



**THE REPUBLIC OF TÜRKİYE
SOCIAL SCIENCES UNIVERSITY OF ANKARA
INSTITUTE FOR AREA STUDIES**

**EFFECTS OF IRREGULAR MIGRATION, MIGRANT
SMUGGLING AND HUMAN TRAFFICKING IN SOUTH ASIA ON
TÜRKİYE: THE CASE OF AFGHANISTAN**

Master's Thesis

Seyhan GÜNAL

Master of Arts in Asian Studies

January 2023



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PLAGIARISM

I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all materials and results that are not original to this work.

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ABSTRACT

Migration is an important part of the world history. The increase in human mobility as a result of the events experienced in the 20th and 21st Centuries, and the fact that states are facing serious challenges necessitates the multidimensional evaluation of the migration phenomenon. This thesis takes up one of these dimensions of migration, namely irregular migration, migrant smuggling, and human trafficking. The region under scrutiny is South Asia. South Asia is a dynamic region in terms of migration due to many factors. Afghanistan, also located in the region, is a country that needs to be examined in detail since almost all factors that cause displacement have long existed. Türkiye, on the other hand, is considered as a country of transit, origin, and destination, depending on the change and development it has undergone in recent years.

Within the scope of the thesis, first of all, the concepts and major theories of migration were explained. Then, the concepts of irregular migration, migrant smuggling and human trafficking are discussed from the perspective of migrants and other actors, such as facilitators and perpetrators. Finally, irregular migration dynamics of the South Asian region, with a special emphasis on Afghanistan, and its effects on Türkiye are analyzed and examined in the light of secondary literature and with the contribution of face-to-face interviews conducted with irregular migrants.

Keywords: South Asia, Afghanistan, Irregular Migration, Migrant Smuggling, Human Trafficking, Türkiye

ÖZET

Göç tarihi dünya tarihinin önemli bir parçasıdır. 20. Yüzyıl ve 21. Yüzyılda yaşanan olaylar sonucu insan hareketliliğinin yükselmesi ve buna bağılı olarak devletlerin ciddi sınamalarla baş başa kalması, göç olgusunun çok boyutlu olarak değeriendirilmesini gerekli kılmaktadır. Bu çalışmada, göçün boyutlardan biri olan düzensiz göç, göçmen kaçakçılığı ve insan ticareti ele alınmıştır. Analiz edilen bölge ise Güney Asya'dır. Güney Asya bölgesi birçok faktöre bağılı olarak göç açısından oldukça hareketli bir bölgedir. Bir Güney Asya ülkesi olan Afganistan, göçe neden olan faktörlerin neredeyse tamamını barındırması açısından etraflıca incelenmesi gereken bir ülkedir. Türkiye ise, son yıllarda geçirdiğı değışim ve kalkınmaya bağılı olarak hem transit hem kaynak hem de hedef ülke olarak değeriendirilmektedir.

Tez çalışması kapsamında öncelikle göç kavramları ve temel teorileri ele alınmış; ardından hem göçmenler hem de kolaylaştırıcılar ve failer açısından düzensiz göç, göçmen kaçakçılığı ve insan ticareti kavramlarına değinilmiştir. Son olarak, Güney Asya bölgesinin, özellikle Afganistan'ın göç dinamikleri ve Türkiye'ye olan etkileri ikincil kaynaklar ve düzensiz göçmenlerle yüz yüze gerçekleştirilen mülakatların da katkısı ile analiz edilerek açıklanmıştır.

Anahtar Kelimeler: Güney Asya, Afganistan, Düzensiz Göç, Göçmen Kaçakçılığı, İnsan Ticareti, Türkiye

LIST OF ABBREVIATIONS

AA	Anadolu Agency
AIHRC	Afghanistan Independent Human Rights Commission
AVRR	Assisted Voluntary Return and Reintegration
CTDC	The Counter Trafficking Data Collaborative
DAESH	al-Dawla al-Islamiya fi al-Iraq wa al-Sham
DRMKC	The European Commission Disaster Risk Management Knowledge Centre
ECRE	European Council on Refugees and Exiles
ESCAP	Economic and Social Commission for Asia and the Pacific
FRA	European Union Agency for Fundamental Rights
FTFs	Foreign Terrorist Fighters
HDI	Human Development Index
IDMC	The Internal Displacement Monitoring Centre
ILO	The International Labour Organization
IOM	The International Organization for Migration
LFIP	Law on Foreigners and International Protection
MMC 4Mi	Mixed Migration Centre Mixed Migration Monitoring Mechanism Initiative
PDPA	The People's Democratic Party of Afghanistan
PMM	The Presidency of Migration Management Türkiye
RC	Removal Centers
SSG	Security Governance Group
TPC	Turkish Penal Code
UN DESA	The UN Department of Economic and Social Affairs
UNHCR	The United Nations High Commissioner for Refugees
UNODC	The United Nations Office on Drugs and Crime

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CHAPTER 1

INTRODUCTION

Chapter 1 presents the importance and objective of the research and the discussion questions of the thesis. It also provides information about the methodology of the thesis, the data sources, the conducted interviews and the sample.

1.1. SIGNIFICANCE AND OBJECTIVE OF THE RESEARCH

While migration brings benefits, it also poses serious challenges to the nation-states. Compared to former decades, the number and the scale of international migrants increased to a large extent. Therefore, the increase in the number of migrants has also caused an increase in the problems that countries must face. While governing migration, nation-states usually adopt wide-ranging policies between security and human rights-oriented approaches. Despite securitization of migration and militarization of borders all over the world, transnational organized crimes such as migrant smuggling and human trafficking have continued to be one of the most lucrative illegal businesses. It is imperative to understand the illegal side of migration flows, why this has become a trend even though strict laws and regulations were put into place to tackle the issue.

In this thesis titled “Effects of Irregular Migration, Migrant Smuggling and Human Trafficking in South Asia on Türkiye: The Case of Afghanistan”, the answers to these research questions are examined in detail:

- How has Türkiye responded to the problems of irregular migration, migrant smuggling, and human trafficking over the years?
- Whether overall response capacity of Türkiye has affected by irregular migration movements from Afghanistan? If so, how?

- In what ways irregular migration is exacerbated by securitization of migration and closure of safe migration routes?
- Are irregular migrants from Afghanistan exposed to human trafficking along the migration route or in the destination country?
- Can Afghan irregular migrants who have been subjected to human trafficking be accurately determined by officials? Why/why not?

After this brief introduction, the methodology of the research is explained. In Chapter 2, the main concepts of migration and the theories developed on migration are taken up with a special emphasis on push-pull theory and migration networks theory due to their importance and relevance in providing a framework for the topic in discussion. In the third chapter, the concepts of irregular migration, migrant smuggling and human trafficking are explained in detail. Additionally, crimes of human trafficking and migrant smuggling are compared. These two types of crimes have similar characteristics as well as differences. In the fourth chapter, the dynamics and causes of irregular migration from South Asia to Türkiye are analyzed. In addition, the reasons why Afghanistan is among the main countries that produce the large number of migrants are also presented against a historical background. Furthermore, in the fourth chapter, migrant mobility between Afghanistan, Pakistan, Iran, and Türkiye is analyzed. In the light of the interviews conducted, the final leg of this step-by-step migration that covers the Turkish part of migration from Afghanistan is discussed and it was revealed how the EU's view of migration has changed over the years in the context of securitization as it faces migration from South Asia. The recent history of Türkiye's migration flows, current migration outlook, challenges, opportunities, irregular migration and combating human trafficking are among the additional topics covered in the fourth chapter. The final chapter provides a quick summary of the thesis, focusing on the main findings, and concludes with some important steps taken by relevant institutions in Türkiye to combat trafficking and trafficking in human beings and establish protection mechanisms for victims.

1.2. METHODOLOGY OF THE RESEARCH

The methodology consists of mixed methods. First, a literature review carried out on irregular migration and human trafficking in Afghanistan, and Türkiye to understand and determine similarities and differences. In addition, the situation in Asia is taken up in

detail showing how Türkiye is affected by irregular migration flows and human trafficking from Asia as a transit and/or target country across the years.

Second, all available statistical data from institutions, such as the UNDESA, IOM, UNODC, Eurostat, The Presidency of Migration Management (PMM), Turkish Statistical Institute (Turk Stat) was gathered.

Third, other than quantitative data, qualitative method was used by conducting semi-structured interviews with irregular migrants to capture the dynamics of irregular migration in Türkiye. In this context, 10 interviews with irregular migrants from Afghanistan were conducted who were staying temporarily in detention center in Ankara until they are returned to their countries of origin. As can be seen in Table 1, a sample of 10 respondents was considered sufficient for the purpose of the research, since representativity was not the purpose here. However, a diverse sample of different educational, occupational, marital status and age groups was selected. Interviews were conducted based on the approval document dated 2021 and numbered 4127 from the Ethics Committee of Social Sciences University of Ankara. The main idea behind these in-depth interviews was to obtain a detailed and first-hand information in irregular migration processes revealing different actors and their roles – those taking the migration routes as active agents, illegal actors such as smugglers and traffickers, and state actors who are trying to control and manage irregular migration flows (See Annex 1 for open-ended questionnaire). As such, by taking up the Afghanistan as the case study, the thesis benefits from macro and micro perspectives of those involved in irregular migration and aims to provide a comprehensive approach to this global problem.

Each interview lasted half an hour to one hour. There are three female and seven male participants. Interviews were carried out on a voluntary basis and in their languages via translator after explaining the reasons of the study ensuring them anonymity. Below is a table showing the demographic data of the participants such as gender, age, educational level, marriage statuses as well as length of stay in Türkiye.

During the interviews, participants were asked questions about their reasons for coming to Türkiye, the modes of transport they used and whether they worked while in Türkiye. They were also asked whether they had used the services of migrant smugglers during their travels and, if so, what their behavior and experiences were. Finally, the

interviews sought to understand the points at which migrant smuggling and human trafficking intersect.

The ages of the 10 Afghan irregular migrants who took part in the interview ranged from 19 to 26. Only one participant is 35 years old and the other is 43. Almost all of the participants had planned their journeys in an irregular and undocumented manner from the beginning. All of the 10 irregular migrants who participated in the interview stated that they had used the services of smugglers on some or all of their journeys. While two interviewees stated that they had never been to a country other than Afghanistan, the other participants stated that they had been to Iran, Türkiye and Pakistan. 4 participants had been to both Iran and Türkiye. The findings obtained from the interviews are mentioned in section 4.4.1.

Table 1: Demographic Data of Respondents

Respondent	Age	Sex	Educational Background	Profession	Marital Status	Length of Stay in Türkiye
1	35	F	No reading or writing	Elderly Caring	Divorced	3 Months
2	21	F	High school	Tailor	Widow	3 Months
3	19	M	High school	None	Single	5 Months
4	23	M	8th grade	Tailor	Single	6 Years
5	24	M	High school	Driver and Musician	Married	4 Years
6	26	M	No reading or writing	None	Married	5 Years
7	43	M	Elementary School 2nd grade	Carpet weaving and driver	Married	3 Years
8	21	M	Only read and write	Construction works	Single	5 Years
9	25	M	8th grade	Marble maker	Single	5 Years
10	18	F	Only read and write	Tailor	Single	5 Months

Source: Semi-structured interviews with ten Afghan irregular migrants.

CHAPTER 2

THE THEORETICAL AND CONCEPTUAL FRAMEWORK

The concept of migration is divided into many sub-fields. Since the motivations of migrants are very diverse, different concepts of migration have emerged. In addition, many theories have been put forward over time that examine migration from an individual perspective, from the perspective of social relations and economic relations. In this section, major migration concepts and theories are discussed.

2.1. CONCEPTUAL FRAMEWORK

As a result of the differences in the situations that lead to the decision to migrate, many concepts related to migration have emerged. Among them are migration types and motivations such as Forced Migration, Internally Displaced Persons, Voluntary Migration, Labour Migration. In this section, these concepts are outlined.

2.1.1. International Migration and Categories of International Migrants

The concept of international migration is defined as “*the movement of persons away from their place of usual residence and across an international border to a country of which they are not nationals* (IOM, 2019a, p. 113).

On the other hand, an international migrant is an individual who lives outside his or her country of birth (UNDESA, 2016). According to this definition, the number of people living outside the country of birth in 2020 was recorded as approximately 280 million and this figure is approximately 127 million more than it was in 1990, approximately three times of the 1970s (McAuliffe & Triandafyllidou, 2021). According to a projection for 2050, this figure may reach 457 million (Kerwin, 2020, p. 113). Today, 3.6 percent of the world's population is made up of international migrants.

Table 2: International Migrants (1970-2020)

Year	Numbers of International Migrants	Migrants as a Percentage of the Global Population
1970	84,460,125	2.3
1975	90,368,010	2.2
1980	101,983,149	2.3
1985	113,206,691	2.3
1990	153,011,473	2.9
1995	161,316,895	2.8
2000	173,588,441	2.8
2005	191,615,574	2.9
2010	220,781,909	3.2
2015	248,861,296	3.4
2020	280,598,105	3.6

Source: WMR 2022, IOM (McAuliffe & Triandafyllidou, 2021)

Although there are many factors that involve necessity or voluntariness in the realization of international migration, the actual migration takes place from regions with low labour productivity to regions with high labour productivity (Sachs, 2016). If we approach mobility from this perspective, we can think of migration not only with its negative aspects, but also with its positive contributions to the societies of destination, source and transit countries. For example, in theory, a win-win scenario emerges between states with a declining working-age population and states with high unemployment rates (Kerwin, 2020, p. 113) . According to Chamie, if managed correctly, migration means economic development, welfare and socio-economic development for both the source and destination countries (Chamie, 2016, p. 41).

International migration is not occurring only due to economic reasons, wars, internal turmoil, but climatic conditions also trigger international migration, and people migrate legally, irregularly or in search of international protection status. According to the International Migration Highlights 2020 report, about two-thirds of international migrants live in high-income countries. In contrast, 31 percent of international migrants live in middle-income countries and 4 percent in low-income countries (UNDESA, Population Division, 2020, p. 6). Europe had the most international migrants with 87 million, followed by North America with 59 million. North Africa and West Asia are third with a total of 50 million (UNDESA, Population Division, 2020, p. 22). The proportion of asylum seekers was 12 percent of all international migrants. The number of people crossed borders, fleeing conflicts, violence, crises and human rights violations reached 34 million in 2020 from 17 million in the year 2000 (UNDESA, Population Division, 2020, p. 6). By the end of 2021, this number had reached 36.1 million, including

27.1 million refugees, 4.6 million asylum seekers and 4.4 million displaced people of Venezuelan's abroad (UNHCR, 2022c).

2.1.2. Forced Migration: International Protection, Temporary Protection, Internally Displaced Persons

Not all international migrations take place on a voluntary basis. There are cases where the decision to migrate was taken because it was compulsory. According to IOM, forced migration is “*a migration movement which, although the drivers can be diverse, involves force, compulsion, or coercion*” (IOM, 2019a, p. 77). In addition, migration movements that occur as a result of natural and nuclear disasters and famine can also be considered within the scope of this concept. In some cases, victims of human trafficking are also considered within the concept of forced migration (Migration Data Portal, 2020b).

A large group of people who have to migrate with the motivation of necessity are called refugees and asylum seekers. 1951 Geneva Convention also its additional protocols made a distinction between the concept of refugee and migration and clarified the concept of refugee. According to this convention, a refugee is “*someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion*” (UNHCR, 2022e). Asylum seeker is a migrant whose application for refugee status has not been finalized yet. The protection provided to foreigners whose International Protection application cannot be evaluated personally is called “temporary protection”.

The conditions forcing “Internally Displaced Persons” (IDP's) to migrate are in many ways the same as the refugee's experience. The most important difference that distinguishes IDP's from refugees is that they search for a safe shelter within the country, not crossing the borders of another country. According to IOM, a person or group of persons who have been forced to leave their homes or places of residence as a result of armed conflict, violence, human rights violations or natural disasters, but have not crossed a state border, are called IDPs (IOM, 2019a, p. 109).

Non-refoulement could be mentioned as an effective principle in the protection of displaced persons. The non-refoulement principle is part of international human rights laws and migration laws. According to this principle, no migrant, regardless of status, may be returned to a country where he or she would be exposed to torture, persecution, inhuman or humiliating treatment or punishment, or suffer irreparable harm (OHCHR, 2020).

Table 3: People Forcibly Displaced Globally. (2010-2020)

Year	Numbers of Migrants (millions)
2010	41,1
2011	38,5
2012	42,7
2013	51,2
2014	59,2
2015	65,1
2016	65,5
2017	68,5
2018	70,8
2019	79,5
2020	82,4
2021	89,3

Source: Taken from the UNHCR Global Trends Forced Displacement reports (UNHCR, 2020a), (UNHCR, 2021) and (UNHCR, 2022c). Statistics include numbers of IDP's, UNRWA refugees, UNHCR refugees. In addition, includes, asylum-seekers and Venezuelans displaced abroad.

Forced displacement has become an increasing trend in recent years. By the end of 2020, 82.4 million people were registered as forced migrants as a result of oppression, acts of violence, human rights abuses or serious disturbances of public order (UNHCR, 2021). Of this figure, 48 million are internally displaced people and 26,4 million are refugees. There are also 4.1 million asylum seekers and 3.9 million Venezuelans displaced abroad. By the end of 2021, the numbers continued to rise, reaching 89.3 million. Of this figure, 53.2 million are internally displaced people (UNHCR, 2022c). These high figures are met with concern by the responsible authorities. For example, UN High Commissioner for Refugees Filippo Grandi expressed his opinion on the situation as follows: *“We are witnessing a changed reality in that forced displacement today is not only vastly more widespread but is simply no longer a short-term and temporary phenomenon”* (UNHCR, 2020b). The fact that the figure of 41.1 million forced migrants in 2010 almost doubled by 2020 and is increased almost every year confirms the concerns (See Table 3 above).

2.1.3. Voluntary Migration and Labour Migration

Migration where there are no compelling factors in taking the decision to migrate, as in forced migration, is called voluntary migration. Economic factors, social factors, and the desire to see new places are effective in taking the decision to migrate on a voluntary basis. The push factors in the current place of residence and the pull factors in the place where the person wants to live are effective in taking the decision to migrate. Access to quality health and education services, as well as the opportunity to work in jobs that offer higher salaries and better employee benefits, are attractive factors that motivate people to change their living space.

Voluntary migration occurs under two conditions. The first is migration in compliance with the regulatory norms of states and the second is migration in spite of these norms. Migration that takes place in accordance to the rules of the country of origin, transit and destination is called regular migration, while migration that occurs against the laws of these countries or international regulations is called irregular migration (IOM, 2019a).

States resort to regulatory norms to decide who can enter the country and for how prolonged a period of time. In addition, it creates regulatory legislation in order to attract certain migrants to their country. The Republic of Türkiye requires a visa for foreigners who will stay for up to 180 days, and a residence permit for stays exceeding 180 days. In terms of both visa and residence requests, exemptions that are valid in special cases or applied to some countries can be provided. These and similar practices are tools that states use to manage migration in an orderly and controllable way.

It can be said that the most common type of migration among voluntary migrations is economic migration. **Economic migration** is the movement of a person or a group, motivated by economic opportunities, within or outside the country. Those who participate in this migration movement are called **economic migrants** (IOM, 2019a).

According to the Migrant Workers Convention the term migrant worker means a person who is or has been engaged in a paid activity in a State of which he is not a citizen. (United Nations). Migrant workers constitute an important part of the international migrant

stock. For example, in 2017, there were 234 million 15-year-olds and older, working-age migrants and 164 million migrant workers (ILO, 2018, s. 5) .

Remittances are monetary or in-kind flows made by migrant workers directly to their families living in the country of origin. Migrant remittances function as a source of income for sending countries. Migrant remittances, which were at the level of 126 billion USD in 2000, increased to 689 billion USD in 2018 (IOM, 2019b, p. 35). For developing countries, remittances have potential and realized implications for both society and the individual. It has the potential to stimulate economic growth and economic prosperity through the high domestic demand generated by remittances (Vacaflores, 2012). According to Grabel (2010), migrant remittances have begun to take an important place in the financial structure of many developing countries and even become the most important type of international capital inflows of some countries.

Financial income is not always the primary motivation for all voluntary migrations. In **international retirement migration and lifestyle migration**, the migrant or group of migrants does not have a primary purpose such as earning money and providing financial assistance to their family in the country of origin through migrant remittances. The concept of international retirement migration was created to define individuals who live in Northern European countries and decide to live in European countries with a coast on the Mediterranean Sea, seasonally or permanently (Egidi, et al., 2020, p. 2). Northern European retirees are also called lifestyle migrants. These types of migration mostly occur as a result of living in a beautiful landscape and climate environment and seeking a better quality of life (King R. , 2020, p. 6). Such migratory movements were not limited to the South of Europe, but expanded to Türkiye, Morocco, Thailand and the Caribbean. A similar retirement migration and lifestyle migration occurs from the USA and Canada to countries such as Mexico, Ecuador, and the Caribbean (King, 2020, p. 6).

2.2. THEORETICAL FRAMEWORK

As a result of research on migration, many theories have been put forward over a period of about 150 years. These theories are formed around individual goals at the micro-level, social relations at the meso-level, and economic relations and economic structures

at the macro-level (Hagen-Zanker, 2008). Not all the theories related to migration were mentioned in this study, rather certain theories related with the subject were examined. However, Push and Pull Theory and Migration Networks Theory are particularly relevant in explaining migration flows from South Asia, especially from Afghanistan to Türkiye.

Table 4: Theories of Migration by Level of Analysis

Micro Level	Meso Level	Macro Level
<i>Reasons for migration: Personal values/ Desires/expectations For example, raising living conditions, Improving Health Conditions</i>	<i>Reason for Migration Communities/Social networks e.g., social ties</i>	<i>The Cause of Migration/Migration Continuation: Macro-level opportunity structures e.g. economic formation (opportunities in the fields of income and employment differences)</i>
<i>Main theories: - Lee's push/pull factors - Neoclassical micro migration theory - Behavioral models - Theory of social systems</i>	<i>Main theories: - Social capital theory - Institutional theory - Network theory - Cumulative causation - New Economics of Labour Migration</i>	<i>Main theories: - Neoclassical macro migration theory - Migration as a system - Dual labour market theory - World systems theory - Mobility Transition</i>

Source: (Hagen-Zanker, 2008).

2.2.1. Migration Theories

Despite the ancient history of displacement, the conceptualization and scientific study of migration dates back the 19th century. Ernst Georg Ravenstein published his articles using the results of the 1871 and 1881 census and explaining the internal migration routes throughout the British Isles. In addition to his articles in 1876 and 1885, he also examined the foreigner factor by expanding his analysis to Europe, USA and Canada with his article published in 1889. Although he stated that he did not use the word law in a strict sense, but because he could not find a more appropriate word (Macisco Jr. & Pryor, 1963, p. 213), Ravenstein formulated seven migration laws in his article "Law on Migration". According to Ravenstein (1885): 1) Most of the migrants prefer short distance migrations and these migrations are mostly towards the trade and industrial centers. 2) Rapid economic growth in a center first attracts population from the regions close to that center. The vacated territories, on the other hand, are populated by people from more remote regions. 3) Migrants' exit from one point and their concentration towards a point show similarity with each other in terms of character. 4) Each main

migration flow creates an equivalent counter-migration flow. In this way, a place becomes a structure that receives and gives migration as a functioning system. 5) Migrants who migrate to long distances generally prefer centers where industry and commerce are concentrated. 6) Local people of the city tend to migrate less than those living in rural areas of the country. 7) Women are more inclined to migrate than men.

Almost 50 years after Ravenstein, Stouffer examined the relationship between migration and distance in his article. According to Stouffer, there is no necessary relationship between migration and distance. According to this concept, which he calls "Intervening Opportunities", the number of individuals migrating a certain distance is correctly correlated with the number of opportunities within that distance and inversely correlated with the number of intersecting opportunities. In other words, the number of individuals who will migrate to a given distance is directly correlated with the percentage increase in opportunities at that distance (Stouffer, 1940, p. 846)

Following the World War II, different approaches were put forward to close the development gap between the colonies that gained independence and the western states. According to the **Modernization Theory**, if less developed countries want to develop, they should follow the paths of developed countries, focus on the goods that they have a comparative advantage in, and follow the rules of free trade. The stages followed by developed countries were formulated by Rostow in 5 stages (Rostow, 1959). These stages are: 1. *"traditional economies*, 2.*the transition to takeoff (the adoption of scientific methods of technology)*, 3.*the take-off (rapid capital accumulation and early industrialization)*, 4.*the drive to maturity (high industrialization in which the standard of living of the masses remains low)*, 5.*the age of high consumption"* (Chirot & Hall, 1982, p. 82). At this point, criticisms have been put forward that globalization or the capitalist world economy itself will turn into a structure that hinders the development process (Chirot & Hall, 1982, p. 84).

The dependency school emerged from the work of Andre Gunder Frank, Samir Amin, Paul Baran and Immanuel Wallerstein, who developed arguments against these propositions of Modernization Theory. According to the **dependency theory**, as a result of colonialism and capitalism, a center with developed countries and a periphery with others were formed. The injustice in the economic relations of these two blocs leads to

the enrichment of one side and the inability of the other side to complete its development. According to one opinion, the central countries consist of industrialized countries, while the surrounding countries are consisting of agricultural countries (Arango, 2019)

Since the 1970s, **Wallerstein's World-Systems** theory has come to the fore in order to find answers to the problems that dependency theory falls short in explaining. In addition to the concepts of center and periphery in dependency theory, the concept of semi-periphery was added with World-Systems Theory. According to the theory, countries that are considered semi-periphery are exploited by the center, but they also exploit the environment when necessary and can act as gendarmes for the benefit of the center (Ongur & Yavcan, 2019, p. 312)

The World Systems Theory emphasizes that migration is one of the outputs of the tension and conflict resulting from the domination of the center over the periphery (Arango, 2019, p. 112). The unequal distribution of prosperity in favor of the central countries that benefit from the exploitation scheme inevitably leads to migrations to these countries. According to Massey et al., as the liberal economy understandings and ways of doing business in Western Europe, North America, Japan, and Oceania expand towards the periphery, an increasing portion of the human population is included in this market economy (Massey, et al., 1993). This integration inevitably leads to more migration movements.

Migration Systems Theory

The foundations of migration systems theory are based on Mabogunje's study in which he analyzes rural-urban migrations in the African continent. According to Mabogunje (1970, p. 15) , the mutual flow of people, goods and ideas shapes the human geography of countries, just as the flow of water shapes geography. Mabogunje used general systems theory to shape the migration systems theory and underlined the importance of information flows and mechanisms for providing feedback between source and destination countries (Haas, 2008, p. 21). According to King (2012), Mabogunje's model has five elements: 1) Environmental factors such as economic conditions, government policies, social and societal values, and adequate transportation and communication facilities. 2) Seeing migrants moving in the system as energy in the system. 3) Control subsystems that determine who goes or stays. 4) Mechanisms for

adjusting responses to the leaving and incoming of migrants. 5) Feedback loops that will enable decisions to continue or terminate the system (King R. , 2012).

The migration systems theory focuses on the historical ties, colonial past, cultural affinities, political relations between the two countries where migration takes place mutually (Castles & Miller, 2008, p. 36) . For example, the migration of Indian, Pakistani and Bangladeshi in the UK can be associated with the colonial presence of the UK in the Indian geography. Similarly, France's exploitative presence in Algeria resulted in migration movements from Algeria to France. The Turkish population in Germany, for example, is the result of Germany's labour shortage in the 1960s and 1970s (Castles & Miller, 2008).

According to Massey et al., there are interesting hypotheses within the migration systems approach. In the migration systems understanding, the political and economic relations of the countries preclude their geographical proximity. Although geographical proximity is a facilitating factor in exchange relations, proximity does not guarantee exchange, nor does distance prevent such exchange from occurring. On the other hand, a country may be included in more than one migration system, but this is more common for originating countries than for receiving countries (Massey, et al., 1993).

2.2.2. Push and Pull Theory

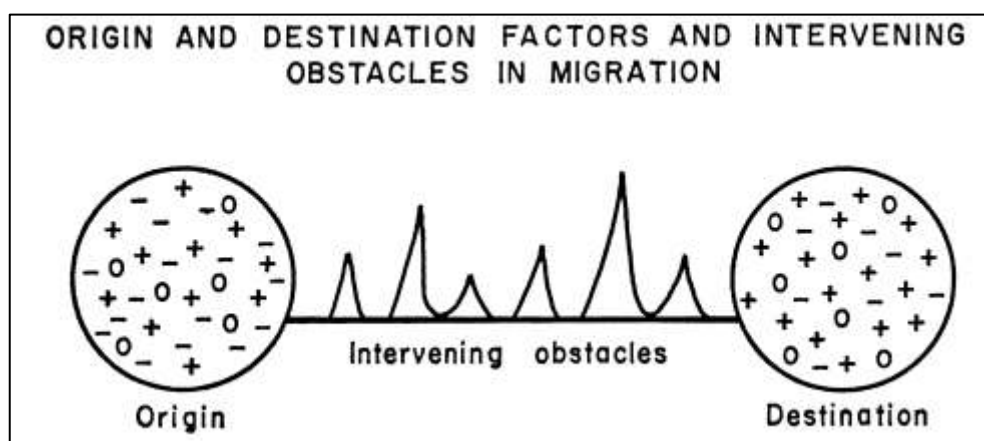
Push-pull factors theory is one of the most widespread theories in Migration Research. In his 1966 article titled "*a Theory of Migration*", Lee stated that Ravenstein had been quoted in thousands of studies on migration over the past 75 years, but that few additional generalizations could be put forward (Lee, 1966, p. 48). Lee determined the push and pull factors of migration by identifying the characteristics of migrations. The factors affecting migration decision and migration process can be examined in four titles:

1. Factors associated with the country of origin.
2. Factors associated with the destination country.
3. Intervening obstacles.
4. Personal factors (Lee, 1966, p. 50).

Three of these factors are shown in the table he prepared in his study (See Table 5). In formulating his theory, Lee stated that there are numerous factors in each field that hold, attract, or repel people in the field where they are now. Under Table 5 below, these factors are shown with + and – signs. There is also a state of indifference to a factor, and these are shown as 0. Lee (1966), concluded that decisions to migrate vary from person to person, one factor can cause a person to plan to migrate, while another person may make decisions to the contrary or be indifferent to the factor. Another aspect that Lee emphasizes is the obstacles that exist between the source and the target. Accordingly, push and pull factors are not enough for an accurate analysis, and for a better understanding of migration, it is also essential to analyze the obstacles between the target place and the source place. Distance is one of the most studied obstacles. Migration laws, and physical structures such as the Berlin Wall are also interfering obstacles (Lee, 1966, p. 51).

The personal factors highlighted by Lee are mostly related to how a person perceives migration. A person's level of awareness, intelligence and resistance to change are effective in the decision to migrate. While some people need compelling conditions to migrate, others may migrate for simpler reasons (Lee, 1966, p. 51).

Table 5: How Push and Pull Factors Works



Source: A Theory of Migration (Lee, 1966)

Obviously, there are many factors that determine people's migration decisions. Rapid increases in the population, the lack of business opportunities, the inability of all segments of the society to get enough shares from economic developments are the pushing factors, while the demand for labour, the abundance of economic opportunities

and the opportunities to generate sufficient income can be attractive or pull factors. In addition to economic factors, many factors such as hunger, drought, natural disasters, pollution, wars, political instability, and inequality are push factors. Pull factors include more political and religious freedom, educational opportunities, and ease of access to healthcare.

Petersen's Typology of Migration

Although push-pull models are attributed to Lee, earlier than himself Petersen has used push-pull terminology without specifying their origins (Haas, 2008, p. 9). Petersen identified five migration types in his study.

