

KAMYAR JARAHZADEH, Those Who Follow the Rules: Exploring Life for Afghan Refugees in Turkey

In the context of continued irregular migration from the Global South, refugee / migration management systems that administer refugees outside of the final destinations deserve greater examination. This paper explores the case of Afghan refugees in Turkey to illustrate the failings of migration management systems that encourage refugees to wait for more permanent solutions in a location outside of their home country. The inability of these systems to provide a sustainable or meaningful life for refugees reveal inconsistencies in common Global Northern perceptions of refugee institutions, and negate any incentive for migrants to utilize formal migration systems.

Mainstream rhetoric by politicians and policy makers in the global north often calls for refugees, migrants and other mobile populations to abandon their clandestine journeys and instead wait in an imagined queue while following a similarly imagined set of rules (Gale 2004). As migration scholars note, the actual rules as they apply to migration are not clear, and an imagined ‘queue’ for refugees’ legal entry does not always exist to meet asylum seekers’ needs (Gelber 2003; Sabates-Wheeler and Macauslan 2007). If there is a process for asylum seekers to claim refugee status that resembles an orderly queue, resettlement programs in intermediary countries are perhaps the closest manifestation of this global northern ideal. To explore the implicit failings of such resettlement programs, this paper will examine the reality of Afghan refugees in Turkey: a form of migration management that approximates the idea of a migration queue. Drawing on a review on relevant literature, and interviews and ethnographic study conducted by the author, this case study elucidates how the current incarnation of Turkish migration management is inherently flawed as it fails to serve its intended purpose as an adequate alternative to onward clandestine migration³⁰.

Clandestine migrants to the global north are often considered ‘queue-jumpers’ (Gale 2004). The logic behind this moniker unfortunately neglects the reality that one cannot feasibly wait in a transit country like Turkey for resettlement for an extended period of time, and that clandestine migration is in many ways a more guaranteed route to asylum. The case of Afghan refugees in Turkey clearly exhibits the inability of refugee administration in Turkey to incentivise individuals to remain in a formal system of migration management. For refugees who actually choose to wait in the proverbial queue, that wait is indefinite in comparison to a refugee who moves to a European state before making an asylum claim³¹. In such a situation, there is a clear lack of incentive to actually follow the rules of migration management as they are presented. This paper argues that future migration policy makers need to reckon with the realities that asylum seekers face in countries such as Turkey.

A diverse variety of Afghan communities both reside in and pass through Turkey: from migrant labourers to communities that were granted special ethnic refugee status in the 1980s (e.g. Daniş et al. 2006). However, this paper focuses solely on a specific community of Afghans in Turkey: relatively recent arrivals from approximately 2001 onwards who are awaiting resettlement or have encountered UNHCR’s resettlement system. Since the start of chronic instability in Afghanistan in the 1980s onward, over three million refugees and

³⁰ Research for this study is based on ethnographic fieldwork and interviews conducted in Turkey from 2012-2015. That research has been compiled in an unpublished graduate dissertation at the University of Oxford titled, “Capabilities and Aspirations in Transit migration: The Case of Afghans in Turkey.”

³¹ For example, the community of Afghan refugees in Turkey originally profiled through my field work beginning 2012 has yet to be resettled as of publication of this paper.

migrants have fled the country to a variety of destinations, but primarily for the states of Iran and Pakistan (Monsutti 2004; Human Rights Watch 2013). Deteriorations in conditions for Afghan refugees in these states have led to subsequent movements, wherefore many Afghans now travel to Turkey to seek refuge or attempt a further journey to Global Northern countries to seek more permanent asylum (Yamin and Malik 2014).

Currently, UNHCR and the Turkish government have registered over 40,000 Afghans in Turkey as asylum seekers (UNHCR 2016). Turkey is signatory to the 1951 Refugee Convention and the 1967 Protocol, but maintains a geographic limitation insofar as it only accepts European asylum seekers as refugees: all other asylum seekers are seen as temporary guests without a path to full citizenship (Kirisci 2000). This is despite the fact that Turkey is home to more than 1.5 million Syrian refugees, and thousands of refugees from other non-European states (UNHCR 2016). These individuals are only eligible for temporary asylum seeker status, administered jointly between UNHCR and Turkey. With this status, individuals are subject to administration and management through this system, and are potentially eligible for third country resettlement.

