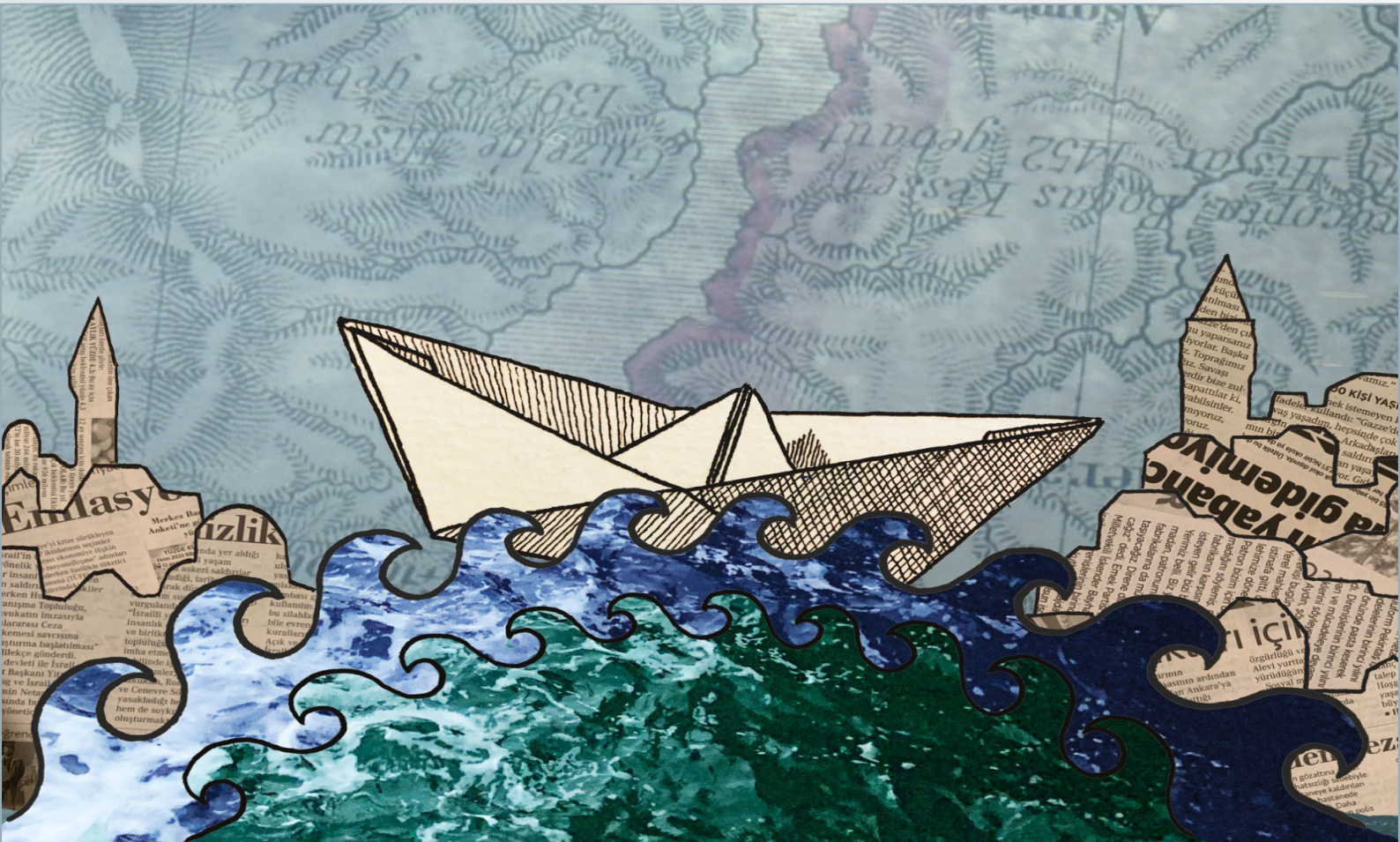


ACTORS AND MECHANISMS OF (NON-)RECEPTION OF THE AFGHANS IN TURKEY



Actors and Mechanisms of (Non-)reception of the Afghans in Turkey

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INTRODUCTION

Today, Afghans are the second biggest displaced population of the world for its decades long experience of external aggression and ensuing protracted conflict that have also brought about and/or exacerbated ethnic rivalries, weak state, tenuous and foreign-dependent economy, poor infrastructure, and environmental degradation. All these reasons and more have led to migratory movements and internal and international displacement, turning Afghanistan into the source of one of the biggest and longest-lasting crises of “protracted displacement”. UNHCR defines “protracted displacement” as “a situation in which 25.000 or more refugee from the same country have been living in exile for at least five consecutive years in a given host country, and find themselves in a state of limbo, unable to return without rights to live permanently elsewhere.”¹ In case of Afghanistan, the reported numbers estimate that 76% of Afghans have experienced some form (and at times, multiple forms) of displacement², while in another source, it is calculated that more than 12 million Afghans have been displaced internally or abroad over the past four decades.³ We also know both from our own research and from various sources that the Afghan

migrants’ length of stay in many countries spans for years, sometimes decades with little or no hope to reach a “durable solution”.

On top of that, especially since 2018, Afghanistan has seen an upsurge of violence and deteriorating economic and climate crisis, particularly drought, making mobility an indispensable survival strategy for larger sectors of the Afghan society. These already distressing conditions culminated in August 2021 with the Taliban’s political and military takeover of the entire country after the withdrawal of the US-led international coalition from the country after 20 years. After the Taliban takeover, both the already existing problems become deepened, and the urgent protection and humanitarian needs emerged for new sectors of society. Protection risks are rising for women, children, LGBTI+ people, ethnic and religious minorities, and people affiliated with the previous government or US-led coalition forces. Besides the widespread violence and grave human rights violations, IOM data show that after 2021, nearly half the population in Afghanistan needs life-saving assistance; one third is facing food insecurity; and alarming levels of drought are directly and indirectly affect-

1 Crawley, Heaven and Esra S. Kaytaz (2022). “Between a Rock and a Hard Place: Afghan Migration to Europe from Iran”. *Social Inclusion* 10(3), p.6.

2 Avis, William (2021). “Refugee and mixed migration and displacement from Afghanistan”. K4D Helpdesk Report. Available at https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/17275/1041_Refugee_and_Mixed_Migration_Afghanistan.pdf?sequence=1

3 Crawley and Kaytaz (2022).

ing the livelihood of the rural populations.⁴ All these problems have become all the more insoluble as the international community, more precisely Western actors, stripped Afghanistan of access to development and humanitarian aid after the Taliban takeover.

Although none of these problems has easy and ready solutions, it must however be noted that as they remained unsolved, protracted displacement would get worsened, adding to the millions internally and internationally displaced. UNHCR Afghanistan Situation Regional Refugee Response Plan anticipates, the upsurge of violence across the country in 2021 and instability has had a serious impact on civilians and, combined with hardships caused by political uncertainty and the economic and food security situation, may cause further displacement, both internally and across borders. This would add to the 2.2 million registered refugees from previous waves of violence, and a further four million Afghans of varying status including undocumented persons.⁵

Despite these anticipations and already big population of Afghan migrants and refugees in the region and beyond, neither the international community nor the neighboring countries have been able to offer durable and sustainable solutions to the protracted displacement of Afghans. On the contrary, migration and border policies of the Global

North have exacerbated the crisis by externalizing asylum and denying access to their borders. Political and bureaucratic obstacles to Afghan migration continue, although they seem to fail to effectively halt Afghan mobility.