1. Primitive Migration: This type of migration is due to ecological push factors.
2. Forced Migration: It is the type of migration caused by states and which the individual has no choice in the decision to migrate.
3. Impelled Migration: It is the type of migration that migrant can use their will relatively in their migration decision.
4. Free Migration: It is the type of migration where the will of the migrants is the determining factor.
5. Mass Migration: It is the type of migration in which migration has become an element of style and collective behavior (Petersen, 1958, pp. 259-264).

2.2.3. Migration Networks Theory

The migration networks theory refers to the social and institutional relations network, which makes it easier for a person to decide to migrate and reduces risks and costs while implementing person's decision. Migrant networks establish the link between old and new migrants and non-migrants through kinship, friendship, and the origins of a common society (Massey, et al., 1993, p. 448). This complex network between migrant and non-migrant provides people with access to both information and social and financial assistance (Boyd, 1989, p. 639).

Massey et. Al (1993) describes the cost-and risk-reducing impact of migrant networks as follows:

- Reduced costs: Each new migrant reduces the cost of migration for friends and relatives who will migrate after themselves.
- Reduced risks: A well-developed Migrant Network makes this migration a secure source of income by providing jobs in the target country with the knowledge of the network. With each new migration, the expansion of the network reduces the risks of all actions that may be directed at female or male migrants (Massey, et al., 1993, p. 449).

The migration network theory can be functional when examining the irregular migration and human trafficking issues. Based on the results of an interview conducted with 337 Pakistani participants who were considered to be potential migrants, 66 percent of them had a social network in Europe before they went on their own, and 98 percent of these social connections consisted of family and relatives. In addition, 21 percent of respondents in the same research stated that their social networks in Europe provided financial assistance to cover migration costs (IOM, 2016a, p. 4).

According to another study that highlights the importance of migrant networks, almost all (95 percent) of the 43 Iranian transit migrants interviewed had strong or weak ties in the West. At this point, strong ties refer to close family members such as spouses, parents, children or brothers and sisters, while weak bonds include remote family members, friends, people of common ethnic origin and co-religionists (Akçapar, 2010, p. 177). According to Akçapar, even if all these weak or strong ties constitute the social capital of individuals, they may sometimes not be sufficient for the establishment of migrant networks due to a number of factors including loss of communication due to prolonged stay in the transit country and also distance. In addition, trust issues between community members can also be considered as an obstacle to the transformation of social capital into migrant networks (Akçapar, 2010, pp. 185-186).

Next chapter mainly deals with irregular migration flows while explaining the differences between migrant smuggling and trafficking in human beings. Chapter 3 also dwells upon international conventions and national laws to combat irregular migration and crimes against nation-states as in the case of migrant smuggling and crimes against humanity as in the case of human trafficking.

CHAPTER 3

IRREGULAR MIGRATION, MIGRANT SMUGGLING AND HUMAN TRAFFICKING

In this chapter, the concepts of irregular migration, migrant smuggling and human trafficking are examined. The definition of irregular migration, its causes and consequences are emphasized. In addition, the crimes of migrant smuggling and human trafficking are also examined and explained both in terms of the parties who commit these crimes and the parties who receive services or are victims. Also, the differences and intersections between the crimes of trafficking in human beings and smuggling of migrants are indicated.

3.1. THE CONCEPT OF IRREGULAR MIGRATION

Irregular migration has its own difficulties in terms of definition. In terms of terminology, the use of other concepts instead of the word irregular makes it difficult to understand this type of migration correctly. In addition, there are differences between the views of states, the view of migrants and even the view of local people on irregular migration and irregular migrant. Due to the nature of irregular migration, measuring it statistically is another area of difficulty. Another issue that needs to be emphasized is that some of the root causes of irregular migration also apply to other types of migration. In this section, the concept of irregular migration will be discussed from these perspectives.

3.1.1. Definition and Quantitative Measurement of Irregular Migration

Even though recruitment emerged as a problem in the 20th century in the USA and Europe when it was subject to certain restrictions, irregular migration remained a neglected concept until the 1990s and 2000s (Bloch & Chimienti, 2011, p. 1276). Although there is no generally accepted definition even today, irregular migration has been defined as “*movement of persons that takes place outside the laws, regulations, or*

international agreements governing the entry into or exit from the State of origin, transit or destination” (IOM, 2019a).

A migration movement can be irregular from the beginning, or it can then become irregular, and the irregular situation of the migrant can occur under multiple conditions. For example, a migrant can enter the country undocumented or with forged documents. Migrant can live in the country without complying with regulatory norms such as visa or residence permit. Even if he is legally entitled to remain in the country, he may be working without the right to work (Migration Data Portal, 2020a). According to Ruhs and Anderson (2010), a migrant can be found in a semi-compliant position against the country's migration policies. Examples include semi-compliance status of migrants who have exceeded their visa period but continue to be in the country, or students who work more than their right to legal work.

Although the concept of irregular migration seems to be generally accepted in terms of terminology, it is possible to encounter a few different concepts. The most common among these are the concepts of ***illegal migration, undocumented migration, unauthorized migration and clandestine migration***. According to the terminology it uses, it is possible to obtain clues about the approach of countries or unions to irregular migration. Although the concepts used, have similar meanings, the concept of illegal is a bit more problematic than the others. It can be said that some countries or unions of countries that frequently use the concept of illegal migration are the countries that are more heavily affected by irregular migration. However, according to Koser, the use of the term illegal has several drawbacks. The first of these is that the term illegal connotes crime. The second is the concern that defining a migrant as illegal may lead to ignoring the fact that they are also individuals with basic human rights. The third drawback is that the identification of asylum seekers as illegal who have not entered the country in accordance with the procedures, may jeopardize their asylum claims (Koser, 2005, p. 5). It is also prohibited in the United Nations Convention against Transnational Organized Crime, to which many countries are parties, that migrants are considered illegal due to their migration movements. Article 5 of the additional protocol to the Convention prohibits migrants who are in the process of emigrating through migrant smuggling, from being subject to criminal prosecution for these acts (UN, 2022b).

Irregularity status is not permanent, whether the migration movement of the migrant begins outside the regulatory norms or later stays outside the norms. In the context of irregular migration, this status does not represent the migrant himself/herself, but the situation he/she is in at that moment. The situation of the migrant can vary from irregular to regular or from regular to irregular (Vespe, Natale, & Pappalardo, 2017). According to Vespe et al. (2017) , the fact that asylum seekers who cross the border irregularly to make an appeal for international protection later or the migrant continues to stay in the country after the visa expires means such a transitivity.

Collecting statistical data on irregular migration is as difficult as the problems in identifying irregular migration. These difficulties are also in relation to the fact that the concept that is tried to be measured is related to irregularity. As explained above, a migration movement may start irregularly from the very beginning, or it may begin as a documented one and then become irregular. It may also result in a request for international protection after the crossing takes place outside the control of a state authority. The abundance of these and similar variables makes it difficult to measure the irregular migration statistically. According to Echeverria (2020, p. 18) , another difficulty in measuring irregular migration is that countries may show the behavior of showing statistics larger or smaller than they are, in accordance with their political goals.

Organizations that collect irregular migration data can combine different data, including interactions within the country or at the border. The interactions that generate statistical data are as follows:

- 1) The migrant's voluntarily participation in a return program or apply to become a regular migrant.
- 2) Detection of the irregular presence of the person in the country.
- 3) Detaining the migrant at the border.
- 4) Refusal of migrants to enter the country (Migration Data Portal, 2020b).

Although the data are scarce and unreliable, both in numbers and in the profiles of irregular migrants, and even what states understand about irregular migration differs (Koser, 2005, p. 7), estimates can be made about the irregular migration figures in the world. For example, the fact that at least 50 million migrants were in an irregular situation in 2010 was reflected in international reports (United Nations Office on Drugs and Crime,

2010, p. 55). In 2017, the number of irregular migrants was estimated to be 58 million. (Vidal & Tjaden , 2018, p. 30).

3.1.2. Root Causes of Irregular Migration

While revealing the main causes of irregular migration, it is possible to benefit from the push and pull factors, which are the migration theories discussed in the previous sections. Violence, conflict, limited job opportunities, natural disasters, and low level of development may include one or more of the factors that will push people to migrate without even having to obtain any legal documents. Factors such as the stable structure of the destination country, degree of development, high wages, advanced social security and health system are among the pull factors in the decision of the person to migrate.

Another theory that is useful in understanding the elements that facilitate the decision of irregular migration movement is the migration networks theory. Through the presence of repelling and attracting factors, relatives, family members, etc. in the destination country are a factor in the final decision of people who are ready to migrate. For example, 22 per cent of respondents from Afghanistan, Iran, Pakistan, and Sri Lanka had relatives in Australia, according to a survey of irregular migrants arriving in Australia by sea. When social connection expands as relatives, friends, relatives of friends, and similar ethnic society, this rate increases to 37 percent. On a nationality basis, the proportion of Afghan nationals with a social connection in Australia reaches 43 percent and the proportion of Pakistanis reaches 38 percent (McAuliffe, 2017, p. 114).

Socio-economic differences between countries are one of the factors that encourage irregular migration. In countries where economic inequality and inequality of opportunity are high, there are problems of low economic growth and inability to reduce poverty sufficiently. In addition, such inequalities reduce the desire to rise to the top socioeconomically, erode trust in institutions and society peace (Department of Economic and Social Affairs, 2020, pp. 21-48). These problems make it easier to make the potential for migration a reality.

One of the important factors triggering migration is the level of poverty in the country. There are 721 million people in the world living on an income of less than USD 1.90 per day that is, living in conditions of extreme poverty. On the other hand, while 1.8

billion people live with an income below 3.20 USD, 3.3 billion people live with a daily income below 5.50 USD (World Bank, 2020, p. 38). The Multidimensional Poverty Index (MPI), which completes the definition of poverty of 1.90 USD per day, is an index consisting of a total of 10 indicators belonging to the three dimensions of poverty, health, education and living standards.¹ According to MPI, people are considered poor if they lack at least one-third of these 10 indicators. According to the 2020 global MPI, 1.3 billion people from 107 developing countries live in multidimensional poverty. According to another finding, approximately 84.3 percent of the multidimensional poor live in Sub-Saharan Africa (558 million) and South Asia (530 million) (UNDP, 2020, p. 3).

There are multiple reasons for a country's high poverty level, such as political instability, lack of institutionalization, inadequate quality education, internal conflicts, widespread violent movements, wars. In terms of violence and conflict, according to the findings of Mueller and Techasunthornwat (2020), states suffering from civil war-like armed conflicts are also suffering from economic collapse. Conflict and violence are the main predeterred main causes of forced migration and irregular migration (Yayboke & Gallego, 2019, p. 13). People who decide to migrate as a result of the conflict, cannot return to their countries for a long time due to the economic problems caused by the conflict environment.

Globalization is major cause of the increasing international migration and, accordingly, the increasing irregular migration. According to Castles et al (2012) , globalization prepares favorable conditions for increased migration in two ways: First, globalization ensures the formation of technological and cultural infrastructure for human mobility. This infrastructure is provided through communication channels that disseminate information about migration routes and business opportunities, as well as through migrant networks that transmit the necessary information about the destination country to a potential migrant. Secondly, the globalization style that has emerged since the 1970s has caused increasing inequality between the global north and the global south, as well as between countries. This inequality has been manifested as poverty, hunger, violence and human rights inequality in the South (Castles, Cubas, Kim, & Ozkul, 2012,

¹ Nutrition, Child mortality, Years of schooling, School attendance, Cooking fuel, Sanitation, Drinking water, Electricity, Housing Assets

p. 120). As a result of the development of globalization to the detriment of a number of countries, the influx of migrants to developed countries has become inevitable. The intensity of the influx of migrants is determined by the difficulty of creating jobs for citizens of the source country and the need for workers of the target country. For example, irregular or undocumented migrants are willing to do jobs that are undesirable to be done by citizens at lower wages and under dangerous conditions because they are dirty, dangerous, and difficult (Koser, 2010, p. 188). Since the willingness of undocumented migrants to work in this way means that their employers will incur less costs, there is a potential for an implicit demand for irregular migrants.

Countries are trying to limit the migration demands towards them with the desire to protect the jobs of their local employees. From this point of view, restrictive migration policies have the effect of reducing legal migration alternatives. According to Yayböke and Gallego (2019, p. 4), if people are in an irregular migration movement, the reason for this is that they are ignored or rejected by the institutions that will ensure regular migration. The inability to access legal migration documents such as visas, work permits, and residence permits does not have an effect on putting an end the migration decision for some people who have made up their minds to cross international borders.

Factors that have the potential to trigger irregular migration also include climate change and environmental disasters. According to the World Bank's expectations, the number of people who have to be relocated within the country due to climate change may reach 143 million by 2050, based on Sub-Saharan Africa, South Asia and Latin America. Although this data is presented as the worst-case scenario, approximately 40 million inhabitants in South Asia is expected to get affected negatively (Rigaud, et al., 2018). Moreover, people who are not able to make a living as a result of the displacement within the country may eventually migrate to other countries. It can be further argued that climate change related migratory movements would get diverted to countries that were not previously planned, thus making some transit countries destination countries out of necessity.

3.1.3. The Consequences of Irregular Migration

Migration, which is a dynamic and interactive movement, has consequences in the source, destination and transit country and in the lives of migrants. Even if we consider that the individual who wants to migrate cannot turn it into action but loses the motivation that will add value to his/her country, even if the migration action does not take place, it can lead to results. Irregular migration can have positive and negative consequences just like general migration movements. What makes such migration movements complicated in terms of their results is the fact that a migration movement, which is evaluated negatively for one party in the context of the source country and destination country, can be evaluated positively for the other party. Brain drain can be considered as a good example for this situation.

The most important result of irregular migration in sending countries is economically based. Migrant remittances are a tool used by migrants to support the lives of their relatives left behind or to make savings. At the same time, migrant remittances are a serious foreign exchange input for many countries and, if used correctly, are a useful tool for ensuring development and economic improvement.

Another benefit that irregular migrants indirectly provides to their home country is that they go back to their country after a certain period with the new level of knowledge and experience they have acquired. However, this can work both ways. Namely, if the migrant does not return to his country and causes a brain drain, the source country, which has lost its human capital, will have difficulty in achieving its economic improvement and development.

The economic consequences of irregular migration movements in destination or transit countries are controversial. The public impression is often that migrants disrupt the country's economic system by lowering wages and putting a strain on the social security system. According to Echeverría (2020), such negative views are rarely supported by comprehensive economic analysis and contain more politicized views and prejudices. For example, research has found little evidence of the supposed substitution effect between local workers and migrant workers. Instead, it is more likely that there is a complementary role between them (Echeverría, 2020). However, if there is competition from irregular migrants, especially for scarce jobs, this can create xenophobic feelings

among the local people. Moreover, these feelings towards irregular migrants may expand to regular migrants, refugees and minority groups in the country (Koser, 2010). Especially in times of economic crisis, rising anti-foreign approaches may cause domestic unrest and disruption of public order.

Some of the consequences of irregular migration are directly related to migrants. Migrants trying to reach their final destination have to use one or more of the land, sea and airlines for this purpose, risking their lives. Thousands of people lose their lives every year as a result of accidents, sea accidents, armed attacks and health problems during transportation. According to IOM, 4,951 people died in 2018, 5,364 people in 2019 and 3,885 people in 2020 while trying to reach their target country. The Mediterranean region occupies an important place in death cases, with 2,299 deaths in 2018, 1,885 in 2019 and 1,421 in 2020, respectively (IOM, 2020). The dangers that await migrants who do not give up their desire to emigrate despite the risk of death during their journey or in the target country are violence, abuse and exploitation (UNODC, 2021b). In addition, irregular migrants in a risk falling into the hands of human trafficking networks due to their delicate situation.

Another difficulty that irregular migrants have to experience is related to the behavior of the country authorities towards migrants. In the form of this behavior, known as **push back**, which is prohibited by international law, the official authorities are pushing migrants who have reached their countries out of the borders with the use of force. In their statements, migrants express that after reaching the country's border, they are forced to go back to the direction they came from, without exercising their legal rights and experiencing violence. Moreover, the fact that their return in this way will most likely result in death, and even the fact that there are pregnant women among the migrants, does not stop the push back (BBC, 2020).

3.2. THE CONCEPT OF MIGRANT SMUGGLING

People who wish to change their place of residence may not have the means to implement their decision through legal means, so instead of giving up, they may pursue methods outside the regulatory norms of states. As described in this chapter, irregular migrants are often assisted in migrant smuggling. Therefore, as described in the chapter,

migrant smuggling has aspects that concern both smugglers and migrants who use this service.

3.2.1. Definition of Migrant Smuggling

Despite the growing literature, according to Baird, human or migrant smuggling is not understood well enough due to problems arising from observation, measurement and collection of reliable data (Baird, 2013a). Today, the definition accepted by the academia and governments is "Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Baird, 2013b). Accordingly, *"Smuggling of Migrants' shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident.* As the 5th article of the protocol clarifies, the aim of the agreement is to fight the smugglers who provide this service rather than the migrants who receive the service offered. Since the protocol was signed in Palermo, Italy, it is also referred to as the "Palermo Protocol" in the literature.

Although the definition in the Palermo Protocol is widely used today to define migrant smuggling, Baird (2016) mentions three phases in the definition of migrant smuggling: The first of these phases is the pre-Palermo Protocol and the early days of the Palermo protocol. In the definitions at this stage, there was not much difference between migrant smuggling and trade, and the concepts were used interchangeably. Thanks to the entry of the Palermo Protocol into international law, the concept of illegal entry has been simplified and separated from the concept of human trafficking for exploitative purposes. The second phase extends from the aftermath of the Palermo Protocol to the present. Following the ratification of the Palermo protocol and its inclusion in national legislation around the world, research has focused on further clarifying the differences between voluntary smuggling and forced human trafficking. In the third phase of the conceptualization studies of migrant smuggling, which covers post-2007, there is a desire to broaden the definition and connect it with broader social phenomena. For example, the definition has expanded to "service provider", "migration industry" or a "travel business".

The influence of the Palermo Protocol in the conceptualization of the term migrant smuggling is evident. However, research on the subject has focused on the following two dimensions of migrant smuggling: the cruelty of smuggling networks and the vulnerable situation of migrants (İçduygu, 2020, p. 4). Migrant smuggling action occurs as a consequence of the service supply of smugglers who facilitate border crossings by providing various services, and the service demands of migrants who want to achieve border crossings (UNODC, 2018a, p. 5).

Table 6: Supply and Demand Aspects of Migrant Smuggling

Factors Determining Demand for Migrant Smuggling	Services Offered by Migrant Smugglers
Socio-economic status of the source country, War and conflicts and other push factors	Transporting, guiding, accompanying the migrant during border crossings
Regulations that restrict the mobility of migrants	Providing accommodation along the migration route
The expensive and protracted process that migrants would have to endure if he or she emigrated through regular channels	Planning along the migration route
Marketing activities of migrant smugglers	Travel documents obtained fraudulently, whether forged or genuine.

Source: (UNODC, 2018a)

As can be seen in Table 6, push factors have an important place among the reasons for demanding migrant smuggling services. Because the push factors provide important motivation for migrants to accept services from such smuggling networks, which are usually organized. In addition, it is possible for migrants to turn to irregular migration alternatives in countries where it is expensive and tiring to obtain documents that give migrants the legal right to travel. The services offered by migrant smugglers make it easier for migrants to take migration decisions, including irregular migration alternatives. These services include the supply of fake or real travel documents, accommodation along the route, guidance, and escort services.

Some scholars argue that research on migrant trafficking or human trafficking is scattered and theorized from different starting points, stated in their paper that the concept is shaped around five themes (Baird & van Liempt, 2016). The first of these themes considers migrant smuggling as a business model. In this business model, actors that mediate international migration, seek profit and commercial gain in both legal and illegal markets. Migrant smugglers continue their activities among these actors. The second theme is the one that approaches migrant smuggling with a criminal aspect. Accordingly,

in studies on migrant smuggling, the organized crime aspect of smuggling has been emphasized a lot. However, there have been different approaches as to whether the organized crime networks in the migrant smuggling business are large mafia-style structures or smaller structures. The third theme identified by Baird and Liempt is the function of migrant networks. In addition to the approaches that migrant smuggling occurs through narrow or wide-ranging criminal organizations, it is argued by researchers that migrant networks also facilitate irregular migration. Moreover, contrary to the business model, which argues irregular migrants totally tied to the market and cannot have personal connections to help them during their migration movements, it has been suggested by researchers that networks of families, friends or relatives have a facilitating effect on irregular migration (Baird & van Liempt, 2016, p. 408). The fourth theme, defined by Baird and Liempt, is shaped around the fact that irregular migration has global effects as well as local effects on the life of the individual. The formation of large patterns such as migration systems is related to the macro consequences of migration.

The fifth theme emphasized in migrant smuggling studies underlines the relevance of the subject to human rights. Research on this theme reveals that the protection provided in the context of human rights to irregular migrants who migrated through migrant smuggling is lacking. Focused on combating migrant smuggling, the Palermo Protocol is mostly an instrument that helps states to fight organized crime (Baird & van Liempt, 2016, p. 410).

3.2.2. Migrant Smuggling as a Crime

Those who receive migrant smuggling services are more than those who individually engage in irregular migration movement. For example, according to a study conducted in 2011, only three percent of irregular migrants who were asked how they organized their travels stated that they traveled on their own, and 76 percent stated that they received help from migrant smugglers (Ün & Paydak, 2017, s. 199). The weight of migrant smugglers in irregular migration movements is also high today.

Table 7: Migrant Smuggling at a Glance

The Reasons for the Occurrence of Smuggling	Migrant smuggling occurs as a result of the use of these situations by organized crime groups of individuals whose regular migration opportunities are restricted despite natural disasters, conflicts and persecution in the countries where they live.
Places where Migrant Smuggling Occurs	While smuggling of migrants affects all countries of origin, transit and destination, the main smuggling routes are African routes to North and South Africa, Asian routes to Europe and rich Asian countries, and American routes. Geographically, irregular migrants travel dangerously, regardless of seas, lakes, deserts, and mountains.
Who Are Migrant Smugglers?	Migrant smugglers are people who are focused on making money. They can work individually, as well as on behalf of organized criminal organizations that have the ability to operate in more than one country. Smugglers often have the same nationality as irregular migrants. So, there is no language barrier, and they know the area very well. migrant smugglers hardly care about the lives of the migrants who receive their services.

Source: Compiled from the UNODC website (UNODC, 2021a).

Migrant smuggling networks are systems that are largely family-based, can take quick action against changing situations, and can enter into short-term partnerships with each other (IEMed, 2016, p. 100). According to Achilli (2016), although these systems are occasionally seen in drug, arms and human trafficking businesses, the evidence is that migrant smugglers do not run these businesses together. UNODC's (2018) comprehensive report on migrant smuggling reveals Ways and means of migrant smuggling and the characteristics of smugglers and the way they work. According to the report, it is possible to explain the basic features that comprises the criminal aspect of migrant smuggling as follows:

- 1) In smuggling hubs, smugglers openly promote and market their services (UNHCR and Altai Consulting, 2013, p. 67). While doing this, they use methods such as showing the pictures of their customers who have reached the target country before, in stylish clothes and cars (UNODC, 2011, p. 29).
- 2) By using today's modern communication tools, smugglers reach people who want to migrate as well as those who do not have such an intention, by promoting the services they offer (UNODC, 2018a, p. 44).
- 3) Smugglers use social media tools such as Facebook, Viber, Skype, Whatsapp to promote their services and establish relationships with migrants. In addition, through these communication channels, migrants collect information on issues

such as routes and fees. Another function of internet communication tools is to make comments about smugglers who are good at what they do or not (UNODC, 2018a, p. 44).

- 4) Migrant smugglers are usually citizens of the same country as the migrants in the source country. Similarly, in many parts of the world where migrant smuggling takes place, in terms of ethnicity or language smugglers have close ties to the local community or to the people of the border region where the crossings take place (UNODC, 2018a, p. 49).
- 5) According to the literature, like other types of crime, in migrant smuggling, the majority of smugglers are men. While female smugglers are mostly accommodated in accepting migrants and temporary shelters, they become functional while accompanying them. Women function more like support personnel (UNODC, 2018a, p. 54).

Migrant smuggling may consist of small operations carried out by individuals seeking opportunities to earn money or may consist of the activities of sophisticated criminal structures that conduct complex operations. When migrant smuggling networks are examined, it is understood that smugglers see their actions as a business model that serves migrants, even if they involve crime. The main reason people get involved in this line of business is profit maximization (Dandurand, 2020, p. 3). According to the findings of Dandurand (2020), smuggling networks can offer full-service packages in which their customers can organize their entire journeys, even if they require more than one mode of transportation. The concept of a full-service package can be considered as a concept similar to the business models of legal travel agencies. When Table 8 is analyzed, it is concluded that the business models of smugglers may undergo some changes in accordance with the changing situations.

Table 8: Different Smuggling Models

Smuggling Model	How It Works
Comprehensive package	In this model, all travel from the origin to the target is planned in advance. The means and methods of travel to be used and the borders to be crossed are determined in advance. Prices are usually high.
Hub as a supermarket	It is a business model where smuggling service is provided from smuggling centers. These centers are located near exit or transit points. Migrants can receive services that suit their needs by coming or being brought to such centers.
Travel agency	Services provided by loose smuggling networks, including taxi, bus and truck drivers, are at the forefront. In some cases, a travel agency can be established to gain legal appearance. In this model, migrants are smuggled individually or in groups.
Smuggling in the form of optional hop-on-hop-off	In this model, smugglers provide services according to the financial situation or needs of migrants. Migrants can make new decisions in a certain part of the migration route, extend their journey by staying at a certain point, and turn to different smugglers. Also, along the route, migrants can cross some territories without the help of smugglers.
Opportunistic smuggling	In this type of smuggling, smugglers usually provide such services as an additional income alongside their main job. Operations are carried out on a temporary and unplanned basis. Smuggling providers may also act as business brokers and provide housing.
Smuggling from one leg to another	In this model, the migrant continues his journey through different smugglers on different legs of the route. Namely, at some stage of the journey, smuggler transfers the migrant to another smuggler. Migrants can wait for a suitable period of time in the shelters provided by smugglers before moving on to the other leg of the journey.

Source: (UNODC, 2018a).

One of the two most widely used smuggling models described in the table above covers the services offered as a full package, while in the other model, migrants continue on their way as long as they can fund their journey. Full package services are more expensive than other models because expenses such as transportation fees, bribe payments are planned in advance. This mode of travel, in which migrants owe large amounts of money, at risk of being exposed to abuse and human trafficking. The pay-as-you-go model includes less initial payments than the full package, but migrants may have to work between the legs of the route to earn money to complete their journey (OECD, 2015, p. 6).

Regardless of their business model, there is a division of labour and designated duties among migrant smugglers. These workers, who work in migrant smuggling networks, are generally called facilitators. The most important facilitators can be explained as follows.

- ***Coordinators*** are facilitators with high communication skills. Coordinators, who are in contact with other smugglers in destination, transit and source countries, especially take part in the full package smuggling model.
- ***Recruiters*** identify potential migrants and promote the smuggling services offered to them.
- ***Carriers and guides*** are the officials who ensure the transportation of migrants and their passage across borders. These facilitators take part in the operation part of smuggling.
- ***Service Providers and suppliers*** are persons responsible for providing any shelter, food, vehicles, boats, and documents that migrants may need (OECD, 2015, p. 7).

3.2.3. Migrant Smuggling from the Perspective of Migrants

The demand aspect of the migrant smuggling service composed of migrants who have agreed to receive this service. Migrants who find sufficient motivation in the context of push-pull theory buy migrant smuggling services with the guidance of their wider environment in the context of migration networks theory. However, the relations between smugglers and migrants may be more challenging than migrants think. According to Dandurand (2020), for a smuggling operation to succeed, smugglers must have control over migrants. In order to ensure this control, migrants are not informed, they are prevented from communicating with others and are isolated in the process. When this state of loneliness is combined with various methods that will increase their fear of arrest, migrants exhibit a more submissive and harmonious image throughout the journey (Dandurand, 2020, p. 23).

The journey has psychological difficulties as well as physical difficulties. Migrants are generally regarded as objects and kept in container-like structures throughout their journey. The important thing for smugglers is their own situation and not being detected by security units is their top priority. Migrants traveling by sea without adequate health and food facilities, and thousands of them lose their lives or face serious health problems due to these reasons (UNODC, 2010, p. 43). Methods such as psychological and physical violence and intimidation are used to keep under control the migrants who are forced to cooperate or the entire smuggled group. In addition, women in the smuggled group are also subjected to harassment and rape (Baird, 2013b, p. 3).

The treatment of migrants trying to flee to the Gulf of Aden through smugglers in search of a better life and security from Somalia and similar countries is an indication of how dangerous the relationship between smugglers and migrants can be for migrants. In fact, on boats designed for 30 or 40 people, migrants travelling without windows and limited air were asked to stay in the same position without moving at all and were not even given food or water during their journey. Migrants who reached the shore needed treatment due to injuries caused by extreme violence, severe dehydration, respiratory conditions, and psychological concussions caused by witnessing the death of their relatives during the journey (UNODC, 2010, pp. 43-44) .

Table 9:IOM Recorded Death Rates of Migrants by Causes (2017)

Cause of Death of Migrants	Proportion (Percent)
Deaths related to vehicle or train incidents on highway routes	8
Estimated or definitive drowning deaths on sea routes	58
Murder related deaths on road routes	6
Harsh conditions and deaths due to diseases	19
Unknown and unreported causes	7
Other	2

Source: (UNODC, 2018a, p. 9)

As can be seen in Table 9, migrants can be exposed to vital risks in many different ways. Migrants who succeed in reaching their target country despite all the dangers, are defenseless against abuses by their employers as they will have to work without documents and without the social protection and job security rights provided by the state. In addition to the desperation caused by undocumented work, migrants are willing to accept low salaries and long hours of work to pay off their debts to smugglers (Campana & Varese, 2016, p. 94).

3.2.4. Migration Routes and Hubs

Migration movements in the world take place along certain routes using all transportation methods. The European Commission defines these **routes** as “*the geographic route along which migrants and refugees move via hubs in transit areas from their country of origin to their country of destination, often traveling in mixed migration flows*” (European Commission, 2021). The concept of "**mixed migration flows**" emphasizes the different profiles and migration purposes of the migrants using these routes. In other words, mixed migration can be mentioned if the migrants using the same

routes and means of transportation have diverse motives for migration. Mixed migration flows can include asylum seekers, refugees, irregular migrants, victims of human trafficking. Mixed migration movements are often irregular, and migrants may receive assistance from smugglers for all or part of the journey (Mixed Migration Centre, 2021).

Migrant smugglers plan to use one or more of the air, sea and land routes while continuing their operations along the routes. The reasons for this can be listed as follows (UNODC, 2018a, p. 24). First, there may be many geographical obstacles such as mountains, seas, deserts, and rivers that must be crossed between the source and the target. Second, the journey may involve official border crossing points that require documentation. Third, distance between country of origin and destination may lead smugglers to alternatives such as air travel. Fourth, factors such as the capacity of the smuggling organization, the financial situation of the migrant, and the compelling effects of nature are also effective in determining the route to be used.

There may be many geographical barriers to be crossed along routes that include roadways. Deserts, lakes, rivers can be counted among these obstacles. These obstacles can be very dangerous and even deadly for migrants. For example, in Saharan countries, there is evidence that vehicle drivers who encounter difficulties during smuggling leave migrants in the desert (European Commission, 2015, p. 38). An example of how dangerous the highway routes could be is the 60 migrants who lost their lives in Lake Van in Türkiye. Of the approximately 80 irregular migrants who are thought to be from Afghanistan and Pakistan, 60 people died as a result of the boat they were on capsized (The New York Times, 2020). As it can be seen, the geographical obstacles that must be crossed along the land routes are challenging for the migrants and a land route also includes waterways such as seas and lakes.

