

Addressing challenges to integrating refugees in the Turkish labour market

Özlem Gürakar Skribeland

Turkey's large refugee population faces major challenges in accessing legal employment. Several legal measures could improve their situation.

Turkey has been home to around four million refugees and asylum seekers for the past few years, with more than 3.6 million Syrians and approximately 320,000 persons of other non-European origin (mainly from Iraq, Afghanistan and Iran). Syrian refugees in Turkey are subject to a temporary protection regime on a group basis (temporary protection beneficiaries) while refugees of other nationalities can apply for one of the following types of status: (i) refugee, (ii) conditional refugee or (iii) subsidiary protection beneficiary. In accordance with Turkey's geographical limitation to the 1951 Refugee Convention, refugee status is reserved for persons who seek protection in Turkey as a result of "events occurring in Europe", and very few fulfil that requirement. Subsidiary protection, on the other hand, provides for a comprehensive set of rights but that status has also been given only to a few people so far.¹ As such, in practice, the main protection status available to Turkey's non-European refugee population (aside from Syrians) is conditional refugee status.

Both refugees (that is, those from Europe) and subsidiary protection beneficiaries have a general legal right to work in Turkey. However, given that few have received those statuses, this article will focus on the situation for conditional refugees and temporary protection beneficiaries. Rather than a general right to work, these two groups have only a right to apply for a work permit (this has been the case since 2016).²

Challenges to accessing legal employment

Informal employment is the norm for Turkey's refugee population, and that comes with low pay, exploitative conditions, and fear and risk of deportation. There are no publicly available data on how many conditional refugees and temporary protection beneficiaries have been

issued work permits. However, studying the work permit statistics published annually by the Turkish Ministry of Labour and Social Security (which are fairly detailed and include a breakdown based on different criteria) provides a valuable insight into these two groups' lack of access to legal employment.

Firstly, an important consideration is how many and what type of permits are issued each year. The total number is relatively low and temporary work permits are the norm.³ Temporary permits are linked to specific employers and can initially be issued for one year only. It is then possible to apply for a first extension of up to two years, and additional extensions of up to three years each time. However, if the person changes employer, a new initial permit is required (valid for one year only). This system makes it exceedingly difficult for conditional refugees and temporary protection beneficiaries to enjoy stable access to legal employment; they must constantly struggle to be legally employed and try to stay with the same employer, which makes them very dependent on their employers.

Secondly, knowing that temporary protection beneficiaries are from Syria and conditional refugees are mainly from Iraq, Afghanistan and Iran, it helps to study the breakdown of permits granted based on country of origin. The statistics reveal, for example, that approximately 27,000 permits have been issued to Iraqis, Afghans and Iranians between 2016 and 2020. Given that these are temporary permits with short validity, some of them must be permit extensions issued to the same person in different years. It should also be recognised that many of those who received these permits were likely coming to Turkey regularly and for the purpose of seeking work rather than protection. Yet, even if all of them were refugees and asylum seekers, this would still constitute

a small proportion of the refugees and asylum seekers of other non-European origin currently in the country (320,000 persons).

Finally, studying the breakdown of permits issued in different provinces reveals additional insights. After registering with the authorities, each conditional refugee and temporary protection beneficiary is assigned to a province. They are then required to reside there and can normally work only in that location. This means that their employment opportunities depend on where they are assigned, which puts both groups at a clear disadvantage in relation to all other foreigners seeking access to the Turkish labour market.

On top of this, conditional refugees are further disadvantaged because they are subject to Turkey's so-called satellite city system whereby they are appointed to one of 62 (out of 81) Turkish provinces that have been designated satellite cities.⁴ Importantly, the long list of satellite cities excludes the key big, industrial and touristic cities such as Istanbul, Ankara, Bursa, Izmir and Antalya, which offer greater employment opportunities and where – unsurprisingly – a significant proportion of recent years' work permits were issued.

Temporary protection beneficiaries too are further disadvantaged because of a quota applicable to their employment whereby, as a general rule, the number of temporary protection beneficiaries employed in a workplace may not exceed 10% of the Turkish citizens employed there. The relevant legislation does not apply a similar quota for conditional refugees, and it is unclear whether the latter are subjected to quotas in practice. The 10% quota does not apply to the employment of other foreigners in general, either. Considering that in some provinces temporary protection beneficiaries are highly concentrated, this quota would be even more challenging for Syrian refugees in those provinces.⁵

Proposed legal measures

In short, three elements of Turkey's refugee law regime limit refugees' access to legal employment. These are (i) the work permit requirement applicable to both conditional refugees and temporary protection beneficiaries, (ii) the 10% employment quota applicable

to temporary protection beneficiaries and (iii) the freedom of movement restrictions which affect both groups, including in particular the satellite city system applicable only to conditional refugees. Amending Turkish law in all three respects could improve refugees' access to legal employment and could address concerns about unlawful discrimination raised by the differential treatment of different refugee groups.

Giving conditional refugees and temporary protection beneficiaries blanket permission to work for as long as they are recognised with this status could go a long way. Alternatively, the application process could easily be turned into a simple form-filling formality whereby everyone who applies is given a permit. In that case, the permits should not be linked to particular employers. As the Committee on Economic, Social and Cultural Rights (CESCR) also observed, linking work permits to specific employers increases the vulnerability of already vulnerable worker groups, which includes refugees.

Research shows that refugees in Turkey tend to move to bigger towns in search of job opportunities. When they do so, they lose their legal status; not only are they then unable to access their rights but they also risk deportation as irregular migrants. This makes them even more vulnerable in Turkey's informal sector. Lifting the internal freedom of movement restrictions on these two groups as well lifting or changing the 10% quota could therefore also considerably improve access to legal employment.

Turkey has obligations towards the refugees living in its territory. Obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR) relate both to the right to work in Turkey and to rights at work; the latter depends on the former, among other things. While the right to work under the ICESCR does not impose upon Turkey an obligation to achieve immediate results, it does require that steps are taken to progressively achieve the full realisation of this right.

Measures such as the legal steps discussed here will only go so far on their own; they need to be accompanied by many other measures on many different fronts if refugees

are to be integrated into the Turkish labour market in line with international human rights law. While working towards integration, we also need to bear in mind the conditions of the Turkish labour market more generally, including the high rate of general and youth unemployment and the strong culture of informal employment. It is not only refugees and other migrants who face precarity and rights abuses in Turkey's large informal labour market.⁶

Özlem Gürakar Skribeland

ozlem.gurakar-skribeland@jus.uio.no

@GurakarOzlem

Post-doctoral researcher, Faculty of Law,
University of Oslo

1. A 2018 parliamentary report stated that 15 people had received subsidiary protection status. See bit.ly/subsidiary-protection. The current number is not publicly available but can be assumed to be very low.
2. See Law No. 6735 on International Workforce, Regulation on the Work Permits for Temporary Protection Beneficiaries, and Regulation on the Employment of International Protection Applicants and International Protection Beneficiaries.
3. See bit.ly/CSGB-permits for statistics from 2009-2020. See p. 6 for permits issued between 2011-2021.
4. Asylum Information Database (2021 update) *Country Report: Türkiye*, pp. 89-90 bit.ly/satellite-cities
5. See the ratio of registered Syrians under Temporary Protection to the total population of each province at bit.ly/temporary-protection
6. See the CESCR's Concluding Observations for Turkey (2011) at bit.ly/CESCR-turkey