It has been widely discussed that global mobility has become a survival strategy for Afghans for decades.⁶ This strategy has been shaped by and stemmed from a mix of need for survival and livelihood and need for protection. Although these two motivations shaping the Afghan mobility cannot be separated, dominant and especially Western conceptualizations of migration and asylum underline poverty over protection needs and tend to group Afghans under the much-debated category of “economic migrant”. According to Crawley and Kaytaz, “Afghans arriving in Europe have come to be seen as ‘second class’ asylum seekers, often viewed as ‘economic migrants’ rather than as being genuinely in need of protection”.⁷ However, as the UNHCR report quoted above shows, there is a rather cyclical and mutually reinforcing relationship between the protection needs and the loss of means of livelihood. Despite the urgent need to recognize the complex web of reasons and motivations for migration, it seems that both in the neighboring countries and in the broader region of host states, this hardened approach to Afghan mobility has hardly changed. None-

4 IOM (2021). “Comprehensive Action Plan for Afghanistan and Neighboring Countries August 2021-December 2024”. Available at <https://www.iom.int/resources/iom-comprehensive-action-plan-afghanistan-and-neighbouring-countries-august-2021-december-2024>

5 UNHCR (2022). “Afghanistan Situation Regional Response Plan: January-December 2022”, p.5. Available at <https://reporting.unhcr.org/document/1292>

6 Monsutti, Alessandro (2021). *Homo Itinerans: Towards a Global Ethnography of Afghanistan*. (Tr. Patrick Camiller). Oxford: Berghan Books.

7 Crawley and Kaytaz (2022), p.5.

theless, mobility is highly likely to continue in the neighboring region and beyond.

The official numbers provided by UN agencies also confirm continuing Afghan mobility. The news coverage of the Hamid Karzai airport showing hundreds of people trying to flee the Taliban rule in 2021 had largely captured the global attention, hinting at the need for refugee protection that would follow.⁸ In addition, official numbers presented by UN agencies show that from 2021 until the end of 2022, a total of 1.6 million Afghans have arrived in neighboring countries.⁹ Before 2021, majority of Afghan migrants were already residing in Iran and Pakistan, approximately 2.5 million and 2.9 million respectively. However, Afghans who can reach other countries, primarily Iran and Pakistan, have been facing precarious conditions and uncertain future as well as official and societal hostility. In 2022 too, border regulations of the neighboring countries and other host countries have been widely tightened:

*“New arrivals do not consistently have access to predictable asylum procedures while those moving through irregular channels are at increased risk of deportation, in contravention of the principle of non-refoulement, as well as increased vulnerabilities and protection risks, and potential exploitation and abuse.”*¹⁰

Moreover, Afghan migrants’ prospects for moving forward to the countries of Global North by way of resettlement are shrinking

by day due to increasingly restrictive migration policies, rising anti-migrant public opinion, and border externalization measures such as readmission agreements. On the other hand, reports of deportation, detention and pushbacks are on the rise. That means, in addition to Afghan migrants leaving Afghanistan for safety and security, millions of Afghans, including those who were born and raised in destination countries, continue moving forward to their journeys, adding an extra layer to already complicated migration patterns of Afghan migrants as well as their reception mechanisms in the host countries.

Although Turkey is not seen as part of the neighboring region that is directly affected by the political and economic turmoil in Afghanistan, it comes after Iran and Pakistan as the third country hosting the largest number of Afghan refugees and migrants. In addition to immigration coming directly from Afghanistan, Turkey is also a host country to (documented and undocumented) Afghan migrants fleeing ill-treatment, anti-migrant policies fueling unpopular public opinion, restrictive asylum and protection systems, and detention and deportation in the first countries of arrival. Therefore, Afghans usually come to Turkey as part of their fragmented journeys which might or might not continue forward, but usually as a result of secondary migration, if not secondary forced displacement. Recent reports show that their conditions in Turkey are becoming more unfavorable in the last decades, as the reception mechanisms

8 Augustova, Karolina (2021). “The Border Landscape in Eastern Turkey after the Taliban’s Takeover of Afghanistan”. Istanbul Policy Center.

9 UNHCR (2023). “Regional Refugee Response Plan for Afghanistan Situation: Final Report 2022”. Available at <https://data.unhcr.org/en/documents/details/100507>

10 UNHCR (2023), p.5

get increasingly restrictive and at times deterrent. This research departs from the current conditions faced by Afghan migrants and refugees and investigates the (non-)reception mechanisms awaiting them in Turkey.

The first research conducted by the Association for Migration Research (GAR) zooms in to İstanbul and details the precarious living conditions documented and undocumented Afghans face in their daily lives.¹¹ It was based on in-depth interviews done in early fall of 2020 with not only the members of the Afghan community residing with various statuses in İstanbul but also civil society actors, experts, and journalists working on the subject. Designed as a follow-up to the initial research, this report aims to expand the scope of the previous work in three main respects: (1) it focuses on the local, national, and international actors active in the reception of Afghans, and for that reason, does not focus on migrant experience per se but delves into the conditions of possibility of the migrant experience; (2) it expands the geographical scope of the research and includes five cities (namely Van, Ankara, İstanbul, İzmir, and Kayseri) and looks at local (and mostly informally operational) differentiations in different cities; and (3) it investigates whether and how the Taliban's political and military takeover in Afghanistan has changed the reception mechanisms of Afghan migrants and refugees in Turkey. Therefore, in this research, we focus on the actors and mechanisms that facilitate or prevent protection to Afghans seeking refuge in Turkey.

Focusing on actors and mechanisms for the Afghan reception cannot be seen as an isolated front in Turkey's migration regime. Although it bears specificities given the long-lasting diplomatic and migratory relations with Afghanistan and the Afghan nationals, we contend that reception mechanisms and policies directed at Afghans in Turkey hint at the changes and continuities in the migration regime writ large. To that end, this report consists of three sections. In the first section that follows the methodology section, we present a brief history of Afghan migration to Turkey and reasons underlying Afghan migrants and refugees' choice to come to Turkey. The first section ends with the discussion on recent changes both in reception of Afghans and in the migration policies in general. In the second section, we delve into the actors that are actively shaping or subverting these policies and reception mechanisms. Given that Turkey's migration regime is a fragmented system with multiple actors involved, we divided the actors into five main components: (1) EU and international actors, (2) the Turkish state, and (3) civil society, including but not limited to NGOs, professional organizations, lawyers, and journalists.

11 Karadağ, Sibel (2021). "Ghosts of İstanbul Afghans at the Margins of Precarity". İstanbul: Association for Migration Research (GAR). Available at <https://gocarastirmalaridernegi.org/attachments/article/192/GHOSTS%20OF%20İSTANBULİSTANBUL%20N.pdf>

METHODOLOGY

As mentioned above, this research does not center around the first-hand experiences of Afghan migrants and refugees in Turkey. Instead, it aims to investigate the reception infrastructure that awaits Afghans who have been living or recently arrived in Turkey and the actors involved in it. To that end, between October-December 2022, we collected qualitative data in five cities (Ankara, Van, Kayseri, İstanbul, and İzmir) where there is a considerable Afghan population. We had 57 in-depth interviews with a total of 106 people in five cities, among whom are scholars, journalists, employees of local, national, and international non-governmental and humanitarian organizations, human rights associations, municipality employees, community leaders, labor union organizers, and lawyers in the bar associations of the respective cities. In some interviews, especially those in Van and Kayseri, more than one interviewees participated in the meetings. Although these were not planned as focus group meetings, the number of participants incited fruitful discussions and displayed variations (and at times arbitrariness) of the reception infrastructure even in the context of the same city. While the majority of the interviews were face-to-face, only five of them (one with Ankara, one with İzmir and three with İstanbul interviewees) were conducted online due to schedule restrictions of the interviewees.