One of the most dangerous routes where migrant smuggling activities are carried out is sea routes. The methods used by smugglers to carry out their operations along these routes without being detected are of a nature risking the lives of migrants. For example, smugglers manage the operation remotely by giving migrants technological devices such as satellite phones and GPS devices, enabling them to contact the authorities for their rescue (European Commission, 2015, p. 39). In some cases, migrants are transported by boats that are less likely to withstand harsh sea conditions, which can result in fatal marine

accidents. The testimonies of a migrant using such a route reveals the Hazard of the sea route for migrants. Accordingly, the migrant gave 300 Euros to the smuggler. Along with the migrant, 70 Africans were put on 3 boats carrying about 25 passengers. However, the journey that started with hope became dangerous because of the waves and people started vomiting. One of the passengers even died due to extreme vomiting (BBC, 2006).

The airline alternative used by migrant smugglers is safer but more expensive than land and sea routes. Airline routes, which are thought to generate significant revenue from smugglers, are inherently a complex operation and require the inclusion of different facilitators to manage them correctly. These facilitators include travel agents, document forgers, corrupt airline employees (UNODC, 2010). Different methods of forgery are used for migrants to cross the control areas of airlines: One of these methods is the production of documents such as forged or falsified visas and passports. Another method is to recycle and reuse lost, stolen documents. When it comes to nationalities that are difficult for the control officers to distinguish people by looking at their faces, migrants use the passport of another person similar to themselves (European Commission, 2015, p. 42).

One of the structures that have an important role in the formation of smuggling routes is smuggling hubs. Smuggling hubs are places where migrants who want to use smuggling services and networks that provide such services come together. Facilitators who provide services to migrants operate in smuggling centers where supply and demand meet (UNODC, 2018a, p. 31). These facilitators include carriers, recruiters and guides who find migrants and ensure their communication with smuggling.

The important difference between migrant routes and hubs is that the routes change over time depending on the conjuncture, while hubs continue for a long time and continue to function as connection points connecting the routes (European Commission, 2015, p. 36). In this context, hubs function as distribution lines where migrants are determined the routes to continue their journey. One of the reasons why smuggling centers are more stable than routes is that local communities make money from migrants as well as smugglers. For example, room and house renters, telephone sellers, life vests and inflatable boat sellers, cafe and restaurant operators are people who have the

opportunity to do business due to the presence of migrants in the centers (United Nations Office on Drugs and Crime, 2011, p. 21).

3.3. THE CONCEPT OF HUMAN TRAFFICKING

There are different forms and types of human trafficking crime. These include types of sexual exploitation of women and girls, labour exploitation, organ trade, debt slavery, begging, domestic services, child brides, illegal adoption, and the recruitment of children as soldiers. In human trafficking crime, the person himself/herself has been repeatedly subject to trading and there is coercion. Organized crime networks are getting more and more interested in this type of crime where they earn easily and abundantly (Seyhan, 2014, p. 41)

Victims of trafficking are tricked by traffickers with the offer of a legal and well-paid job in their home country or elsewhere. With this hope, the victims who leave their homes, cities and even their countries continue their lives in an unfamiliar environment, deprived of security. Foreign victims realize that the promised jobs are not real after they arrive at the destination country. The vast majority are debited, threatened, often forced into prostitution (PMM, 2022a).

3.3.1. Definition of Trafficking in Human Beings and Legal Framework

Although human trafficking seems to have just entered the world public agenda, situations have occurred throughout history in which people have been bought and sold as a commodity, taken advantage of for free, subjected to sexual exploitation and enslaved. According to Newman (2013, p. 26) slavery has existed in many places for thousands of years institutionally, and almost every civilization has been acquainted with slavery since the time when history was recorded.

The first known slavery practices took place in Mesopotamia in 4000 BC, when the winning side began to take captives to work in the fields instead of killing the losing side. In the texts known as the Code of Hammurabi, written by the king Hammurabi around 1780 BC, slavery was recognized and even the rights of slaves were determined and organized institutionally (Newman, 2013, p. 30). The institution of slavery, whose history goes back so long, even that the word slave comes from women of Slavic origin in eastern Europe, who were

sold as slaves in the Middle Ages, has not disappeared, but has continued its existence by changing its form for centuries. Due to the developments in the last 5 centuries, the discovery of America, the emergence of the global economy, and the realization of the dominant economic understanding as capitalism, institutions such as human trafficking and slavery have also kept up with the change and survived by transforming (Newman, 2013, p. 24). For example, globalization has accelerated the migration of people living in rural areas to cities, especially by putting women and children at an economic disadvantage, and this has led to an increase in human trafficking (Shelley, 2010, p. 40).

Although many conventions been adopted since the 1900s to prevent slavery and similar practices, the convention, which includes the definition of human trafficking and has been adopted by many states, is “*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Crime*”. According to Shelley (2010, p. 10), the protocol, also known as the Palermo Protocol, has provided a basis for many states to prevent human trafficking and protect victims. The Protocol also provides measures for the prosecution of traffickers but the focus is on border security, irregular migration and organized crime, but not addressing the needs of victims. Article 3 of the Protocol defines trafficking in human beings (See Annex 2 for the full definition). As stated in the definition, exploitation of a person through prostitution or other forms of sexual exploitation, forced labour, slavery-like practices and removal of organs are considered as trafficking in human beings (UNODC, 2021c) if the conditions specified in Table 10 are met:

Table 10: Three Components of the Crime of Human Trafficking

The Act	The Means	The Purpose
<i>Recruitment transportation transfer harboring receipt of persons</i>	<i>Threat or use of force or other forms of coercion abduction fraud deception abuse of power or vulnerability, or giving or receiving of payments or benefits to achieve consent of a person having control over another person</i>	<i>Exploitation (at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation forced labour or services slavery or practices similar to slavery servitude or the removal of organs)</i>

Source: (UNODC, 2021c)

In order for the crime of trafficking in human beings to be considered to have taken place, all three components shown in Table 10 must be established. In addition, according to the Protocol, in the presence of the methods (means) specified in paragraph a of the third article, the consent of the victim does not prevent the act from being considered as human trafficking. Another point is that the situation is considered as human trafficking, regardless of the presence or absence of means for the exploitation of persons who, according to the protocol, are considered children under the age of 18 (UNODC, 2021c).

Although it has provided states with a basic regulation in the fight against human trafficking crime, the protocol is criticized for treating this type of crime as a transnational crime and border security issue rather than a human rights issue (Coskun, 2016, p. 438). In addition, although concepts such as modern slavery and slavery are used in academia and public opinion as a substitute for human trafficking, there are academics who suggest that these are different concepts and that slavery practices take place except for the purposes and methods specified in the Palermo Protocol, in addition to suggesting that all forms of human trafficking cannot be considered slavery (Wilt, 2014, p. 334). An unclear case is that the crime of human trafficking is being assessed according to Roman Criminal Law. For example, it is debatable whether both forced labour and enslavement should be punished within the same criminal law (Siller, 2016, p. 424).

Since the early 1900s, many legal regulations have been implemented at the international and regional level against human trafficking and slavery practices. While some of these regulations are directly related to human trafficking, others are indirectly related to combating human rights violations that this crime will cause (OHCHR, 2010, pp. 19-24). Since the legal framework is very broad, some basic legal instruments are mentioned in this study (See annex 3 for legal framework, context and article number related directly or indirectly to human trafficking).

In particular, conventions signed under the ILO's umbrella deal with the human rights violations caused by forced labor and child labor. ILO Convention No. 29, for example, defines forced labor as work that a person is unwilling to perform, but which is done under the threat of punishment (Forced Labour Convention, 1930).

What should be understood as child labor and all its types are explained in the Convention No. 182 (Article 3). Accordingly, the sale, trafficking and use of children in wars are among the types of forced labor. In addition, the use of children for prostitution and the production of pornographic content, as well as in the production and manufacture of drugs, are also recognized as the most abusive kinds of child labor. It is seen that the Convention aims to protect the safety and health of children (Worst Forms of Child Labour Convention, 1999).

On the other hand, international conventions on slavery have also been implemented. According to one of these conventions, the Slavery Convention of 1926, slavery is defined as the establishment of property rights over a person. Slavery trade is the apprehension and trading of slaves for the purpose of selling or exchanging them. States parties to the convention have agreed to prohibit these acts (Slavery Convention, 1926).

In 1956, an additional convention signed in Geneva expanded the scope and prohibited debt bondage and discrimination against women in the context of marriage. States parties to the convention were also required to take measures against practices not mentioned in the 1926 convention, such as debt bondage and serfdom (Article 1). They were also required to take measures against practices similar to slavery, such as trafficking in women through marriage (Supplementary Convention on the Abolition of Slavery, 1956).

In the 1950s, another convention aimed to struggle trafficking in persons and the exploitation of people through prostitution. (Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949) was formed by the consolidation of the four conventions (See Annex 4).

Other conventions prohibiting practices that can be considered as human trafficking such as slavery, slave trade, servitude and forced labor have also been implemented over time. The (European Convention on Human Rights, 1950) and the (International Covenant on Civil and Political Rights, 1966) contain provisions to combat

slavery. Accordingly, both conventions state that individuals cannot be held in slavery and servitude and cannot be subjected to forced or involuntary labor.²

International conventions for the protection of women and children also contain provisions on trafficking. For example, the (Convention on the Elimination of All Forms of Discrimination against Women, 1979) requires parties to take all measures, including legislation, to prevent trafficking in women and prostitution. Similarly, the Convention on the Rights of the Child (1989) and the (Optional Protocol to the Convention on the Rights of the Child, 2000) prohibit all forms of trafficking in children, taking into account both exploitation and forced labor.

The "*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (1990)" imposes obligations to prevent discrimination against migrant workers and their families on the grounds of race, sex, color, language, religion or political opinion and to guarantee their right to travel. It also prohibits migrant workers and their families from being subjected to slavery and forced labor. In addition, Article 64 of the Convention (1990) provides for effective measures against individuals or groups who use threats, violence or intimidation against irregular migrant workers and their families.

The Council of Europe (Convention on Action against Trafficking in Human Beings, 2005), a regional convention, entered into force on February 1, 2008. The definition of trafficking in human beings in the Convention is similar to the Palermo Protocol. In addition to this, it is seen that the convention observes the components of prevention, protection, prosecution and partnership, known as the 4 Ps of combating trafficking in human beings. "*The Group of Experts on Action against Trafficking in Human Beings (GRETA)*", also established to monitor the implementation of the convention, is a monitoring mechanism consisting of 10 to 15 members. The purpose of the convention (2005) is given in Article 1 (Please See Annex 5).

² ECHR: Article 4 and ICCPR: Article: 8

3.3.2. Types of Human Trafficking

Human trafficking manifests itself in many ways as a profitable illegal field. Human traffickers use different methods for the exploitation of people, regardless of whether they are women, men or children. While some forms of human trafficking are more common than others, this type of crime can occur as one of the following types.

Bonded Labour or **debt bondage** is considered the type of human trafficking most similar to slavery. In this type, the person needs to work to repay the debt to the borrower, but information such as the maturity and remaining amount of the debt is not clear. The debtor is provided with accommodation and food services by the creditor, but the cost of these services is added to the debtor's debt, and the debt is in a continuous increase, far from decreasing (Burke, 2013, p. 6). No matter how hard a person works, his debt does not decrease, and this situation continues as a vicious circle.

Chattel Slavery is not common today, but in this type of human trafficking, the person may be owned by someone else and traded as a commodity.

Early and forced marriage is considered as human trafficking in the presence of women and children who are married to another person without their consent, and in the presence of three elements in the Palermo protocol. These people often serve the person they are marrying and are subjected to physical and sexual assault by them. The family or relatives who try to force the person to marry often gain financially from this situation.

Forced labour occurs when the person has to work under threat and violence against his will. When it comes to forced labour, not only low wages and poor working conditions should come to mind. As stated in various international conventions, forced labour is a violation of human rights in which the freedom of the individual is restricted and includes slavery, practices similar to slavery, and debt slavery (Belser, 2005, p. 2). Forced labour can be imposed on both adults and children, and children can be subject to all forms of trafficking. At this point, "*the Worst Forms of Child Labour Convention (No. 182)*" has described the jobs that children may be exposed to and must be destroyed as worst forms of child labour (article 3). In this context, the sale of children, their enslavement, their use in armed conflicts, their use in prostitution and pornography, their

use in illegal activities such as drug production and trafficking are prohibited in the party states (Worst Forms of Child Labour Convention, 1999).

Forced labor occurs in all kinds of economic activities such as household labor, building, farming, production, sexual abuse, forced beggary, etc. and in every region. (ILO, n.d.). There are three different subtypes of forced labour. These are:

- Forced labour imposed by state authority prohibited by ILO Convention No. 105.
- Forced labour through economic exploitation.
- It is forced labour through sexual exploitation (ILO, n.d.).

Human trafficking through sexual exploitation is one of the most common forms of crime. In this type of human trafficking, the trafficker uses the victim in an act of prostitution by using violence, deceiving, or threatening. Although women and girls are the most common victims, boys and adults can also be victims of this crime. Traffickers have different methods to keep victims under control, such as incarceration, physical violence, rape, threatening their families, forcible drug use and confiscation of their earnings (Burke, 2013, p. 8). As a result of these methods, there is no point in the victim's unwillingness to work, and all control, including decisions such as how much and where to work, passes into the hands of the trafficker. Prostitution is not the only method of human trafficking through sexual exploitation. There are also human trafficking methods such as bridal trafficking, pornography, and sex tourism worldwide (McCabe, 2013, p. 135).

Involuntary domestic work is a form of forced labour. Individuals hired for domestic services begin to be exposed to human trafficking when they cannot receive money for their services such as childcare, cleaning, cooking, and when their employer keeps them under control by means of threats, violence, and blackmail. Understanding that domestic workers are exposed to human trafficking is more difficult than other types of trafficking due to the isolation of the individual and the difficulty of monitoring (Burke, 2013, p. 7).

Organ trafficking is mentioned in the definition of human trafficking in the Palermo Protocol as exploitation by the removal of organs. Although less known than other types of trafficking, the annual volume of illicit organ trafficking ranges from 840

million USD to 1.7 billion USD and accounts for approximately 10 percent of legal organ transplants. In addition, this figure includes kidney, liver, heart, lung, and pancreas, which are the five most traded organs (May, 2017).

Table 11: Annual Volume of Top Five Most Illegally Trafficked Organs

ORGAN	ILLCIT TRANSPLANTS (PER YEAR)	PRICE (USD)
Kidney	7,995	50,000 to 120,000
Liver	2,615	99,000 to 145,000
Heart	654	130,000 to 290,000
Lung	469	150,000 to 290,000
Pancreas	233	110,000 to 140,000
TOTAL	11,966	840 million to 1.7 billion

Source: (May, 2017).

While patients who are desperately waiting for organs constitute the demand side of the organ trade, financially vulnerable and weak individuals constitute the supply side. In addition, there are cases where the organ donor is also a victim of human trafficking for sex and labour exploitation (Acamstoday, 2018).

The use of children as armed force in wars and acts of terrorism is another type of human trafficking. In this type, children are trained to be combatants in conflicts by being tricked, kidnapped, or bought from their families, or they are used for sex and labour exploitation. The use of children as combatants increases during times of violence and conflict, and when poverty and normal living standards become more difficult. In some cases, even children voluntarily join armed groups (Conradi, 2013, p. 1212). It should be noted that the consent or voluntariness of children does not make any sense according to the Palermo Protocol for the crime of human trafficking to occur.

The use of children in conflicts is a phenomenon that exists in almost every region of the world. For example, the terrorist organization PKK took children from countries such as Switzerland, Germany and France and used them against the Republic of Türkiye in its activities throughout the 1990s (Conradi, 2013, p. 1217). Even today, the PKK uses children as militants in conflicts and other services, despite the strong objections of their families (Aksunger, 2020).

To Analyze the statistical patterns of trafficking in human beings, one can look at the data generated by the Counter Trafficking Data Collaborative (CTDC) project, which analyzed 108,613 victim files from around the world. Accordingly, as can be seen in

Table 12, sexual exploitation is seen more than the sum of all other forms of exploitation. Although these rates will vary when analyzed by region and country, the second most prevalent type of exploitation is the exploitation of labor (CTDC, 2021).

Table 12: Human Trafficking Exploitation Forms

Exploitation Type	Percentage of Cases
Sexual Exploitation	53.66
Forced Labour	41.81
Slavery and similar Practices	0.56
Forced Military Service	0.01
Organ Removal	0.03
Forced Marriage	0.45
Other	10.46

Source: (CTDC, 2021).

According to the CTDC, domestic services come first with a rate of 30 percent, when examined in terms of the sectors in which the victims of this kind of exploitation are forced to work. While the rate of victims employed in the construction/building sector reaches 16 percent, it is 10 percent in the agricultural sector (CTDC, 2021). Table 13 shows the sectors in which the victims are employed and their incidence.

Table 13: Sectors Where Victims of Human Trafficking are Forced to Work

Sector Types	Percentage of Occurrence
Domestic Work	30.00
Construction	16.00
Agriculture	10.00
Manufacturing	9.00
Hospitality	8.00
Begging	3.00
Aquafarming	2.00
Illicit Activities	2.00
Peddling	1.00
Transportation	1.00
Other	19.00

Source: Compiled from The Counter Trafficking Data Collaborative project's website (CTDC, 2021).

3.3.3. Human Trafficking as a Crime

Human trafficking crime also has supply and demand aspects in migrant smuggling. The traders, who make up the supply side, operate on a scale that expands from individuals to organized crime organizations of different sizes. According to UNODC (2020a, p. 41) these groups fall into four basic forms. The first is the **governance type** organized structures that use the tools of violence and fear in the management of the

organization. These structures may have the ability to operate in more than one illegal area. The second is the **business type** organized crime organizations where three or more traffickers, whose main field of activity is human trafficking, come together. The third is unsystematic, **opportunistic cooperation**, where two or three traders come together for a momentary exploitation. The fourth is **individual traders**, who usually operate on their own. According to the results obtained from 422 out of 489 case files examined for the Global Report on Trafficking in Persons 2020, 36 percent of traffickers are classified as business type, 29 percent as opportunistic business type, 26 percent as individual trader type and 9 percent as governance type criminal structures (UNODC, 2020a, p. 42).

Traffickers around the world can have very different professions. Among these professions, there may even be former sex workers, military or law enforcement officials (Shelley, 2010, p. 85). On the other hand, there are also facilitators who help traffickers in their activities. Among these facilitators, we can count the authorities that provide visas and passports for traffickers, travel agencies, hotels and nightclubs (Shelley, 2010, p. 86). In some cases of trafficking for the purpose of sexual exploitation, young girls are personally lured into the network of traffickers by their boyfriends. In some cases, the female victims themselves are trying to find new victims who can be employed in the process (McCabe, 2013, p. 142). According to Lightowlers et al. (2020), it is vital not to consider the problem of human trafficking only as a type of crime in which male traffickers exploit female and child victims. Factors such as gender and migration are also effective in the formation of human trafficking both from the point of view of traffickers and victims. For example, 74 percent of those convicted of human trafficking are local people, while 18 percent are foreign nationals in the target country and 8 percent are foreign traffickers in other regions. While 62 percent of the traffickers convicted in 2018 were men, 38 percent were women (UNODC, 2020a, p. 37).

Criminals in contributing to the crime have different roles. For example, a recruiter is a person who identifies a victim at the very beginning of the trafficking process, contacts them, and sells the victim to an intermediary or direct employer. When identifying victims, Recruiter can post ads via the internet as if there are job and educational opportunities, engage face-to-face with potential victims in public places such as cafes and restaurants, or even go down the path of buying children from their families (Burke, 2013, p. 16). The other roles assumed by traders are shown in the Table 14.

Table 14: Roles of Traffickers

Role	Duty
Broker	Intermediary person between the recruiter and the employer.
Travel Agent	It is responsible for picking up the victims from their first location and transporting them to their new address in the country or abroad.
Document Forger	Produces false documents or falsifies real documents for the victim's cross-border travels.
Transporter	It is the person who provides the transportation of the victim by means of transportation such as bus, boat, taxi, and plane and delivers the victim to the intermediary and the employer.
Employer	The employer is the person who sells or exploits the victim after purchasing.
Guard	They have duties such as ensuring that the victims act in compliance, collecting money from the customer.
Pimp	It is the sex trafficker who collects the profit from the victim's prostitution.

Source: Taken from the book Human Trafficking Interdisciplinary Perspectives (Burke, 2013, pp. 16-17).

3.3.4. Human Trafficking from the Perspectives of Victims

As human trafficking is a very lucrative field, it is very popular among illegal sectors and thus creates many victims. This illegal sector, which is profitable for the traffickers, causes serious harm to the victims, their families and the society. According to Shelley (2010, pp. 60-61), individuals affected by human trafficking have difficulty in being a part of society by failing in matters such as having a new job, getting an education and getting married in their later life. Moreover, even though being a victim is not their fault, they are also stigmatized by the society (Shelley, 2010, p. 62). In addition, families of victims who resist exploitation are threatened and even killed (McCabe, 2013, p. 136). From a demographic point of view, many countries lose women in childbirth to human traffickers and face serious population problems (Shelley, 2010, p. 65).

The individuals who are exploited by the traffickers live under very difficult conditions during the exploitation process. Victims have difficulty in accessing adequate food, safe shelter, and health services. For easier control, traffickers accustom victims to alcohol and drugs (McCabe, 2013, p. 136). One of the methods used to make it easier for victims to be kept under control is to isolate them physically and psychologically. Victims who are locked up and prevented from communicating with other people can be more easily kept under control (Doyle, Murphy, Murphy, Coppari, & Wechsler, 2019, p. 240).

In order to explain the gravity of the events that the victims experienced during the time they were exploited, it is enough to look at how a convicted trafficker treats the victims he employs. The victims identified in the case in London were employed for 20 hours with only one meal a day and had to be with 40 men for £10 per person. The victims,

who were kept in lockdown to prevent them from escaping, were also threatened with the murder of their families. The victims were in a state of complete psychological devastation when they were identified (Davidson J. O., 2006, p. 11). In all forms of trafficking, victims lose their lives, are seriously injured or become ill. Victims cannot get rid of alcohol-like bad habits that they have as a result of the effects of the trauma they have experienced, even if their victimization is over. (Shelley, 2010, p. 72).

3.3.5. Comparison of Migrant Smuggling and Human Trafficking Crimes

The phenomena of human trafficking and migrant smuggling are often confused with each other. Undoubtedly, although these two types of crime have common points, human trafficking and migrant smuggling differ in many ways. According to the United Nations Office on Drugs and Crime (UNODC), these two types of crime differ in terms of consent, transnationality and exploitation, and source of profits (UNODC, 2020b). According to Chamie, there are significant differences between the crimes of human trafficking and migrant smuggling. First, migrant smuggling involves the consent of the person, even if it is dangerous. On the other hand, the victim of trafficking does not consent or there is an ineffective consent obtained as a result of deceptive and coercive actions of the traffickers. The circumstance that the victim is a minor also invalidates consent. Secondly, migrant smuggling usually ends when migrants reach the destination country. In the crime of human trafficking, exploitation is continuous. Thirdly, while migrant smuggling requires crossing the borders of another country, human trafficking may take place within the country since it is related to the exploitation of the victim (Chamie, 2015, p. 79).

Table 15: Differences between Human Trafficking and Human Smuggling

Trafficking	Smuggling
It is not necessarily of a cross-border nature, the crime can also be committed within the country.	It has a cross-border nature.
The victim's transfer to a different country may be illegal or legal.	Cross-border crossing is illegal.
The crime is committed against individuals and includes human rights violations.	The crime is committed against the state.
Victims' movements are restricted, and their documents are often confiscated.	After receiving smuggling service, the person is free in his/her actions.
Persons exposed to human trafficking crime are victims of the crime.	There is an agreement between people who have received migrant smuggling services and smugglers.

Source: Compiled from (Campana & Varese, 2016, p. 8) and the combathumantrafficking.org website (combathumantrafficking.org, 2017).

Although the experience of a trafficked person and an irregular migrant who has received migrant smuggling service are different from each other, in some cases, irregular migrants may be exposed to human trafficking. Irregular migrants are vulnerable to human traffickers due to their lack of legal status, not being able to benefit from the protection of the law, poverty, limited access to job opportunities, being in debt due to using migrant smuggling channels, being socially restricted (Burke, 2013, p. 9).

Another important element that makes irregular migrants defenseless against trafficking and abuse is indebtedness. Migrants who borrow money from smugglers to finance their journeys have to agree to work at lower wages or to be held hostage to pay off their debts at their destination. This makes them vulnerable to exploitation by their employers or migrant smugglers in terms of human trafficking (Davidson J. O., 2013, p. 180). Of course, not every migrant who has received migrant smuggling services is clearly a victim of trafficking, despite receiving inadequate pay and insufficient social security protection when working (Campana & Varese, 2016, p. 10).

In the next section, the dynamics and causes of migration from South Asia will be analyzed. Then, the country profile and history of Afghanistan, one of the countries from which Türkiye receives the highest number of irregular migrants, will be analyzed in the context of migration. Then, migration from Afghanistan will be analyzed in the light of push-pull theory and migration networks theory. The fourth chapter also describes irregular migration, migrant smuggling and human trafficking in Afghanistan. The Turkish part of migration from Afghanistan will be analyzed with the help of semi-structured interviews with ten irregular migrants from Afghanistan. Then, the relations between Türkiye and the EU in the context of securitization of migration will be discussed. Another topic to be examined in the fourth chapter is the recent migration movements to Türkiye and their reflections on migration policies. In addition, Türkiye's current migration outlook, challenges and opportunities will also be analyzed. Finally, Türkiye's actions and efforts to struggle irregular migration and human trafficking will be analyzed.

CHAPTER 4

IRREGULAR MIGRATION, MIGRANT SMUGGLING AND HUMAN TRAFFICKING FROM SOUTH ASIA TO TÜRKİYE

The Asian region and the South Asian sub-region account for a significant share of the world's population. In parallel with this large population, the region is also a dynamic region in terms of migration flows. As explained in this section, the reasons for this dynamism include the economy as well as other components of push factors. Afghanistan, a South Asian country, seems to have almost all of the push factors due to its long years of war and civil war cycle. Pakistan and Iran are the countries used along the route in migration movements originating from Afghanistan. Depending on the resources of migrants, Türkiye is sometimes a transit country and sometimes a destination country for migrants originating from Afghanistan.

Türkiye receives intensive migration from South Asian countries in terms of irregular migration. In this section, the Turkish part of Afghan migration is explained and discussed with the help of the interviews conducted. In addition, the changes in Türkiye's migration policies caused by recent migration movements and the current migration outlook are also analyzed. Moreover, Türkiye's fight against irregular migration and human trafficking are among the other topics examined.

4.1. DYNAMICS AND REASONS OF IRREGULAR MIGRATION FROM SOUTH ASIA

The number of international migrants increased to 281 million in 2020, accounting for 3.6 percent of the world's population. In 2020, Europe hosted 87 million and Asia 86 million international migrants. This rate corresponds to 61 percent of the international migrant stock. In addition, 40 percent (115 million) of the world's international migrants in 2020 were born in Asia. The top six Asian countries that originate migration are India,

China, Bangladesh, Pakistan, the Philippines and Afghanistan (IOM, 2022) . The fact that four of these six countries are in the South Asian sub-region, that brings this region to an important point in terms of migration.

Table 16: Increase in the Number of International Migrants in the Regions from 1990 to 2020

REGION	1990	2020
Oceania	4.73 Million	9.38 Million
Latin America and the Caribbean	7,14 Million	14,8 Million
Africa	15.7 Million	25.4 Million
Northern America	27,6 Million	58.7 Million
Asia	48,2 Million	85.6 Million
Europe	49,6 Million	86,7 Million

Source: Retrieved from the worldmigrationreport.iom.int website (IOM, 2022).

According to Table 16, there was an increase in international migrants in all regions from 1990 to 2020, but notable increases were in Asian and European regions. While migration from Asia to North America was 17.5 million in 2020, migration to Europe is 23 million (McAuliffe & Triandafyllidou, 2021, pp. 73-74).

Table 17: Total Population of Southern Asia by both Sexes (thousands)

REGION AND COUNTRY	2020	2025	2030
WORLD	7.794.799	8.184.437	8.548.487
ASIA	4.641.055	4.822.629	4.974.092
SOUTHERN ASIA	1.940.370	2.046.821	2.143.127
Afghanistan	38.928	43.532	48.094
Bangladesh	164.689	172.399	178.994
Bhutan	772	811	843
India	1.380.004	1.445.012	1.503.642
Iran	83.993	88.775	92.664
Maldives	541	522	519
Nepal	29.137	31.757	33.390
Pakistan	220.892	242.234	262.959
Sri Lanka	21.413	21.780	22.023

Source: (UNDESA, 2022).

According to the current estimates for 2022, the Asian region constitutes 59.5 percent of the world's population and by far the largest population lives in Asia. In addition, the South Asian sub-region is the most populated region in Asia and 24.9 percent of the world's population lives here. There are four countries from South Asia among the 20 largest countries in the world (Worldometer, 2022). When Table 17 is examined, it can be seen that when we come to 2030, the population of Asia will approach 5 billion and South Asia will approach 2 billion 150 million. Therefore, a region that has such a share in the world population naturally has a large share in migration movements.

Many political and economic events that have historically determined South Asian migration patterns have occurred at the international or national level. These events can be summarized as follows (Migration Data Portal, 2022d): For example, after the independence of India in 1947, 5 million Hindus and Sikhs migrated from newly established Pakistan to India, and in the same way, approximately 6 million Muslims migrated to Pakistan. After the 1979 Iranian Revolution, Iranian diasporas emerged outside Iran. The Halabja events of the late 1980s and the Iraq War in 1991 resulted in the migration of approximately two million Iraqis to Iran. Another important event is that after the occupation of Afghanistan by the Soviet Union, between 1979 and 1992, an estimated 6 million people left Afghanistan and migrated to Pakistan and the Islamic Republic of Iran. Despite the return programs, there are approximately 1.5 million refugees registered in Pakistan even today, and there are approximately 1 million Afghan refugees in Iran. Since 2016, hundreds of thousands of Rohingya refugees have been in Bangladesh as asylum seekers. Similarly, Tibetans and Bhutanese in India and Nepal, and Burmese in Bangladesh as well are populations that have long been refugees in the South Asia sub-region. As can be seen, there have been many historical events in the South Asian sub-region, the effects of which continue even today, and these events determined the migration mobility and migration patterns of the region. Problems such as the situation in Afghanistan or the Kashmir region between India and Pakistan can be given as examples of events that have the potential to cause migration mobility in South Asia (Migration Data Portal, 2022d).

There are different indices that reveal the economic situation and development status of South Asia. Among them, the multidimensional poverty index is explained in the section “Root Causes of Irregular Migration”. According to this index, 530 million people in South Asia fit the definition of multidimensional poverty (UNDP, 2020, p. 3).

The World Happiness Report, which investigates the happiness levels of countries, has been published since 2002. 6 categories and 149 countries analyzed according to Gallup data are ranked according to their happiness status. These 6 categories are: “*gross domestic product per capita, social support, healthy life expectancy, freedom to make your own life choices, generosity of the general population, and perceptions of internal and external corruption levels*” (World Population Review, 2022). According to the 2021 update, the three happiest countries are Finland, Denmark

and Switzerland. As can be seen when the Table 18 is examined, 9 of the top 10 countries with the highest happiness scores are in Europe. South Asian countries were able to find their place in the middle and lower ranks of the list. There is no South Asian country that can exceed the happiness average of 5.53 in 146 countries, and Afghanistan's score remains well below average.

