

Transit and Receiving Countries: Refugee Protection Policies in Belgium, Slovenia, Greece, and Turkey

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The issue of refugees and asylum seekers has been an important aspect of international migration both for the academic researchers on the field as well as for the policy makers at national and international levels. After the ‘crisis’ in the management of refugees during WWII, international bodies, primarily United Nations, have allocated significant proportions of its attention plus its resources to build up and develop norms of refugee protection as part of the international system of governance. The primary goal of these collective attempts was to lay down the basics for refugee protection in cases of political turmoil, civil or national wars and ethnic conflicts. These attempts were not only the result of the dramatic events experienced in WWII but also accompanied the development of human rights regime at the global level since the late years of the 1940s. It is in this context that the Convention Related to the Status of Refugees had been drafted and was released on 28 July 1951. Additional international document in the field is the 1967 Protocol Relating to the Status of Refugees known as the New York Protocol.

The standard definition of a “refugee” has been provided by the Convention Article 1(2) which specifies that:

Article 1(2). “The term “refugee” should apply to any person, who as a result of events occurring before 1 January 1951 and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality

and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

‘Application for asylum’ means a request whereby an alien seeks protection from a European Union member state under the Geneva Convention by claiming refugee status. An “applicant for asylum” or “asylum seeker” means an alien who has made an application for asylum upon which a final decision has not yet been taken. In accordance with these definitions, each state that has ratified the Convention guarantees the provision of protection to people who qualify for refugee status. Each country however, has its own regulations for assessing asylum applications, the possibility to appeal a decision of deportation, the legal conditions for employment, the family reunification process, etc. It has to be noted that the major root of the difference between countries’ ways of handling, managing or with a more appropriate term ‘governing’ the issue of refugees lies in their status of ‘receiving’ or ‘transit’ countries with respect to refugee flows. It is the aim of this article to illustrate, in the cases of four countries – Belgium, Slovenia, Greece and Turkey –, that receiving countries have different policy orientations and tools in governing refugee flows directed to them than transit countries who also face the pressure of international refugee flows, yet experience the need of governing the issue of refugees in a more different context.

This article aims to provide an overview of the refugee protection systems in Belgium, Slovenia, Greece and Turkey. Through contributions from four different authors, the article presents the way in which asylum and reception systems operate in each country and the type of provisions available for asylum seekers and refugees. The first section on Belgium explains the reasons that lead this traditional immigration country to also become an increasingly popular refugee destination and makes an assessment of the trends in number and origin of asylum seekers and the gradually increasing stock of undocumented migrants. The section on Slovenia tackles with the question of how the refugee protection policies have changed after achieving independence in 1991. In addition, it focuses on the dynamics of the country’s reception systems and mechanisms that play a role in managing migration directed to and from the country, especially after the collapse of the Yugoslavian state system. The section on Greece explains how the country is both a destination and a transit country for asylum seekers coming to Europe from the East and South. The author presents the main refugee trends in Greece in recent years and analyses the implications of transit migration for the refugees, the country and the Union as a whole. The last section, which makes a case analysis of Turkey,

reflects on the immigrant sending and receiving characteristics of the country. Arguing that Turkey is one of the major transit areas for migration to Europe, this section makes an assessment of the issue of refugees, asylum seekers and transit migrants construing one of the crucial aspects for the Turkish-European Union (EU) relations.

BELGIUM

Belgium ratified the Geneva Convention on 22 July 1953 and defined the legal basis of the asylum procedure in Chapter 2, Articles 48-57 of the Law from 15 December 1980 for access to the territory, residence, and the establishment and removal of aliens (BS, 31 December 1980). Initially, asylum applications filed in Belgium were assessed by the United Nations High Commissioner for Refugees (UNHCR) but since 14 July 1987, asylum requests are judged solely by three Belgian institutions, namely the Office of Foreigners' Affairs of the Ministry of the Interior, the General Commissioner for Refugees and Stateless Persons (hereafter GCRS), and the Permanent Commission of Appeals for Refugees.

The asylum procedure in Belgium is composed of two phases during which both the admissibility and legitimacy of the application are examined. In the very first place, however, the Office of Foreigners' Affairs determines if Belgium or another state is responsible for reviewing the application according to the Dublin Convention from 15 June 1990¹. Once it is proven that Belgium is the responsible country for assessing the application, the so-called *admissibility research* is conducted. At this stage, any manifestly unfounded claims can be rejected while any insufficiently documented asylum seekers may be detained until a decision regarding admissibility is made. GCRS may review any rejected applications and decide that it is indeed admissible if enough evidence is available. Once an application is found admissible, the second stage or the so-called *legitimacy research* begins. The legitimacy evaluation of a given application is conducted by the GCRS, which commences the procedure by a second and independent investigation of the admissibility decision. Concluding that an application is indeed admissible, the GCRS has to make a decision whether the applicant should be recognized as a refugee. A negative decision by the GCRS could be appealed at the Standing Appeals Committee, at which stage the UNHCR plays a consultative role. The Council of State is the highest administrative power, which could control the legitimacy of the application investigation and can suspend or annul orders for leaving the country but has no power to recognize someone as a refugee in place of the authorized institutions.