During the fieldwork, we aimed to reach all

actors involved in the reception infrastructure, including those work in government and international agencies. However, we could not reach the actors in migration and/or border bureaucracy as is the case with international agencies. Instead, we hope to compensate this shortcoming by having in-depth interviews with professionals and civil society actors who are allowed (or who are prevented) to work with bureaucracy, including NGO employees, lawyers, municipality employees, and humanitarian organizations. It was also important to see the differences between the organizations and institutions who can work with the national and global migration bureaucracy and those that are excluded from this relationship as well as the reasons for this exclusion.

These five cities, namely Ankara, Van, Kayseri, İstanbul, and İzmir, were chosen for reasons specific to each context. Van, a Kurdish-majority city sharing a 295-km land border with Iran, is not only a satellite city for Iranians and Afghans with international protection for a long time but is also known to be the entrance point of unsanctioned border-crossings. It is also one of the most visible and spectacularized site of border security in Turkey. "To fight 'illegal migration' and 'cross-border crime', Turkey and the EU cooperate on border controls that not only take place along the EU's physical borders with Turkey (...) but also along Turkey's east-

ern border with Iran".¹² Most recently, Turkey erected a 64-km border wall with barbed wire at the Iran border, guarded by the law enforcement and the gendarmerie. The current border wall consists of only a fifth of what is planned to be a 295-km-long wall. This wall project was made possible through EU funding which also contributes to more technological equipment of border surveillance. For this reason, Van came under the spotlight as the site where the "Europe's security problem" begins¹³ and where the border securitization and militarization is on display. As most of the Afghan border-crossers cross via clandestine ways and usually move forward into the country, we do not know the exact number of Afghans in the city; however, the presence of Afghans is well known to the local community as they share a daily life with them and can follow the local news of house raids, deportations, and pushbacks. Van, therefore, stands out as an important location to understand the early reception mechanisms and the recent changes in those mechanisms.

Kayseri, on the other hand, is a landlocked city in the middle of the Central Anatolia. It is long known as a satellite city for Afghans but after 2011, it has been hosting a large Syrian population. As an affluent city, Kayseri is a home to a very large industrial site and rich with agriculture and livestock breeding, making it an attractive place for (albeit informal) employment opportunities. Similar to Van, Kayseri residents are familiar with migrant

and refugee groups and at times support and cooperate with Afghans and Syrians. However, different from Van, the framework and conditions of the support are usually limited to humanitarian and charitable assistance, as the rights-based civil society is rather rare in the city. It was selected for its capacity for being a satellite city to Afghans and hosting various groups of refugees, but it also provides a chance for a comparative frameworks in terms of political and local implications of the reception mechanisms.

Ankara, the capital city, is selected to examine whether and how the center of the migration (and the state) bureaucracy differs from other Afghan-hosting cities. Although it has its own peculiarities, it must be noted at the outset that like other cities included in this research Ankara hosts both documented and undocumented Afghans, and being close to the migration bureaucracy, we were told, does not necessarily change problems faced and solutions found by the Afghan community. Having accessible and well-functioning healthcare and education systems, presence of national and international NGOs and international migration bureaucracy, employment opportunities in the industrial sites, geographical proximity to the small cities where registration is still open to international protection applicants, and the presence of a relatively well-established Afghan network and community make Ankara a point of attraction for Afghan newcomers as well as those who

12 Augustova (2021), p.3.

13 Mehmet Emin Bilmez, the governor and also the appointee mayor of Van, tells the journalists, "European officials visit Van from time to time and I tell them: Europe's security problem doesn't start with Greece and Bulgaria, it starts from here." See Stamouli, Nektaria (January 3, 2022). "Turkey puts its migrant security system on display for Europe". Politico. Available at <https://www.politico.eu/article/turkey-migrant-security-system-iran-border-europe-afghanistan/>

have been in other cities. However, as the center of the state bureaucracy, we were told by many NGO employees that it plays a pivotal role in the implementation of new restrictions on migration reception such as the attempts to deconcentrate migrant populations in certain neighborhoods, and hence, poses certain risks to especially undocumented Afghans.

İstanbul, on the other hand, is the biggest city of the country carrying the biggest labor market. It hosts a considerable Afghan population, whose demographic details were given in the previous research.¹⁴ İstanbul also has a vibrant civil society scene where not only local, national, and international NGOs operate but also civil initiatives, solidarity groups, and migrant self-organizations are active. However, İstanbul has recently become one of the major sites of restrictive policies, including house and workshop raids, large operations of deportation, and deconcentration policies (*seyreltme politikası*) in certain neighborhoods. Combined with the ongoing economic and housing crises, reception mechanisms in İstanbul are shrinking while space for migrant presence is also narrowing down both in the housing and in the labor market. Being a megapolis, however, it is hard to give a comprehensive picture of Afghan reception mechanisms of İstanbul. Instead, in this report, we offer to operationalize the data collected in İstanbul for comparative purposes and as a complementary research to other cities.

Finally, İzmir was selected as one of the prominent exit points of the country from which

hundreds of thousands of migrants and refugees have crossed the Aegean Sea. Third biggest city of the country, it is also home to large population of Syrian and non-Syrian refugees. However, our research showed that Afghans were rather invisible to the actors in the city center. Our interviewees' main deduction was that Afghans coming to İzmir usually prefer to remain invisible as their main aim was to move forward to Europe, instead of residing in İzmir. Despite the lively civil society environment and relatively migrant-friendly metropolitan municipality, the invisibility of Afghans in the city was striking. It demonstrates not only the border-crossing point character of the city but also that the city's civil society usually focuses on Syrian refugees and fails to provide a comprehensive monitoring mechanisms for Afghans.

¹⁴ See Karadağ (2021).

**BRIEF BACKGROUND:
AFGHAN MIGRATION TO TURKEY
AND RECENT CHANGES**

BRIEF BACKGROUND: AFGHAN MIGRATION TO TURKEY AND RECENT CHANGES

It is widely discussed that forced displacement of Afghans goes as far back as late 1970s and early 1980s. The protracted war and widespread violence rendered Afghanistan as one of the leading countries of origin in the world.¹⁵ Since these years, Turkey has been a destination country for the Afghan community, although for different reasons and usually with different statuses. Although periodizations of Afghan migration to Turkey vary, there are three main episodes identified by İçduygu & Karadağ, which will also be used here.¹⁶ Accordingly, the Afghan mobility toward Turkey begins in early 1980s following the Soviet invasion. However, in this episode, in line with the Turkish migration regime at the time, Afghans with “Turkish origin and culture”, that is, ethnic groups such as Uzbeks, Turkmens, and Kyrgyz were settled with the assistance of the Turkish state. İçduygu and Karadağ define the second episode, which spans 1983-1990, as “network migration and mixed flows” through which new groups of Afghan refugees, including undocumented ones, joined the community in Turkey, while many of them transited from Turkey through Europe.¹⁷ In the third and final episode, which spans from 1990s to the present, mixed flows and transit migration continued; however, the Afghan mobility exponentially grew throughout years as the widespread violence and

protracted conflict did not end and economy and climate conditions have deteriorated.