Table 18: Happiness Ranking of Top 10 Countries and South Asian Countries (2021)

Happiness Ranking of Top 10 Countries			Happiness Ranking of South Asian Countries		
Ranking	Country	Happiness Score-2021	Ranking	Country	Happiness Score - 2021
#1	Finland	7.842	#85	Nepal	5.269
#2	Denmark	7.62	#87	Maldives	5.198
#3	Switzerland	7.571	#99	Bangladesh	5.025
#4	Iceland	7.554	#103	Pakistan	4.934
#5	Netherlands	7.464	#116	Iran	4.721
#6	Norway	7.392	#126	Sri Lanka	4.325
#7	Sweden	7.363	#136	India	3.819
#8	Luxembourg	7.324	#146	Afghanistan	2.523
#9	New Zealand	7.277	#	Average of 146 countries	5.53
#10	Austria	7.268	#		

Source: (World Population Review, 2022). Bhutan was not included in the 2021 Report as a result of the Gallup poll not being delivered on time.

Another index that allows us to have an idea about the development level of countries is the human development index (HDI) offered by the UN since 1993. HDI consists of three basic components: a long and healthy life, access to information and a good standard of living. The HDI also gives similar results with the World Happiness Report. That is, while European and Scandinavian countries generally have the highest development value, South Asian countries have lower index values. According to 2019 data, the very high human development value average was 0.898, the medium human development value was 0.631, and the South Asian human development average was 0.641. If we examine the Gross national income (GNI) per capita value, which is one of the components that make up HDI, Norway is approximately 30 times larger than Afghanistan and 13 times larger than Pakistan. Likewise, the schooling rates and life expectancy of developed countries are quite good compared to South Asian countries (Table 19).

Table 19: Human Development Index Top 7 Countries and South Asian Countries

Rank	Country	HDI value (2019)	Life expectancy at birth (years)	Expected years of schooling (years)	Mean years of schooling (years)	Gross national income (GNI) per capita (PPP \$)
1	Norway	0.957	82.4	18.1	12.9	66,494
2	Ireland	0.955	82.3	18.7	12.7	68,371
2	Switzerland	0.955	83.8	16.3	13.4	69,394
4	Hong Kong, China (SAR)	0.949	84.9	16.9	12.3	62,985
4	Iceland	0.949	83.0	19.1	12.8	54,682
6	Germany	0.947	81.3	17.0	14.2	55,314
7	Sweden	0.945	82.8	19.5	12.5	54,508
70	Iran	0.783	76.7	14.8	10.3	12,447
72	Sri Lanka	0.782	77.0	14.1	10.6	12,707
95	Maldives	0.740	78.9	12.2	7.0	17,417
129	Bhutan	0.654	71.8	13.0	4.1	10,746
131	India	0.645	69.7	12.2	6.5	6,681
133	Bangladesh	0.632	72.6	11.6	6.2	4,976
142	Nepal	0.602	70.8	12.8	5.0	3,457
154	Pakistan	0.557	67.3	8.3	5.2	5,005
169	Afghanistan	0.511	64.8	10.2	3.9	2,229

Source: (UNDP, 2022).

One of the driving factors in migrant's decision to migrate is to have the opportunity to earn a living and save money for the family members they left behind. In this context, remittances are used by migrants as an important tool. Migrant remittances, which are an important source of income for low and middle-income countries, have also been an important source for South Asia. In fact, the South Asian sub-region has been at the top of the remittance entry for many years, and such remittances constitute a significant part of the national income of South Asian countries. Labour shortages in peripheral and Gulf countries also contributed to the high remittance income of South Asian countries (Basnet, Donou-Adonsou, & Upadhyaya, 2021). According to Table 20, 540 billion USD of the estimated 702 billion USD of migrant remittances in 2020 was towards low- and middle-income countries. Towards South Asian countries, approximately 148 billion USD of migrant remittances were realized. The ratio of remittance revenues to their gross domestic product of South Asian countries also reveals the importance of such an income for these countries. For example, while this rate is 6.6 percent for Bangladesh and 9.9 percent for Pakistan, it goes up to 23.5 percent for Nepal.

Table 20: Remittance Inflows to South Asia in 2020 (US Dollar's)

COUNTRY	REMITTANCE INFLOWS (US\$ MILLION)	REMITTANCES AS a SHARE OF GDP in 2020e (Percentage)
Iran	1.330	0,2
Sri Lanka	7.140	8,8
Maldives	4	0,1
Bhutan	83	3,3
India	83.149	3,1
Bangladesh	21.750	6,6
Nepal	8.102	23,5
Pakistan	26.105	9,9
Afghanistan	789	4,1
Low-and Middle-Income Countries	539.526	
World	701.931	

Source: (World Bank, 2022).

By mid-2020, approximately 13.9 million international migrants lived in the South Asian sub-region, of which 10.9 million originated from countries in the South Asian region. In addition, approximately 43.4 million migrants live outside their home country of South Asia. According to this statistic, South Asia is the sub-region that sends the most migrants (Migration Data Portal, 2022e) . The South Asian region is also a densely populated area for refugees and asylum seekers. In fact, Pakistan and Iran are hosting some 2.7 million Afghan refugees, while about 1.1 million Rohingya refugees live in Bangladesh (Migration Data Portal, 2022d) .

South Asian migration statistics and remittance statistics show that migration can be considered a dominant feature for South Asia. This dominant feature can also be seen in migration corridors. Namely, 10 of the 20 largest migration corridors in the Asia Pacific region spread from the South Asian region. While 4 of these 10 corridors were formed within the South Asian sub-region, 5 of them were directed to the Gulf Cooperation Council countries (ESCAP, 2020, p. 30). Unemployment and low wages in South Asia also contributed to this trend. For example, in 2020, approximately 3.5 million Indians and 1 million Bangladeshis lived in the United Arab Emirates. More than 2.5 million Indians and more than 1 million Bangladeshis lived in Saudi Arabia (McAuliffe & Triandafyllidou, 2021, p. 85).

The reasons that make the South Asian sub-region important in terms of migration are not only economic. Rising average temperatures, rising sea levels, and extreme weather events make the region one of the areas most affected by natural disasters (McAuliffe & Triandafyllidou, 2021, p. 84). For example, natural disasters that started suddenly caused the displacement of nearly 10 million people within the country in 2019. Disasters that cause

human displacement include floods, storms, droughts, cyclones and heavy rains (Migration Data Portal, 2022d).

Due to the factors mentioned above, there is a close link between irregular migration flows and migrant smuggling in South Asia, which is a region that receives and sends intense migration, and some of these migration movements occur irregularly and through migrant smugglers. According to UNODC, South Asia is a source of irregular migration. The targets of irregular migrants departing from this region are Europe, Gulf Countries, North America, Oceania and South-East Asia. The facilitation feature of migrant smugglers for remote regions also applies to irregular migration movements within South Asia (UNODC, 2022).

In terms of human trafficking, the Asian region shows an intra-regional character. According to the CTDC, more than 80 percent of the victims identified in the Asian region have citizenship of an Asian country. Similarly, more than 80 percent of the victims identified as being of Asian origin are being abused in an Asian country. About half of trafficking victims are exploited in Southeast Asia, while 1.78 percent are exploited in South Asia. While the country of origin of 75 percent of the victims exploited in Asia is in the Southeast Asia region, 4 percent are from the South Asia region (CTDC, 2022). According to the Report released by UNODC, human trafficking in South Asia has a significant domestic nature. In South Asia, 44 percent of the victims are women, 45 percent are children, and 11 percent are men. In addition, 52 percent of the identified victims were subjected to labour exploitation, while 36 percent were sexually exploited. According to the data of India, Nepal, and Sri Lanka, forced marriage is the third type of human trafficking after these two types of exploitation (UNODC, 2020a, pp. 148-149) .

4.2. AFGHANISTAN

Afghanistan has topped the statistics as a source of migration for many years due to the instability it has experienced following the spiral of war, occupation and civil war. In addition, invasions, internal power struggles and widespread violence have been compounded by natural disasters such as drought, and the Afghan population has entered a spiral of migration both within and outside the country. In this context, this section of the thesis discusses the dynamics and causes of migration from Afghanistan in the context

of push-pull and migration network theories. It also discusses Afghanistan's smuggling networks and the problem of human trafficking.

4.2.1. Country Profile of Afghanistan and Migration History

It is possible to evaluate the recent history of Afghanistan as the history of migration of the Afghan people. In Afghanistan, which has fragile state characteristics, human mobility has gained continuity as a result of the fact that the authority has not been established for many years (İçduygu & Karadağ, 2018, pp. 485-486). It can be said that the state of constant conflict and instability since the Soviet occupation in 1979 provides a kind of motivation for the Afghan people to continue their lives outside their country. It is possible to evaluate the last forty years in several stages, in which the Afghan people have been in a continuous migration movement.

In 1978, the Marxist People's Democratic Party of Afghanistan (PDPA) ousted the government and established a secular government in the country, but this resulted in the Muslim Brotherhood declaring jihad (İçduygu & Karadağ, 2018). The first great wave of migration originating from Afghanistan started in December 1979 with the invasion of the country by the Soviet regime. The number of Afghan refugees reaching Iran and Pakistan, which was about 400,000 at the end of 1979, reached 3.9 million in 1983, when the war between the Soviet army and the Mujahedeen's intensified (Schmeidl, 2002).

Between 1975 and 1989, approximately 2.6 million Afghans crossed the borders and reached Iran due to war conditions. Afghans who reached Iran at that time were well received by the Iranian government with a sense of solidarity and they were given a blue card to provide access to education, health, food, and work (IOM, 2014, p. 30). A similar influx of refugees towards Iran from Afghanistan took place towards Pakistan. Between 1975 and 1980, more than 1.5 million Afghans crossed the border and reached Pakistan. Afghans who reached Pakistan could not have the freedom of movement they had in Iran.

The environment, which was created by the withdrawal of the Soviet regime in 1989, created a new migration movement and by 1990, the number of Afghans displaced has exceeded 6 million (IOM, 2014, pp. 30-31). *In the second stage*, in 1992, the mujahedeen captured the city of Kabul, and thanks to the optimistic atmosphere this created, at least 1.2 million Afghans returned from Pakistan within 6 months. However, this optimism did not

last long. The war that continued between the mujahedeen groups fighting among themselves between 1992-1996 turned into a constantly changing power struggle with the participation of the Taliban (Schmeidl, 2002, p. 10). Afghans who arrived after the 1990s were not welcomed as much as the first time by both the Iranian government and the Pakistani government. When the interest of the world public decreased, this situation also reduced the financial support of Afghans in Pakistan (IOM, 2014, p. 31). As a result, Pakistan started its first voluntary return program in 1990, including in-kind and cash aid. Following Pakistan, Iran signed a 3-year return agreement with Afghanistan and UNHCR in 1992. The purpose of the return programs of the two countries is to actively encourage the return of Afghan citizens (Turton & Marsden, 2002, p. 12).

The Taliban's takeover of large parts of Afghanistan, including Kabul, in 1996 can be seen as an important stage in the recent history of Afghan migration. Despite the fact that the Taliban took over the administration, the other mujahedeen groups united and fought against the Taliban caused the intensification of the civil war in the country (Schmeidl, 2002, p. 11). In addition, sanctions and embargoes were imposed by the United Nations on the Taliban administration, which Taliban was criticized by the international community, but these actions led to further radicalization of the Taliban administration and further displacement of people both within and outside the country (İçduygu & Karadağ, 2018, p. 486).

One of the important events in the recent history of Afghanistan and the history of the world also constitutes *the third stage* of Afghan migration. After the events of September 11, 2001, a new and comprehensive migration movement started as a result of the war between the Taliban and the United Nations Coalition forces and the intense bombing of Afghanistan. However, as the neighboring countries closed their doors, refugees remained inside the country (Schmeidl, 2002, p. 12). The assisted voluntary return program initiated by UNHCR in 2002 yielded results, and between 2002 and 2005, 2.7 million refugees returned from Pakistan and more than 800,000 refugees from Iran. Apart from the program, 300,000 Afghans from Pakistan and 570,000 from Iran spontaneously returned (IOM, 2014, p. 33). After 2008, Afghanistan was still not in a position to be considered a more stable and secure country. After years of attacks that killed tens of people in a single action, additional troops sent by the US, and delayed exit plans, the Taliban captured Kunduz City, one of the important cities in the north, in 2015 (BBC, 2019). In addition to the unsuccessful operations of the USA and NATO, the ineffective return operations of UNHCR led to the displacement of the Afghan people to

Europe (İçduygu & Karadağ, 2018, p. 487). It is possible to evaluate the displacements that occurred after the withdrawal of NATO troops at the end of 2014 under three parts. First, Afghan migration to Europe increased in 2015 and 2016, while migration to Iran and Pakistan remained approximately constant. Second, there has been a steady growth in internal displacement numbers. Third, there has been a new wave of returns from Pakistan, Iran and Europe since the end of 2016 (Schmeidl, 2019). The instability and lack of security problems in Afghanistan did not end in 2017 and beyond, and there has been an increase in the actions of different terrorist organizations such as DAESH (BBC, 2019). In the shadow of the attacks in which dozens of civilians lost their lives in a single attack, a peace agreement, also known as “*The Doha Agreement*”, was signed between the USA and the Taliban in 2020. According to the agreement, there will be no terrorist attack targeting the United States and its allies on Afghan territory, and in return, the U.S. and coalition troops will withdraw completely from Afghanistan within 14 months. This withdrawal was completed on August 31, 2021, but it opened the doors of another break in the history of the country.

A new period that can be considered the *fourth stage* in the recent history of Afghanistan, which is full of instability and insecurity for almost 40 years, has begun with the withdrawal of US and NATO forces from the country. According to McAuliffe (2022, p. 268) recent history and the current situation suggest that this phase will not be short-lived and will last for years to come. The current situation refers to the security and the economic situation. As per the Doha agreement, the Taliban did not attack NATO and US troops until August 31, 2021, when the full withdrawal was completed as promised, but continued its attacks on government forces. On August 15, 2021, the Taliban took control of almost the entire country, including Kabul. However, this process has been extremely painful due to the bloody acts organized by the DAESH terrorist organization. For example, 170 people, 13 of whom were US soldiers, lost their lives in the Kabul Airport attack carried out by DAESH on August 26, and more than a hundred people lost their lives in the attacks on Shiite mosques in October (Anadolu Ajansı, 2021). Economic instability has added to the country's problems, which have brought with it the economic collapse of this period, which is likely to symbolize Afghans who have fallen to their deaths from taking off planes while trying to board evacuation planes. Moreover, the motivations that cause the mobility of the Afghan people are not only economic and security based. Natural disasters such as drought, seasonal floods, and food insecurity are also rising problems (McAuliffe, 2022, p. 269).

After all the events that they have experienced for about 40 years, the Afghan people have entered a kind of migration spiral after returning to the country. For example, according to the data compiled from UNDESA and IDMC, while the stock of Afghan migrants abroad was 7.7 million in 1990 and 4.1 million in 2005, this number was 5.9 million in 2020. Due to conflict and natural disasters, approximately 4.6 million people were internally displaced in 2020 (Migration Data Portal, 2022b). Considering that the number of internally displaced people in 2008 was approximately 300 thousand, we can conclude that the problems in Afghanistan have become chronic and increased let alone decreased. The basic statistics of Afghanistan, which is commonly defined as a failed state among academics as a consequence of conflicts, economic problems and natural disasters that it has experienced for decades, are shown in Table 21.

Table 21: Basic migration data about Afghanistan

Indicator	Data Source and Year	Explanation
Afghan Migrants by Sex	UNDESA-MID 2020	Of the 5.85 million Afghan migrants, 3.2 million are women and 2.6 million are men.
Destination Areas of Afghan Migrants	UNDESA-MID 2020	Of the 5.85 million Afghan Migrants, 11 percent live in Europe and 74 percent live in Asia.
Main Destination Countries of Afghan Migrants	UNDESA-MID 2020	There are 2.7 million Afghan citizens living in Iran and 1.6 million in Pakistan.
Remittance Inflows to Afghanistan	World Bank-2021	In 2020, there was an estimated 788.9 million USD remittance inflow to Afghanistan. This amount accounts for 4.1 percent of Afghanistan's GDP.
Total Internally Displaced Afghans	IDMC-2021	By the end of 2020, 4.6 million people have been internally displaced due to conflict and natural disasters.
Missing Afghan Migrants	missingmigrants.iom.int-2022	Although the exact figure is considered to be much greater, approximately 1400 Afghans have lost their lives on the European and Asian migration routes since 2014.
Total Population at mid-year 2020	UNDESA-MID 2020	The total population is 38.9 million.
Population ages 0-14 (percentage of total in 2018)	UNDESA-2019	42,6 percent
Youth unemployment rate in 2019	ILO-2019	17,6 percent
Human Development Index	UNDP	Ranked 169th out of 188 countries
Net migration (immigrants minus emigrants) in the 5 years prior to	UNDESA-2019	-314.6 thousand

Source: Taken from the international data section of "Migration Data Portal" (Migration Data Portal, 2022c) and Afghanistan (Migration Data Portal, 2022a). The data were compiled by Migration Data Portal from the institutions mentioned in the data source and year section of this table.

Afghanistan is a landlocked country bordering Turkmenistan, Tajikistan, Uzbekistan, China, Pakistan, and Iran. The country is home to a wide variety of ethnic and linguistic cultures in 34 provinces. Afghan terrain is largely mountainous, with the exception of the north-central and southwestern regions, which have plains and deserts. With the political authority given to the central government in Kabul, the provinces are not autonomous. (The Asia Foundation, 2020, p. 23). According to the estimation of 2021, the population of the country is 39,835,000. The area of the country is 652,864 square kilometers. In 2021, GDP was 18 billion USD and per capita GDP was 469 USD (UN, n.d.). Afghanistan is diverse in terms of languages spoken and ethnicity. Pashtu make up the majority of the country's population. Tajiks, Hazaras, Uzbeks, Turkmens and other groups follow respectively. Dari is the most spoken language with 50 percent. Dari is followed by Pashto with 35 percent, Uzbek Turkmen with 11 percent and other languages with 4 percent (mfa.gov.tr, n.d.).

Afghanistan has been in the lowest ranks for many years in different indices that measure the welfare and happiness level and development of countries. For example, it ranks 169th out of 188 countries in the HDI. Afghanistan is in the last place among 146 countries in the world happiness ranking with 2,523 points. The happiness score of Finland, which is one of the target countries for migrants and ranks first in the happiness ranking, is 7,842 (Table 19). The fact that Afghanistan is at such a low level in the indices is understandable when the wars, occupations, climate-related disasters and economic instability the country has been through throughout its recent history.

Although this study is mainly based on the Push-Pull Theory and Migration Networks Theory, it would be useful to mention the political economy aspect of the process in order to analyze Afghanistan's migration cycle in the most accurate way. Against the Modernization Theory, which was put forward after the Second World War and claimed that less developed countries could ensure their development by following the steps taken by developed countries, it was argued that the Capitalist World Economy would turn into a structure that would prevent the development process itself (Chirot & Hall, 1982, p. 84). The Dependency Theory also focused on the unequal relationship between the industrialized central countries and the peripheral agricultural countries. According to this theory, the progress of the central countries depended on the exploitation of the peripheral countries. The failure of the peripheral countries to develop

was necessary for the exploitation order of the central countries. In other words, underdevelopment is an output of development (Arango, 2019, p. 285).

As explained in the second section where the conceptual framework was drawn, it was Wallerstein's World-Systems theory that came to the fore at the point of solving the problems that the dependency theory was insufficient to explain. With the World-Systems Theory, the concept of semi-periphery was added to the concepts of center and periphery in the dependency theory. According to the theory, countries in the semi-periphery are exploited by the center, but they also exploit the periphery when necessary and can act as gendarmerie for the benefit of the center. In this system, the center countries have capital, technology and white-collar workers. Peripheral countries, on the other hand, have intensive raw materials and labor to be exported to Central and semi-peripheral countries (Ongur & Yavçan, 2019, pp. 312-313).

As Gürcan (2021, p. 1592) cites Cope (2019), due to the asymmetric development between the center and the periphery, qualified labor tends to move towards the center as brain drain. With the migration of unskilled labor, manpower becomes abundant in the central countries and accordingly, wages fall, leading to an increase in profits and the formation of a reserve labor force (Cope, 2019, as cited in Gürcan, 2021, p. 1592).

The above-mentioned unequal relationship between the periphery and the center has been even more evident in the case of Afghanistan. Even in the last 40 years of its history, Afghanistan has been occupied by two major states, the US and Russia, and has also been the scene of a struggle for control by groups within the country. Currently, a significant portion of the country's population is dispersed to other countries and a significant portion is internally displaced. Afghanistan has been at the bottom of the HDI and similar indices for many years. Although this section summarizes the history of the last 40 years, Afghanistan has been tried to be positioned as a peripheral country by different civilizations for many years. On the north-south line, there is the reality of the ancient formation between the Turkic Geography and Greater India, which dates back thousands of years. Recently, the interaction between Chinese and European civilization in the context of the capitalist economic system has been added to this on the east-west line. This interaction is mostly related to the desire of these two civilizations to build Afghanistan as their own peripheral country (Aslan, 2022, pp. 25-26).

According to Tekir (2022), Afghanistan has mineral reserves worth one trillion dollars. Mineral reserves include copper, iron, cobalt, gold, silver, aluminum, fluorite, beryllium, lithium, etc. The value and diversity of mineral reserves make Afghanistan the country with the largest mineral reserves in the world (Tekir, 2022, p. 420). In reality, while such an underground wealth is expected to make a country prosperous, Afghanistan is in a cycle of poverty and misery. So much so that after 2001, 65 percent of the state's revenues, according to the 20-year average, consisted of funds from the USA and other states. Moreover, the country's fund income reached up to 100 percent in the first years of the occupation. Pakistan and India account for 90 percent of Afghanistan's exports. Its imports are increasingly with Iran, China and Pakistan. It should be emphasized here that Türkiye and Afghanistan, which have very strong historical ties, have an extremely low volume of economic relations (Aslan, 2022, p. 31)

4.2.2. Migration from Afghanistan in the Light of Push-Pull Theory and Migration

Networks Theory

The push-pull theory, which is still widely used among the developed theories about migration, is understood much more clearly in the Afghanistan example. Both historically and in terms of the current situation, Afghanistan seems to have almost all of the driving factors.

Table 22: Push factors causing migration from Afghanistan.

POLITICAL ELEMENTS	ECONOMICAL ELEMENTS	DEMOGRAPHIC AND SOCIAL ELEMENTS	ENVIRONMENTAL ELEMENTS
• Terrorism • Human Rights Violations • Violence and Crime • Corruption and Management Issues	• Poverty and Hunger • Unemployment • Informality and Poor Working Conditions	• Young Population • Inadequate Access to Education and Health Opportunities • Weak Social Security • Infrastructure deficiencies	Natural Disasters

Source: (Albrecht, Rude, & Stitteneder, 2021)

The driving factors in Table 22 are seen in Afghanistan in their worst form. It can be considered that Afghanistan, which has been destabilized by the activities of the DAESH terrorist group, the Taliban's takeover of the country, the invasions it has recently suffered, and the civil wars, has also given a weak image on human rights and corruption due to the impact of the process it is going through.

According to the Norwegian Refugee Council (2021) , Afghanistan, where more than 18 million people need humanitarian assistance to survive, is extremely close to economic collapse. Many academics and international organizations have drawn attention to the situation in Afghanistan over time. For example, according to Albrecht et al. in Afghanistan, one of the world's poorest countries, almost half of the population is living in poverty and 19.1 million people are starving in 2020. In Afghanistan, where six out of ten women are physically or sexually abused, one in three children under the age of five is underdeveloped. As of early September 2021, nine out of ten Afghans suffer from food shortages. In addition, economic and political factors increase migration, both internally and externally (Albrecht, Rude, & Stitteneder, 2021, p. 47).

Due to being a country dependent on agriculture, Afghanistan is affected by natural disasters such as drought and flood. As a matter of fact, 46,000 people in 2020 and a total of 1,117,000 people by the end of 2020 were internally displaced due to disasters. The country ranks 3rd in the INFORM risk index. Moreover, Afghanistan ranks first in the index in terms of hazard and exposure size, which consists of components such as earthquakes, floods, droughts, and conflicts. As such, the country is in the high-risk category (DRMKC, 2022).

The Asia Foundation survey of 17,812 people in 2019 helps us understand which driving factors influence the motivation of Afghans to emigrate. Accordingly, 37.9 percent of Afghans stated that they would leave the country if given the opportunity (The Asia Foundation, 2019, p. 235). Domestic security is the leading reason for leaving the country when it has the opportunity. 77.7 percent of respondents cited the lack of domestic security as the main reason for leaving the country. In second place is unemployment with 51.6 percent. Afghans, especially those who think their employment opportunities are deteriorating, tend to leave the country more. Weak governance, which has components such as corruption, injustice and high prices, comes in third place in the desire of the Afghan people to leave the country. 28.4 percent of the respondents presented their country management weaknesses as a justification for their desire to leave the country (The Asia Foundation, 2019, pp. 243-247). As it can be seen, as a result of life insecurity, lack of adequate job opportunities and weaknesses in qualified country management, a significant part of the Afghan people does not see a future in their homeland and are more willing to endure dangerous migration routes.

Table 23: Pull factors causing migration from Afghanistan.

POLITICAL ELEMENTS	ECONOMICAL ELEMENTS	DEMOGRAPHIC AND SOCIAL ELEMENTS
• Advanced Asylum Law • Political interests	• Employment market conditions in the target country • Education	• Social networks • Media, language

Source: (Albrecht, Rude, & Stitteneder, 2021)

People who decide to migrate make these decisions not only by examining the current conditions in their country, but also by examining the conditions of the country they want to live in. The general characteristics of the countries defined as target countries are generally attractive to migrants who are looking for a new living space. For example, the destination countries where migrants want to live generally have well-structured health, education and job markets. These countries have well-functioning legal systems and low levels of corruption. When we examine the components of the world happiness report and the HDI, in which the target countries are at the top, it will be easier to understand why these countries are attractive for migrants. The components of the world happiness ranking and HDI are as follows:

1. World Happiness Ranking Components: *Gross domestic product per capita, social support, healthy life expectancy, freedom to make your own life choices, generosity of the general population, and perceptions of internal and external corruption levels* (World Population Review, 2022).
2. HDI components: *a long and healthy life, being knowledgeable and have a decent standard of living* (UNDP, 2022).

The decision to migrate and start a new life in a new place is not an easy decision because it contains many unknowns in the final analysis, even if all the push and pull factors are in place (Akçapar, 2022, p. 550). At this point, **migration networks** become a facilitating factor in making the final decision. Through the pioneer migrants who first reach a destination country, a bond is established with the potential migrants in the source country (Meeteren & Pereira, 2018, p. 926; Akçapar, 2022, pp. 535-537). As explained in the migration networks theory section, potential migrants are informed and financially supported by their relatives and families in the area of migration. This support, on the other hand, is effective in the final decisions of potential migrants who have difficulty in making this decision, even if all conditions are suitable for deciding to migrate. For example, 39.2 percent of respondents participated in The Asia Foundation survey had

relatives or close friends living in another country. While 46.3 percent of those with relatives or close friends in another country have the desire to leave Afghanistan, 32.6 percent of those who do not have a relative or friend abroad have the desire to leave Afghanistan (The Asia Foundation, 2019, p. 249).

4.2.3. Irregular Migration and Migrant Smuggling Networks in Afghanistan

Migration has become a part of their lives for the people of Afghanistan, who have faced wars, civil wars, economic instability, and natural disasters in their recent history. So much so that two of the twenty largest migration corridors in the world originate from Afghanistan. One of these corridors is the Afghanistan-Iran corridor and the other is the Afghanistan-Pakistan corridor (McAuliffe & Triandafyllidou, 2021, p. 27) . Apart from these corridors, which have become migration systems with the influence of the historical process, Afghan people are trying to establish new lives in Türkiye, Europe, Gulf countries and even Asia Pacific countries. At this point, transitions to different countries can be through regular channels as well as irregular channels. According to the results of a recent survey conducted by MMC's 4 Mi initiative in Greece with Afghan migrants, almost all of the respondents (99 percent) received assistance from smugglers at some point on their journey. More than half (56 percent) of Afghans surveyed think that the service received from smugglers helps to achieve their migration goals (MMC Europe, 2021). Therefore, migrant smugglers become indispensable in the irregular journeys of migrants. The study of the 4 Mi initiative, which this time examines migrant smugglers in Afghanistan and conducts surveys and interviews with smugglers, gives us an idea about the structure of smugglers. Accordingly, almost all of those involved in the smuggling sector are married men between the ages of 25-45. According to the answers of 25 smugglers participating in the research, the primary source of income for the majority of smugglers is smuggling. 15 of 25 smugglers received primary and secondary education (Reliefweb, 2017). It turns out that smugglers in Afghanistan are part of a network rather than working individually. It is possible to divide these networks into three: First, local networks that work in border regions such as Pakistan, assisting in the smuggling of migrants as well as arms, oil and drug smuggling. Second, regional networks that smuggle migrants to countries in the region such as Iran, Pakistan, and Türkiye. Third, there are global networks that engage in smuggling actions outside the

region, such as Australia and Europe, by collaborating with regional networks (Reliefweb, 2017).

Afghan migrants first start to receive services from local smugglers recommended to them by their friends or relatives. They select the smugglers through social networks, local connections and personal relationships and establish a relationship of trust with them. In addition, Afghans are willing to pay more to smugglers who have a certain reputation for transporting migrants to the destination country. Although the smugglers that Afghans first meet are Afghan nationals, smugglers from various nationalities join the organization throughout the journey (IOM, 2016b, pp. 166-167). Many Afghans plan their journeys in stages. Smugglers with whom migrants first interact are often part of a larger transnational network. Local smugglers arrange crossings such as Pakistan or Iran, the first leg of Afghan migrants' journeys (UNODC, 2018a).

The facilitation services that Afghan migrant smugglers provide for migrants are diverse. These services can be counted as negotiating with migrants, keeping in touch with authorities, transporting, hosting, bringing migrants together at a common point, arranging documents and crossing the border safely (Reliefweb, 2017).

The fact that migrants plan their journey gradually and receive services from different smugglers until they reach the final destination has caused payment methods to adapt with this. Basically, two different methods come to the fore when migrants pay smugglers. The first method is the method by which the third party makes the payment. In this method, the payment is made by a third party gradually as certain stops along the route are reached. The second method is that migrants carry money with them and pay in installments or in cash (IOM, 2016b, p. 169). In addition, migrants use a payment method called the hawala system, which is very common in Afghanistan. Migrant smugglers widely use this system in which money is transferred through brokers known as hawaladar (Reliefweb, 2017, p. 3).

4.2.4. Human Trafficking in and out of Afghanistan

As a result of the state of instability and economic difficulties that Afghanistan has been in for many years, both migrants and those who have not yet decided to emigrate have become more vulnerable in terms of exposure to human trafficking crimes. People

can be subjected to human trafficking crimes as a result of many factors. Conflict and displacement, economic difficulties, lack of development, social practices, and drug addiction are among the factors that make the Afghan people vulnerable to human trafficking (SGG, 2017). From the point of view of Afghan migrants, it seems likely that they would become victims of human trafficking while being irregular migrants. Samuel Hall's case study shows us that human smuggling and human trafficking can overlap. In one case in the study, a 36-year-old Afghan citizen was promised to work in a factory in Saudi Arabia with a monthly salary of 520 USD and accommodation but was told that he could be paid 185 USD, which is about one third of the promised wage, when he was taken to Saudi Arabia by the smuggler. Moreover, expenses such as fake passports and visa costs used in irregular migration began to be deducted from his salary. As a result, he found himself working 16 hours a day for an extremely low wage until his debt was paid (Samuel Hall Consulting, 2013, p. 107).