At the first step of the asylum procedure, while awaiting admissibility decision, asylum seekers in Belgium who require assistance have to live in a reception center. At this stage, they receive food, medical aid, and education for their children, but they are not permitted to work. This assistance is not provided for asylum seekers whose claims are in the admissibility stage but who decide to live outside an open reception center. The reception system in Belgium is composed of reception centers of the federal government (seven main centers plus two emergency centers for short stays) and the Red Cross (eight in Wallonia and 14 in Flanders). Other bodies specialized in asylum issues include some non-governmental organizations² and local reception initiatives, the so-called Public Centers for Social Welfare. All reception institutions provide accommodation, food, clothing, medical services, and sanitary products. The reception centers are equally distributed around the country to prevent the overcrowding of asylum seekers at one place. The increasing number of asylum seekers requires constant improvements of the reception infrastructure³. The measures include increasing the capacity of the reception centers, developing special facilities for families, unaccompanied minors, people with psychological problems, and female asylum seekers. Until 2002, the Belgian reception system did not experience any significant practical difficulties with accepting new asylum seekers insofar as the reception centers had more than 2000 free places, according to the administration of Klein Kasteeltje in 2002.⁴ To what degree this is true is a delicate question since in 2001 the available places in the reception centers were 8,615 while the asylum applications numbered more than 24 thousand. In 2002, the number of asylum seekers in Belgium was around ten thousand more than available reception places.

The applicants who are allowed to enter the stage of legitimacy research could move to local communities where they are provided for or they can choose housing. At this stage, asylum seekers have the right to work. Working legally is possible after obtaining a Provisional Working Permit for which the employer has to apply and which is valid only for positions with the same employer. The Provisional Working Permit is issued for one year and is renewable if the applicant is still in the asylum procedure. Since 1999, recognized refugees do not need a work permit to be legally employed in Belgium. Recognized refugees can apply for family reunification once they have obtained official status in the country. Since 2001, financial assistance for asylum seekers whose applications were first pronounced inadmissible, but who are waiting for decisions on their appeals has been terminated and the

cash financial support has been replaced by the provision of food, shelter, and emergency medical assistance (BS, January 2001).

The last two points – e.g. the provision for employment without a work permit only after a final positive decision on the application has been made and the lack of financial support – have been designed to discourage those asylum seekers who apply in Belgium just in order to get access to the labor market or financial support. Indeed these measures have resulted in a decreasing number of asylum applications (see Table 3). However, with over 20.000 applications in 2001, a recognition rate of less than 10%, and knowing that rejected asylum seekers are rarely removed from the territory of Belgium, one could outline one major consequence: e.g. the creation of a large segment of undocumented migrants, deprived from any forms of social and economic protection. Given that an asylum application can remain pending for more than five years, the practice of irregular residence and employment can be estimated to reach significant proportions.

An asylum seeker whose application is rejected a second time may appeal to the Council of State regarding the legitimacy of the application's processing. At this stage, asylum seekers are not entitled to financial support. Applicants are protected from repatriation only in the case of an appeal of "highest necessity", such as a life-endangering political or environmental situation in the country of origin.

Belgium has readmission agreements with Croatia, Estonia, Latvia, Lithuania, Ukraine, Hungary, Croatia, Bulgaria, Romania, Poland, the Slovakia, and Albania but as was already shown in the case of Bulgaria and Poland, this does not keep economic migrants from abusing the asylum system in order to get access to the Belgian territory. The latter are by definition rejected but are not effectively repatriated and in most of the cases remain undocumented in the country.

The final stage of the asylum procedure refers to the GCRS decision of expulsion or non-expulsion for asylum seekers whose admissibility was rejected. The Office of Foreigners' Affairs could further disregard a decision for non-expulsion. A decision of non-expulsion is usual in situations of civil war or violations of human rights in the country of origin. It is made systematically by nationality for a given period. Since 1991, the non-expulsion status was granted to 3% of the rejected asylum seekers coming from Liberia, Sudan, Somalia,

Sierra Leone, Angola, Zaire, Rwanda, Algeria, the former Yugoslavia, and Albania (De Gryse, 2001) thus granting protection to only a minority of all rejected asylum seekers. Finally, a decision for non-expulsion can be granted individually to persons for humanitarian reasons, or in situations when removal from the territory of Belgium would physically endanger the individual (e.g. health reasons).

Regarding asylum seekers, Belgium has a relatively short history as a refugee receiving country. Even though the country ratified the Convention for refugee protection in 1953, very few asylum applications were filed in Belgium before 1985. Going back in history until the time when the first asylum application was submitted in Belgium reveals that in the early 1970s Belgium was the least attractive country for asylum seekers after Portugal and Turkey. The countries receiving the most applications during that time were Germany, Italy, Austria, and France (UNHCR, 2001). During the next five years, significantly more applications were lodged in Belgium (See Table 1).

Table 1 Asylum applications in Belgium, 1970-1979

Year	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
Number of applications	-	-	680	-	1,010	924	1,250	945	1,082	2,427
	Total for 1970-1974: 1,690					Total for 1975-1979: 6,628				

Note: A dash (-) indicates that the value is zero, rounded to zero, not available, or not applicable.

Source: UNHCR, 2001.

Although the next five years saw a 100% increase in asylum applications (See Table 2), Belgium's international reputation remains as one of the industrialized countries that receives the least asylum seekers (along with Italy, the Netherlands, Spain, Portugal, Denmark, Norway, Japan and Finland).

Table 2 Asylum applications in Belgium, 1980-1989

Year	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Number of applications	2,727	2,287	2,908	2,908	3,646	5,299	7,644	5,976	5,078	8,112
	Total for 1980-1984: 14,476					Total for 1985-1989: 32,109				

Source: UNHCR, 2001.

The position of Belgium as a preferred destination country occurred significantly in the period 1985-1989 when the total number of applications reached over 32,000. Belgium became the sixth most important receiving country in Europe (after Germany, France, Sweden, Austria and the Netherlands) and the ninth most preferred country by asylum seekers, internationally. The primary attractiveness of Belgium for asylum seekers has not changed since. From 1995 to 1999 Belgium received 93,733 asylum applications and remains the sixth major destination for the asylum seekers in Europe (after Germany, the United Kingdom, the Netherlands, Switzerland, and France). After 1999 Belgium and the Netherlands have received the most asylum applications in comparison with all other EU countries.