However, it must be noted that this movement has not progressed in a linear fashion. There have been upward and downward movements in the volume and intensity of (forced) mobility, which also include re-settlements to third countries as well as returns to Afghanistan. Also, reception mechanisms Afghans faced in Turkey have substantially changed, making Turkey less and less favorable for Afghan migrants.

Nonetheless, for almost four decades, Turkey has been regarded as a desirable destination for various reasons which must be briefly addressed to be able to understand the recent changes. Firstly, the migrant networks built through years-long migratory pattern have provided Afghan newcomers with an infrastructure of social network. Although imbued with hierarchies and status-differentiations¹⁸, these networks can be conveniently benefited by the newcomers for needs such as housing, registration (if applicable), employment, or passage to the third countries. Secondly, established itself for a long time as a transit country, unsanctioned border crossings especially from the eastern land border were relatively tolerated or gone “unseen” until

15 İçduygu, Ahmet and Sibel Karadağ (2018). “Afghan Migration through Turkey to Europe: seeking refuge, forming diaspora, and becoming citizens”. *Turkish Studies* 19(3): 482-502.

16 See İçduygu and Karadağ (2018); Karadağ (2021).

17 İçduygu and Karadağ (2018), p.497.

18 For more detail on these networks, see Karadağ (2021).

very recently. Contrary to today's heavily fortified borders and militarized measures, border security had "largely let Afghans pass unmolested"¹⁹ for many years. Foschini argues,

*"Until recently, [the Turkish state] largely viewed them as communities in transit, far fewer in number than Syrians and almost self-sufficient, as they do not tap into public services, but do find employment opportunities in the burgeoning informal sector, such as in construction or textiles."*²⁰

Finally, and related to the first two reasons, smuggler networks were very familiar with the geography and had an advanced "know-how of mobility".

While this had been the case for a long time, post-2016 migration regime in Turkey is marked by drastic changes. The least mentioned of these changes pertains to the "Strategic Cooperation and Friendship Agreement" signed between Turkey and Afghanistan in October 2014. The last paragraph of the second article of the agreement puts forth "the state parties shall cooperate in the areas of illegal immigration and border control."²¹ Turkey and Afghanistan do not have a readmission agreement that defines the terms of returns and deportations. However, although the immigration clause serves more as a detail

than an indispensable clause of the strategic cooperation, Turkish state authorities often referred to the clause as the legal justification of the deportation drive, almost in place of a readmission agreement.²² It is unknown whether the conditions of the said agreement have renegotiated or fully annulled following the recent Taliban takeover of Afghanistan. It is also stated by Amy Pitonak, "the EU's Turkey Report, dated 17 April 2018, says that a draft proposal for a readmission agreement had been submitted to Afghanistan, but Turkey was still awaiting a response."²³

A more visible change came with the EU-Turkey Readmission Agreement signed on March 18, 2016, following the "refugee crisis" that swept the European political agenda in the Fall 2015. With this agreement, Turkey's self-designated role as a transit country was significantly reversed as it assumed the role and responsibility to keep migrants and refugees within Turkey. As part of the EU's border externalization schemes, the agreement further stipulated joint efforts for strengthening border controls in the eastern and southern borders of Turkey, doubling Turkey's role: keeping those at the eastern and southern borders out while keeping those headed to the western borders in.

Right after the EU-Turkey Agreement of 2016,

19 Foschini, Fabrizio (May 12, 2022). "Between the Devil and the Deep Blue Sea: No good options for Afghans travelling to and from Turkey." Afghanistan Analysts Network. Available at <https://www.afghanistan-analysts.org/en/reports/migration/between-the-devil-and-the-deep-blue-sea-no-good-options-for-afghans-travelling-to-and-from-turkey/>

20 Foschini (2022).

21 See "Afghanistan-Turkey Strategic Cooperation and Friendship Agreement" (2014); also see Pitonak, Amy (June 21, 2018). "Mass Deportations of Afghans from Turkey: Thousands of migrants sent back in a deportation drive" Afghanistan Analysts Network. Available at <https://www.afghanistan-analysts.org/en/reports/migration/mass-deportations-of-afghans-from-turkey/>

22 Pitonak (2018).

23 Pitonak (2018).

legal regulations on migration also largely changed. Most visibly, newly established Directorate General of Migration Management (now Presidency of Migration Management) took over the registration of international protection applications from UNHCR in September 2018.²⁴ Turning into the sole authority of registration of asylum seekers, DGMM implemented rather restrictive (and at times arbitrary) rules and procedures for international protection applications. According to the 2020 annual update by Asylum Information Database, the DGMM takeover of refugee status determination has “had particularly adverse effects on certain nationalities. Single male asylum seekers from Afghanistan face particular obstacles to accessing registration compared to other nationalities.”²⁵

Around the same time, the volume and intensity of Afghans crossing the Turkish borders dramatically increased. Some estimates state that in the first quarter of 2018, the number of Afghans arrived in Turkey increased by 400%.²⁶ Mixed Migration Center (MMC), on the other hand, estimates that the number reached 100.000.²⁷ Arguing that the readmission agreement failed to halt Afghan arrivals to Turkey, shows based on the DGMM figures that the numbers more than doubled: “from 45,259 in 2017 to 100,841 in 2018; and doubled again to 201,437 in 2019.”²⁸ Although

we cannot possibly know from which countries Afghan migrants arrived, it’s estimated that this was a mixed migration including not only Afghans directly from Afghanistan as well as Afghans were living in Iran. This dramatic increase is attributable to numerous reasons, the most significant ones are (1) deteriorating living and economic conditions in Afghanistan, (2) increasing violence with the Taliban gaining further military strength, and (3) unfavorable conditions and lack of protection in Iran including the deportation of large Afghan groups back to Afghanistan due to economic hardships and regional dynamics such as the US sanctions.²⁹

This increase was responded by the state with mass deportations of Afghans when the increase in the newly arriving Afghan population coincided with the spiraling anti-migrant policies and attitudes both in the politics and in the society in general. The media storm covering the arrival of Afghans in Van from the Iran-Turkey border grabbed large societal attention, fueling anti-migrant sentiments. Also, in 2018, migration policies of the government were for the first time raised in the political agenda by the opposition, possibly for cornering the ruling party in the upcoming 2018 elections. Another reason for the mass deportations, suggested by various researchers and journalists, is

24 For more details on the post-2018 changes, see Asylum Information Database (2021). Country Report: Turkey, 2020 Update. Available at https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf

25 AIDA (2021), p. 71.

26 Pitonak (2018).

27 Mixed Migration Centre (2020), Destination Unknown – Afghans on the move in Turkey. Available at www.mixedmigration.org

28 Mixed Migration Centre (2020), p.10.

29 Roehrs, Christina and Khadija Hossaini (December 22, 2020). “Afghan Exodus: Migrants in Turkey left to fend for themselves.” Afghanistan Analysts Network. Available at <https://www.afghanistan-analysts.org/en/reports/migration/afghan-exodus-migrant-in-turkey-left-to-fend-for-themselves/>

attributed to the Turkish government's desire to "extract more funding from the EU."³⁰

In 2019, both the brewing economic crisis and the ruling party's electoral loss of the major metropolitan municipalities, including that of Istanbul, stoked further tension in the politics and in society, putting migration at the center of domestic and foreign politics. Afghans, presented as the "illegal border crossers" who are almost exclusively young able-bodied males, assumed a central position in public debates and were subjected to many anti-migrant and xenophobic discourses. The government's response to the public unrest turned almost into a campaign through which thousands of Afghans were detained and deported, hinting at the new migratory and border measures to come. In fact, with these practices, migration policy in Turkey was overlapped with "combatting irregular migration", leaving majority of Afghans unable to reach registration and legal stay in Turkey as well as access to rights and services.