Most forms of human trafficking are common in Afghanistan. Among these, forced labour and debt labour are very common. Men and children are worked under difficult conditions in areas such as agriculture, mining, construction, carpet weaving, due to the scarcity of alternative job opportunities (SGG, 2017, p. 25). In Afghanistan, people are commonly employed in drug smuggling and production by being indebted to drug cartels. In addition to this, young girls are abducted and forced to courier because their bodies are not searched at border crossings (SGG, 2017, p. 26).

The use of children as soldiers in battles is another type of human trafficking seen in Afghanistan. Armed groups in the country use children in military service, moreover, in conflict areas. The age of children used on the battlefields falls to six, and they are considered to be men of war age. Children are often killed or injured during conflicts (Domínguez, 2016). The use of children on the battlefield is also reflected in the reports of the United Nations Security Council. According to the 2021 report, boys are mainly used by armed groups in Afghanistan, partly by government-affiliated forces on the front lines or in support positions in conflicts (United Nations, 2021). Girls are often faced with being married at an early age and being employed in domestic work (United Nations, 2021, p. 6).

One of the types of exploitation that children are exposed to in Afghanistan is the tradition of dancing boys, whose origins date back to long time ago. Due to the structure of Afghan society, it is not appropriate for women to dance in wedding-like entertainment, so the tradition of young men or children dressed as women and dancing in front of men is called "*Bacha Bazi*". Although this tradition, which was declared illegal in the 1990s, could not be destroyed due to the instability in the country, in 2017 the Afghan government took some steps to criminalize this tradition and prevent abuse (Somade, 2017). Bacha Bazi practice is not just about children dancing in front of the audience. Dancer boys are exposed to sexual abuse by their owners who bought them. The testimonies of a dancer boy who was interviewed indicate that even those who somehow escaped from this job could be vulnerable in other countries they migrated to as a result of the traumas they experienced and the traces of their past. Namely, Muhammad, who was sold to a man by his family when he was only 12 years old, to be a "*bacha*", sometimes danced and sang, and sometimes met the man's sexual needs. Wanting to get rid of this situation, Mohammed fled to Europe, but was raped by about 20 men who discovered his past while in the asylum center (Ausubel, 2019). In its report on the *Bacha* phenomenon, the Independent Human Rights Commission (AIHRC) linked this tradition to human trafficking crime (AIHRC, 2014). According to the AIHRC's findings published in the report, 81 per cent of victims, mostly children, do not want to do this job. 58 percent of victims are subjected to violence in the form of beatings, imprisonment, and life threats. According to the report, the victims of this tradition experience many psychological and physical problems. Poverty appears to be the most important factor in selling children to an adult as dancers (AIHRC, 2014).

Afghanistan's unstable environment and extreme poverty also lead to the spread of organ trafficking crime, another type of human trafficking. While desperate people are looking for customers for their organs in the organ market, in hospitals in Herat, due to poverty and unemployment, people with health problems are looking for donors to give the appropriate organ. Specifically, kidneys are the most commonly traded organ. Kidney costs reach up to 4,500 USD. For example, a buyer paid 3,500 USD for the kidney and 80 USD for the middleman (ksusentinel, 2021). In another case, an Afghan, who went to Iran to look for a job, fell into the hands of the kidnappers here, and his wife was asked to pay 100 thousand Afghanis for the ransom. The woman, who could not find any other

way to save her husband, had to sell her kidney for 200 thousand Afghanis (pajhwok, 2017). As it can be seen, a man who is a victim of human trafficking had to drag his wife to another human trafficking crime, albeit involuntarily, in order to get out of the situation he was in.

4.3. BORDERS AND BORDER CROSSINGS: AFGHANISTAN-PAKISTAN-IRAN-TÜRKİYE

In the process that started with the 1979 Soviet occupation and continued with the civil wars for the next 40 years and the US intervention, the Afghan people left their country many times and took refuge in other countries, mainly Iran and Pakistan. Today, since the country has not yet regained its economic and political stability, the migration of Afghan people continues for security and economic reasons. Although the people of Afghanistan migrate to almost all parts of the world, the most intense crossings are primarily to the countries of Pakistan and Iran. As of December 2020, there are an estimated 2.1-2.25 million undocumented Afghans and 780,000 refugee card holders in Iran. As of the same date, 1.4 million Afghan refugees live in Pakistan (Migration Data Portal, n.d.). In addition, there are 840 thousand migrants with Afghan citizenship cards and 770 thousand undocumented Afghan migrants in Pakistan (The Express Tribune, 2021). On the other hand, according to UNHCR, the figure of Afghans in Iran has reached 3.6 million. The number of Afghans in Pakistan is also very close to Iran, reaching 3.3 million (UNHCR, OPERATIONAL DATA PORTAL, n.d.).

Pakistan and Iran can be destination countries as well as countries that Afghan migrants can use as transit on their journeys. While Iran is the first stop of their journey for many Afghans, some Afghans choose Pakistan as their first stop. Irregular Afghan migrants cross the long and mountainous Afghanistan-Pakistan border on foot or by bus. According to the Migrant Smuggling Data and Research report published by IOM, crossings from Afghanistan to Pakistan are made through two main routes (2016b). The first route reaches Peshawar in the northwest of Pakistan along the Torkham border via Jalalabad. The second route starts from Kandahar and passes through the Chaman border and Quetta in Pakistan's Baluchistan province. The second route is much costlier than the first as it requires air tickets, fake passports, and visas (IOM, 2016b, p. 163). Quetta is also one of the main hubs for Afghan and Pakistani migrants who want to cross into Iran

by land (UNODC, 2018b). The journey that starts from Quetta or Karachi can easily be crossed with the help of the 900-kilometer-long Iran-Pakistan border, which consists of deserts in some places, with the advantage it provides to smugglers, or in some cases, migrants can cross the borders to Iran on foot independently of smugglers (UNODC, 2018b, p. 31).

Another country that migrants see as a transit or destination country is Iran. In Zaranj, Afghanistan, the first stop of the migrants who come into contact with the migrant smugglers is Chahar-Borjak in the Nimruz region. Migrants who pass from here to the cities of Dak and Kondi on the Afghanistan-Pakistan border are brought by smugglers to a settlement called Rutak in Iran (Reliefweb, 2017). Although there are alternatives to different cities of Iran from Rutak, the city of Tehran is the main hub for migrants from different nationalities. Migrants who want to complete their journey by reaching Türkiye or European countries meet with smugglers in Azadi square in Tehran and move to the cities of the West Azerbaijan region on the Turkish border (reliefweb, 2017). The journey, which starts from the cities of Urmia and Salmas on the Iranian side, ends in Türkiye. Two regions come to the fore when entering Türkiye. One of them is the route from Maku to Doğubayazıt and the other is the route from Urumiyeh to Van. Although the Urumiyeh -Van route is the main route, Doğubayazıt has started to gain popularity in recent years (Mohammadi, Nguyen , & Vallentine, 2021).

Among the routes recently used by migrants are the northern, middle and southern corridors, starting from Taftan and ending in Urumiyeh. The formation of these routes is as follows:

1. In the first route, called the northern route, migrants pass through Taftan and reach Kirman, Yazd, Mashhad, Tehran and Urumiyeh.
2. On the southern route, migrants travel from Taftan to Bandar Abbas, then to Shiraz, Isfahan, Tehran and Urumiyeh.
3. The central route leads from Taftan to Zahidan, then west to Shiraz, then to Kermanshah near the Iraqi border and on to Urumiyeh (Akçapar, 2022, pp. 562-563).

Migrant smuggling is a sector that stands out among the illegal sectors with its profitability. According to UNODC (2018a) , at least 2.5 million migrants traveled around

the world through smugglers in 2016. The monetary equivalent of this is between 5.5 and 7 billion USD. The annual volume of irregular migrants of the land route, which covers Afghanistan -Pakistan-Iran and Türkiye and is defined as Southwest Asia by UNODC, is approximately 162,000 people and the income of migrant smugglers is approximately 300 million USD (UNODC, 2018a). Among the factors affecting the cost of smuggling are the route chosen, the means of transport used, the services provided and the supply-demand balance. For example, according to the information obtained by MMC as a result of the interviews of the 4M initiative with smugglers, a migration journey starting from the city of Zaranj in Afghanistan varied between 140 USD and 675 USD in 2017, depending on the destination (Table 24). The cost of transporting migrants to Türkiye reaches up to 3000 USD (Reliefweb, 2017).

Table 24: Costs for Migrant Smuggling

Origin	Destination	Cost (USD)
Zaranj	Bandar Abbas	400
	Kerman	325
	Isfahan	485
	Tehran	520
	Shiraz	400
	Zahedan	140
	Mashhad	675
	Qom	400
	Türkiye	3.000

Source: (Reliefweb, 2017)

The wages of migrant smugglers may differ even within the same year due to the changing political environment, tighter or looser protection of borders, and changes in the number of migrants seeking service. For example, while the cost of migrant smuggling from Zaranj in Afghanistan to Tehran increased to 520 USD in 2017, it was 250 USD in the first quarter of 2020 and 320 USD in August 2021. A similar price change was seen in visas obtained through an intermediary, and the visa increased from 2,500 USD in the first quarter of 2020 to 5,500 USD in July 2021 (Mohammadi, Nguyen , & Vallentine, 2021). Among the reasons for these changes are the increasing demand for migrant smugglers due to the worsening of the security situation in Afghanistan, the increasingly complex border crossings and the increase in bribery payments.

4.4. TÜRKİYE

Migrants from South Asian countries, particularly Afghanistan, feature prominently in Türkiye 's migration statistics. In particular, irregular migrants tend to use Türkiye intensively both as a final destination and as a transit country to EU countries. This subsection is an analysis of the Turkish leg of Afghan migration in the light of field research. The difficulties experienced by migrants along the irregular migration route, their relations with smugglers, the journey they started as irregular migrants and the possibility of becoming victims of human trafficking is highlighted. EU- Türkiye relations in the context of the securitization of migration, changes in Türkiye 's migration policy and the current migration outlook are among the issues examined in this section. It also highlights the steps taken by Türkiye to combat irregular migration and human trafficking.

4.4.1. The Turkish Part of Afghan Migration in the Light of the Field Study Results

Türkiye is an important alternative in the context of being a destination or transit country for irregular migrants from more than one Asian country. Like other nationalities from South Asia, some of the Afghan migrants see Türkiye as their final living space, while others see it as a temporary stop before western countries. A migration system has been formed between Afghanistan, which has been a failed state for nearly 40 years, and Europe, including Türkiye and Iran. While Türkiye was an important transit country before European countries within this migration system, it has recently become a *de facto* destination country for many Afghans (İçduygu & Karadağ, 2018). According to Akçapar (2022), Türkiye was a pre-European transit route until the end of the 2010s and has now become more of a destination country. The mistreatment of Afghans by Pakistan and Iran and Europe's unbalanced border security practices that are fueled by power and violence can be better understood by examining Türkiye's transformation into a destination country for migrants from Afghanistan (Akçapar, 2022, p. 573). The first decision that would lead to a migration system between Türkiye and Afghanistan was the resettlement of 1.006 families and 4.163 Afghan refugees of Turkic-origin (Uzbek and Kyrgyz) living in difficult conditions in the refugee camps in Pakistan back in 1982 (Akçapar, 2022, pp. 596-597). This resettlement was carried out by the law numbered 2641 which appeared in the Official Gazette on March 19, 1982 (Akçapar, 2022, pp. 597-598).

Within the scope of this thesis, semi-structured interviews were conducted with a total of 10 irregular migrants, seven of whom were male and three were female. All of the interviews were conducted with irregular migrants from Afghanistan who were taken under administrative detention for deportation. During the interviews, the participants were asked questions, such as the reasons for coming to Türkiye, the ways they used, and whether they had worked during their time in Türkiye. In addition, questions were asked about whether they received services from migrant smugglers during their travels, and if they did, their behavior and their experiences along the way. Finally, through the interviews, it has been tried to understand the points where migrant smuggling intersects with human trafficking.

Table 25: Results of the Interviews with Irregular Afghan Migrants

Respondent	Age	Sex	Education Background	Profession	Other Countries Where He/she Lived	Irregular Migration Status	Service Purchase from Migrant Smugglers
1	35	F	No reading or writing	Elderly Caring	İran	Undocumented from the start of the journey	She bought services from smugglers.
2	21	F	High school	Tailor	-	Undocumented from the start of the journey	She bought services from smugglers.
3	19	M	High school	None	-	Undocumented from the start of the journey	He bought services from smugglers.
4	23	M	8th grade	Tailor	İran Türkiye	Undocumented from the start of the journey	He bought services from smugglers.
5	24	M	High school	Driver and Musician	İran Türkiye	Undocumented from the start of the journey	He/she bought services from smugglers.
6	26	M	No reading or writing	None	İran Türkiye	Undocumented from the start of the journey	He bought services from smugglers.
7	43	M	Elementary School 2nd grade	Carpet weaving and driver	Pakistan	With a visa to Iran, then from Iran to Türkiye irregularly / undocumented	He bought services from smugglers.
8	21	M	Only read and write	Construction works	Türkiye	Undocumented from the start of the journey	He bought services from smugglers.
9	25	M	8th grade	Marble maker	İran	Undocumented from the start of the journey	He bought services from smugglers.
10	18	F	Only read and write	Tailor	İran Türkiye	Undocumented from the start of the journey	She bought services from smugglers.

Source: Interviews with 10 irregular Afghan migrants

The ages of the 10 Afghan irregular migrants who participated in the interview ranged from 19 to 26. Only one participant is 35 years old and the other is 43. Almost all of the participants planned their travels from the very beginning in an irregular and undocumented manner. All of the 10 irregular migrants who participated in the interview stated that they purchased services from migrant smugglers in some or all of their journeys. While two respondents mentioned that they had never been to a country before other than Afghanistan, the other participants stated that they had lived in Iran, Türkiye and Pakistan before. 4 participants have been to both Iran and Türkiye before.

All of the participants answered the question of whether they took advantage of migrant smugglers to come from their own country. All of the answers were that they all received services from migrant smugglers. According to this situation, which is confirmed by various field studies, irregular migrants depend on migrant smugglers to ensure the success of their journeys. A 26-year-old male participant explained the dependency as follows: *"I had never been out of Afghanistan. I didn't know the roads. We had to come with a smuggler."* Another participant stated that they would not be able to find the way without a smuggler and that the migrants were traveling by this method. From this perspective, it can be argued that receiving services from smugglers has become a common practice. Although assistance is provided from migrant smugglers, the irregular migration route is extremely difficult and poses vital dangers to irregular migrants. Some of these dangers are caused by smugglers themselves, and some are due to the difficult geographical structure. During the interviews, migrants were asked "What are your suggestions for possible migrants from your country as a result of your experience?" In the face of the question, all participants strongly suggested not to arrive with smugglers and irregularly. One of the participants summarized the difficulty of the route as follows:

I would say don't come. I've had a lot of difficulties. Without food, without water, we lived in the mountains for 3 nights. My child slept on stones. We were hungry and thirsty. I have 2 nails out. I couldn't walk anymore. In our group of 20 people, there were people who could not walk anymore and died. I couldn't walk anymore. I was even willing to be arrested by the police. (21, Female)

In some cases, the behavior of smugglers is very challenging for migrants. For example, one participant described the treatment they were exposed to by smugglers as follows:

The smugglers treated the migrants very badly. They are constantly beating migrants. They give very little bread and even sell water for money. They sell water very expensive. I saw that they left the migrant whose leg was broken on the way to die. (43, Male)

With the help of interviews, it was also tried to understand whether the migrants, who could not get the opportunity to travel through regular channels, tended to irregular channels. In this context, the question “*How would you evaluate the passport and visa procedures required for travel to another country in terms of simplicity and difficulty?*” was asked to the participants. All of the 10 respondents stated that it is very difficult and expensive to obtain a visa and passport, and the cost of obtaining a visa, passport and ticket can vary between 3000 USD and 6000 USD, and many migrants who cannot afford this have to get services from smugglers. One respondent said:

It is very expensive to obtain a passport and visa in our country. Obtaining an official visa and passport costs 5000-6000 USD. We cannot find this money. We are coming by giving 1000 or 1200 dollars to the smuggler. (24, Male)

Another question sought to be answered in the interviews is the possibility of migrants traveling through migrant smuggling to become victims of human trafficking. Some of the irregular migrants from Afghanistan who participated in the interview stated that they had experienced or witnessed experiences that could be considered as human trafficking if the conditions were met, during their journey and some after reaching Türkiye. For example, 19 years old man participant explained that they had to carry cement when forced by smugglers while in Iran, otherwise they were not given food. Another example witnessed by the participant is how migrants become vulnerable as a result of their irregular state and lack of proper documents, and how their vulnerabilities can be exploited by employers. According to what the 21-year-old male participant told, his friends working in the textile business, worked for 4 months but were paid 1 month. Whenever they wanted their remaining wages, they were threatened by their bosses with

being reported to the police. Migrants, on the other hand, giving up asking for their money out of fear.

Another situation in which migrants are exploited as a result of their vulnerability, is the situation of being taken hostage. In the case of being taken hostage, the migrants are kidnapped by bandits for ransom, and their families are asked for money. Kidnapping for ransom can happen to migrants not only along the migration route but also in the destination countries.

If there is no smuggler, they kidnap you and then torture you. They rip migrants nails off. Then they make a video call on Whatsapp, show you to the relatives and ask for money. They want 10 thousand or 20 thousand dollars. Or they threaten to kill. Relatives sell their house, car and pay this money. Sometimes, even smugglers give migrants to thieves (ransomers) and split the ransom money. (24, Male)

Migrants coming to Türkiye through migrant smuggling channels can be examined in three groups. (Akçapar & İçduygu, 2016, p. 137)

1. After entering the country through South Asia, Africa and the Middle East, transit migrants who want to travel to the west, usually Europe.
2. Irregular economic migrants who came to Türkiye to work without a valid document.
3. Foreigners who are not considered refugees in the country or are stranded for longer than they expect.

Irregular migrants do not want to return to their countries despite all the difficulties and life-threatening dangers they face during their journey. Migrants from Afghanistan state that they do not see a future in their country due to reasons such as economic instability, conflicts, lack of job opportunities and not feeling safe. During the interviews, “When you return to your country, what is your future plan?” When asked, none of the participants stated that they did not consider returning to Afghanistan as an option. Afghan migrants do not see a future in their country. For example, one participant stated that he has no one left in Afghanistan, his older brother lives in Istanbul and he does not want to return to Afghanistan again. Another respondent expressed his despair

as: *“Everything is very bad in my country and there is no job. I take care of my family. I live in the village and there are no rich people in our village. No construction work. If there is a job, I would like to go back to my hometown, but there is no job. (21, Male)”*

While analyzing migration movements in Afghanistan, it would be useful to specifically mention women's participation in migration movements. In terms of women's rights, the history of Afghanistan has followed an up and down course. According to Akçapar and Özbey (2022) none of the Afghanistan Constitutions adopted since the 1923 Constitution (except the 2004 constitution) have differentiated between men and women in terms of rights. In the 2004 constitution, articles regulating women's rights and freedoms were added. There are no articles in Afghanistan's constitutions that aim to restrict women's rights and freedoms. However, political policies towards women have varied from time to time. Some of these variations have been positive in terms of rights and freedoms, while others have been restrictive (Akçapar & Özbey, 2022, pp. 343-345).

There are multiple reasons for women to migrate from Afghanistan. Afghan women are motivated to migrate not only because of gender inequality but also because of ethnicity, sectarian differences and economic hardship. Especially for women living in rural Afghanistan, it can become even more challenging. Domestic violence, a life of isolation and forced marriages at a young age are among the reasons that motivate women and girls to migrate (Anadolu Ajansı, 2022b).

According to Akçapar, the reasons for women's migration have diversified from being purely economic. Women are not in a passive position in migration movements. In addition to cases where men take the decision to migrate and then take their spouses with them through family reunification, there are cases where women decide to migrate as individuals. Due to the murder of a husband, exposure to violence or differences in religion, women may take the initiative and decide to migrate in order to ensure the safety and better life of their children (Akçapar, 2022).

According to a decision that can be considered as a regression in the context of Afghan women's rights and freedoms, Afghan women are banned from attending university as of December 20, 2022. This decision was also met with concern by the Republic of Türkiye. In the official statement, it was emphasized that the prosperity and future of the country can be ensured by recognizing the right of girls to education without

exception (mfa.gov.tr, 2022). In addition, the Minister of Foreign Affairs of the Republic of Türkiye stated that this ban has no humanitarian or Islamic grounds and that many Afghans female students receive education in Türkiye and that education and scholarships will continue to be provided to Afghan students (Anadolu Ajansı, 2022c). On the other hand, according to a decision taken at the same time as the ban on higher education and criticized by many countries, including Türkiye, Afghan women are also banned from working in local or foreign NGOs (BBC News Türkçe, 2022). As can be seen, Afghan women are gradually being isolated from education and business life. The negative effects of this isolation on Afghanistan's development should be emphasized, as Afghanistan's level of development and its status as a migration sending country are linked.

In Türkiye, there are foreigners from Afghanistan with legal permissions in terms of both work permits and education. For example, in 2020, 1921 Afghan citizens, including 260 women, were granted work permits. This number increased to 2923 in 2021, 299 of whom were women (Çalışma ve Sosyal Güvenlik Bakanlığı, n.d.). In addition, the total number of Afghanistan students studying in higher education institutions in Türkiye was 9002 in 2021-2022. Of these, 6930 are male and 2072 are female students (istatistik.yok.gov.tr, n.d.).

As mentioned above, Afghan women may have different motivations for migration than men. Gender inequality, life confined to the home, violence, forced marriage at an early age, the need to take responsibility for children after the death of a spouse are some of these motivations.

Three of the interviews in this study were conducted with Afghan women and yielded similar results. For example, a 21-year-old female participant stated that she came to Türkiye because her father-in-law wanted to take her child after the death of her husband. Similarly, the 35-year-old female participant stated that she migrated in order to escape from her husband who was violent towards her and wanted to take her child away from her. She hopes to settle in Germany.

The 18-year-old participant stated that she did not want to wear hijab and that she wanted to go to Europe to get an education there. However, it is possible to say that the irregular migration route involves extra difficulties for a girl of this age. In response to the question whether the smugglers asked you to do work you did not want to do by

threatening you, she stated that she was beaten and abused a lot because she was a single girl. In response to the question whether the smugglers made demands other than the agreed wage, here is what she said:

I was deported several times. Each time the smugglers were different. They wanted to get less wages and make up the difference with sexual relation. (18, Female)

Despite this difficult experience as irregular migrants, none of the three Afghan women interviewed sees a future in their country and does not want to return. All of the female participants stated that they wanted to live in Europe to reunite with their relatives, to build a future for their children or to build a life for themselves. One participant's answer to the question "What are your future plans when you return to your country?" shows that Afghan women have the kind of migration motivations that male Afghans do not have:

I have no future in Afghanistan. My ex-husband will torture me if I leave. He does not want to accept our divorce and tries to take my son away from me. He shows me violence. (35, Female)

In the comprehensive field study conducted by the Mixed Migration Center on Afghans in Türkiye, Afghan migrants were asked about their reasons for coming to Türkiye. Accordingly, nearly half of the Afghans (48.7 percent) who participated in the survey stated that they came to Türkiye for family reunification. From this point of view, it can be concluded that migrant networks are effective not only in taking the decision to migrate, but also in determining the country to be migrated to. Other reasons for Afghans coming to Türkiye include easy access to the asylum system (45.2 percent), economic opportunities (41.3 percent), safe options (37.5 percent) and generally better living standards (34.3 percent). (Mixed Migration Center, 2020). As can be seen, the decision to migrate to Türkiye is taken for both security reasons and economic reasons. The decision to choose Türkiye or another country as the final destination can be taken from the beginning of the journey as well as in the process. One of the determining factors in shaping this decision during the process is that the journey stuck in at one point and becomes more difficult. According to another field study conducted by IOM, 78 percent of potential Afghan migrants have friends and relatives in the European Union, 77 percent in Iran and 83 percent in Türkiye. According to the research, 34 percent of the migrants

who plan to go to Türkiye and 26 percent of the migrants who plan to go to Iran plan to stay in these countries for one to three years. On the other hand, migrants who want to arrive in Europe want to stay in Europe permanently. When these migrants decide to migrate, they are supported in various ways by their relatives and friends in the destination country. For example, 58 percent of potential migrants stated that they would receive support from their networks in Türkiye in finding a job, 53 percent in shelter aid, 47 percent in financial support, 14 percent in finding a migration facilitator and 11 percent in paperwork (IOM DTM, 2019, p. 22).

Akçapar (2022) also states that social networks play an important role in every stage of migration for Afghanistan nationals. The existence of kin, ethnic groups, tribal relations, friends, and relatives not only trigger but also facilitate migration processes, starting from the decision to leave up until the settlement of destination country including finding a place to stay and having a job (Akçapar, 2022, p. 615).

The routes chosen by migrants, who started from Afghanistan and other Asian countries and determined their destination country as European countries, vary depending on factors such as the decision of the migrant smuggler, the financial situation of the migrants, and border management practices. According to the field study findings of MMC, a large portion of Afghan migrants (83.3 percent) arrive in Türkiye by irregular means, while a small portion (5.6 percent) use regular migration channels. The complex structure of the Afghanistan visa-passport system and the very high costs to access these documents for migrants have an effect on the low rate of those arriving via regular channels. While the majority of Afghan migrants (58.9 percent) used the Afghanistan-Iran-Türkiye route, a smaller group (19.4 percent) who participated in the study stated that they used the Afghanistan-Pakistan-Iran-Türkiye route (Mixed Migration Center, 2020). As can be seen, in any case, the Iran-Türkiye border is used for crossings. Van province (60.4 percent) is the most used province for irregular crossings. The province of Van is followed by Ağrı-Doğubayazıt (20.2 percent). Those who came to Türkiye through regular channels stated that they entered the country from Istanbul (3.5 percent) and Ankara (1.5 percent) (Mixed Migration Center, 2020, p. 33).

Migrants who do not choose Türkiye as their final destination continue their journeys from Türkiye to European countries by using different routes. There are four

important routes that end in Europe and where migrant smugglers carry out their operations. These routes are the Western and Central Mediterranean routes connecting Africa and Europe, and the Eastern Mediterranean route and Balkan route connecting Asia, East Africa and the Middle East to Europe. Of these routes, the Eastern Mediterranean route and the Balkan route are the two routes that migrants use to transit Türkiye. Although it attracted attention because it was widely used and witnessed tragedies, especially in the mid-2010s, these routes have been used by migrants and migrant smugglers for decades (İçduygu, 2020, p. 3294).

4.4.2. Türkiye-EU Relations in the context of the Securitization of Migration

As mentioned above, migrants continue their journey towards developed European countries through migration routes, some of which Türkiye is a transit country. As a result of the expansion of international migration towards Europe through mixed migration flows, the relationship between migration and security has become more prominent on the agenda. However, the potential security problems caused by uncontrolled and irregular migration flows can be interpreted in a broad way. This broad interpretation is expressed by the concept of securitization of migration in academic studies. Security is a service that states should provide in order to ensure public order and the peace of mind of the citizens of mixed migration countries. On the other hand, securitization is a tool used by states for their political purposes.

Academics such as Buzan, Waever, and Wilde, who carried out their studies within the "*Copenhagen Institute for Peace Research*" known as the Copenhagen School, contributed to the introduction of the concept of securitization into the literature. These scholars sought to answer what can be understood as a security problem in the context of the meaning attributed to the word security in international relations. Accordingly, security is about survival and implies a threat at the existential level. If the threat is taken at the existential level, it may become acceptable to take extraordinary measures to counter it (Buzan, Wæver, & de Wilde, 1998, p. 21). If it is decided to securitize an issue or situation, this is constructed through speech acts. Waever explained the relationship between speech acts and security as follows.

What then is security? With the help of language theory, we can regard "security" as a speech act. In this usage, security is not of interest as a sign that refers to something more real; the utterance itself is the act. By saying it, something is done (as in betting, giving a promise, naming a ship). By uttering "security," a state-representative moves a particular development into a specific area, and thereby claims a special right to use whatever means are necessary to block it (Wæver, 1995, p. 55).

For any issue or situation referenced through speech acts to be effectively linked to security and for extraordinary measures to be legitimately taken, it is important that they are articulated by the right person (Williams, 2003, p. 514). Otherwise, there may not be enough legitimate ground for the audience to be convinced and for extraordinary measures to be taken. According to the Copenhagen School, security does not only consist of the kind of security that states can provide militarily. In addition to the military sector where military security is provided, the act of securitization can also be seen in the economic, political, social and environmental sectors, and each sector can have abstract or concrete objects and concepts that are referenced (Buzan, Wæver, & de Wilde, 1998, pp. 22-23). For example, the issue of migrants as a reference point is considered within the social sector. Elements such as the protection of the "*us identity*", the perception that lifestyles are endangered, the perception that ethnic purity will be disrupted, and the fear that social identity will be eroded through migration can be supported by appropriate speech acts and used for the securitization of migration (Buzan, Wæver, & de Wilde, 1998, p. 23). It should be noted here that, as Buzan et al. (1998) point out, securitization is an extreme version of politicization. Therefore, like all extreme movements, its practice has the potential for dangerous consequences.

European countries, with their developed economies, well-functioning health and education systems, and job opportunities, have long been a destination for citizens of many countries where these opportunities are not available or are in decline. Therefore, Europe's migration management practices and its view of migrants gain importance at this point. Europe's migration policies have undergone a transformation since the 1950s. In the 1950s and 1960s, in order to meet the shortage of cheap and flexible labour, Europe did not adopt a politically sensitive attitude towards immigrants, on the contrary, encouraging policies were implemented (Huysmans, 2006). In the late 60s and 70s, liberal

policies began to give way to restrictive policies. While most migrants were still categorized as guest workers, in the political sphere, migration was increasingly associated with the concept of disturbance of public order (Ugur, 1995). In this period, the Council of Europe Regulation (1612/68) separated the free movement of European Union citizens from the free movement of third country nationals. According to Ugur, this decision paved the way for the emergence of the concept of “*Fortress Europe*” in the 1980s and 1990s (Ugur, 1995, pp. 976-977). The post-1980 period was characterized by the commonization and institutionalization of the migration policies of the European Union countries. In this period, cooperation emerged through organizations such as police forces. Additionally, migration became a priority agenda item in intergovernmental forums (Huysmans, 2006, p. 66). According to Huysmans, the post-2000 period has 4 main characteristics. The first one involves combating irregular migration through visa regulations, readmission agreements, deportation and return policies. The second is the establishment of a common law enforcement agency and network of liaison officers working on immigration and the security of external borders through a common risk analysis model. The third important feature of the post-2000 period is the integration of the European Union's migration policies into its relations with third countries. This will provide a basis for cooperation in the deportation of irregular migrants and their reception by transit and source countries. The fourth feature of this period is to develop a general policy among member states and to establish common standards and procedures on issues such as asylum applications (Huysmans, 2006, p. 67).

One of the important developments of the period when the libertarian approach in Europe's migration policies was replaced by a security approach is the establishment of the European Border and Coast Guard (FRONTEX), which has its origins in 2004 and took its final form after the Regulation in 2019. Frontex is an institution whose actions rather than its rhetoric should be examined in terms of the securitization of migration. According to Leonard, the joint maritime operations coordinated by Frontex and aimed at stopping migration can be seen as quasi-military operations as some of the actors involved in the operations have semi-military status. Moreover, it is possible to consider these operations as acts of securitization due to their unusual nature (Léonard, 2010, p. 240). The HERA operations, coordinated by the newly established Frontex, were carried out in 2005-2006 to prevent the massive migration that Spain faced, and the Triton and

Poseidon operations, also coordinated by Frontex, were carried out in 2015-2016 to stop the massive migration flow that Europe faced. These operations show that securitization is not a momentary reaction to an existential threat, but rather a continuous one (Léonard & Kaunert , 2020). In particular, the 2015-2016 influx of migrants paved the way for Frontex to intensify its cooperation with organizations such as NATO and Europol, to conduct more complex joint operations and to assist in intelligence gathering. This means that Frontex has significantly intensified its security-oriented practices (Léonard & Kaunert , 2020, p. 1427).