Similar to the trend in all Western European countries, Belgium experienced two waves of increased asylum applications: one in the period 1989-1994 with a peak in 1993 when 26,882 applications were filed, and another in the period 1998-2001 with a peak in 2000 with 42,691 applications (See Table 3).

Table 3 Asylum applications submitted in Belgium, 1990-2003

Year	1990	1991	1992	1993	1994	1995	1996
Number of applications	12.964	15.173	17.647	26.882	14.363	11.420	12.433

Year	1997	1998	1999	2000	2001	2002	2003
Number of applications	11.787	21.964	35.776	42.691	24.549	20.033	22.064

Sources: Federal Reception Center, Klein Kasteeltje, 2002; USCR County Reports, 2002; UNHCR 2001; UNHCR, 2003b

During the years, significant changes occurred not only in the number of asylum applications but also with regard to the origins of the asylum seekers in Belgium. Between 1980 and 1990 the ten major flows of asylum seekers to Belgium were from Africa (Ghana and Congo as primary sending countries) and Asia (Turkey, Pakistan, India, Vietnam, Pakistan, and Iran). During the 1990s, Congo, India, Pakistan, Turkey, and Ghana were still important sending countries, but they were outnumbered by asylum seekers from Eastern Europe. The former Yugoslavia and Romania were the primary countries of origin for asylum seekers in Belgium,

followed by Bulgaria, Albania, the Russian Federation, Bosnia and Herzegovina, and Poland (UNHCR, 2001; UNHCR, 2003). This tendency has remained, to a large degree, unchanged from 2000 onwards and in the period January 2000 to September 2002 most of the asylum seekers in Belgium came from Congo, the Russian Federation, Algeria, Turkey, Kosovo, Slovakia, Albania, and Iran.

As outlined above, the trends in number and origin of asylum seekers can enlighten us to the gradually increasing stock of undocumented migrants in Belgium. It is not farfetched to guess that the current stock of undocumented migrants is the outcome of low recognition rates. It is recognized that rejected asylum seekers, especially those who have been in a process of application evaluation for more than a year, seldom leave the territory of a reception state unless forceful measures are applied. Voluntary and unassisted return is nearly nonexistent and rejected asylum seekers tend to remain and work in the country without documentation. Bearing in mind Belgium's termination of financial support for asylum seekers as well as the length of time an application decision can take (several years), it is not surprising that asylum seekers work without documentation. Once the labor market has been accessed, voluntary return to a country where no possibilities for sustenance are available is far from a realistic expectation. An evaluation of recognition rates in Belgium will testify to the many asylum seekers who have been, de facto, transformed into undocumented migrants. Since 1990 the recognition rate for asylum seekers in Belgium has been less than 10%. For example, in 1991, only 595 persons out of more than 15,000 asylum seekers received refugee status; in 1993 the statistics show 1,025 persons out of 26,882⁵. The recognition rate in Belgium has not increased with an increase in asylum applications. Thus, during two years when the maximum number of applications was received (1999 and 2000), less than 1,300 people were granted refugee status out of 35,776 in 1999 and 42,691 in 2000 (USCR, 2002). It should be noted that the highest recognition rates do not correspond with the primary sending countries. During the twelve-year period from 1988 to 2000 the highest recognition rates have consistently been for asylum seekers from Rwanda (78.1%), Burundi (65.6%), Afghanistan (39%), Iran (29%), and Iraq (29%), countries which are minor sending territories.

In this context, special attention should also be given to a significant and vulnerable group of asylum seekers who rarely attract attention: unaccompanied minor asylum seekers. The number of unaccompanied children seeking asylum in Belgium is quite impressive. For the period 1988-1999 there were 11,340 children mainly from former Yugoslavia (28.7%),

Rwanda (16.2%), Sierra Leone (8.5%), Congo (7.8%), Guinea (4.9%), the former USSR (4.5%), Burundi (3.7%), Romania (2.9%), Albania (2.3%), Angola (1.9%), and other countries (18.6%). The recognition rate for unaccompanied minors is also low. Out of 11,340 children, only 2,215 were recognized as refugees (De Smet, 2001). No data exists about what happened to those who have not been granted refugee status, but it is highly unlikely that they have been returned to their countries of origin. The issue of unaccompanied asylum seeking minors does not only raise questions about their future after rejection but also how they have been accepted into Belgium in the first place. The existing facilities are usually not developed to satisfy the particular needs of children. There is still no firmly established system for assisting children, such as trained personnel specialized in working with children and juniors, no adapted reception centers providing the relevant and comprehensibly presented legal help for children; and no guaranteed psychological support.

The detailed presentation of the position of Belgium as an asylum country also leads to a few simple conclusions. Belgium has become increasingly popular as a destination for asylum seekers throughout the years. The numbers of asylum seekers has augmented progressively to transform the country to one of the primarily preferred European destinations. Simultaneously, the chances for obtaining refugee status have decreased and the facilities for accepting new applicants are not being developed to cope with the continuous refugee flow. The lower recognition rate has, over time, significantly decreased the population of refugees on the Belgian territory (from around one thousand refugees per 1,000 km² in 1995, 1996, and 1997, to around 400 from the year 2001 onwards). The number of recognized refugees per 1,000 inhabitants is also decreasing: from four recognized refugees per thousand inhabitants in the middle of the 1990s to less than two from 1998 onwards (UNHCR, 2003). The most important issue in this context is the creation of an undocumented population as a result of restrictive recognition rates, especially as applied towards applicants from primary sending countries.