From 2019, and our fieldwork also shows, to date, international protection applications by Afghans seem to be summarily rejected, almost with the aim of leaving Afghans unregistered and unable to access protection mechanisms and other services. The Taliban takeover and surging rights violations in Afghanistan have hardly changed this general

-albeit unspoken- policy. 2019 also witnessed an amendment in the Law on Foreigners and International Protection (LFIP, the main legal framework regulating migration and asylum in Turkey). Much controversial, this law sparked debates on criminalization of solidarity as it foresees an administrative fine to those providing housing to undocumented foreigners, even those who accompany them to the institutions providing basic services.³¹

Increasingly restrictive migration policies continue to date, especially for Afghans in Turkey whose registration is effectively prevented, and deportation enabled through various channels. One such measure was the court ruling given by a local court in İzmir in 2020, declaring Afghanistan a safe country and refusing to suspend deportation decisions.³² Moreover, despite the recent deportation drives and reports of lack of protection, ill-treatment, Turkish authorities reportedly consider Iran and Pakistan as safe third countries for returning Afghans from Turkey.³³ As some of these channels are based on legal regulations, it is widely reported by our interviewees that many other practices remain in the gray area, perpetuating arbitrariness. Although it is difficult to monitor the entire system and set of relevant practices involved, it is widely acknowledged by the NGOs and lawyers we interviewed that Afghans are kept as unregistered, undocu-

30 Pitonak (2018); also see Roehrs and Hossaini (2020); Foschini (2022); Gurcan, Metin (July 23, 2021). "Afghan refugee influx stokes tension in Turkey". Al Monitor. Available at <https://www.al-monitor.com/originals/2021/07/afghan-refugee-influx-stokes-tensions-turkey>

31 Stiftung PRO ASYL (March 2021). "Expert Opinion: The Situation of Afghan Refugees in Turkey". Available at https://www.proasyl.de/wp-content/uploads/PA_Expert-Opinion_The-Situation-of-Afghan-Refugees-in-Turkey.pdf

32 Human Rights Watch (November 2022). "No one Asked me Why I Left Afghanistan': Pushbacks and Deportations of Afghans from Turkey." Available at <https://www.hrw.org/report/2022/11/18/no-one-asked-me-why-i-left-afghanistan/pushbacks-and-deportations-afghans-turkey>

33 AIDA (2021).

mented, irregular, and deportable migrants. Of course, there are exceptions to this implicitly executed prevention of protection, namely, those who are categorized under “vulnerable cases”. However, there is no systematic and monitorable criteria of vulnerability; in fact, it seems determinations of vulnerable cases are left to the purview of relevant ranks of migration bureaucracy, mainly the officers of Provincial Directorates of Migration Management. For instance, lawyers and NGOs we interviewed told us that previously Afghan children and women who are advanced in pregnancy were seen to be a vulnerable case; however, since 2020, this understanding has been altered, and vulnerability criteria applied to Afghan international protection applicants have become strictly limited.

Of course, increasing restrictions that are briefly presented above are the results of overarching changes in the migration policies and affect not only Afghan migrants but also a large swath of international and temporary protection applicants. For instance, deconcentration policy (*seyreltme politikası*) that was officially declared in May 2022 aimed to regulate the neighborhoods where the number of “foreigner” inhabitants exceeds 25% of the entire neighborhood population. According to the Ministry of Interior, the number of these neighborhoods would increase to 1200 while the foreigner rate was reduced to 20% by July 2022. This policy also includes entire cities that are close to international protection registrations, namely, Ankara, Antalya, Aydın, Bursa, Çanakkale, Düzce, Edirne, Hatay, İstanbul, İzmir, Kırklareli, Kocaeli, Muğla, Sakarya, Tekirdağ and Yalova.³⁴ Besides the

officially announced cities, our interviewees frequently stated that the majority of cities in Turkey are de facto close to Afghan applicants although it is usually unknown both to the NGOs and to the Afghan application which city is closed and which one is open. Instead, Afghan applicants are expected to travel within the country to find the city to register, without having any documents and with bearing risks of apprehension and deportation while seeking registration.

When we started this research, one of our aims was to see if the Taliban takeover, creating a humanitarian catastrophe for millions of Afghans, had incited a change in Turkey’s reception of Afghan migrants. However, we saw that except for extreme cases which fall into the narrowed vulnerability criteria, the reception of Afghans is still marked by lack of registration and protection, illegality, and deportability which are realized both formal and informal practices. Based on our field research and previous knowledge of the migration regime in Turkey, it is possible to argue that Turkey’s official Afghan reception mechanisms are by and large reduced to “combatting irregular migration”, while neglecting the responsibility for protection dictated by international human rights and humanitarian law. This being the case, other actors of reception operating in these mechanisms find it increasingly difficult to support and build solidarity with Afghan migrants, especially newcomers who are left unregistered. In the next section, we look more in detail into these actors, including the government, to present a more comprehensive framework of the reception mechanisms.

34 Human Rights Watch (2022).

ACTORS OF (NON-)RECEPTION

International Actors

In this report we take international actors as the European Union and the UN agencies, which are the most determining actors in Turkey's migration regime. As mentioned above, the EU-Turkey Readmission Agreement in 2016 has been a definitive moment for the changes in Turkey's migration policies in terms of border management and migration bureaucracy. Moreover, border externalization efforts by the EU, including the grants funding Turkey's migration and border infrastructure, have made it virtually impossible for Afghans in Turkey to access international protection in the EU countries, while, at the same time, the funds are almost exclusively channeled to Syrian refugees. It is reported that since October 2021, the EU has increased the protection available to Afghan refugees arriving in Europe. "However, it is also important to recognize that most of those granted refugee status since the return of the Taliban to power travelled directly to Europe from Afghanistan as part of the evacuation effort and were therefore likely to 'fit' within the dominant conceptualizations of a refugee".³⁵ Others, namely those who fled lack of protection in countries like Iran, Pakistan, and Turkey are largely seen as "economic migrants" whose passage to Europe was deemed "illegal" and was to

be prevented. That is to say, while the EU does not provide protection to the majority of Afghans, it also does not act on bettering the conditions of those living in Turkey. One of the major findings of our fieldwork was the indifference of the EU and EU funds to the conditions Afghans face in Turkey.

