sporadic movement of officials or a small number of students. Their arrival in Turkey was often temporary because of bilateral agreements between the countries. Their movement remained stable and small, which never led to the development of any sizable Afghan migrant community in Turkey. The second period of 1982/83 was a turning point for Afghan migration to Turkey. The president of Turkey, Kenan Evren, while visiting Afghan refugee camps in Pakistan in 1982, launched the assisted movements of displaced Afghans of "Turkish origin and culture" which included people of Turkmen, Uzbek, Hazara, and Kyrgyz origin. The settlement and transportation of Afghans with Turkish origins were based on the 1934 Law of Settlement of the Turkish government. Because of Turkey's geographical limitation to the 1951 Geneva Convention on refugees by not giving refugee status to people coming outside Europe, the Afghan settlement was devised under the "Turkish origin and culture" status. It resulted in the arrival of 1006 families with their 4163 members in Turkey between 1982 to 1983, and they were settled in six provinces: Tokat, Kırşehir, Sivas, Şanlıurfa, Van, and Hatay. They were even given housing, agricultural land, and job opportunities in these places, and almost all stayed and created their own small communities (İçduygu and Karadağ, 2018, 8-9).

In the third phase, Afghan migration to Turkey between 1983 to the late 1990s was determined by network migration and mixed flows. Initially, the number of Afghan migrants arriving

in Turkey was not high but steadily continued. This phase saw the rise of a two-tier migratory system that not only linked Afghanistan to Turkey but also extended beyond Turkey, particularly to Europe. This phase not only witnessed Afghan refugees and irregular Afghan migrants coming to Turkey with the intention of joining the Afghan communities but also Afghan refugees and irregular migrants who used Turkey as a stepping stone to go to a third country, mainly Europe. The number of the mixed flows of Afghans in this migratory corridor is unknown; one can roughly estimate it with an annual number of several hundred (İçduygu and Karadağ, 2018, 9-10).

The fourth phase was from the 1990s to the present time; this phase witnessed the embodiment of this two-tier migratory system, with one tier that covered the area from Afghanistan through Turkey into Europe. Mixed flows of Afghan migrants that often developed through networks significantly increased as they gained momentum and extended into Europe using transit flows through Turkey. Due to increasing flows, the Turkish government became sensitive to migration issues. The Turkish government in 1994 adopted "Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum From Another Country ." This imposed several preconditions on non-Europeans for filing asylum applications, such as time limits of a few days for registration and presentation of valid identity documents to meet the preconditions for asylum applications. This resulted in the regularization of the Afghan population in Turkey (İçduygu and Karadağ, 2018, 10).

5. The uncertain situation of Afghan migrants in Turkey

The number of Afghans residing in Turkey, according to UNHCR, is 300,000, out of which 183,000 are officially registered, and the rest are undocumented and are mostly considered illegal migrants according to Turkish asylum and settlement laws. However, unofficial estimates suggest that the actual number of undocumented Afghan migrants is much higher (Alemi, Montgomery, and Stempel, 2018; Ridgwell,2022).

Following the Taliban takeover in August 2021, the figure of Afghans in Turkey has been steadily increasing, as Afghans who already are settled or in transit to Europe are joined by thousands more fleeing Afghanistan. This new influx of refugees has alarmed the Turkish government; in order to prevent the illegal entry of Afghan migrants, the Turkish government has stepped up the construction of a border wall with Iran and formation of police checkpoints on the migrant routes that are close to the main cities, and as well as along the western borders of Turkey with EU. Furthermore, Turkey has also deployed military forces in Van city near Iran's border. To prevent migrant smuggling by boat, Turkey also launched a new Coast Guard Command Unit on lake Van; these coastal guards are equipped with thermal and night vision cameras as well as radar and sonar devices. The Turkish government has also urged European countries to take responsibility for this new flow of migrants by stating that Turkey would not be "Europe's migrant storage unit" (Augustová, 2021; Canefe, 2021; Foschini,2022).