SLOVENIA

In June 1991 Slovenia became an independent state. After the second world war when Slovenia was still a part of the former Yugoslavia, some Slovenes emigrated due to political reasons, because they opposed the communist party. From the fifties on of the 20th century it

became an immigrant country. Many people from ex-Yugoslav republics immigrated to Slovenia to live and work in the industrial cities.

Slovenia acceded to the Geneva Convention in 1992. Soon it encountered large numbers of forced migrants. Unfortunately the war for the independence of Slovenia spread to Croatia and in the autumn of 1991 Croatian forced migrants started to arrive. As the war erupted in Bosnia-Herzegovina, the forced migrants from this republic of former Yugoslavia started to arrive in 1992. In spring 1992 there were 45.000 of them in Slovenia.⁶ 80 % of them were children and women. They soon started to repatriate to Western countries, especially the intellectuals, because Slovenia did not grant them the human right to work. After the end of the Bosnian war many repatriated to Bosnia-Herzegovina. Those who stayed wanted to integrate into the Slovenian society, but unfortunately Slovenia did not allow them to successfully integrate. As the economic integration was prevented, the consequence was that other integrations: sociocultural, political, psychological were prevented either. Namely, the economic integration is a precondition for all other integrations. According to the Slovenian Law on Temporary Protection from 1997 temporary refugees from Bosnia-Herzegovina were allowed to work 8 hours per week, which was of course not sufficient for survival. Nearly half of those temporary refugees stayed in refugee collective centers and half of them lived in private apartments. Those who stayed in refugee collective centres got two meals a day and urgent medical assistance. They received no financial help. Those who stayed in private apartments received financial help from the end of 1999 on, however this financial support was low - only 83 EUR per person per month. Thus many were forced to work illegally and very often they were exploited and not given a salary at all as they did not have any rights. Slovenian state gave them temporary protection for more than ten years with no right to permanent residency. In August 2002 the Law on Temporary protection was amended and forced migrants from Bosnia-Herzegovina got the right to work and permanent residency also retroactively for the past decade of exile in Slovenia. Slovenia has very active civil society dealing with forced migrants who initiated many changes; especially it was active in initiating legal changes and advocating the rights of forced migrants⁷. Harmonization of asylum laws with the European Union ones was another reason for the government to amend the law on Temporary Protection from 1997.

In the first half of 2006 there are still 2000 of Bosnian forced migrants in Slovenia who want stay here. As a consequence of the fact that they were not allowed to get employed for ten

years, they encounter difficulties in the job market and they remain heavily unemployed. Only two people who escaped from violence and war in Bosnia got a legal status of a refugee according to the Geneva Convention. So in the nineties for many years Slovenia had only three Geneva Convention refugees (the third one was from Africa). This fact was strongly criticized by the Slovenian civil society.

The exact number of forced migrants from Kosova at the end of the nineties of the 20th century is not known, because many came illegally. The latter usually did not stay in refugee centres, but with their relatives who took care for them. Slovenia offered temporary asylum to 1,600 of forced migrants from Kosova and to those 2,500 who came to Slovenia illegally and decided to register. In accepting forced migrants from Kosova Slovenia followed the principle of family reunion. Most of those forced migrants returned home after the war conflict in Kosova was over, however, the exact number of those who stayed permanently is not known as most of them came illegally (Vrečer 2006).

In February 1999 Slovenia became an associate member of the EU. This was one of the reasons why the number of asylum applications increased drastically in 2000. Most of asylum seekers came from Iran, Turkey, Iraq and Serbia and Montenegro. Altogether there were 9,244 asylum applications in 2000 (Zimic Zavratnik 2003). For most of those asylum seekers Slovenia was only a transit country, only their stop on the way to European Union countries. As Slovenia acceded to the Schengen agreement it became the gatekeeper of European Union. Many of asylum seekers used the asylum system so that they were able to stay in Slovenia legally, although they stayed only for a couple of days until they went to the European Union countries such as Italy and Austria. Slovenian government reacted to such an increase in asylum applications with restrictions in refugee policies and the number of applications decreased. Slovenia also enhanced its border control which also contributed to the decreased number of asylum applications. Thus in 2001 there were only 1,511 asylum applications (source UNHCR 2002). However, many forced and economic migrants came illegally and waited in Slovenia for a proper moment when they would be able to enter the European Union. In the year 2000 the number of illegal border crossings increased to 35,892. Mostly they came from Iran, Turkey, Romania, Bangladesh and other countries. The number of illegal border crossings decreased to 20,871 in 2001 and even more in 2002 to 6,926 (source: Zavratnik Zimic 2003). Among the restrictive tendencies we can include also more than 20 readmission agreements with the neighbouring and other countries that Slovenia signed. Such

agreements decrease the level of refugee protection, because there is a danger the non refoulement principle is not respected and the persons are returned to the unsafe conditions in the countries of origin. The Slovenian NGOs do not have the data on the deportations of rejected asylum seekers, although this does not prove they are none.

From 1997 to 2002 there were 12,548 asylum applications in Slovenia and to 41 of them the status of a refugee according to Geneva Convention was granted (Zavratnik Zimic 2003).

The number of asylum applications remained stable in the following years. In 2004 Slovenia granted 19 statuses of refugees according to the Geneva Convention, the refugee recognition rate was 4.6 %. Besides, it granted 20 asylums on humanitarian grounds, the recognition rate was 4.9 %. In 2004 Slovenia also granted 17 subsidiary and other statuses. (Source: ECRE 2004). According to the UNHCR 105 unaccompanied minors applied for asylum in 2004.

There was a 38% percent of increase of asylum applications in the first half of 2005 (source: UNHCR). This increase can be contributed to the fact that Slovenia became a full member of the European Union on May 1, 2004 and thus it became more interesting for migrants as a destination country and not only as a transit country. Slovenes do not emigrate from Slovenia a lot, mostly due to the relatively stable economy although the salaries are still much lower than in other European Union countries (minimal salary in Slovenia is 500 EUR gross).