On the other hand, UN agencies, especially the UN Refugee Agency (UNHCR) was largely absent from the reception of Afghans to our surprise. Although UNHCR organizes monthly coordination meetings in tandem with the PDMMs of the respective cities, many interviewees underlined the ineffectiveness of the UNHCR in the face of reports of ill-treatment or discrimination faced by Afghans in Turkey. Especially in Van, we were told that UNHCR underline the risks of and warned many NGOs against working with or supporting undocumented Afghans, even though their mandate includes everyone seeking international protection in Turkey. Also, as discussed above, the exclusion of UNHCR from the registration mechanisms after 2018 seems to have curtailed their already limited mandate in Turkey as well as their access and effective intervention in protection cases. Many interviewees, including the UNHCR implementing partners working in different cities, stated their confusion about the UNHCR mandate and role in the country's migration regime, which was strikingly visible in their absence.

³⁵ Crawley and Kaytaz (2022), p.10.

The Turkish State

Turkey's existing legislative framework regulating migration and asylum does not grant refugee status to Afghans coming to Turkey. Due to the geographical limitation to the 1951 Geneva Convention, according to the Law on Foreigners and International Protection, asylum seekers coming from non-European contexts are given conditional refugee or subsidiary protection status within the scope of international protection. For this reason, the protection framework offered to Afghans is a temporary one, allowing them to legally stay in Turkey until they are resettled to a third country.

However, third country settlements of Afghans in Turkey have been plummeting since the early 2010s, especially after the UNHCR suspended Afghan registrations and stopped refugee status determination interviews. "The UNHCR's official position [was] that Afghanistan and Turkey are not neighboring countries and, thus, Afghan asylum-seekers should not be lodging applications in Turkey."³⁶ Even though the registrations were opened following refugee protests in Ankara and other cities of Turkey, resettlement numbers remained rather low with a very small group of Western countries agreeing to have Afghan refugees.

Afghans who have international protection registration in Turkey also face negative conditions, the primary of which is very long waiting periods with temporary statuses. Moreover, many of our interviewees made a mention of some cases where the Afghan

international protection applicants who were previously registered face cancellations on various grounds or with no reason communicated with them. Therefore, already registered Afghans are also not immune to non-registration or irregularization. That said, for the last couple of years and more visible since 2018, non-registration has become a primary mechanism used by the Turkish state.

Stuck in Illegality: Mechanisms of non-registration

As repeatedly discussed above, Turkey's migration regime has gone through drastic changes in the last couple of years. To put it succinctly, the much-praised migration regime based on welcoming reception and provision of -albeit temporary- protection to asylum applicants have shifted towards a regime centered around the fortification of borders, decreasing the number of migrant and refugee population via deportation and "voluntary returns", implicitly creating unfavorable conditions that are designed to keep migrants and refugees out. In other words, migration management seems to have been reduced to combatting (irregular) migration instead of provision of protection and services, especially for non-Syrians. Although Afghans are not the only group affected by these changes, being the largest non-Syrian group in Turkey with no powerful international diaspora and support from the international community, they are the ones who most visibly face the outcomes.

The main mechanism used by the Turkish

36 Ikizoglu Erensu, Asli (2016). "Notes from a refugee protest: ambivalences of resisting and desiring citizenship." *Citizenship Studies*. 20(5), 666.

state is to keep Afghan newcomers unregistered. In other words, irregularization of Afghans, primarily the newly arriving young males, is the most widespread policy which is attained mainly through three mechanisms. First mechanism pertains to delaying applications by the PDMMs. When an Afghan newcomer applies to the PDMM of a city, the officers tell them to come back in months' time. This period of waiting is uncertain which can span from two months to a year, and in the meantime, applicants are not given any documentation evidencing their application; hence, they remain undocumented for the period in question. Second mechanism is related to withholding information from the applicants. When an Afghan applicant applies to the PDMM, he/she is informed that the city is closed to new registration without being given further information as to which cities are open for the time being. Instead, Afghan applicants are compelled to travel from a city to another to be able to register, without any certainty. These intra-country travels pose them further risk of apprehension as they are not given any document showing their intent to register, making them vulnerable to irregularization at best, and detention and deportation at worst. The third mechanism is "default rejection" faced in particular by young males. We were told that this default rejection is quite common even for those who manage to get an RSD (refugee status determination) appointment. Several lawyers we had interview with told us that during the RSD interviews, PDMM officers do not take ongoing vulnerabilities into consideration or do not ask questions that would allow a thorough examination of the applicants' conditions. Especially when they hear answers hinting at economic reasons for migration

such as "I was starving in Afghanistan", or "We were very poor back in the country", their applications are immediately rejected for being "economic migrants". However, the lawyers underlined, if the officer had asked a follow-up question, the applicants would have had the chance to explain the reasons of their impoverishment which almost always boil down to protracted conflict and security risks.

All these three mechanisms have far-reaching consequences for accessing protection. First and foremost, their stay in Turkey remains illegal. While living in uncertainty and unregistered, Afghans not only face the risk of deportation, they also cannot reach any basic services such as housing, healthcare, legal support, freedom of movement, and education. Moreover, these mechanisms hint at a systematic gap between the law and the implementation. Since many newcomers are not informed about their legal rights, even after the rejection they cannot access the legal aid for appealing to or asking for a judicial review of the rejection decisions. Aware of these obstacles to their registration, many Afghans choose to live undocumented in Turkey. One reason behind their choice is their anxiety of being apprehended during their applications in the PDMMs.

Deportation and Detention

These mechanisms that aim at keeping Afghans irregular in the country also pave the way for detention and deportation, which is also another mechanism widely used by the state. Afghans are at the top of the list of detentions and deportations, and they increasingly face arbitrary arrests and house-raids. Although legal grounds for detention vary, we were told that the law enforcement usu-

ally apply the “illegal entry” and “lack of registration” for the reasons of detention orders, although it is the very state mechanisms that keep Afghans unregistered for months. Another commonly applied ground for detention is “the apprehension of registered applicants outside their assigned satellite city and without authorization.”³⁷ When we asked the reasons for intra-country mobility of Afghans, the answers usually confirmed the mechanisms of (non-)reception. Firstly, the cities open to registration are small cities with little or no housing and employment opportunities and are marked by the absence of civil society that can support migrants and refugees. For this reason, many Afghans choose to continue their mobility especially toward big cities where they can find employment in the informal labor and housing market.³⁸

Once apprehended, they are taken to pre-removal centers to wait for their administrative detention period which would highly likely end with the deportation order. Many lawyers and NGO employees stated that during their stay in the pre-removal centers, Afghan migrants cannot access to legal aid and their application for international protection is prevented through channels that are against the domestic and international law. Also, since pre-removal centers are not open to civil society or to lawyers, their conditions are rather unmonitored. However, many interviewees shared with us their suspicion that bad living conditions, lack

of access to interpreters or lawyers, and in some cases ill-treatment in the pre-removal centers might force Afghan detainees to sign “voluntary return” or “deportation” forms as a means to get rid of those conditions.

Pushbacks at the borders and from within the country

Another mechanism by the state is the pushbacks which is much less discussed. Although we do not have access to exact numbers due to illegal nature of pushbacks, there are various reports documenting pushbacks increasing at the Iranian border, particularly since the first quarter of 2018.