In addition to the above-mentioned maritime operations, the European Union has developed measures and discourses to stop migration along its land borders with the motive of protecting its external borders. For example, starting from the 1990s, Greece used a securitizing discourse for migrants at the expense of fueling xenophobia and enacted laws that categorized the concept of migrant with a generalizing definition of "alien" (Karyotis, 2012). During this period, Greek political actors pointed to migrants as the source of the country's problems through their speech acts in the construction of the securitization process of migration (Karyotis, 2012, p. 395). In the 2000s, as a result of the increase in unwanted migration towards Europe due to the wars in the Middle East and North Africa, Greek intellectuals started to make more connections between security and threat rhetoric and migration (Grigoriadis & Dilek, 2019, p. 173). In this environment, where migration was more frequently brought together with security discourse, in 2012, the 10.3 km long "Evros Fence" was built by Greece on the border with Türkiye. Although the Fence has greatly reduced land border crossings, it has caused migrants to turn to alternative sea routes in the Mediterranean. However, the wall was more symbolic to spread the message that Greece was not a gateway to Europe (Grigoriadis & Dilek, 2019, p. 176). Bulgaria, the other country ensuring the protection of the external borders of the European Union, could not stay away from the effects of migration flows and built a wall on the border with Türkiye under the influence of security-oriented approaches. It can be said that the fact that Bulgaria and Greece built walls and made land crossings difficult by building walls does not stop migration, but rather directs migrants to alternative routes where their life safety is lower (euronews, 2015).

As a result of the fact that Europe considers migration towards itself as a security problem, even an existential threat, and builds its policies on this discourse, it is seen that Europe has turned to practices that have been heavily criticized in the world public

opinion and even within itself. The EU obliges all countries to respect the principle of non-refoulement through regulations under its domestic law (Schengen Borders Code, 2006). However, there have been cases where the principle of non-refoulement (The Refugee Convention, 1951), which is one of the main features of the 1951 Geneva Convention, has not been implemented by state parties. For example, in *Hirsi Jamaa and others v. Italy* at the European Court of Human Rights (ECtHR), the court found Italy at fault for the Italian coastguard's hasty return to Libya of some 200 migrants on board a ship, including the applicants, and for failing to provide them with the opportunity to apply for asylum. According to the judgment, Italy violated Article 3 of the European Convention on Human Rights (FRA, 2020, pp. 46-47).

When European countries' efforts to securitize migration shift from rhetoric to action, it results in migrants being pushed back across sea or land borders without being able to exercise their most basic asylum rights. Türkiye frequently confronts European Union countries such as Greece and Bulgaria about push-back cases. If a few examples of these cases are given, it can be better understood how practices that can be considered as push-backs endanger the lives of migrants. For example, 19 irregular migrants were found frozen to death on the Greek-Turkish border on February 24, 2022. According to a migrant who survived and was rescued by Turkish security forces, a group of 50 migrants had been pushed back towards the Turkish border by Greek security forces. When the deceased migrants were found, it was revealed that their jackets, sweaters and shoes had been taken by Greek security forces. One migrant who survived the push-back said that his cell phone, wallet, passport and medallion were taken from him by the Greek side and he was forcibly sent to Türkiye even though he had entered Greece from Serbia (The New York Times, 2022). Bulgaria, just like Greece, can also carry out push-back practices. In fact, push-back practices and excessive use of violence by Bulgarian border security personnel have been cited as reasons for the significant decrease in the number of irregular migrants detained in the country (ECRE, 2018).

There are many cases of push-back practices on land also taking place at sea. In these cases, Greek Coast Guard boats dangerously stop or fire warning shots at boats carrying migrants, including women, men and children, or even pierce the boats with iron bars. These migrant boats are then directed towards the Turkish coast and rescued by the Turkish Coast Guard when they are close to sinking (PBS News Hour, 2021). In addition

to cases where migrants are unable to set foot on land and apply for asylum appropriately, there are also frequent cases where migrants are able to land but are sent back by security personnel, especially under the cover of night, using boats that are not suitable for use on the open seas. In one case, for example, migrants managed to land on the island of Lesbos but were intercepted by security forces before they could reach the camp, some of them were beaten and then put on board a large coast guard vessel and then on two life rafts and left in the middle of the sea. Migrants from Afghanistan on the two lifeboats were rescued by the Turkish coast guard (Aegean Boat Report, 2022).

This incident and similar push-back cases have also been criticized by UNHCR. UNHCR expressed concern at the increasing violence and human rights violations against refugees and migrants. It is also concerned that despite calls from UN bodies, intergovernmental organizations and NGOs, mistreatment and pushbacks continue inside and outside the EU (UNHCR, 2022a).

Although not acknowledged by the Greek authorities, the UN High Commissioner for Refugees Filippo Grandi expressed his concern about push-back cases and human rights violations. as follows:

We are alarmed by recurrent and consistent reports coming from Greece's land and sea borders with Türkiye, where UNHCR has recorded almost 540 reported incidents of informal returns by Greece since the beginning of 2020. Disturbing incidents are also reported in Central and South-eastern Europe at the borders with EU Member States (UNHCR, 2022a).

The role of Frontex in the push-back practices of countries guarding Europe's borders is controversial. Joint research by European media and civil society organizations shows that Frontex has remained silent on Greece's push-back actions against migrants and in some cases has even helped (Anadolu Agency, 2022). Türkiye, as one of the countries affected by push-back practices, has expressed warnings on this issue in international fora. For example, in his speech at the "*United Nation's International Migration Review Forum*", Mevlüt Çavuşoğlu, Minister of Foreign Affairs of the Republic of Türkiye, mentioned the loss of lives caused by push-back practices and the involvement of Frontex:

For example, Greece's repatriation of migrants in the Aegean and ill-treatment at the border cost the lives of many people. It is sad to see that Frontex is also involved in these actions (hurriyetdailynews, 2022).

Europe confronts Türkiye on three issues in the context of migration. The first one is the issue of migrants coming to Europe by using Türkiye as a transit country. The second is the Turkish immigrants who have settled in European countries since the 1950s and have contributed to the emergence of the European welfare state. The third issue is the concern that millions of Turkish citizens would migrate to European Union countries as a result of Türkiye's accession to the European Union. Europe sees all three of these issues as threats to the welfare state they have established and develops discourses and methods accordingly. According to what Huysmans (2006, p. 78) defines as welfare chauvinism, migrants are in any case perceived as parasites who threaten cultural homogeneity and exploit the welfare state. Moreover, by using concepts such as invasion and flood of migrants, migrants are presented as the biggest threat to the continuation of the system, arguing that the welfare state cannot be sustained any longer (Huysmans, 2006, p. 79). As explained in this section, while transit migrants are exposed to push-back practices as a result of securitization policies, European citizens of Turkish origin or Turkish citizens living in Europe are more exposed to racist discourses and actions of rising extreme right movements. On the other hand, it can be argued that it is more useful to take migration out of the security discourse and to make a reading based on the benefits of the phenomenon of migration. According to Akçapar, these benefits are as follows: 1. The fact that the aging Europe can close this gap thanks to migrants. 2. The contribution of migrants to economic development. 3. Contributions to the economy of the sending country through remittances. 4. The positive role and soft power of diaspora members in bilateral relations (Akçapar, 2012, p. 572).

It can be thought that closing or making regular migration channels more difficult will not prevent migrants but may lead them to travel through irregular channels. The findings from the interviews conducted within the scope of this thesis also support this idea. As stated in Section 4.4.1, the fact that the cost of obtaining tools such as visas and passports, which are necessary to travel through regular migration channels, is much higher than normal, somehow forces migrants to seek the services of migrant smugglers and travel through irregular migration routes. In Afghanistan, the fees charged by smugglers are even below the

cost of visas and passports. One interview participant explained this situation as follows: *"To come legally, you need a lot of money and we didn't have that kind of money. We were forced to come with smugglers"* (21, Female). Another Afghan irregular migrant who participated in the interview stated that *"They charge a lot of money for passports and visas. Since we cannot afford it, we are forced to come with smugglers. Because passport, visa and ticket fees reach 5000 USD in total"* (21, Male). The fact that all Afghans participating in the interview have similar opinions supports the idea that making regular migration channels more difficult may lead to irregular migration.

4.4.3. The Recent Migration Movements in Türkiye and their Reflection on Migration Policies

Türkiye is a country that has always been affected by the world migration movements. It can be said that the Anatolian geography was no stranger to migration movements in the Republican Era as it was in the Ottoman period, and that the Turkish nation and its administrative structures have experience in migration management.

Table 26: Mass Migration Movements towards the Ottoman Empire and Türkiye

PRE-REPUBLICAN ERA	
YEAR	SOURCE AND MAGNITUDE OF MIGRATION
1492	Transportation of tens of thousands of Jews from Spain to the Ottoman Empire
1709	King Charlemagne of Sweden seeks shelter in the Ottoman Empire with a group of 2000 people
1848	The arrival of Prince Lajos Kossuth and about 3 thousand Hungarians to the Ottoman Empire after losing the Hungarian War of Independence
1858-1864	Approximately 493 thousand Muslim Caucasian population took refuge in the Ottoman Empire
1864	Approximately 1 million Caucasians who fled the Russian army were accepted by the Ottoman Empire and settled in the Balkans and Anatolia.
1917	After the Bolshevik Revolution, Vrangeli with about 135,000 people, sought protection from the Ottoman Empire.
REPUBLICAN ERA	
1922-1938	384,000 arrivals from Greece
1923-1945	800,000 arrivals from the Balkans
1933-1945	800 people, mostly scientists from Germany
1988	51,542 arrivals from Iraq
1989	345,000 arrivals from Bulgaria
1991	467,489 people arrived from Iraq after the 1st Gulf War
1992-1998	20,000 arrivals from Bosnia
1999	17,746 arrivals from Kosovo
2001	10,500 arrivals from Macedonia
April 2011- June 2022	3,763,864 arrivals from Syria

Source: The Presidency of Migration Management (PMM, 2022c)

The dislocation of millions of people in the mid-19th century due to the decline of the Ottoman Empire and lost wars, and the admission of Muslim populations from countries other than the newly established Republic to Türkiye through mutual population exchange agreements, made Anatolia and the Balkan geography a place of mass migration. In the first period of the Republic, with the aim of building a nation state, migrant populations from Greece and other Balkan states were intensively accepted and non-Muslim populations were also allowed to leave the country. In the late 80s, Türkiye again encountered mass migration movements similar to those of the late Ottoman Empire and the early Republic. For example, as a result of the events in Halabja, Iraq in 1988, approximately 50 thousand Iraqi citizens sought refuge in Türkiye. In 1991, as a result of the 1st Gulf War, approximately 500 thousand Iraqis crossed the borders and took refuge in Türkiye. At that time, Iraqis were placed in temporary camps near the border, but later, with the suggestion of then President Turgut Özal, a safe zone was established north of the 36th Parallel in Iraq by the US and the UK and Iraqi refugees were transferred there (Danış, 2011, p. 200).

Another development that caused Türkiye to face mass migration movements was the fleeing of Iranians who feared for their lives after the 1979 Islamic Revolution in Iran and sought refuge in Türkiye. At that time, Türkiye provided visa liberalization to Iranians who sought refuge in the country but allowed them to stay temporarily in the country. A significant number of Iranians were encouraged to go to third countries and very few of them received residence permits in Türkiye (Kirişci, 2000, p. 11). According to İçduygu (2002), the intention of a significant portion of those who sought refuge in Türkiye from Iran was to use Türkiye as a transit route to Western countries. Although there is no precise data, approximately 1 million of those who came to Türkiye from Iran used Türkiye as a transit country and 100 thousand to 200 thousand Iranians stayed in Türkiye (İçduygu, 2002, p. 360).

Although there were arrivals from Bosnia, Kosovo and Macedonia in the 1990s and 2000s, the main challenge that Türkiye faced, and whose effects continue even in 2022, began with the Syrian crisis. The uprisings that started in Tunisia and spread to other countries in the region, known as the Arab Spring, reached the Syrian Arab Republic in March 2011. The demonstrations, which were violently suppressed by the Syrian regime, grew and eventually turned into widespread uprisings and civil war involving

secular groups such as students, left-wing political parties, activists and opposing Islamic groups (Joya, 2012, p. 31). The civil war was complicated by the involvement of major extra-regional actors and terrorist organizations such as DAESH and YPG. As a result of the conflicts and terrorist acts, the Syrian people sought refuge in other parts of the country and in other countries, mainly in neighboring countries, with the motivation to ensure their safety. As a result, the demographic structure of Syria has undergone serious changes and the country has suffered a significant population loss. By the end of 2021, 6.7 million Syrians were internally displaced (IDMC, 2022). According to UNHCR statistics for 2022, there are 3,763,864 Syrian refugees in Türkiye, 839,086 in Lebanon, 675,040 in Jordan, 260,686 in Iraq, 141,303 in Egypt and 41,742 in North Africa (UNHCR, 2022b). European countries host approximately 1 million Syrians. More than half of this number are Syrians in Germany (abcnews, 2022). As can be seen, Türkiye is the country hosting the largest number of Syrian refugees.

Anatolian region seems to have provided this opportunity to those seeking refuge for centuries. There have been mass migrations to Anatolia from the north, west, east, south and southeast. Some of these migrants returned when the situation in their countries normalized, some of them used Türkiye as a transit point to go to other regions, and some of them started a new life in this region. This dynamic position of Türkiye at the point of receiving and sending migrants was analyzed by İçduygu and Aksel by dividing it into four main periods, including the last periods of the Ottoman Empire (İçduygu & Aksel, 2013). These periods are listed below:

Two-way migration flows to and from Türkiye: The defining characteristic of this period was the departure of non-Muslim populations such as Armenians and Greeks from Anatolia and the arrival of Muslim Turkish populations, especially from the Balkans, during the last period of the Ottoman Empire and the early years of the Turkish Republic. Population movements in this period were realized through population exchange agreements with Bulgaria in 1913 and 1925 and Greece in 1923 and the Armenian deportation in 1915 (İçduygu & Aksel, 2013, pp. 170-171) .

Migration boom after the 1950s: The most prominent migration characteristic of this period is that it is not about the migration that Türkiye receives, but about the migration that Türkiye sends. Between 1961 and 1974, approximately 800,000 workers

from Türkiye, 649,000 of them to Germany, went to European countries to work, with the idea that it would be temporary. The policy goal of sending so many people from Türkiye to other countries to work was to generate remittance income (İçduygu & Aksel, 2013, p. 173). Although remittances do not have a significant share in today's scale of the economy, this income was seen as very important in those years.

One of the important developments of this period was Türkiye's signature of the 1951 UN Convention and 1967 Protocol regulating the status of refugees and asylum seekers.

The emergence of new migration patterns in the 1980s: In the 1980s, it became clear that the temporary nature of the workers who went abroad temporarily was questioned and that there was now a large Turkish population living abroad. Therefore, policies concerning Turkish citizens living abroad were developed and some steps were taken. For example, in 1981, legal arrangements were made and Turkish citizens were granted the right to have the citizenship of another state or more than one state. In this period, imams and teachers were sent abroad to support the Turkish community abroad. In the 1990s, some rights were granted to those who renounced their Turkish citizenship with the pink card application, which would later be renamed the blue card (İçduygu & Aksel, 2013, pp. 177-178).

The 1980s and 90s were a period of major events such as the Soviet invasion of Afghanistan, the Iran-Iraq war, and mass migration from Bulgaria and Iraq to Türkiye.

Changing migration patterns and their management since the 2000s: The migrant profile that Türkiye has faced since the 2000s can be categorized under four different categories. These are: (i) irregular migrant workers, (ii) transit migrants, (iii) asylum seekers, refugees and (iv) regular migrants (İçduygu & Aksel, 2013, p. 179). During this period, Türkiye enacted important laws concerning foreigners or Turkish descendants. For example, the Law on the Work Permit for Foreigners was adopted in 2003, the Law on Settlement in 2006, the Turkish Citizenship Law in 2009 and the Law on Foreigners and International Protection in 2013 are adopted.

After the 2000s, Türkiye has shown an understanding that has increased the importance it attaches to its citizens living abroad or those who do not have citizenship

but are of Turkish ethnic origin. As a result of this understanding, the Presidency for Turks Abroad and Related Communities was established in 2010. The duties of the Presidency include coordinating activities for Turkish citizens abroad, their related communities and international scholarship students studying in Türkiye.

Türkiye needed a comprehensive legal arrangement and an institution specialized in foreigners' affairs. As a result of this necessity, the Law on Foreigners and International Protection was adopted in 2013. The general justification of the law at the time of its adoption, sets out the reasons for the need for the law.³ This justification is as follows (Presidency of Migration Management, 2022).

1. Türkiye has evolved from a transit country to a destination country.
2. The current legislation is insufficient in the face of current developments.
3. The need to improve the capacity for regular migration management such as visas and residence permits.
4. The need to eliminate these deficiencies in the field of international protection, which does not even have a law in domestic legislation except for administrative regulations.
5. Making the legal framework of deportation practices more specific.
6. Introducing the issue of harmonization into the legislation for the first time.
7. Protecting victims of trafficking in human beings, ensuring the effective operation of shelters and the effective functioning of the national referral mechanism.
8. Türkiye's need for a state institution specialized exclusively in migration management is included in the general justification (Presidency of Migration Management, 2022).

With the adoption of the Law on Foreigners and International Protection, the Directorate General of Migration Management was established in the same year. The procedures and principles regarding the establishment and duties of the Directorate General are regulated in Presidential Decree No:4. The Directorate General is responsible for implementing policies and strategies on migration, ensuring coordination among institutions and carrying out procedures related to foreigners (Presidency of Migration Management, 2022c). Duties related to foreigners include foreigners' entries into Türkiye,

³ <https://www.goc.gov.tr/kurumlar/goc.gov.tr/files/GENEL.pdf>

stay in Türkiye, their departure from Türkiye and their deportation, as well as international protection, temporary protection, and protection of victims of human trafficking.

Migration has long been prominent on both the world and Turkish agendas. Under the influence of this situation, and in an environment where the need for the establishment of a migration ministry was expressed in the media, the status of the Directorate General of Migration Management was changed to the in 2021 by Presidential Decree No. 85. In addition to the headquarters, the Presidency was organized as Provincial Directorates of Migration Management in all 81 provinces. As an important requirement of migration management, the Presidency of Migration Management cooperates with many national and international institutions.

4.4.4. Türkiye's Current Migration Outlook, Challenges of Migration

Türkiye continues to be an important stop on migration journeys in the 2020s. On 24 February 2022, Russia and Ukraine started a war, which led to an unstable environment in almost all of Türkiye's neighbors. As a result, Türkiye is seen as a safe haven for migrants or potential migrants. In addition, Türkiye's remarkable economic development compared to the pre-2000 period makes it an important alternative for migrants from different regions and nationalities. This alternative status has led to changes in the nationality and country profile of those moving towards Türkiye. For example, according to Yakar (2021), who analyzes census and address-based population registration system data, the profile of migrants to Türkiye has changed from Turkish citizens living abroad to foreign migrants, especially since 1980. According to data from the Turkish Statistical Institute, while the rate of Turkish citizens among those who came to Türkiye was 97.2 percent in the 1980-1985 period, this rate decreased to 14.6 percent in 2019. While 8 out of 10 people who migrated to Türkiye before the 2000s were Turkish citizens, today 8 out of every 10 people are foreigners (Yakar, 2021).

One of the issues complicating Türkiye's migration management efforts is that foreigners in the country are of different nationalities and come from different countries. Another challenge is that foreigners have different reasons for being in Türkiye and accordingly different legislative provisions applicable to them. For example, while one

foreigner may be in Türkiye through regular channels as a visa, residence or work permit holder, another may be a refugee, conditional refugee or subsidiary protection under asylum law. While one foreigner may be subject to temporary protection procedures because he/she has entered the country as a group too large to be considered within the scope of asylum law, another foreigner may be subject to deportation proceedings because he/she is in the country without a right to stay.

To evaluate Türkiye's migration situation, it would be useful to first look at those arriving through **regular migration channels**. Regular migration is defined as the movement of people from their usual place of residence to a new place of residence in accordance with the laws and regulations covering exit from the country of origin and travel, transit and entry to the host country (IOM, 2021). Foreigners enter or leave Türkiye at border gates with a valid passport or a document that replaces a passport, after undergoing document control. Foreigners staying in Türkiye for up to 90 days are required to obtain a **visa** from the consulates in the country of citizenship or legal residence, indicating the purpose of their stay. Foreigners who intend to stay in Türkiye longer than the period allowed by the visa or visa exemption or longer than ninety days must obtain a **residence permit**.

Table 27: Number of entries and exits to Türkiye between the years 2015-2021

YEARS	ENTRY	EXIT	DIFFERENCE
2015	34.633.391	34.285.711	347.680
2016	24.666.471	24.718.273	-51.802
2017	32.058.216	32.033.516	24.700
2018	39.468.492	39.315.104	153.388
2019	44.527.385	44.579.083	-51.698
2020	12.678.664	13.036.926	-358.262
2021	24.630.685	24.150.633	480.052

Source: (PMM, 2022h).

As seen in Table 27, the number of foreigners entering Türkiye, which reached 44 million in 2019, declined to approximately 12 million in 2020 due to the impact of the pandemic. The figure of foreigners in Türkiye with a residence permit was realized as 1,314,181 as of the end of 2021. Due to the pandemic, the number of foreigners in Türkiye with a residence permit decreased to 886,653 in 2020. The most commonly issued residence permit in Türkiye is the short-term residence permit. This is followed by student residence permit and family residence permit. In addition, Istanbul, being the economic

capital and the largest city in Türkiye, is the province with the highest number of residence permits issued. As of 01.12.2022, there are 1,345,488 people in Türkiye with residence permits, 701,516 of whom have residence permits to live in Istanbul and 165,138 in Antalya (PMM, n.d.).

Table 28: Top 10 nationalities in Türkiye with a residence permit as of 01.12.2022.

as of 01.12.2022	
Iraq	134.517
Russia	131.206
Turkmenistan	114.051
Syria	102.135
Iran	95.743
Azerbaijan	66.066
Uzbekistan	61.776
Afghanistan	51.864
Ukraine	46.739
Kazakhstan	44.835
Other	496.556

Source: (PMM, n.d.).

According to the nationalities of foreigners with residence permits in Türkiye, the highest rankings are Iraq (134,517), Russia (131,206), Turkmenistan (114,051), Syria (102,135) and Iran (95,743) (Table 28). Although the majority of Syrians in Türkiye have been granted temporary protection, 102.135 Syrians prefer to stay with a residence permit. On the other hand, 51,864 foreign nationals of Afghanistan live in Türkiye as regular migrants with a residence permit (PMM, n.d.).

According to the LFIP dated 2013, Türkiye's regulatory legislation on migration and migrants, foreigners who are provided with international protection can be granted refugee, conditional refugee and subsidiary protection status. In 2021, 29,256 foreigners applied for international protection in Türkiye. The top three nationalities applying for international protection were Afghanistan (21,926), Iraq (4,961) and Iran (1,032) (PMM, 2022e). Türkiye has 327,418 refugees and asylum seekers under international protection system as of end 2021 (UNHCR, 2022d)

Temporary protection is described as the protection granted to foreigners whose individual requests for international protection cannot be fulfilled. The decision on temporary protection is taken by the Presidency upon the proposal of the Ministry of Interior. According to the Law on Foreigners and International Protection (Article 91), temporary protection may be granted to foreigners who have been forced to leave their

country, who are unable to return to the country from which they left, who arrive at or cross borders massively in search of emergency and temporary protection. Temporary protection is a type of protection for emergency solutions in case of mass influx. It is a practical and supplementary measure applied to persons arriving at borders without loss of time through individual status determination procedures within the framework of the principle of non-refoulement (PMM, n.d.).

Türkiye's migration management capacity is challenged by the number of Syrian Arab Republic citizens under temporary protection. As of 08.12.2022, 3,561,883 Syrians were under temporary protection in Türkiye. This figure makes Türkiye the country hosting the largest number of refugees, the majority of them being Syrian nationals. A very small proportion of Syrians under temporary protection live in temporary accommodation centers, while the rest live in cities. Accordingly, as of 08.12.2022, 47.702 Syrians live in temporary accommodation centers while 3,514,181 Syrians live in cities. Syrians under temporary protection are hosted in a total of seven temporary accommodation centers in five provinces, one each in Adana, Kahramanmaraş, Kilis, Osmaniye and three in Hatay (PMM, 2022f). Istanbul by far is the city where Syrians under temporary protection is most heavily located. Istanbul is followed by Gaziantep, Şanlıurfa, Hatay, and Adana. The number of Syrians under temporary protection and living in these five provinces is approximately two million (PMM, 2022f).

Other than Syrians under temporary protection and non-Syrians under international protection system, other categories of migrants in Türkiye are either with a visa or residence permit. No doubt the most challenging category to control is irregular migrants. Since irregular migrants are not registered by the institutions responsible for migration management and/or security forces until they are apprehended, it creates a problem area in many respects, especially related to public security order and health.

The unstable environment in Türkiye's neighbors as well as Asian countries with which Türkiye has historical ties and brotherly relations, increases the migration pressure. There is an intense flow of migrants to Türkiye from countries such as Iraq, Syria, Afghanistan, and Pakistan. Since Türkiye is on the migration route from Asia to Europe, it is also a transit country for irregular migrants and migrant smugglers. While the number of irregular migrants apprehended was around 50,000 annually on average between 2005

and 2014, it entered an upward trend after 2015 and reached 454,000 in 2019. Although the number of apprehended irregular migrants decreased to 122,302 in 2020 due to the pandemic, it increased relatively in 2021 and reached 162,996 (Akçapar, 2022, p. 559). As of 08.12.2022, the number of irregular migrants apprehended within the borders of Türkiye is 268,333 (PMM, 2022g).

Table 29: Distribution of apprehended irregular migrants by nationality as of 08.12.2022

Nationality	Number
Afghanistan	110,283
Syria	42,836
Pakistan	14,847
Palestine	13,406
Turkmenistan	12,315
Bangladesh	7,528
Yemen	7,012
Uzbekistan	6,962
Morocco	6,730
Iraq	6,216
Other	40,198
Total	268,333

Source: Presidency of Migration Management in Türkiye (PMM, 2022g).

Regarding the nationalities of apprehended irregular migrants, Afghanistan ranks first with 110,283 irregular migrants (Table 29). Afghanistan is followed by Syria and Pakistan. As can be seen, apart from Syrians under temporary protection or Syrians in Türkiye with residence permit, there are also irregular Syrians (42,836 as of 08.12.2022) who do not comply with these two legal conditions. The figure of irregular migrants from Afghanistan is approximately equal to the total of the following nine nationalities. Foreigners of Afghanistan nationality have an important place in irregular migration management. In direct proportion to the fact that most irregular migrants come from Afghanistan, Afghan migrants naturally come to the agenda in the discussions on the issue in Türkiye. The public opinion is that irregular migrants from Afghanistan easily cross the borders in large numbers and without facing any countermeasures. Another topic of discussion is the number of Afghans in Türkiye. It has been stated that the number of registered and unregistered Afghan migrants in Türkiye is not 1.5 million as claimed, but around 300,000, thus exaggerating the figures (euronews, 2021). 470 thousand of the 1 million 293 thousand irregular migrants apprehended between 2016 and September 2021 were from Afghanistan and 196 thousand were from Pakistan (PMM, 2021). As can be

seen, more than half of the irregular migrants apprehended since 2016 are from Afghanistan and Pakistan, which are South Asian countries.

Due to its geographical location, Türkiye's neighbors with unstable and states in war is another problem that concerns Türkiye in the context of migration. This potential problem was expressed by the Minister of Interior of the Republic of Türkiye in a press briefing as follows. “2 million potential migrants are Afghans on the Iranian border, 3.9 million in Idlib, 1.2 million in Jarablus-Azaz-Mare-El Bab-Cobanbey region, 550-600 thousand in Afrin, 350 thousand in Tel Abyad and Ras al-Ayn... In other words, there is a migration mass of over 8 million ready to mobilize immediately. Any attack, incitement, threat or opportunity they can find” (İçişleri Bakanlığı, 2022b). It was also mentioned in the same meeting that 2.5 million people have tried to enter Türkiye through the country's eastern and southern borders in the last 5 years and that these attempts were prevented. It is also possible to add migrants from the Black Sea neighbor Ukraine, who may continue to arrive depending on whether the war continues or not.

Such a large migrant potential on Türkiye's doorstep undoubtedly poses risks to public security. One of these risks is the groups known as foreign terrorist fighters (FTFs), who are part of non-state armed terrorist organizations such as the PYD, PKK and DAESH. The United Nations (UN) Security Council Resolution 2178 defines foreign terrorist fighters (FTFs) as “individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict” (UN Security Council Resolution No: 2178, 2014). Foreigners who meet this definition join terrorist organizations and engage in acts that harm the security of Türkiye within or just outside its borders. In this respect, some foreigners in or around the country pose a danger to the security of life and property of citizens and public security. Türkiye utilizes the combined efforts and energies of many institutions in its fight against foreign terrorist fighters. Institutions such as the Presidency of Migration Management, the National Intelligence Organization, the General Directorate of Security, the Ministry of Foreign Affairs, etc. have to use their time, financial and personnel resources to deal with this problem. As a result of all these joint efforts, 9000 foreign terrorist fighters were deported between 2011 and August 2022, including 59 US nationals and 1109 EU nationals (İçişleri Bakanlığı, 2022a).

The relationship between the foreign population in Türkiye and citizens has the potential to be another problem area. When the discourses of leaders and senior public administrators are examined, it is possible to say that Türkiye does not use a securitizing language towards migrants, but due to its responsibility as a state, it uses a discourse in the context of national security and public security and builds the fight against irregular migration on this discourse. Foreigner-citizen debates and tensions have been prevented as a result of the intensive efforts and coordination of the institutions responsible for migration management. However, some incidents and tensions may still occur. For example, in August 2021, in an incident in Ankara's Altındağ district, two young people arguing with a Syrian group were stabbed and one of them lost his life. As a result of the incidents that followed, the houses and vehicles of foreigners living in the neighborhood were damaged. The incidents were brought under control after intensive efforts by law enforcement officers (*Hürriyet*, 2021). In another incident showing the reinforcing role of social media in the initiation and spread of social incidents, a banana-eating protest was initiated on social media by foreign nationals after a citizen said “*I cannot eat bananas, you buy them in kilos*” during a street interview, which attracted a lot of public reaction (*Sabah*, 2021). If such incidents are not managed well, the psychology that will emerge is likely to turn into stereotypes that all foreigners in the country are unwanted, useless, and harmful to society. Moreover, the qualified foreigners that each country tries to attract through regular migration channels are also likely to be negatively affected by such judgments and anger.

The considerable number of migrants and the diversity of their legal status have led many organizations in Türkiye to work on migrants to a certain extent, thus allocating resources, time, and personnel for this work. Established in 2013 by the LFIP, the Migration Policy Board was restructured as the Migration Board in 2018 by Presidential Decree No:17. The Migration Board is responsible for determining, coordinating, and monitoring the implementation of Türkiye's migration strategies regarding foreigners and is chaired by the Minister of Interior and consists of representatives of ministries, institutions and organizations determined by the Ministry of Interior. The Board convenes upon the call of the Minister of Interior (Precidency of Migration Management, 2022b). The twelfth migration board meeting was held in 2022, with high-level participation at the level of deputy minister, president, vice president, director general and deputy director

general from many institutions. The table below on participating institutions (Table 30) shows how migration management in Türkiye is an integrated effort of multiple institutions.