When Slovenia became a full member of the Euroepan Union all the relevant EU laws on migration came into force, this also includes The Dublin II Regulation.

The freedom of movement of asylum sekers can sometimes be limited according to Article 27 of the Law on Asylum on the grounds of:

- establishing the identity of the applicant;
- preventing the spread of contagious diseases;
- suspicion that the procedure is being misled or abused;
- threat to the lives or property of other people;

Movement can be limited by a prohibition of movement:

- beyond a certain area;
- outside the asylum home or its branch;
- outside a certain border area if accommodation is available there.

The Ministry of the Interior orders such a limitation of movement which should not be longer than three months. This limitation could be extended for one month. Asylum seekers are allowed to work eight hours per week only, therefore they have to work illegally in order to survive. They share this unfavorable condition with the Bosnian refugees who sometimes receive no salary at all when they work illegally or they did so before they had the right to work granted. Since May 2005 the asylum seekers are not able to live outside of the Asylum Home, but have to live in it until the asylum procedure is finalised.

According to the Law on Asylum refugees have the following rights:

- permanent residency;
- financial help;
- place of abode;
- health insurance;
- education;
- support in integrating into the Slovenian environment;
- employment.

Financial help for the unemployed refugees is the same as social security for the Slovene citizens. However, it is still very low and it does not enable survival without a supportive social network or illegal work as it is only 196 EUR.

The migration policies of Slovenia became more restrictive when the new government came into power since the autumn of 2004 when the before leading Liberal Party of Slovenia lost elections. The now leading coalition of the Social Democrats of Slovenia, the Slovenian People's Party, the New Slovenia and Desus proposed some further restrictions in the beginning of 2006. They wanted to withdraw free legal help for asylum seekers which is discriminatory as it differentiates between the asylum seekers in regard with their economic and social position. They also amended Article 26 of the Law on Asylum from 1999 and gave a police the rights to question the asylum seeker immediately when the asylum seeker enters the state and when he or she expresses the wish to apply for asylum. Thus the asylum seekers can be deported before they have the chance to apply for asylum. Luckily, the constitution court of Slovenia decided that those restrictive changes are not in accordance with the

Slovenian constitution and now some new amendments of the Law on Asylum are not in force yet.

GREECE

Like most south European countries, Greece has in the last fifteen years experienced a transformation from a country of emigration to one of immigration. The 1990s saw the arrival of large numbers of migrants mainly from the Balkans and Eastern Europe, but also from the Middle East, Central Asia and Africa. The country's geographical position, at the southeastern end of the Mediterranean and the crossroads of Europe and Asia, has played an important role in making Greece a migration hub: for the Balkan countries, Greece has represented the promise of the modernised 'West'; for the Middle East and Central Asia, Greece is the entry point into and the synonymous for the 'EU'; and for the EU itself, Greece represents a country of first asylum and, at the same time, the southeastern gatekeeper of the Union's territory.

Regarding forced migrants in particular, Greece has in the last decade received a large number of persons from the Middle East, such as Iraqis, Kurds, Turks, Iranians, Afghanis and Pakistanis, as well as some Africans (Nigerians, Somalis) and persons from the former Soviet republics (Georgians, Russians). A large number of them apply for asylum with the aim to stay in Greece, while many others remain undocumented in Greece for a while hoping to continue their journey to Western Europe at some point later. Finally, there is also a number of persons who apply for asylum in Greece, but leave for Western Europe nevertheless. The last two cases can be understood as what is generally called 'transit' migration.⁸ The following part will first discuss the case of Greece as an asylum country, and then as a transit country.

Having ratified the main international conventions regarding refugee protection, Greece is an asylum country.⁹ In addition, and as an EU member-state, Greece is harmonising its migration and asylum legislation with the Union law on the basis of commonly agreed binding and non-binding principles and standards. Nevertheless, most member states – and Greece is no exception to this – have tended to apply harmonisation in the form of transgovernmental cooperation using the lowest common denominator (Lavenex, 2001). Domestic political trends and national practices still characterize the member states' asylum policy. In this regard, Greece has always maintained a restrictive attitude towards asylum, with long refugee

recognition rate processes, low recognition rates and chances of getting asylum and limited reception capacities for asylum seekers. Moreover, and while it generally observes the principle of *'non-refoulement'*, Greece often fails to satisfy the basic subsistence needs of refugees and asylum-seekers. As Sitaropoulos and Skordas (2004) rightly argue, deficiencies of the Greek asylum system have to do with its ambivalence towards the legal situation of the victims of non-state agents, the lack of effective remedies and the absence of adequate social protection of refugees and asylum seekers.

From a more regional perspective, Greece's management of the asylum caseload is also part of an EU-wide agreement, the Dublin Convention, which lays down the rules for the allocation of responsibilities of examining asylum applications to member states.¹⁰ According to this, the member state of first asylum is the one responsible for the examination of the asylum application, including the case of irregular entry and stay in this country. Yet, in the absence of an established framework of effective burden sharing among member states, it is often the case that Greece finds itself on the unfavourable side of those countries bound to face an unequal burden due to their geographical position in the European Union. As will be shown, this situation has both domestic and regional consequences.

The relatively small annual number of registered asylum seekers and refugees gives the impression that the asylum issue in Greece is minor: for example, at the end of 2004 Greece had 2,489 recognised refugees, 7,375 registered asylum seekers and 3,000 'various' (persons of concern to UNHCR not included in any of the known 'categories'). In addition to this, 4,470 new applications were submitted in the country in 2004 and 9,050 in 2005 (UNHCR; 2005, UNHCR; 2006). The majority of asylum seekers in 2004 and 2005 came from Iraq, Afghanistan, Georgia, Nigeria, Pakistan and Russia.