Nominally, Afghans who choose to go through this system of administration through Turkey and UNHCR are the global northern politicians' platonic ideal of a refugee that is rightly waiting in the proverbial migration queue. Although these Afghans may have arrived in Turkey through clandestine means, they do not continue their journey any further and instead subject themselves to the will of larger migration management systems. But what is the actual experience of refugees who follow this formal system of migration management?

In reality, quality of life for Afghans in Turkey is unsustainable for individuals to endure long-term. The joint refugee administration of the Turkish government and UNHCR's refugee resettlement apparatus is based on eventually providing refugees one of three permanent solutions: resettlement, local integration, or repatriation (Betts et al. 2013). However, these three solutions remain illusive. As noted, local integration is legally unattainable as Turkey restricts refugee status solely to European asylum seekers. Resettlement is also an insufficient solution as refugee resettlement acceptances pale in comparison to demand.

With respect to repatriation to Afghanistan as a durable solution, recent events demonstrate that the country is far from safe for Afghan returnees, and that many who are repatriated often become displaced persons in their supposed 'home' country (Macdonald 2011). This is further exacerbated by the fact that many Afghans in Turkey have spent most or all of their lives outside of Afghanistan in places such as Iran, Pakistan, or in the case of younger refugees, in Turkey (Monsutti 2004; Coordination Group of Afghan Refugees 2014). Importantly, Afghan asylum seeker populations' political mobilisations have been based on a collective desire for resettlement (Coordination Group of Afghan Refugees 2014)³². The other two 'durable solutions' are not significant parts of the Afghan refugee community's agenda.

This leaves refugees in Turkey in a tenuous situation. On a material level, life in Turkey is difficult and unsustainable. While Afghans have legal presence in the country, available aid is

³² Following the advocacy and community organizing of Afghan refugees in Turkey since 2012, I have yet to see a manifestation of a communal desire for repatriation or local integration. While some individual refugees may have these desires, my research and ethnographic field work did not uncover any larger-scale sentiment in favor of an alternative to resettlement.

often *ad hoc* and insufficient to sustain these communities (Coordination Group of Afghan Refugees 2014). Despite claims from the government and UNHCR that work permits are available to this population and that young refugees have the right to education, these are legal fictions that do not correspond with the Afghan refugees' realities. In the context of illegality and semi-legality, most refugees work without proper documentation, as the work permit process is inaccessible for refugees. Enforcement of labour laws is infrequent, making employment without authorisation viable for refugees and migrants. At the same time, this lax approach to workplace regulations also means that exploitation is commonplace for these workers. Most work without the proper documentation (Coordination Group of Afghan Refugees 2014). Further access to education is highly uneven (Coordination Group of Afghan Refugees 2014). Most refugees cannot hope to live a basically secure life, with the capability to work legally and receive a formalised education.

In addition, their legal situation is perilous. Remaining in Turkey and following the directives of the global migration management system means subjugation to the whims of the international policy community. Afghan refugees are waiting in a queue that at any moment could be made irrelevant. The UNHCR framework of three durable solutions suggests that just as Afghans in Turkey are queuing for their turn at asylum, where policy directives to shift towards repatriation or local integration, the asylum seeker's proverbial place in line could be made meaningless. Increasingly, as countries deem parts of Afghanistan safe for the deportation of asylum seekers and migrants, there is an increasing possibility that resettlement from Turkey be an option (McClenaghan 2016). Time spent awaiting resettlement will then have been for naught.

This cursory exploration of Afghan refugee life in Turkey demonstrates the paradox at the heart of migration management that encourages asylum seekers to wait in an intermediary country. While the presumed purpose of such a system is to regulate migration and control mobility, the inadequacies of this system actually make illicit onward migration as a more promising route of migration. Whereas mainstream migration discourse focuses on minimising refugee practices of perilous forms of migration, such as dangerous boat journeys and illicit smuggling to Europe, current policy realities help produce these exercises of mobility. Whether it is out of ignorance or negligence, the desire of policy makers to force refugees to wait for their turn in order to resettle outside of global northern countries neglects the fact that life in such situations renders onward migration at any costs a reasonable alternative.

As new policy solutions continue to be floated at high-levels regarding migration, any future solution needs to take into account that mobile populations in transit or awaiting resettlement deserve the right to a legitimate system of queuing and case processing, along with a sustainable and fulfilling lifestyle in the meantime. If either of these needs is not met, any new policy recommendation is doomed to fail in comparison to the option of onward migration at any cost.

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