*“Pushbacks violate multiple human rights norms, including the prohibition of collective expulsion under the ECHR, the right to due process in the International Covenant on Civil and Political Rights, and the principle of nonrefoulement under the 1951 Refugee Convention, which prohibits the return of refugees to places where their lives or freedom would be threatened.”*³⁹

Based on interviewees done with Afghans deported or pushed back from Turkey, Human Rights Watch report, Turkish armed forces at the border use violence, including armed weapons, to deter Afghans from crossing the borders. Those who are apprehended after crossing the border, we were told during the interviews in Van, are reportedly stripped of their clothes with their cell phone confiscated before being pushed back to Iran.

37 Stiftung PRO ASYL (2021).

38 For a more detailed discussion on how deportation and deportability is part and parcel of Afghan mobility in Turkey, see Karadağ and Sert (2023). “(Non-)deport to discipline: The Daily Life of Afghan Migrants in Turkey”. *Journal of Refugee Studies*, 1-18. <https://doi.org/10.1093/jrs/fead029>

39 Human Rights Watch (2022), p. 2

In doing so, none of the formal procedures such as documentation, getting fingerprints, and processing official claims are followed.

Another widely used pushback mechanism is the one that happens from within the cities. Migration NGOs, journalists, lawyers and human rights activists in Van repeatedly told us that undocumented Afghans caught in the city or during their travel to western neighbors further away from the border, they are detained at the police stations for a period of time ranging from two hours to a couple of days without being officially registered in the law enforcement system. Later, they are put into buses to be moved back to the Iranian border. Although against the domestic and international law, pushbacks from within the cities, particularly Van, Iğdır, Erzurum, and Ağrı, are a commonly mentioned practice which turns many cities into unofficial borders heavily guarded by checkpoints. There are also cases in which Afghans travelling to the western neighbors of Van were shot to death while in a minibus.⁴⁰ In the face of such big problems, civil society largely fails to fulfill one its primary duties, that is, the monitoring of the state practice and checks and balances.

Civil Society

The shrinking of the civic space is a subject much discussed in Turkey especially since the failed coup attempt of July 2016. Undoubtedly not the only reason, this has had adverse effects on the migration civil society especially in cases of monitoring and reporting of rights violations and advocacy.

Firstly, the coordination and cooperation between the government and the civil society on migration have dwindled, as a result, access to information and data as well as capacity to create change have been a privilege of very few civil society organizations. This being the case, those who can access and coordinate with the government agencies have been compelled to work within the framework provided by the state, which is briefly summarized in the previous section. We were told by the NGO employees that they are allowed to work with Afghans who have international protection registrations and are strictly warned against working with the undocumented groups even for providing their emergency needs. However, many newcomers need legal counselling as well as access to basic services, most prominently healthcare and housing, and in a totally new context, they can hardly meet these needs without being supported by civil actors.

Although working with undocumented Afghans seems strictly off-limit for all NGOs, their room for maneuver varies depending on both the city and the political positioning of the organization. For instance, while it is legally prohibited by the governorate to work with undocumented Afghans in Van, in Kayseri or in Ankara NGOs can find alternate ways to support or direct Afghans to various institutions. Nonetheless, civil society organizations in Turkey increasingly facing criminalization of solidarity and humanitarianism, especially when it comes to building solidarity with the undocumented groups at the borders.

40 Gazete Karınca (July 3, 2022). "Van'da Mülteci minibüsü tarandı: 1 ölü, 10 yaralı (Refugee minibus was shot at in Van: 1 dead, 10 injured)". Available at <https://gazetekarinca.com/vanda-multeci-minibusu-tarandi-1-olu-10-yarali/>

Moreover, Turkey's migration civil society has largely been shaped by various funding schemes, the most prominent of which is the EU funding.⁴¹ As documented by many reports and underlined by our interviewees, EU funding channeled to migration in Turkey is almost exclusively reserved for Syrians, overlooking Afghans and other non-Syrian groups. For this reason, those NGOs and civil society actors, including lawyers and other professionals, who want to support Afghans are compelled to do it by their own means, networks, and resources. Besides the lack of resources needed to support the Afghan community, many NGOs are actively prevented from operating in the field either by way of withdrawal of information or by being excluded from official coordination efforts. This being the case, other actors active in Afghan reception are left rather unsupported or under-funded by the state and international mechanisms.

Civil Society Variations in Different Urban Contexts

Although it can be traced further back, since the beginning of the Syrian civil war in 2011, migration civil society in Turkey has assumed an enormous role in not only advocating migrant and refugee rights but also in service provision. However, the post-2016 legal regulations seriously restricted and securitized the civic space in Turkey, affecting the migration civil society as well. Works undertaken by migration civil society have been narrowed down mostly to service provision and humanitarian aid, slimming

down the advocacy and rights monitoring. Concurrently, migration policies became much stricter and made "fighting irregular migration" the primary goal of the entire migration regime, putting the protection aspect aside. Confronted with both major changes, migration civil society, majority of which has focused on Syrian migration in Turkey, faced limitations in providing their services to or building solidarity with undocumented migrants, primarily the Afghan community.

That said, this research showed us that besides nation-wide developments in civil society, NGOs operate in strikingly dissimilar conditions. So much so that their access to relevant information, relationship with the local and national government agencies, ability to plan and organize activities, and access to funding vary depending on the city they are in as well as their political disposition and proximity to the local and national government and migration bureaucracy. These differentiations determine not only civil society outreach but also their capacity to work with the Afghan community, documented and undocumented alike.

For instance, in Van, migration civil society actors were divided into three, each operating in differing conditions. We were told that the crackdown on civil society and democratic urban politics was seriously felt especially after the trustee appointments (kayyum) which restricted public political participation in an authoritarian way. NGOs working with migrants and refugees also felt this crackdown,

41 For a more detailed analysis of the migration civil society in Turkey, see GAR (2022). "Civil Society in the 10th Year of Syrian Migration: Actors, Processes, Insights". Available at <https://gocarastirmalaridernegi.org/attachments/article/291/Civil%20Society%20in%20the%2010th%20Year%20of%20Syrian%20Migration.pdf>

although to varying degrees. NGOs focusing exclusively on migration and refugees could still work with the migration bureaucracy although they were mostly restricted their activities to service provision. Human rights organizations and other public actors working for peaceful and egalitarian coexistence in the city, on the other hand, were bearing the brunt of restrictions, and bans on civil society and facing the risk of criminalization of solidarity.

This politically differentiated capacity to work with migrants and refugees was implicitly mentioned in other cities, especially in big cities of İzmir, İstanbul and Ankara; however, comparatively speaking, it can be argued that political pressure in these cities was not felt as much. Nonetheless, much professionalized, and specialized, migration civil society in these cities could develop alternative solutions to maintain their presence in the migration regime either by closely working with the government in service provision or by cutting down the advocacy and monitoring activities, or not publicizing their reports. On the other hand, in Kayseri where rights-based civil society was limited and mainly crowded with conservative actors that were politically consonant with the government, restrictions on civil society was much less spoken of during the interviews. Instead, the main issue that came up was the civil society capacity to provide services to migrants and refugees in Kayseri.

With that in mind, local differentiations in political, economic, and social relations also shape the way in which civil society could operate, find resources, provide services for migrants and refugees. Our observations show that migration civil society actors that can still operate within the field prefer limiting

their activities to very specialized and narrowed jobs that essentially separate migrants and refugees from the rest of the local and national politics and govern this field mainly through humanitarian aid and service provision. Other efforts that strive for protecting and promoting migrant and refugee rights or for integrating migrants into a democratic local politics face further criminalization and obstacles in accessing resources and information. Once shrunk civic space confront with harsher migration policies that obstruct undocumented migrants access to registration and rights and services, civil society organizations working with Afghans find themselves caught between rock and a hard place.