These numbers do not, however, reflect the actual size of the asylum population that also includes irregular migrants and rejected asylum seekers, many of which end up staying in the country. The asylum determination process is rather long (1.5-2 years on average including appeal) and the recognition rate quite low, factors which both discourage people's decision to apply in the country: indicatively, in 2004 the refugee recognition rate in 2004 was 0.3% (and 0.9% including otherwise positive responses, see UNHCR, 2005; and UNHCR, 2006).

Refugees, asylum seekers and people under humanitarian status have the right to free health care, education for their children, and employment, which considering the lack of social and financial support is an important advantage (the right to employment for asylum seekers is not uniform in all member states).¹¹ Regarding reception facilities, for the months following arrival, asylum seekers are usually hosted in various reception centres spread across the country, many of which are temporarily opened in response to sudden migration influxes in the border islands of the eastern Aegean.¹² Refugee camps are run by the state and NGOs and provide migrants with basic and temporary shelter and material assistance. NGOs also provide legal, social and material support and language classes for asylum seekers and refugees. In general, state provisions for refugees and asylum seekers are still not adequate and migrants mainly rely on the NGO support and their individual efforts to support their livelihoods in the host country. Social networks with Greeks and other migrants are a significant resource supporting these efforts.

Apart from its asylum policy, Greece is however much more concerned with the combat of irregular migration and human smuggling at the points of entry, and in collaboration with transit countries outside the EU. As Geddes (2000) argues, the removal of internal frontiers has shifted responsibility for immigration control from an inner circle of member states, to member states on the periphery of the EU, as well as to the new member states – as will be described in the section on Slovenia. A country at the southeastern edge, Greece is facing salient problems of immigration control while being on a steep policy learning curve.

In the light of the above, Greece has taken measures to enhance border protection, penalise assistance to unauthorised entry, introduce employer sanctions, and facilitate return of rejected asylum seekers through the establishment of readmission agreements. A readmission agreement has been signed with Turkey in 2001 which is of major importance, since the main route of entry into Greece is through Turkey by land (through the Greek-Turkish border of Evros) or sea (by crossing to the border islands of the eastern Aegean, or to the Greek mainland shores).¹³ Greece has also signed readmission agreements with most Balkan countries (Albania, Bulgaria, Croatia, Bosnia-Herzegovina), and with Romania, Russia, Ukraine, Tunisia, Egypt, China and Pakistan.¹⁴ The main challenge of readmission policy is to remain effective while at the same time providing potential refugees who also arrive within the same irregular flows with the possibility to access the asylum system and seek protection in the country. Most countries – and Greece is also no exception to this – do not always

balance successfully between migration control and access to asylum, leaning usually towards the control rather than the access to asylum for those in need. It is usually hard for border guards and search and rescue authorities to discern between migrants and refugees arriving on the same boat – nevertheless, the possibility of access to asylum would need to be guaranteed at all the points of entry.

In fact, the restrictive asylum policy and the absence of legal entry alternatives may keep the numbers of refugees and asylum seekers low, but does not seem to prevent migration – instead, more people tend to follow the irregular path. In order to explain that, one needs to look at the process of transit migration. In a country that is an EU member state, why do some apply for asylum and some not? Some may apply for asylum in Greece hoping to receive protection and assistance and settle in the country; others, however, will not apply in order to keep the right to apply elsewhere where they may have family/social ties or hope to receive better socioeconomic benefits. Furthermore, there are cases of people who lodge an application while in Greece mainly in order to be able to obtain access to the labour market and emergency health care for this tentative period, but then leave for another European country in the near future. As already explained, administrative deficiencies, the slow pace of the asylum examination process and the poverty of reception and integration mechanisms discourage people from seeking asylum in Greece. Instead they remain under irregular status waiting for a chance to continue the journey to Western Europe. As research on transit migration has shown, people who consider themselves temporary settlers are an invisible population living in isolation, in social and economic vulnerability (illegally hired in the informal economy) who often get stuck in the transit country for years, because they have no means to go further.¹⁵ At domestic level, the existence of irregular, temporary settlers bears significant consequences on the protection and integration for genuine refugee claimants.

On the other hand, transit migration bears security implications for the state as well, because the presence of irregular temporary migrants allows the creation of a ‘waiting room’ accommodating smugglers and other illegal activities (Wallace, 1996). These consequences do not leave the EU intact: at the regional level, the European Union is faced with further irregular migration and asylum seekers moving from country to country looking for the best reception and settlement options. In other words, it is the same transit irregular migrants in Greece that apply for asylum in Western Europe a few years later. In a nutshell, the existence of irregular transit migration poses problems for both human security of the people in need

(access to refugee protection and integration) and state/regional security at EU level (illegal entry/residence and smuggling).

The solution will not be met until a truly communitarised asylum framework is established, that includes not only common definition of refugee status and determination procedures, but also legal entry alternatives and complementary protection schemes for forced migrants that do not meet the Convention refugee criteria. In addition, what is more needed is a system of effective and multifaceted burden sharing that addresses both the immigration control and the reception challenge. Such a system also needs to take into account migrants' preferences and needs to join with family and friends. Instead of pushing the security responsibility to the periphery, what is needed is to share the workload of control, protection and integration with a binding sense of solidarity.