Table 30: Institutions and ministries participating in the 12th Migration Board Meeting

Institutions that participated in the 12th Migration Board Meeting	
Ministry of Interior	The Presidency of Migration Management
Ministry of Justice	The Ministry of Family and Social Services
The Ministry of Labour and Social Security	The Ministry of Environment, Urbanization and Climate Change
The Ministry of Foreign Affairs	The Ministry of Treasury and Finance
The Ministry of Culture and Tourism	The Ministry of National Education
The Ministry of Health	The Ministry of Trade
The Ministry of Transport and Infrastructure	Council of Higher Education of Türkiye
The Directorate of Religious Affairs	The National Intelligence Organization
Türkiye, Presidency of Strategy and Budget	The Gendarmerie General Command
The General Directorate of Security	The Turkish Coast Guard Command
Disaster and Emergency Management Presidency	Presidency for Turks Abroad and Related Communities
Turkish Cooperation and Coordination Agency	Turkish Red Crescent
Directorate General for Relations with Civil Society	General Directorate of Provincial Administration
General Directorate of Information Technologies	General Directorate of civil registration and nationality
Department of Internal Security Strategies	

Source: (PMM, 2022b).

4.4.5. Türkiye's Struggle against Irregular Migration

Migrants in Türkiye, whether registered or irregular, naturally interact with citizens. Therefore, depending on the intensity of interaction, some results occur and citizens form judgments about foreigners. If we look at the studies conducted specifically on foreigners from Afghanistan, it will be easier to have information about these judgments. For example, according to the results of a study measuring the attitude of the people of Bilecik towards Afghan asylum seekers, the locals of Bilecik believe that Afghan foreigners are used by employers as a source of cheap labour force working without insurance, thus restricting the job opportunities of local people. Foreigners are also blamed for the increase in housing rents. It is also a source of discomfort for foreigners to establish a dialog in their own language (Cankara, 2018, pp. 72-73). One of the findings of the research is that approximately half of the people of Bilecik do not know whether the foreigner they encounter is Afghan, Syrian or Iraqi. In other words, they cannot distinguish their nationality (Cankara, 2018, p. 71). This situation can be

considered dangerous in terms of forming negative judgments about all foreigners due to the existence of a foreign group that tends to harm public order.

In another study analyzing attitudes and perceptions towards Afghan migrants, the approaches of individuals living in Erzincan towards Afghan migrants were examined. Accordingly, 65.5 percent of the participants think that foreigners from Afghanistan harm the integrity of the country. On the other hand, 65.6 percent of the participants believe that crime rates have increased in places where Afghans live. In addition, a significant portion of the individuals participating in the study (69.5 percent) believe that the people of Erzincan are negatively affected as a result of the economic resources spent on Afghans (Akkaş & Aksakal, 2021, p. 51). Studies examining attitudes and perceptions towards foreigners from Afghanistan in Erzincan and Bilecik provinces show that uncontrolled and irregular migration movements above a certain rate pose difficulty in terms of establishing public order. It can be seen that the Republic of Türkiye has taken some steps to ensure that migration movements that cause difficulties can be kept under control. The most important of these are the Euphrates Shield Operation, Operation Olive Branch, Peace Spring Operation and Operation Spring Shield to restore the lost authority in Syria and to destroy terrorist organizations. As a result of these operations and other activities to normalize the region, it has been announced by senior government officials that around 6 million Syrians who were ready to migrate have abandoned their decision and stayed in the region thanks to the stability in the region (İçişleri Bakanlığı, 2022d).

The fight against irregular migration requires good planning and high coordination capacity due to its multidimensional nature and inter-institutional cooperation. It is seen that Türkiye's fight against irregular migration is in this direction. It is possible to say that the fight against irregular migration is based on four important pillars. These pillars can be listed as follows (CNNTURK, 2022):

- Solving the problem in the country of origin
- Effective border management
- Combatting irregular migration within internal borders
- Effective removal system

Some efforts to **solve the problem of irregular migration primarily in the source countries** have been put forward by Türkiye. The first of these efforts is

readmission agreements signed especially with the source countries. Readmission agreements are bilateral or multilateral agreements based on the principle of reciprocity. According to these agreements, state parties may return foreigners who do not fulfill or no longer fulfill the conditions for entering or staying in the country, to their country of residence or to a third country they transit through. (IOM, 2019a, p. 169). In this context, Türkiye has signed readmission agreements with 15 countries and the European Union and has made proposals to 17 countries (CNNTURK, 2022). In addition to these agreements, on March 15, 2016, the EU and Türkiye agreed that Türkiye would accept irregular migrants crossing from Türkiye to the Greek islands and in return Türkiye would resettle one Syrian resident in Türkiye to an EU member state. The March 18 agreement resulted in a significant reduction of 97 percent in irregular migration movements at that time. In this sense, the tragedies that occurred have also decreased significantly (Erdenir, 2021, p. 448).

Another effort of Türkiye to **solve the problem in source countries** is its steps to solve the food and shelter needs of the people in destabilized countries (CNNTURK, 2022). Goodness trains prepared with the support of non-governmental organizations under the coordination of AFAD are an example of this. The 5th mission of the goodness trains delivered 599 tons of food, tents, clothing, and hygiene materials to Afghanistan. A total of 13 trains departed for Afghanistan at different times with five expeditions and the aid sent reached 5,710 tons. With this aid, it was aimed to meet the needs of 215 thousand families (*Milliyet*, 2022). Türkiye made similar efforts in Syria, a source of instability and migration. Within the scope of the “*Idlib Briquette House Project*” launched in 2020, 61 thousand of the 78 thousand briquette houses projected at 259 locations have been completed. The targeted number of briquette houses is 100 thousand. Thanks to the briquette houses built with the aid collected through non-governmental organizations, which do not use public resources, the Syrian people will have a more qualified living space compared to tents (DHA, 2022). In addition to the housing problems of the people, organized industrial zones are being built so that they can make their own livelihood by carrying out commercial activities. In addition, destroyed hospitals and schools were repaired (TRTHABER, 2022). In this way, it is aimed to employ the people of the region and create a self-sustainable ecosystem. The main reason

for Türkiye's efforts in Afghanistan and Syria is to reduce people's desire to migrate and eliminate the push factors as much as possible.

The second pillar of Türkiye's strategy to combat irregular migration is related to **effective border management**. In this context, a number of measures have been taken to prevent the use of borders by irregular migrants and migrant smugglers for illegal crossings. An integrated border management system has been established. The border management system consists of a security wall, lighting system, camera and sensor systems, electro-optical towers and thermal cameras, which are planned to cover almost the entire eastern and south-eastern borders (CNNTURK, 2022). Electro-optical towers have also been built on the borders with Greece and Bulgaria. In addition, although border security is the responsibility of the Land Forces Command, law enforcement officers are also deployed as additional elements. In addition, armored reconnaissance and surveillance vehicles were delivered to border troops for use on the eastern and western borders in order to gain a more mobile surveillance and detection capability (Anadolu Ajansı, 2022a). It can be argued that such comprehensive and technological systems are not only set up to prevent uncontrolled migrant crossings, but also function to prevent major crimes such as terrorism and smuggling.

Despite efforts to prevent migration at source and effective border protection, some irregular migrants still manage to enter Türkiye. At this point, the third element of the strategy to combat irregular migration, namely **efforts to combat irregular migration within the country**, comes into play. It is possible to evaluate the frequent peace operations in Türkiye, especially in 2022, in this context. For example, in November 2022, law enforcement officers carried out peace operation with the personnel of the Presidency of Migration Management in abandoned places and places where irregular migrants could stay, and more than 1,300 irregular migrants and 37 organizers were apprehended (İçişleri Bakanlığı, 2022c). One of the arrangements made within the scope of combating irregular migration in Türkiye is the implementation of the coordinator provinces practice. With this measure, 12 provinces were designated as coordinator provinces to increase the effectiveness of the fight against irregular migration (CNNTURK, 2022).

The fourth pillar of the fight against irregular migration is mostly related to the **removal processes of identified irregular migrants**. It can be said that the main reason for establishing an effective removal mechanism is to ensure that foreigners who do not have the legal right to stay in Türkiye are returned to their country or to a third country. As with all other migration-related procedures, the removal of migrants requires the joint efforts and coordination of national and international institutions and organizations.

Removal centers, similar to those in other countries, are part of Türkiye's removal system. Pursuant to Law No. 6458 on Foreigners and International Protection, those who are subject to deportation decision⁴ may be held in removal centers for the completion of deportation procedures. Removal centers are expensive structures that require serious responsibility to operate. The Gendarmerie General Command, the General Directorate of Security, the Ministry of Health and the Ministry of National Education are involved in the operation of the removal centers, which are under the responsibility of the Presidency of Migration Management, through their provincial organizations. Doctors, nurses and trained personnel providing psycho-social support are employed in the removal centers. Language and handicraft training is provided through public education courses affiliated to the Ministry of National Education. In addition to these, interpretation services are also provided at the removal centers. In this respect, although removal centers are important structures in terms of establishing public order and security, they are also structures that the state has to allocate significant labour and financial resources to manage. As of August 2022, there are 30 removal centers in different cities in Türkiye with a total capacity of 20,540. As such, Türkiye alone has more capacity than all other European countries (PMM, 2022d).

Since irregular migrants in Türkiye generally come from non-border countries, air transportation is frequently used for their deportation. There are two ways of sending irregular migrants by air. In the first of these, irregular migrants are sent to their countries with scheduled flights, while in the second, private flights known as charter flights are used. Based on the PMM data, 171 charter flights to Afghanistan and 2 charter flights to Pakistan were organized from the beginning of 2022 until August 2022. (PMM, 2022d). In the process of deporting irregular migrants back through airlines, PMM, law

⁴ LFIP No. 6458 of 2013. Article No: 57- (2)

enforcement agencies, airports' administrative authorities and airline companies should be in cooperation. As can be seen, more than one institution has to allocate labour and time in this process. Moreover, although it is essential that the costs of deportation are primarily covered by the irregular migrant⁵, it can be said that deportation by air is a financially expensive method.

Assisted Voluntary Return and Reintegration (AVRR) program, which is part of Türkiye's removal system, is a voluntary return program implemented in cooperation with international organizations. Irregular migrants who wish to return to their country of origin but are unable to do so are supported financially and in the process of arranging their documents for their reintegration before leaving Türkiye, during their journey and after their arrival (IOM Türkiye, 2022). Türkiye cooperates with IOM in the implementation of the program. Victims of trafficking and other vulnerable groups also benefit from the AVRR program. On the other hand, a similar program, the "*National Supported Voluntary Return Mechanism*" was implemented in partnership with the PMM, the Ministry of Foreign Affairs, the Turkish Cooperation and Coordination Agency (TIKA) and the Turkish Red Crescent. Although this program is a national cooperation program, its objectives are similar to those of the program with IOM (PMM, 2020b).

The above-mentioned four pillars on which Türkiye has built its fight against irregular migration show that the fight against irregular migration is a field that requires inter-institutional cooperation and intensive use of financial resources and labour force. It is possible to say that Türkiye does not use a securitizing language despite the significant number of migrants it has been hosting for years but looks at the phenomenon of irregular migration from the field of public order and security and continues its struggle accordingly. According to the data published by the Presidency of Migration Management, as an output of the ongoing struggle, the number of irregular migrants deported from the country between the beginning of the year and August 2022 increased by 142 percent compared to the same period of the previous year and was recorded as 69,692. Of those deported, 41,492 were foreigners from Afghanistan, 7,772 were foreigners from Pakistan and 20,428 were foreigners from other nationalities. From 2016 to August 2022, the number of irregular migrants deported reached 395,201 (PMM,

⁵ LFIP No. 6458 of 2013. Article No: 60- (3)

2022d). As can be seen, South Asian countries are the biggest source of irregular migration. Afghanistan ranks first in Türkiye's ranking as a country producing irregular migrants.

4.4.6. Türkiye's Fight against Human Trafficking

Human Trafficking is one of the most profitable illegal sectors. According to the Global Estimates Report on Modern Slavery, approximately 25 million people were in forced labour and 15 million were in forced marriage worldwide in 2016 (ILO, 2017). According to a recent study conducted by ILO in collaboration with IOM and Walk Free, both the number of people in forced labour and the number of people in forced marriage have increased in 2021. In the context of modern slavery, the number of people in forced labour has reached 27.6 million and the number of people in forced marriage has reached 22 million. A total of 49.6 million people in forced labour and marriage corresponds to 6.4 per thousand of the world population (ILO, 2022). Having an illegal market of this size and making serious profits, human traffickers commit this crime through serious organizations and associations. Türkiye, like many other countries, is a country where the crime of human trafficking is committed and people are the victims of this crime. As explained in the previous sections, the organizations that commit the crime of trafficking in human beings can be well-organized, international structures, and in terms of their methods, they can sometimes be even ahead of the authorities that fight against them. In this context, states have to allocate public and labour resources in the fight against trafficking in human beings, as in other areas. It is seen that Türkiye has also made efforts and allocated resources in the fight against the crime of trafficking in human beings in the context of national and international cooperation and the fight against crime and the protection of victims.

If it is to list some important events in Türkiye's fight against trafficking in human beings, especially since the 2000s, the signing of the United Nations Convention against Transnational Organized Crime (Palermo Protocol) and two protocols to this convention in 2000 and its inclusion in domestic law in 2003, comes first. Following this international convention, Türkiye has made arrangements to combat human trafficking in its domestic law. In this context, trafficking in human beings is defined under the title of International Crimes in the Turkish Penal Code (TPC) No. 5237, which entered into force in 2005. This

definition is in line with the Palermo Protocol. Article 80 of the TPC includes the definition of trafficking in human beings and its penal provision (See Annex 6).

According to the article No.80, if it is proven that a person has committed the crime of human trafficking, the person is punished with imprisonment from 8 to 12 years and a judicial fine of up to ten thousand days. In this sense, the punishment can be considered as a deterrent. Another development that strengthens the fight against human trafficking is the addition of the crime of migrant smuggling and human trafficking to the list of crimes that are considered to be grounds for arrest under Article 100 of the Code of Criminal Procedure No. 5271. Thanks to this 2019 amendment, migrant smuggling and human trafficking were included among the crimes known as catalog crimes, and a strong suspicion that the crime was committed was accepted as a reason for arrest (PMM, 2020a).

Following Türkiye's ratification of the Palermo Protocol, a “*National Task Force on Combating Trafficking in Human Beings*” was established in 2002 under the leadership of the Ministry of Foreign Affairs in order to ensure cooperation and coordination among institutions that can be considered stakeholders in the issue. As a result of the work of the task force, a National Action Plan on Combating Trafficking in Human Beings was prepared in 2003. In addition, considering that combating the crime of human trafficking requires international cooperation, a memorandum of understanding was signed with Belarus in the field of combating human trafficking. In 2003, a memorandum of understanding was signed with Iran, and cooperation protocols were signed with Azerbaijan, Georgia and Ukraine in 2005 and with Kyrgyzstan and Moldova in 2006 (PMM, 2020a, p. 36).

In order to combat trafficking in human beings and facilitate access to victims, the emergency communication line 157 was launched in 2003. While this line was serving in Turkish, Arabic, English and Russian when it was established, it was taken over by the Directorate of Migration Management in 2014 and started to serve as “*Foreigners Communication Center*.” The Foreigners Communication Center, which has increased the number of languages served free of charge to seven with the addition of Farsi, German and Pashto, can now be called about all issues related to foreigners, but it continues to be a hotline for the identification of victims of human trafficking and rescue operations of

foreigners who are victims of migrant smuggling at sea (YIMER, 2022). It is also important to note that providing free and uninterrupted service in so many languages require significant costs and human resources.

In the 2010s, Türkiye witnessed new developments in the fight against human trafficking. For example, the Law on Foreigners and International Protection, which entered into force in 2013, includes provisions on human trafficking. Under these provisions, foreigners who are victims of trafficking in human beings or for whom there is a strong suspicion of trafficking in human beings may be granted a 30-day "residence permit for victims of trafficking in human beings" regardless of the general provisions on the granting of residence permits. This permit may be extended for a period not exceeding three years depending on conditions such as the health and safety of the victim. In addition, victims of trafficking in human beings who are benefiting from the victim support process are also included among the foreigners who will not be deported.⁶The "Department of Protection of Victims of Human Trafficking" was established within the Directorate General of Migration Management, which was established in the year the law entered into force and later became a Presidency. The Directorate General of Migration Management has been assigned the following duties: 1) to protect victims of human trafficking, 2) to combat this type of crime, 3) to ensure cooperation and coordination with national or international organizations, academic circles, and non-governmental organizations, 4) to carry out projects in the field of human trafficking, 5) to operate or have operated shelters. These duties continued when the Directorate General of Migration Management was transformed into the Presidency of Migration Management.

Another development in the context of combating trafficking in human beings is the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings in 2016 and its inclusion in Türkiye's domestic law. Although the Convention protected the Palermo Protocol's definition of trafficking in human beings, it introduced a human rights-oriented perspective to the field of combating trafficking in human beings and the protection of victims. One of the innovations introduced by the Convention is the right to be identified as a victim. Through this right, victims are entitled to protection, assistance, a residence permit, at least 30 days of recovery and reflection time, and compensation (Council

⁶ LFIP No. 6458 Article No: 48-49-55.

of Europe, n.d.). In addition, the Group of Experts on Action against Trafficking in Human Beings (GRETA), established by the Convention, is a monitoring system that assesses the level of countries in combating trafficking in human beings and protecting victims.

One of the developments in terms of legislation after becoming party to the Council of Europe Convention on Action against Trafficking in Human Beings is “*the Regulation on Combatting Human Trafficking and Protection of Victim*” which entered into force in 2016. Although Türkiye does not have a specialized law in the field of human trafficking, this regulation has ensured that legal gaps are eliminated and the provisions of international conventions to which Türkiye is a party are met. According to Memişoğlu (2019), the regulation has some beneficial effects. First, the framework for victim protection has been updated, including victim identification, victim support services, voluntary return programs and residence permits to be defined. Second, the distinction between Turkish citizens and foreigners in victim identification and protection phases has been removed. Thirdly, in order to ensure more effective protection of children in particular, child labour, use of children in crime, begging or giving children up for adoption are also defined as examples that may fall within the scope of human trafficking (Memişoğlu, 2019, p. 271). Thanks to the Regulation, it can be said that all elements of the holistic approach known as 4P (prevention, protection, prosecution, partnership) are covered in the fight against trafficking in human beings.

The victim support program provided for under “The Regulation on Combatting Human Trafficking and Protection of Victims⁷” aims to ensure that victims are protected, supported and helped to recover from the effects of their experiences. For example, under the support program, victims can be accommodated in shelters or in a safe place. Victims can access health services and social assistance and receive psycho-social support. The support program also envisages support for victims to access financial and legal assistance and access to the labour market.

One of the important provisions of the Regulation is the acceptance of the principle that victims should be accommodated in shelters. Accordingly, it is stipulated that victims can be accommodated in shelters for victims of trafficking in human beings or in shelters belonging to public institutions and non-governmental organizations.⁸ There are three

⁷ Regulation on Combatting Human Trafficking and Protection of Victim Article No: 28

⁸ Regulation on Combatting Human Trafficking and Protection of Victim Article No: 25(2)

shelters for victims of trafficking in human beings in Türkiye. The total capacity of these shelters is 82, including 30 in Ankara, 40 in Aydın and 12 in Kırıkkale (PMM, 2020a, p. 51). In addition, “*Children Support Centers*” and “*Women's Guesthouses*” under the Ministry of Family and Social Services are ready to provide shelter and support to women and children who are victims of trafficking in human beings (PMM, 2020a, p. 52).

One of the innovations introduced by the Regulation is the “*Coordination Commission for Combating Trafficking in Human Beings*.” Based on the fact that the crime of trafficking in human beings requires inter-institutional cooperation, as in other areas of migration management, the “*Coordination Commission for Combating Trafficking in Human Beings*” was established to carry out studies and prepare an action plan to prevent and combat the crime of trafficking in human beings and to develop policies and strategies to combat this crime.⁹ The secretariat services of the commission, which is responsible for ensuring coordination between public institutions, international organizations and non-governmental organizations, and the task of monitoring the implementation of the decisions taken belong to the PMM.¹⁰ The Commission took the place of the “*National Task Force on Combating Trafficking in Human Beings*” coordinated by the Ministry of Foreign Affairs.

By its very nature, combating the crime of trafficking in human beings and protecting victims requires the joint efforts of many institutions. It can be said that referral mechanisms, which are also supported by UNODC (2009) and which place the cooperation between institutions in a certain framework, are important structures to ensure effective cooperation. In this sense, “the Regulation on Combatting Human Trafficking and Protection of Victim” clarified the roles of institutions in all aspects of the fight against human trafficking and defined the framework for cooperation. Accordingly, 1. Authorized institutions where persons who want to report the crime can operate the reporting mechanism 2. Initial identification processes of victims 3. Judicial processes carried out by law enforcement and the prosecutor's office 4. Administrative processes carried out by the PMM 5. An effective steering mechanism has been established in which the issues of which institutions have what kind of responsibilities in the assistance, protection, and support programs to be provided after the persons are defined as victims are clearly framed (Memişoğlu, 2019, p. 272). The

⁹ the Regulation on Combatting Human Trafficking and Protection of Victim Article No: 5

¹⁰ Presidential Decree No. 4 on the Organization of the Institutions and Organizations Associated, Related and Affiliated to the Ministry and other Institutions and Organizations; Article No: 161

institutions that have duties and responsibilities within the scope of the referral mechanism include law enforcement agencies, public prosecutors' offices, the Ministry of Justice, the Ministry of Labour and Social Security, the PMM, the Ministry of Family and Social Services, governorships, municipalities, NGOs, the Ministry of Health, the Turkish Employment Agency, and the Social Assistance and Solidarity Foundation.

The number of victims of trafficking in human beings appears to be low compared to other migration statistics due to the fact that a person has to meet the requirements set out in the Turkish Penal Code and the Palermo Protocol in order to be defined as a victim, and that the identification of victims requires a difficult process. However, this is approximately the case worldwide.

Table 31: Victims of human trafficking in Türkiye. (Type of exploitation) (2016-2020)

Exploitation Type/Year	2016	2017	2018	2019	2020	Total (2016-2020)	Percent
Sexual Exploitation	143	186	95	144	160	728	65,3
Labour Exploitation	30	52	39	55	73	249	22,3
Forced begging	8	65	-	4	43	120	10,8
Forced Marriage	-	-	-	11	4	15	1,3
Child Selling	-	-	-	1	1	2	0,2
Organ and Tissue Trafficking	-	-	-	-	1	1	0,1
Child Soldier	-	-	-	-	-	-	-
TOPLAM	181	303	134	215	282	1.115	100

Source: (PMM, 2020a, p. 65).

Table 32: Victims of Human Trafficking by Gender (2016-2020)

Gender /Year	2016	2017	2018	2019	2020	Total (2016-2020)	Percent
Male	18	91	23	20	61	213	19,1
Female	163	212	111	195	221	902	80,9

Source: (PMM, 2020a, p. 66).

Table 31 above shows that sexual exploitation is the most common form of trafficking in human beings in Türkiye (65.3 percent) according to the data for the years 2016-2020, sexual exploitation is followed by labour exploitation (22.3 percent) and forced begging (10.8 percent). In parallel with the data that sexual exploitation is the most common form of exploitation, it can be seen that the majority of trafficking victims identified are female victims (80.9 percent) (See Table 32). In terms of the nationalities of the victims, Asia stands out as the source region. According to the ranking of victims

identified between 2016 and 2020 (See Table 33), the top three nationalities are from an Asian country. Afghanistan ranks fifth in terms of the number of identified victims.

Table 33: Nationality of victims of human trafficking in Türkiye (2016-2020)

Nationality/Year	2016	2017	2018	2019	2020	Total (2016-2020)	Percent
Syria	36	86	15	37	159	333	29,9
Uzbekistan	16	19	29	44	38	146	13,1
Kyrgyzstan	33	31	14	32	14	124	11,1
Morocco	10	26	18	28	5	87	7,8
Afghanistan	7	21	21	14	11	74	6,6
Ukraine	7	16	3	10	2	38	3,4
Georgia	23	10	1	2	2	38	3,4
Indonesia	14	3	6	11	2	36	3,2
Moldova	8	20	1	4	1	34	3,0
Azerbaijan	4	11	3	6	9	33	3,0
Russia	6	16	1	4	3	30	2,7
Kazakhstan	4	9	7	4	4	28	2,5
Turkmenistan	3	11	3	5	4	26	2,3
Türkiye	2	9	-	2	11	24	2,2
Belarus	-	10	3	1	-	14	1,3
Other	8	5	9	11	17	50	4,5
TOTAL	181	303	134	215	282	1.115	100

Source: (PMM, 2020a, p. 68).

The potential of irregular migrants from Afghanistan to become victims of human trafficking was revealed through interviews conducted within the scope of the thesis. Similar results are reflected in the reports of public institutions. Accordingly, a twenty-one-year-old victim of Afghanistan nationality agreed with the smuggler to come to Türkiye for 2,000 US dollars on the condition that he would pay part of the money before departure and the remaining part after his arrival in Türkiye. After arriving in Türkiye, the victim was unable to pay the smuggler in full and was imprisoned in a house and subjected to violence by the smuggler for days. He was then forced to work in a nylon factory under harsh and unhealthy conditions for sixteen days. The money he earned was confiscated by the smuggler. At the same time, he was held captive in the factory at night to prevent him from escaping during the period of forced labour and was victimized by not being paid any wages for his work (PMM, 2020a, p. 86).

CHAPTER 5

CONCLUSION

This final Chapter provides a summary of the thesis, main discussions and findings. The first sub-section under summary of the thesis brings together major ideas and puts forward primary research questions. The second sub-section under conclusion and evaluation, conclusive remarks are drawn based on the findings and the research questions are answered. Türkiye's efforts to combat with irregular migration, smuggling and trafficking networks were analyzed under four pillars while giving examples to developments since 2000s. Further research topics are also suggested here for future studies.

5.1. SUMMARY OF THE THESIS

The desire and necessity of people to migrate is directly affected by the world's current environment of conflict and war, the increase in natural events such as floods and droughts, and economic instability. All these problems that humanity has to face give way to the increase in the number of existing migration routes or lead to the formation of new migration routes. According to the World Migration Report (2021), the number of international migrants reached approximately 280 million in 2020. In proportional terms, while the ratio of international migrants to the world population was 2.3 percent in 1970, it increased to 3.6 percent in 2020. Although the common goal of migrants is to continue their lives in a new country, the motivations that push them out of their country of origin may be different. Conceptually, people migrate for different reasons such as voluntary migration, labour migration, and forced migration. In this broad scale, some people migrate as lifestyle migrants to continue their lives in a coastal city and a warm country, while others flee wars and civil wars and seek asylum in the struggle to save their lives. There are those who want to build a new life for themselves and their families due to economic difficulties, as well as economic migrants who leave their families behind to

go to a different country to work and transfer in-kind or monetary income, known as remittances, to those they leave behind.

Both quantitatively and proportionally, Türkiye is also affected by cross border mobility in the world. In this context, this thesis examines the effects of irregular migration originating from South Asia, migrant smuggling activities and human trafficking towards Türkiye. Afghanistan is taken as a case study country, since it has occupied the first place in the statistics on irregular migrants detected in Türkiye for many years. With this thesis, the following research questions were answered:

- How has Türkiye responded to irregular migration, migrant smuggling, and human trafficking over the years?
- How is Türkiye's overall response capacity affected by migration flows from Afghanistan?
- Are irregular migrants from Afghanistan subjected to the crime of trafficking in human beings along the migration route or in the destination country?
- Can Afghan irregular migrants who have been subjected to human trafficking be accurately determined by officials?
- In what ways do the securitization of migration and the closure of safe migration routes exacerbate irregular migration?

5.2. CONCLUSION AND EVALUATION

Over a period of about 150 years, there have been many theories about the concept of migration. Some of these theories examined individual motivations, while others focused on the social relations of migrants. Some theories have examined economic relations and the effects of economic structures on migration behavior. Among these theories, **push-pull theory and migration networks theory** are particularly used in this thesis. While internal instability, conflict, lack of access to education and health services were strong enough motivators for the Afghan people to decide to migrate, the decline in agricultural production due to drought and floods were added to these. Developed countries, known as destination countries in migration terminology, are seen as attractive living places for migrants in many respects. The reasons known as pull factors include high levels of economic development, strong education, health care, access to job

opportunities and well-developed social security systems. Migration Networks, on the other hand, help to mobilize potential migrants who are ready to migrate due to the influence of push and pull factors. According to Massey et al. (1993), this assistance takes the form of reducing migration costs and migration risks.

Although illegal migration, undocumented migration, unauthorized migration, and clandestine migration are used depending on the perspective of countries, The most frequently used term in the literature is irregular migration. Poverty has an important place among the main causes of irregular migration. According to World Bank reports, approximately 720 million people in the world live under extreme poverty conditions, while 1.8 billion people live with an income of less than 3.20 USD per day. On the other hand, according to the Multi-Dimensional Index, which consists of three main components: health, education, and living standards, approximately 1.3 billion people in 107 developing countries live in multidimensional poverty. According to United Nations Development Programme (UNDP), the number of multidimensional poor living in South Asia has reached 530 million (UNDP, 2020). From this perspective, it is even more understandable that in 2020, 115 million migrants - 40 percent of all international migrants - are born in Asia. The six Asian countries sending the highest number of migrants are India, China, Bangladesh, Pakistan, the Philippines, and Afghanistan. As can be seen, four of these six countries are in the South Asia region. In addition, the South Asian region is the most populous region in all of Asia. Approximately 25 percent of the world's population lives in South Asia. It is possible to see the reasons why South Asian countries rank high among migrant sending countries in a series of indices published by international organizations. For example, in the Human Development Index published by UNDP, Germany, one of the countries preferred by migrants in terms of pull factors, ranks sixth, while Bangladesh ranks 133rd, Pakistan 154th, and Afghanistan 169th (Table 19). The World Happiness Ranking, another index that shows the gap between migrant receiving countries and sending countries, has been published since 2002. In the 2021 world happiness ranking, Finland ranks first. Nepal, a South Asian country, ranks 85th, Pakistan 103rd and Afghanistan 146th (Table 18). It should also be noted that remittance revenues are also an important source of income for migrants and the families they leave behind. South Asian migration statistics and remittance statistics show that migration can be considered a dominant feature of South Asia. Apart from economic reasons, wars, civil

wars and natural disasters experienced by the countries in the region are also among the driving reasons for migration from the region. For these reasons, as stated in the Economic and Social Commission for Asia and the Pacific (ESCAP) reports, 10 out of the 20 largest migration corridors in the Asia Pacific originate from the South Asia region (ESCAP, 2020).

As the study reveals, Afghanistan seems to have almost all of the push factors due to the state of war it has been in for many decades. Sociologically, Afghanistan is one of the poorest countries in the world, with nearly half the population in poverty and 19.1 million people starving in 2020. In addition, children are underdeveloped, and a significant proportion of women are trapped in cycles of physical and sexual violence (Albrecht, Rude, & Stitteneder, 2021). According to a large-scale survey carried out by the Asia Foundation in 2019, 37.9 percent of Afghanistan nationals stated that they would leave the country if given the opportunity. The top three reasons that provide this strong motivation for Afghans to leave the country are lack of internal security, unemployment, and weak governance with components such as corruption, injustice, and high prices (The Asia Foundation, 2019). To understand the factors that Afghans perceive as lacking in their own country and migrate to developed countries in order to achieve them, it is adequate to take a look at the world happiness rankings and the Human Development Index. However, despite the existence of all the pull and push factors, making that final migration decision is not always easy due to the uncertainties involved. At this stage, migration networks come into the picture and play a facilitating role in making the migration decision. According to the same study, 46.3 percent of people interviewed who have relatives or close friends living in another country want to leave Afghanistan, while percentage drops to 32.6 percent among those with no relatives or friends abroad (The Asia Foundation, 2019, p. 249). That clearly shows migration pressures are there even for potential migrants with no social networks, yet the possibility of crossing international borders is much greater if you have social capital (i.e. friends and relatives) outside the country.