Bar Associations and Lawyers as Critical Actors

In the face of human rights violations outlined above and the tightened civil society and solidarity activities, legal sphere turns into an increasingly crucial realm where the struggle against non-reception mechanisms take place. Lawyers, in this context, serve not only as agents of the right of defense but also as the human rights advocates by upholding the constitution and the international conventions to which Turkey is a party. They undertake multiple roles at once: they ensure the right of defense for those who cannot or are not allowed to claim their legal rights due to their status; monitor, report and publicize rights abuses; take counter actions against these rights violations; and negotiate with the judiciary and migration bureaucracy for protecting and upholding the existing rights.

Our research showed that in cases where the non-reception mechanisms impede the

Afghan migrants (not only but mainly undocumented ones) from accessing basic rights, bar associations and lawyers strive to ensure their access to justice. Their main aim, as stated by lawyers in the interviews, is to make sure that everyone, including those who lack a legal status in Turkey, has access to the right of defense especially in the direst situations such as apprehensions and deportation orders or rights violations committed by the government officials.

In order to systematize their efforts, in 2017 and 2018 many lawyers specialized in human rights and/or migration and asylum established refugee rights commissions under the bar associations of respective cities. UTBA (The Union of Turkish Bar Associations) defines the goals of these commissions as follows: (1) recognizing, protecting, and implementing refugee rights and (2) coordinating, monitoring, and reporting refugee rights violations among the members of refugee rights boards, bar associations, and UTBA. Consequently in 2018, Union of Turkish Bar Associations and UNHCR launched a joint project called "Access to Legal Aid for Refugees, Asylum Seekers, Temporary Protection Applicants in Turkey" which covers bar associations of 33 provinces that host large refugee populations. Being the only institutionalized effort for access to justice, the project intends to ensure legal aid for refugees' access to courts and other administrative mechanisms. Besides, it aims at "capacity development of judges and lawyers through training in international refugee law, sharing of country-of-origin information with the courts and the Union of Turkish Bar Associations (UTBA), and creation of a case law database on refugee law".

Lawyers, with whom we had interviews during the field research, frequently underlined the Legal Aid project and how it contributes to the capacity building of lawyers keen on working in the field. However, in practice, we have observed that the project has various structural as well as context-dependent shortcomings. First, dependent on the UNHCR's project cycle and lacking sustainable public funding, legal aid to refugees is marked by uncertainty without any long-term institutional investment. Secondly, the effective functioning of the legal aid project is very much dependent on the civil society-bar association cooperation and coordination. In cities where rights-based civil society is scarce or disempowered, refugees cannot access information about their legal rights and the legal aid project or need for access to justice cannot be systematically monitored. Therefore, bar associations, which do not have sufficient information on needs of refugees, have to undertake the monitoring, which can be achieved only to a limited extent. Finally, the capacity to provide legal aid to refugees are intimately affected by the migration policies in effect. For instance, many of the lawsuits are directly related to deportation cases which require access to removal centers and effective functioning of the administrative system. However, we were told by the lawyer interviewees that many removal centers in Turkey cannot be entered or properly scrutinized by non-governmental agents. Therefore, access to information turns into a problem for lawyers as much as for refugees. Lawyers and bar associations face other problems as well. Due to the nature of legal regulations, many lawsuits are individual cases which run the risk of falling short of inducing a more structural-legal change.

Second, many of these lawsuits are left to the individual initiatives for lawyers who are active in the human rights and refugee rights struggles; hence, these efforts do not necessarily turn into a generalized struggle that encompass larger sections of the society.

When it comes to Afghan migrants, these problems in accessing legal aid become more striking for various reasons: first of all, many Afghan migrants, who cannot access registration, cannot receive support from NGOs, leaving them uninformed about their legal rights. Secondly, the problems in having access to the removal centers (and vice versa, that is having contact with the outside from the removal centers), leave Afghans – biggest group facing deportation– unable to reach out to lawyers for legal and administrative procedures. Finally, increasing apprehension and deportation pressure on the Afghan community, which have recently aggravated due to rampant anti-migrant attitudes and discourses, forces the Afghan community to refrain from asking legal support or consultation, making them all the more unreachable in the legal sphere. This being the case, regardless of the steadfast efforts by lawyers and bar associations, recent non-reception mechanisms at times overweigh the positive reception efforts.

CONCLUSION

Given the economic, social, ecological, and political problems outlined in the Introduction, Afghan (forced) mobility seems quite unlikely to end. Turkey, hosting the third biggest Afghan migrant population after Pakistan and Iran, is still a destination or transit location for many Afghans. Despite all the difficulties, Afghan presence in Turkey too will continue. That said, already difficult conditions awaiting the Afghan community in Turkey are deteriorating in parallel with stricter migration policies discussed throughout the report such as obstacles to access registration, daily risk of being apprehended and deported, and lack of access to rights and services.

That said, this research project focused not (only) on Afghan experience in Turkey but on how (non-) reception mechanisms of the migration and asylum regime work vis-à-vis the Afghan community. Of course, structural inequalities and other asymmetries are present within the Afghan community; hence reception mechanisms too vary accordingly. Nonetheless, this research showed us that while restrictive and deterrent reception mechanisms (which we call non-reception) becoming more and more common, positive reception mechanisms especially those of civil society and solidarity initiatives are shrinking and at times prevented.

Marked by elevated anti-migration discourse circulated by mainly the opposition parties, the 2023 elections intensified the growing anti-migrant attitudes in the public. As a re-

sponse, the AKP government, in an effort to dismiss political criticisms against the migration policies –its Achilles’s heel in the opposition’s eye–, tightened security measures. Today, the confluence of migration policies with “combatting irregular migration” that we have discussed throughout the report becomes not only more clearly visible but also strengthens intra-country borders, grave security measures, and ensuing human rights violations. Afghan community in Turkey, put under the spotlight both by media and by various political actors for being “undocumented”, “illegal”, and “security risk”, encounter the harshest securitizing measures, and in effect develop strategies that amount to becoming invisible and introverted in the urban context with little or no claim to rights or services.

Against this background, reception mechanisms, especially civil society actors that enhance solidarity with Afghans, are of utmost importance for striving for, promoting, and providing access to rights and services. We should also note that however valuable, civil society efforts can only address specific issues and cannot amend more structural problems such as legal regulations (registration, work permit, travel permit, etc.) and provision of basic services (health and education). What is needed in this regard is a change in the policies and attitudes not only the international community and the Turkish government have vis-à-vis the Afghan migration. With that in mind, policy recommendations written in the previous GAR report are still well-grounded and needed more than ever.⁴²

42 See Karadağ, Sibel (2021). “Ghosts of İstanbul: Afghans at the Margins of Precarity”. İstanbul: Association for Migration Research (GAR). Available at <https://gocarastirmalariderneği.org/attachments/article/192/GHOSTS%20OF%20İSTANBULİSTANBUL%20N.pdf>

ACTORS AND MECHANISMS OF (NON-)RECEPTION OF THE AFGHANS IN TURKEY