TURKEY

Turkey, traditionally, is considered to be a country of emigration. Either in the form of labor migration or asylum seeking, Turkey has been regarded as an immigrant sending country. It is only recently, with the 1990s, that Turkey has started to be widely acknowledged as a country of immigration and transit irregular migration and a country of asylum (Kirişçi, 2002).¹⁶ Immigrants from various countries in Asia, Africa and the Middle East have started to use Turkey as a transit zone in their destination to the developed countries of Europe. For instance, between the years 1995-2000, there had been more than 300,000 irregular migrants caught by the security forces (BFBA, 2001a). Although there is no reliable data on transit migration, in light of the success of migrants reaching European destinations, the number of irregular migrants who use Turkey as a transit country is estimated to be much higher. It is in this context that the issue of refugees and asylum seekers as well as transit migration has been one of the crucial aspects of the Turkish-European Union (EU) relations.

As part of Turkey's westernization policy dating back to the early days of the Republic, Turkey had turned its face to Europe and the EU per se. It signed Association Agreement with the EU in 1963, made its membership application in 1987 and received candidacy status only in 1999 with the Helsinki Council Summit. Turkey adopted several reform packages aiming the fulfillment of the Copenhagen criteria.¹⁷ However, the regulations regarding international migration which are part of the Justice and Home Affairs remained limited in range and in

focus. This had been mainly due to the Turkish authorities' reluctance to revise Turkey's asylum and refugee protection policies in lines with the European standards. Turkey's borders with countries which are politically and economically instable and the Kurdish issue that affect the East and the South East regions compelled Turkey to prioritize national security concerns above every other issue. Even risking EU membership, Turkey strongly held its conventional position for not to face thousands of asylum seeking and refugee applications. In consequence, Turkey has maintained its restrictive measures in its refugee reception policies. Currently, Turkey had agreements with only two countries, Syria and Greece, regarding irregular migrants. According to these agreements, the irregular migrants who pass to Greece or Syria from Turkey despite their nationality are sent back to Turkey after they get caught. Similarly, the immigrants who enter Turkey from these countries are returned back. The EU had not been too insistent on Turkey to change its refugee protection policies. On the contrary, Turkey has faced serious criticisms from EU for not protecting its borders and consequently enabling thousands of irregular migrants to pass over to Europe.¹⁸

The asylum and refugee policies of Turkey are shaped by political considerations, domestic laws and international treaties. The most important documents which Turkey is signatory of are the Geneva Convention of 1951 and the New York Protocol in 1967. The Geneva Convention's primary role in shaping asylum and refugee policies is acknowledged by various scholars and policy-makers. In due course, Turkey's refugee policies are categorized under three headings: convention refugees, non-convention refugees and national refugees (Kirişçi, 1995).

As for convention refugees, at the outset, it can be argued that Turkey has a long tradition of refugee protection system dating back to the times of the Ottoman Empire such as the reception of the Sephardim Jews from the Iberian Peninsula in the 15th century, the Ashkenazic Jews from Eastern European countries in the 18th and 19th centuries, the Muslims and ethnic-Turks from various Balkan countries in the 19th and 20th centuries. However, the Turkey's modern asylum policy is established in post-WWII climate of early 1950s and originates in the 1951 Geneva Convention. Turkey signed the Convention in 1951 with geographical and time limitation mentioned in Article 1. B(1)(a) and ratified it in 1961. After ratifying the Convention, Turkey became obliged to accept refugees fleeing persecution in Europe due to events occurred before 1951. However, in 1967, Turkey signed the Protocol

Relating to the Status of Refugees known (the New York Protocol). With the Protocol which was ratified in 1968 Turkey eliminated the time limitation but maintained geographical one.

The geographic limitation regulated that Turkey would receive refugees only coming from European countries. This has been the hallmark of Turkey's asylum policies and Turkey had been insistent on maintaining the geographical limitation for national security reasons. Turkey's borders with instable countries such as Iran, Iraq and Syria and the fear of mass migration of refugees from these countries to Turkey have been the major determinant of the geographic limitation.¹⁹

Although the geographic limitation encompassed only the refugees from the European Continent, considering the political climate of the 1950s and 1960s, the Turkish authorities concern was to give *de jure* refugee status only to the migrants fleeing communist persecution in Eastern Europe and the Soviet Union (Kirişçi, 1995: 5). Since Western European countries were already giving the right to asylum to those refugees fleeing from communism very easily which in return increased the asylum applications to those countries, in practice the geographical limitation covered a limited range of asylum seekers at the time. Another concern of the Turkish authorities was that those refugees from Europe would leave Turkey and be resettled in third countries, most probably in Western European countries, after they received refugee status. In addition, the costs of sheltering and resettling of the refugees were already covered by international agencies. As a result of these issues, the Convention refugees who were given the right to asylum by the Geneva Convention never dominated the economic, political and social agenda of the Turkish authorities with regards to the problems associated with integration of the refugees. In a sense, with the geographical limitation, Turkey proved its loyalty to the Western liberal league and at the same time avoided the negative consequences refugee reception (Kirişçi, 1995: 5).

According to the UNHCR, in between 1945-1991, Turkey received less than 8,000 asylum applications from the Eastern European countries and the Soviet Union. Most of these applications were made in between the years of 1979-1991. Although there is no reliable data regarding the result of these applications, it is thought that almost all of these refugees are resettled in the third countries (İçduygu, 2000).

Regarding non-convention refugees, it can be argued that the *de facto* aspect of the Turkish refugee and asylum policies is in sharp contrast with the *de jure* outlook that the Geneva Convention provides. Owing to its geopolitical location between Europe and Asia and the political turmoil and instabilities in the neighboring Middle Eastern and Asian countries, Turkey continuously faced asylum flows from its eastern and south-eastern borders. The regime change in Iran in 1979 and the Iran-Iraq War has turned Turkey into a major country of asylum since the 1980s. The Gulf War, the authoritarian Saddam regime in Iraq, the Afghanistan operation after the bombing of the Twin Towers in USA, the War in Iraq in 2003 have all contributed to asylum flows to Turkey. This is why the asylum flows in Turkey generally originates from Iran and Iraq. However, there are also other asylum seekers coming from Afghanistan, Algeria, Congo, China, Ethiopia, Ghana, Sri Lanka, Somalia, Nigeria, Tanzania and Uzbekistan (BFBA, 2001b).