People who have decided to migrate may have to choose to set out as irregular migrants when they want to implement their decision since they are unable to do so through regular migration channels. Studies have shown that the proportion of migrants who start and continue their irregular migration journeys with the help of smugglers and

facilitators is higher than those who migrate individually. For example, according to a survey conducted by the 4 Mi initiative, almost all (99 percent) Afghan migrant respondents in Greece received assistance from smugglers at some point in their journey. Moreover, 56 percent considered smugglers to be useful in reaching their destination (MMC Europe, 2021). According to another field study, only three percent of irregular migrants who managed to reach Türkiye stated that they planned their journey themselves, while 76 percent received help from smugglers (Ün & Paydak, 2017, p. 199). Since it is so highly preferred, migrant smuggling crimes can be committed in a wide range and may include only a single individual or comprise complex criminal structures. Moreover, the smuggling service provided has diversified and migrants are offered either comprehensive or narrow packages for part of the route. In addition, small businesses such as hotels, phone sellers, life jacket sellers, etc. also benefit from the ecosystem created by migrant smuggling activities.

Thanks to technological advances, migrant smugglers persuade migrants to buy their services with the help of technology and the evolving means of communication, but they do not reveal information about how challenging and dangerous the journey can be to migrants. Rather they share pictures of migrants in nice clothes and cars who have managed to reach the destination country. However, as outlined in sections 3.2.3 and 3.2.4, the reality that irregular migrants have to face is very different from what smugglers advertise. Migrants are often seen as a commercial commodity, traveling in container-like spaces and in extremely unsanitary conditions, and face extreme violence, severe dehydration, psychological breakdown, and abuse. Moreover, if smugglers perceive themselves to be in danger, they may abandon migrants in any way, including by locking the rudder and leaving the ship or abandoning migrants in the desert. The interviews conducted with irregular migrants from Afghanistan within the scope of this thesis yielded similar results. When asked about their *suggestions for possible migrants from Afghanistan as a result of their experiences*, all of the interview participants strongly suggested not to migrate irregularly with the help of smugglers. The difficult journey of a 21-year-old female irregular migrant reveals why traveling through irregular channels is not an experience to be recommended. She and her child had to walk for 3 nights in the mountains without food and water until their fingernails came off. She also witnessed people from her group dying because they could not walk further.

A 43-year-old male participant explained how ruthless migrant smugglers can be against irregular migrants. According to the respondent, smugglers treat migrants very badly. Migrants are constantly beaten; they are given very little bread and even water is sold expensively. The smugglers did not hesitate to leave a migrant with a broken leg to die on the road.

Another situation in which migrants are exploited due to their vulnerability is when they are being taken hostage. A 24-year-old male participant explained the hostage situation and its possible consequences. It is also important to note that not receiving services from smugglers there are other dangers within it. One of these dangers is that families are asked for ransom money through images of abduction and torture. Families have to sell their houses or cars in order to find this money. According to the participant, although the services of smugglers are used to protect against kidnappers, sometimes kidnappers and smugglers cooperate and divide the money received.

It would be useful for a proper understanding of Afghan migration to specifically mention women irregular migrants of Afghan nationality. As mentioned in Section 4.4.1, none of the Constitutions of Afghanistan has made any discrimination restricting women in terms of rights and freedoms. However, the practice has developed differently and according to the perspective of the dominant political structure, restrictive policies against women have found the ground to be enacted. Afghan women may have similar reasons for migration as men, but they may also have reasons stemming from being women. Domestic violence, isolated life, forced marriage at an early age, especially in rural areas, are among the motivation sources for women and young girls to migrate.

Afghan women can take the initiative to migrate due to their experiences. Murder of husbands, exposure to violence and sectarian differences are motivators to migrate and provide a safe and better life for themselves and their children (Akçapar, 2022). Within the scope of the interviews conducted, 3 Afghan women were interviewed and similar results were obtained. However, irregular migration routes for women involve extra challenges. For example, an 18-year-old female respondent explained during the interview that smugglers asked her for less money than other migrants but offered to make up the price difference with sexual relations.

Despite all the difficulties, irregular migrants who make their decision to migrate through irregular migration channels are likely to be exposed to other crimes. One of them is trafficking in human beings, which is a different type of crime than migrant smuggling, although they share commonalities. While trafficking in persons is a major problem in Asia in general, it is more localized in South Asia, with 44 per cent of identified victims being women, 45 per cent children and 11 per cent men (UNODC, 2020a, pp. 148-149). As set out in Section 4.2.4, many forms of trafficking in persons are prevalent in Afghanistan due to Afghanistan's severe challenges. These include forced labour and debt bondage, child soldiering, kidney trafficking, and forced marriages and child brides. Even the ancient practice of *Bacha Bazi* has been recognized as trafficking by the Independent Human Rights Commission (AIHRC).

Due to the structure of Afghanistan society, it is not considered appropriate for women to dance at events such as weddings, so the tradition of young men or children disguised as women dancing in front of men is called “Bacha Bazi.” The practice of *Bacha Bazi* is not limited to children dancing in front of an audience. The owners who buy the dancing children sexually abuse them. Moreover, children who somehow survive face the consequences of this practice for the rest of their lives, and even if they migrate to a new country, their past follows them (see section 4.2.4). According to the AIHRC report, 58 percent of victims are subjected to violence in the form of beatings, imprisonment, and threats to kill. The report reveals that victims of this tradition suffer many psychological and physical problems. Poverty emerges as the most important factor in the sale of children as dancers to an adult (AIHRC, 2014).

Regardless of nationality, all irregular migrants are likely to be subjected to human trafficking during the journey or in the destination country due to their vulnerable position. As explained in this thesis, irregular migrants from Afghanistan may also be subjected to human trafficking both during the journey and in the destination country. The answer to this question was also sought in the interviews. A 19-year-old male participant explained that while in Iran, his group was forced to carry cement by smugglers with the threat that they would not be given food. According to a 21-year-old male participant, although his friends worked in the textile business for four months, they were only paid for one month, and they were threatened to be reported to the police whenever they asked for the rest of their salaries. Therefore, the migrants gave up

demanding their salaries. Apart from the interviews, there are also cases in the literature where migrants are deceived and subjected to human trafficking. For example, a 36-year-old Afghan citizen was taken to Saudi Arabia with the promise that he would work for a salary of 520 USD and accommodation, but he was paid only 185 USD. Moreover, expenses such as fake visa costs and visa fees started to be deducted from the irregular migrant's salary.

Further research would be useful to understand whether irregular Afghan migrants subjected to human trafficking are correctly identified by the authorities in Türkiye. However, in terms of statistical data, in the five-year period covering the years 2016-2020, Afghan victims ranked fifth with a rate of 6.6 percent. Although it is important to know how many of the identified Afghan victims are irregular migrants, it is seen that they rank high in terms of statistics (See Table 33). In addition, the fact that the case of a twenty-one-year-old Afghan migrant, who was subjected to violence due to the debt he owed to the smuggler and was forced to work in a nylon factory and was not paid any wages, was included in the Annual Report on Combating Human Trafficking in Türkiye published by the Presidency of Migration Management (PMM, 2020a, p. 86) could be interpreted as an awareness of the problem among public authorities.

Although migrants from South Asia and Syrian migrants have been on the agenda in recent years, the Turkish nation has a centuries-old migration memory and migration experience, even if only the Ottoman Empire is taken as a basis. Considering the last periods of the Ottoman Empire, people from almost every direction and from various nationalities have engaged in mass population movements. While some of these movements were population exchanges carried out by states in agreement with each other, others consisted of migrants fleeing from wars and taking refuge in Turkish territory. Türkiye's migration movements can be analyzed in four main periods (İçduygu & Aksel, 2013). The first one is the period of two-way migration circulation, which is identified with population exchanges. The second one is the period related to sending migration rather than receiving migration. In this period, Turkish migrant workers were sent to the Western European countries with labour shortages in order to gain remittances. In the third period, workers who were temporarily sent to Europe started to become permanent and Türkiye had a large immigrant population living abroad. Therefore, in the 1980s and 1990s, regulations concerning the population living abroad started to be implemented. In

the fourth period, the migrant profile that Türkiye encountered became diversified. Since the 2000s, the migrant profile in Türkiye has differentiated into irregular migrant workers, transit migrants, asylum seekers and refugees, and regular migrants.

After the 2000s, steps that could be considered as new in terms of legislation and institutionalization have been taken. Law on the Work Permit for Foreigners, Law on Settlement, Turkish Citizenship Law, Law on Foreigners and International Protection are important laws concerning foreigners and Turkish descendants. Institutionally, the establishment of the Presidency for Turks Abroad and Related Communities has filled important gaps in terms of institutions that will serve both Turkish descendants and Turks living abroad and foreigners. Similarly, the establishment of the Presidency of Migration Management is also an important organization that carries out activities related to foreigners in Türkiye.

Thanks to the Law on Foreigners and International Protection, the lack of a comprehensive legal regulation for foreigners in terms of legislation has been eliminated. Through the Law, the field of international protection, which was being carried out without even having a legal regulation in domestic legislation, has gained legislative provisions. In addition, regular migration management such as visas and residence, harmonization issues, combating human trafficking and protection of victims are also regulated by the law. With the adoption of the Law on Foreigners and International Protection in 2013, the Directorate General of Migration Management was established in the same year as an institution specialized in migration management. In 2021, the Directorate General of Migration Management was transformed into the Presidency of Migration Management, a higher hierarchical level within the public administration.

More recently, the war between Russia and Ukraine that started on February 24, 2022, created an unstable environment in almost all of the countries around Türkiye. Therefore, Türkiye is seen as a safe country for those who want to migrate or are forced to do so. As a result of this situation, Türkiye hosts a large number of migrants with different legal status. For example, there are approximately 1,300,000 migrants with residence permits; 320,000 asylum seekers under international protection; and almost 4 million Syrians under temporary protection in Türkiye. Apart from these, there is also a certain number of irregular migrants in Türkiye who are not reflected in the statistics

because they are not registered. As can be understood from the statistics given in detail under the section on Türkiye's migration outlook in this thesis, the apprehended cases of irregular migrants originate from three countries located in South Asia. The majority of these irregular migrants apprehended are Afghanistan nationals.

The instability and war environment in Türkiye's neighboring countries or in countries with which Türkiye has ties, even if they are not direct neighbors, leads to the formation of a potentially ready population that has not yet migrated or has not yet been forced to migrate. This situation was highlighted by a statement made at the level of the Minister of Interior. *“2 million potential migrants are Afghans on the Iranian border, 3.9 million in Idlib, 1.2 million in Jarablus-Azaz-Mare-El Bab-Cobanbey region, 550-600 thousand in Afrin, 350 thousand in Tel Abyad and Ras al-Ayn... In other words, there is a migration group of over 8 million people ready to mobilize immediately. Any attack, incitement, threat or opportunity they can find”* (İçişleri Bakanlığı, 2022b). Considering the unstable situation in Afghanistan and Ukraine and the potential for similar instability at any time, new waves of migration towards Türkiye could be expected. Therefore, given the current situation and potential waves of migration, Türkiye's multiple institutions need to coordinate and devote considerable energy and resources with the aim of establishing public security and order.

Considering the current migration stock and potential migration in neighboring countries, the effort Türkiye has to exert in terms of public order and security can be better understood. For example, foreign terrorist fighters within terrorist organizations such as DAESH, PYD and PKK are within Türkiye's sphere of struggle as a threat to public security. It is possible to say that this struggle is carried out by allocating serious time, money and labour resources. In this context, 9.000 foreign terrorist fighters (FTFs) were deported between 2011 and August 2022.

In addition to areas directly related to public security, such as the fight against foreign terrorist fighters (FTFs), another area where the state has to make efforts to ensure public order is the prevention of tensions and conflicts between citizens and foreigners. Foreign-citizen disputes and tensions can be prevented through intensive efforts and coordination of institutions. Nevertheless, from time to time, incidents that threaten internal peace may occur. One of these incidents took place in Altındağ district in 2021,

when two young people arguing with a Syrian group were stabbed and one of them lost his life. As a result of the growing incidents, houses, and vehicles of foreigners in the area were damaged. The incidents were brought under control with the intensive efforts of law enforcement officers. In another incident that shows how the relations between citizens and foreigners can be strained with the use of technology, foreigners started a banana-eating protest on social media after a citizen said "*I can't eat bananas and you buy them in kilos*" during a street interview, which drew public reaction (Section 4.4.4.). In terms of the discourses used by leaders and senior public administrators, it can be argued that Türkiye does not use a securitizing language but uses a discourse in the context of public order and security. Nevertheless, the fact that such tensions are experienced reveals the sensitivity of the issue. One of the reasons for this sensitivity is that the psychology to be formed is directed towards all foreigners in the country and judgments are formed that all foreigners are harmful and undesirable for the society.

Migration management is a field that can be carried out with the joint efforts of the public authority's own institutions, international institutions and organizations, and NGOs, and it is a field that always requires intensive effort and attention. If the strategy announced by senior public administrators in the field of combating irregular migration, migrant smuggling and human trafficking, which is a part of migration management, is examined, it can be seen that this struggle is based on four pillars (CNNTURK, 2022). The pillars and the activities carried out within the scope of these pillars can be seen under Table 34 below. As explained in detail, in Türkiye, more than one public institution in the fight against irregular migration and smuggling of migrants are pooling their efforts and taking steps, some of which are within the country and some of which are at the source of the problem. In this context, Türkiye signs Readmission Agreements to ensure that the problem is solved in the country of origin and takes steps to address food and shelter needs to solve current problems. In addition, as part of an effective removal system, the state operates removal centers, which are financially costly and require significant labour resources. AVRRE programs are a good example of cooperation with international organizations.

Türkiye has taken steps to establish an effective border management system by building an integrated border management system and ensuring cooperation between the Land Forces Command and law enforcement agencies. In addition, despite the measures

taken at the border, if migrants who do not have the right to stay legally and who do not request international protection have entered the country, irregular migration within the country is tried to be kept under control through the work of law enforcement agencies or the coordination of governorships.

Table 34: The four pillars of Türkiye's fight against irregular migration and migrant smuggling

4 Pillars of Combating Irregular Migration			
Solving the problem in the country of origin	Effective border management	Combating irregular migration within borders	Effective repatriation system
Readmission Agreements	Integrated Border Management System	Peace operations	Joint efforts and coordination of national and international institutions and Organizations
March 18, 2015, EU-Türkiye Statement	Cooperation between Land Forces Command and Law Enforcement Forces	The Application of Coordinator Provinces in Combating Irregular Migration	Removal Centers
Steps to resolve the food and shelter needs of people in destabilized countries (Goodness Trains, etc.).			Assisted Voluntary Return and Reintegration (AVRR) program
			Türkiye's National Assisted Voluntary Return and Reintegration system

Source: Compiled by the author within the scope of his thesis.

Türkiye not only combats irregular migration and migrant smuggling, but also works to fight against trafficking in human beings. Türkiye, also carries out activities for the protection of victims. In this context, Türkiye, like other states fighting against this crime, establishes national and international cooperation. It also allocates financial and labour resources to combat the crime and protect victims.

If some important events in Türkiye's struggle against human trafficking, especially since the 2000s, are listed, the main one is the signing of the United Nations Convention against Transnational Organized Crime (Palermo Protocol) and its two protocols in 2000 and its incorporation into domestic law in 2003. This step was followed by the definition of the crime of human trafficking in the Turkish Penal Code No. 5237 and the incorporation of the Palermo Protocol into domestic law. Established in 2002, the

“Task Force on Combating Trafficking in Human Beings” has been functional in terms of cooperation and coordination.

Table 35: Activities carried out by Türkiye in terms of Combating Human Trafficking

Milestones in Türkiye's Fight against Trafficking in Human Beings	
YEAR	ACTIVITY CARRIED OUT
2000	The Palermo Protocol was signed.
2002	A National Task Force on Combating Trafficking in Human Beings was established under the leadership of the MFA Türkiye.
2003	The 157-emergency hotline has been activated.
2003	A National Action Plan on Combating Trafficking in Human Beings was prepared.
2003	An agreement on trafficking in human beings was signed with Belarus.
2003	A memorandum of understanding was signed with Iran.
2005	Article 80 of the Turkish Penal Code No. 5237 defined the offense of human trafficking.
2005	Cooperation protocols were signed with Azerbaijan, Georgia and Ukraine.
2006	Cooperation protocols were signed with Kyrgyzstan and Moldova.
2013	The Law on Foreigners and International Protection introduced provisions on trafficking in human beings.
2013	The Department of Protection of Victims of Human Trafficking operating under the Presidency of Migration Management was established.
2014	157 hotline was transformed into Foreigners Communication Center and started to provide service. It currently provides services in 7 languages.
2016	Signed in 2009, the Council of Europe Convention on Action against Trafficking in Human Beings was ratified in 2016.
2016	The Regulation on Combatting Human Trafficking and Protection of Victim entered into force.
2016	The Coordination Commission for Combating Trafficking in Human Beings replaced the National Task Force on Combating Trafficking in Human Beings.
2019	Migrant smuggling and trafficking in human beings were accepted as catalog crimes.

Source: Compiled by the author within the scope of his thesis.

Some of the activities to combat Trafficking in Human Beings described in detail in Section 4.4.6 can be seen in Table 35. On the other hand, the state provides a number of services to people who are or are strongly suspected to be victims of trafficking in human beings. Within the scope of victim support services, the victim can be accommodated in shelters or in a safe place. Victims can access health services, social assistance and psycho-social support. Victims also benefit from victim support services to access financial support and the labour market.

Türkiye has three shelters for victims of trafficking with a total capacity of 82. In addition, Child Support Centers and Women's Guesthouses are also ready to shelter victims when required. As can be seen, combating trafficking in human beings and protecting victims is a field that requires labour, time, manpower and financial resources, just like combating irregular migration. Considering the activities carried out since the

2000s, the international conventions signed and the domestic legal regulations, it can be said that Türkiye is also engaged in a struggle in this field.

Türkiye has faced a serious mass influx of migration, especially due to the Syrian crisis, and has also been receiving intensive migration from nearby and distant geographies. While some of the migrants continue their journey and try to reach Western countries, others stay in Türkiye. The presence of migrants of different nationalities in Türkiye and their presence for different reasons such as regular migration, irregular migration or international protection complicates migration management efforts. In addition, approximately 1.5 million foreigners with residence permits, approximately 3.6 million foreigners under temporary protection system and approximately 320 thousand foreigners under international protection system create a burden on Türkiye's migration management capacity. In addition, the considerable efforts to combat irregular migration, migrant smuggling and trafficking in human beings should also be taken into account. Removal centers, shelters for victims of trafficking and temporary accommodation centers also pose serious management challenges. They are also costly structures and require the cooperation of multiple agencies to allocate staff resources and financial resources to ensure their effective operation.

In what ways irregular migration is exacerbated by securitization of migration and closure of safe migration routes is a question discussed in academic circles. The securitization of migration and the related closure of regular migration channels, instead of preventing migration, cause the routes used by migrants to turn into more dangerous ones. On the other hand, not providing migrants with the tools such as visas and passports demanded by states for regular migration, or migrants' access to these tools in an extremely costly way does not change the person's decision to migrate but transforms it into an irregular character. In this context, the participants were asked the question "How would you evaluate the passport and visa procedures required to travel to another country in terms of simplicity and difficulty?" All of the 10 respondents stated that obtaining a visa and passport is very difficult and expensive, the cost of obtaining a visa, passport and ticket can vary between 3.000 USD and 6.000 USD, and many migrants who cannot afford it have to seek the services of smugglers. One participant said, "It is very expensive to get passports and visas in our country. It costs 5.000-6.000 USD to get an official visa

and passport. We cannot find this money. We give 1.000 or 1.200 dollars to smugglers.” (24, Male).

There are individual and society-level reasons for migration in Afghanistan, as well as macro-level reasons. Although Afghanistan has the potential to make its people prosperous in terms of underground resources and trade opportunities with its neighbors, it has been in a migration circle for many years, wasting its youth and the future of its country on migration routes. There is a significant development gap between the central and semi-peripheral countries to which Afghans seek to migrate and the peripheral countries. The main reasons for this gap are undoubtedly the occupations Afghanistan has been subjected to and the civil wars that have been going on for many years.

Countries that have become the final destination for migrants represent the center countries in the center-periphery polarization. Countries pushed to the periphery in terms of capitalist relations, as in the case of Afghanistan, meet the target countries' need for educated or uneducated cheap labor and raw materials. Afghanistan's peripheralization results in its educated and young population becoming a source of labor for the central countries. In addition, masses of people who have become uneducated and aimless as a result of being in the periphery may be seen as a potential problem for societies in their home country or in the country of target.

Although foreigners from Afghanistan are at the top of the list of irregular migrants apprehended in Türkiye, it is not possible to say that they alone challenge Türkiye's migration management capacity. However, it is possible to say that institutions have had to spend serious efforts due to the migrant stock that has increased significantly especially since 2011. An analysis of the institutions that participated in the 12th Migration Board (Table 31) shows that 28 public institutions participated in the Migration Board meeting. Although some of these 28 institutions have more duties and responsibilities in migration management while others have more limited ones, it can be said that many institutions have had to allocate time, labor, and financial resources for migration management in one way or another.

It can be said that irregular migrants from Afghanistan alone are not enough to strain Türkiye's migration management capacity, but the citizens of the Syrian Arab Republic under the temporary protection system make the efforts more difficult to some

extent. The burden that the mass influx of Syrian migrants has placed on the administrative system for almost 12 years constitutes the main part of migration management.

On the other hand, if the problems such as political instability, economic difficulties and challenging climatic conditions in South Asian countries, grow, it can be said that both the Afghan population in other countries and the citizens of the countries in the region will use Türkiye more intensively for transit or settlement purposes. This means that Türkiye may come under more intense migration pressure in the future than it is today. This pressure could manifest itself in an increase in the number of extremely costly Removal Centers and an increase in deportations by charter flights.

As the increase in the number of irregular migrants means an increase in the number of migrants crossing to Europe via the Mediterranean routes, the burden on the Coast Guard Command also increases significantly. Moreover, this burden is exacerbated by the efforts to prevent migrants from drowning to death due to the increase in push-back cases.

In addition, the risk of confrontation between migrants and citizens in the context of social incidents may increase due to the increase in the number of migrants. Moreover, there is a risk that prejudices against foreigners as a result of social events would expand to include the regular migrants that each state tries to attract.

When the nationalities of irregular migrants apprehended in Türkiye are considered, it is observed that 9 of the top 10 countries are Asian countries and 3 of them are countries of the South Asian sub-region (See Table 29). From this point of view, it would be useful to study in more detail the effects of migration movements that may be caused by a large-scale war or a drought-like climate event that may occur in the region and its effects on Türkiye's migration management capacity.

It is possible to say that Türkiye, despite the significant number of migrants it has hosted for years, does not use a securitizing language, but views the concept of irregular migration from the perspective of public order and security and continues its struggle in this context. However, in order to prevent this struggle from spreading over many more years, Afghanistan, one of the important source countries, needs to be stabilized and start

producing jobs and welfare for its citizens. It is possible to see the importance of this factor in the statement of the young male participant during the interview:

Everything is very bad in my country and there is no job. I take care of my family. I live in the village and there are no rich people in our village. No construction work. If there is a job, I would like to go back to my hometown, but there is no job.
(21, Male)



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Annex 1: Semi-structured Interview Form

Master's Thesis Semi-Structured Interview Questions on "Effects of Irregular Migration, Migrant Smuggling and Human Trafficking in South Asia On Türkiye: The Case Of Afghanistan"

(The real name of the participant will be kept confidential in order to protect personal data and personal security)

Demographic Data

1. Can you tell us a little bit about yourself?
 - a) Nationality:
 - b) Gender:
 - c) Age:
 - d) Occupation:
 - e) Marital Status:
 - f) Education Status:
 - g) Place of Birth (Rural/City/Town):
 - h) Have you ever lived anywhere other than your country?
 - i) If yes, in which country and for how long?

Türkiye and the Dimension of Irregular Migration

2. Could you please explain your reason for coming to Türkiye (especially coming to Türkiye for work purposes or to move to a European country)?
3. How long have you been staying in our country?
4. Which cities have you lived in?
5. Have you worked during your stay in Türkiye?
6. (If yes to question 5) What is the job or jobs you worked while in Türkiye?
7. By which means did you enter Türkiye?
8. Did you become an irregular migrant by losing your legal right to stay after arriving in Türkiye legally, or did you arrive without any documents from the very beginning of your journey?
9. Did you use smugglers to come to Türkiye from your home country?
10. (If yes to question 9) If you have used smugglers, which routes did you use?
11. How did you contact the smugglers and which route did you agree on?
12. Why did you use illegal persons for crossing between countries?
13. How would you rate the ease and difficulty of passport and visa procedures in your country necessary to travel to another country?

Migrant Smuggling and Human Trafficking Intersections

14. (If yes to question 9) Have migrant smugglers (or traffickers) ever asked you to do work that is against your will by threatening you?
15. Did they make demands of you other than the agreed price?
16. If so, what were these demands?
17. (If yes to question 5) If you worked in Türkiye, what were your working conditions like?
18. Did your employer threaten or mistreat you and withhold your wages or give you a very low portion of them?
19. If the employer provided you with accommodation, could you give some information about your living conditions?

20. Have you ever been in a situation where the employer tried to report you to the authorities and deport you without paying your wages, or have you witnessed migrants in this situation?
21. When you return to your country, what are your future plans? (socio-economic, household, social and political dimensions of the pressure to migrate again/ the concept of IDP)
22. What would be your recommendations for potential migrants from your country based on your experience?



**Annex 2: Protocol to Prevent, Suppress and Punish Trafficking in Persons,
Especially Women and Children, supplementing the United Nations Convention
against Transnational Organized Crime (Article 3)**

Article 3. Use of terms For the purposes of this Protocol:¹¹

(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.

¹¹ <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

Annex 3: Legal Framework, Context and Article Number Related Directly or Indirectly to the Trafficking in Human Beings

Legal Framework	Context and Article Number
1930 Convention Concerning Forced and Compulsory Labour (ILO Convention 29);	The right not to be in slavery, forced or bonded labour (Arts. 1,2 and 4)
1957 Convention Concerning the Abolition of Forced Labour (ILO Convention 105);	The right not to be in slavery, forced or bonded labour (Article 1)
Slavery Convention (1926)	The right not to be in slavery, forced or bonded labour (Article 1)
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)	The right not to be in slavery, forced or bonded labour (Article 1)
European Convention on Human Rights	Right to Freedom of Travel (Article 3) Right to Life (Article 2) Prohibition of Discrimination (Article 14) The right to liberty and security (Article 5) Right of Access to Courts, Equality and Fair Trial Before the Courts (Article 6) The right not to be in slavery, forced or bonded labour (Article 4) The right not to be subjected to torture, cruel, inhuman or degrading treatment or punishment (Article 3) The right to organize freely (Article 11)
1979 Convention on the Elimination of All Forms of Discrimination against Women	Right to Freedom of Travel (Article 15 (4)) The Right of Access to the Courts, Equality Before the Courts and the Right to a Fair Trial (Article 15) The right to the highest possible standard of physical and mental health (Article 12) The right to fair and favorable working conditions (Article 11)
1989 Convention on the Rights of the Child	Right to Life (Article 6) Prohibition of Discrimination (Article 2) The right to be free from torture, cruel, inhuman or degrading treatment or punishment (Article 37) The right to the highest possible standard of physical and mental health (Article 24) The right to an adequate standard of living (Article 27) The right to have Social Security (Article 26) The right to organize freely (Article 15)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrants Workers Convention)	Right to Freedom of Travel (Article 8) Right to Life (Article 9) Prohibition of Discrimination (Article 7) Right to liberty and security (Article 16) Right of Access to the Courts, Equality Before the Courts and the Right to a Fair Trial (Article 18) The right not to be subject to slavery, forced or bonded labour (Article 11) The right not to be subjected to torture, cruel, inhuman or degrading treatment or punishment (Article 10) The right to the highest possible standard of physical and mental health (Article 28) The right to fair and favorable working conditions (Article 25) The right to have Social Security (Article 27)
International Covenant on Civil and Political Rights” (ICCPR)	Right to Freedom of Travel (Article 12) Right to Life (Article 6) Prohibition of Discrimination (Articles 2-1 and 26) The right to liberty and security (Article 9) The Right of Access to the Courts, Equality Before the Courts and the Right to a Fair Trial (Article 14) The right not to be in slavery, forced or bonded labour (Article 8) The right not to be subjected to torture, cruel, inhuman or degrading treatment or punishment (Article 7) The right to the highest possible standard of physical and mental health (Article 12) The right to fair and favorable working conditions (Article 7) The right to an adequate standard of living (Article 11) The right to have Social Security (Article 9) The right to organize freely (Article 22)

Source: Recommended Principles And Guidelines On Human Rights And Human Trafficking (UNHCR, 2010, pp. 53-56)

Annex 4: Four Consolidated Documents for the Convention on the Suppression of Trafficking in Persons and Exploitation of the Prostitution of Others

Preamble¹²

Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community,

Whereas, with respect to the suppression of the traffic in women and children, the following international instruments are in force:

(1) International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic, as amended by the Protocol approved by the General Assembly of the United Nations on 3 December 1948,

(2) International Convention of 4 May 1910 for the Suppression of the White Slave Traffic, as amended by the above-mentioned Protocol,

(3) International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children, as amended by the Protocol approved by the General Assembly of the United Nations on 20 October 1947,

(4) International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age, as amended by the aforesaid Protocol,

Whereas the League of Nations in 1937 prepared a draft Convention extending the scope of the above-mentioned instruments, and

Whereas developments since 1937 make feasible the conclusion of a convention **consolidating the above-mentioned instruments** and embodying the substance of the 1937 draft Convention as well as desirable alterations therein:

Now therefore

The Contracting parties

Hereby agree as hereinafter provided:

¹²<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-suppression-traffic-persons-and-exploitation>

Annex 5: The purposes of Council of Europe Convention on Action against Trafficking in Human Beings (Article 1)

1. The purposes of this Convention are:¹³
 - a. to prevent and combat trafficking in human beings, while guaranteeing gender equality
 - b. to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution;
 - c. to promote international cooperation on action against trafficking in human beings.
2. In order to ensure effective implementation of its provisions by the Parties, this Convention sets up a specific monitoring mechanism.

¹³ <https://rm.coe.int/168008371d>

Annex 6: Turkish Penal Code No. 5237 Article (80)

Human Trafficking¹⁴

(1)(Amended on 6 December 2006 – By Article 3 of the Law no. 5560) Any person who procures, kidnaps, harbours or transports a person from one place to another or brings a person into the country or takes a person out of the country, by (1) the use of threat, pressure, force or violence, (2) employing deceit, (3) abusing his influence, or (4) obtaining a consent by exploiting control over another or the desperation of such other, for the purpose of forcing them into prostitution or to work, provide a service, harvest their organs or to subject them to slavery or any similar practice shall be sentenced to a penalty of imprisonment for a term of eight to twelve years and to a judicial fine of up to ten thousand days.

(2) Where an act is undertaken for the purposes referred to in paragraph one and such act constitutes an offence, the consent of the victim shall be presumed to be invalid.

(3) Where a person under eighteen years of age is procured, kidnapped, harboured or transported from one place to another for the purposes described in paragraph one, the offender shall be sentenced to a penalty described paragraph one, notwithstanding the fact that no act instrumental to the offence has been resorted to.

(4) Security measures shall be imposed upon legal entities in respect of the aforementioned offences.

¹⁴ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2016\)011-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2016)011-e)