Moreover, "interception operations" have also been increased across key border areas and cities. Afghan families caught by the police trying to cross the border into the Van region of Turkey are reported to be immediately deported back to Iran or detained. It has led to push-back against the Afghan migrants who successfully arrived in Eastern Turkey and wish to register under temporary protection. In August 2021, the Anti-Immigrant Smuggling and Border Gates Branch Directorate teamed up with the Van Police to intercept irregular migrants in the Van region. There are reports also searches of local houses by police if they get a tip that someone is hiding Afghan refugees (Augustová, 2021; Global Detention Project,2021).

The Turkish lira's unprecedented devaluation in November 2021 and the economic crisis have increased the tensions between migrants and anti-migrant prejudice. Police threats and economic crises brought further uncertainty to Afghan migrants, many of whom are still undocumented despite living in Turkey for many years. Besides the lack of access to public services and employers' exploitation, there is also the threat of detention or deportation to Iran (Foschini,2022). Like many Syrian refugees, the locals are showing hostility towards Afghans as well. They often blame refugees and asylum seekers for driving up rents, taking up jobs from the local population, lowering the wages by working illegally, and making health care and other public services less accessible to the local population (Alemi, Montgomery, and Stempel, 2018).

The continuing illegal status of Afghan refugees in Turkey has created different problems for them. According to a survey conducted in Istanbul by (Alemi, Montgomery, and Stempel, 2018) shows the exclusion of Afghan migrants from legal processes for claiming residency, which is necessary for gainful employment to meet the basics of the expensive post-migration living. This situation creates various difficulties for Afghan migrants, such as poverty, isolation, unemployment, and fears of deportation, which have a negative impact on the health and well-being of Afghans.

Afghan migrants do a wide range of bodily labour from construction, manufacturing, repair shop, and sheepherding to transportation, garbage/paper collection and car mechanics. They get paid daily with extremely low wages hard enough to survive and remit money to their families back in Afghanistan (Karadağ, 2021). The growing dangers and increasing cost of journeys to Europe have made it difficult for Afghans to transit to the EU. These situations have put the lives of long-term Afghan migrants in limbo, unsure whether to remain in Tukey or try their luck elsewhere (Foschini,2022).

6. Conclusion

Afghans are one of the longest-displaced populations in the world. The ongoing war, insecurity, and persecution have forced millions of Afghans to leave their country. Apart from Afghanistan's two neighbouring countries Iran and Pakistan; Turkey is the next popular destination for Afghan migrants. Turkey has been acting as both host and transit country for thousands of Afghans since the early 1980s. In the beginning, Turkey hosted 1006 families on the bases of the 1934 Turkish Origin and Culture law of settlement. However, the increasing flow of Afghan migrants made the Turkish government worried. As a result in Turkey 1994 adopted "Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum From Another Country.

In the early 2000s, Turkey saw positive reforms in its migration policy as it entered into the dialog in the EU over Turkey's candidacy for EU membership. It led to Turkey's adoption of the EU direction on asylum and migration. However, the situation changed with the arrival of large numbers of Syrians starting from 2011 onwards. The geographical limitation clause of the 1951 UN Convention, didn't allow Turkish authorities to grant refugee status to people outside European countries. So, the Turkish government implemented its own policy regarding the situation in Syria, and in 2014 adopted a new regulation on temporary protection for Syrians. Although this policy doesn't apply to Afghan refugees, because of which a large number of Afghan migrants are undocumented.

The recent fall of the Afghan government has led to a new wave of Afghan refugees. To prevent this influx of refugees Turkish government has stepped up the construction of the wall with the Iranian border and increased the security personnel. It has become extremely difficult for Afghan migrants not only to enter Turkey but also to transit through to the EU. Afghan migrants residing in Turkey have also been affected by this influx of Afghan migrants. Furthermore, the growing discrimination against Afghan migrants and the deteriorating economic situation in Turkey has made the lives of Afghan migrants in Turkey very difficult.

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