Although Turkey does not accept any refugees coming from countries other than Europe, these asylum flows have put Turkey to reconsider its refugee policy at the pragmatic level (İçduygu, 2002). The Turkish authorities collaborate with the UNHCR Office in Ankara and handle all the asylum applications together. Those applications who are considered out of the scope of the Geneva Convention are handled by the UNHCR. The UNHCR tries to resettle the asylum seekers in the third countries who would accept them as refugees. In the meantime, the Turkish authorities permit those asylum seekers who are waiting to be accepted as refugees by the third countries to reside temporarily in Turkey. This practice can be considered as an ad-hoc arrangement that relied on the 'goodwill' of Turkey (Kirişçi, 1995).

After the Gulf War, there had been several chains of mass migration from Iraq to Turkey. Seeing these migrations as a threat to national security, Turkey has adopted the 'Regulation About the Principles and Methods in Handling the Individuals and the Foreigner Groups Who Seek Refugee from Turkey and the Possible Population Movements to Turkey' in November 1994. The Regulation specified Turkey's role in dealing with asylum flows clearly. Accordingly, the foreigners who applied for asylum are categorized into two: the ones who enter Turkey by legal means were to apply to the local Turkish authorities where they were; and the ones who enter illegally were to approach the authorities at the point of entry to Turkey. Both types of applications are to be completed within ten days after entry. All the applications are evaluated by the Turkish Ministry of Interior which makes the final decision on the status of the asylum seekers. If the immigrant is granted 'asylum seeker' status, s/he is

also granted a temporary residence visa and UNHCR tries to find a third country of resettlement in a 'reasonable' period of time. If the individual's asylum application is rejected, s/he is expected to leave the country. According to the Law on Settlement, the settlement of refugees in Turkey who do not belong to the Turkish culture is not allowed.²⁰

In order to handle the steadily growing numbers of asylum applications, UNHCR established an office in 1995 in Van, an eastern province of Turkey. Most of the applications are made in this office. According to data obtained by UNHCR, there had been a total of 5,177 asylum applications made in Turkey in the year 2001. By August 2002, there were around 1,571 asylum seekers residing only in Van, an eastern province of Turkey, who wait for UNHCR to find them a third country to be resettled.²¹ These asylum seekers go to the police station in Van twice a week to sign the Van residence sheet. It has been reported by the police officers working in the Passport and Foreigners Department of Van Provincial Directorate of Security that the asylum seekers who were in good health condition and physical shape and who were educated were accepted more speedily as refugees to countries like Canada, USA, Australia or some Western European countries than others in the queue. The ones who face hardships in finding a third country either go back to their countries or wait for several years to be accepted as refugees. In the waiting period, the rents of these asylum seekers are paid by the UNHCR and the health service is provided by the Turkish Government.

As for national refugees, Turkey has been a country of immigration for ethnic Turks and Muslims from the Balkans and the Central Asia. In the period between 1923 and 1997, around 1.6 million immigrants most of whom were from Bulgaria, Greece, Romania and former Yugoslavia came and settled in Turkey (Kirişçi, 2002: 11). This category of refugees does not fit to the definition of refugees according to the 1951 Geneva Convention. However, since many of this kind of refugees are forced to migrate to Turkey due to cultural, ethnic and religious oppressions in their own countries, they are generally regarded as refugees.

According to the Turkish laws, the individuals or groups who are of Turkish ethnic descent or Turkish culture are allowed to migrate, settle and obtain Turkish citizenship. Migration to Turkey is regulated by the Law number 2510 known as the Law on Settlement which was legislated in 1934. The Law does not define the criteria for 'Turkish descent or Turkish culture' explicitly and it is the Council of Ministers that decides which individuals or groups belong to Turkish culture or Turkish descent. In terms of migration reception

practices regarding national refugees, the Turkish speaking groups in the Balkans, Caucasus and Asia are usually considered to belong to Turkish culture or Turkish descent. However, Albanians, Bosnians and Pomaks who do not speak Turkish or who are not of Turkish ethnicity but of Muslim faith are also considered to be falling within the scope of the Law.

The Law on Settlement categorizes the immigrants into two according to the need for State support. The first group of immigrants is those who do not need any state support to migrate. They are independent immigrants who want to migrate to Turkey using their own resources and they leave their country of origin after they get their immigrant visa. According to the Law, they can settle in any part of Turkey. The second group of immigrants is the ones who need financial support from the Turkish State for immigration and settling in Turkey. These immigrants are settled by the State to regions that the State determine and are usually provided land or animals to establish an economic activity.

Turkey was not considered overpopulated in the 1930s when the Law on Settlement was issued. However, when the land to be distributed to the ‘settled immigrants’ became scarce in the 1970s, the practice of state sponsored immigration to Turkey has diminished over time. After 1970s, only the Afghan refugees in 1982, the Bulgarian Turks in 1989 and the Meshketian Turks in 1992 were considered within the scope of ‘settled immigrants’ whose immigration to Turkey was state funded.

Conclusion

Countries have different approaches to refugee protection systems. This article tried to show that one of the major aspects of the difference in approaches is their ‘receiving’ and/or ‘transit’ status visavis the refugee flows. With the help of country cases on Belgium, Slovenia, Greece and Turkey, this article examined refugee protection policies and made an assessment of differences in refugee protection systems that each country develops. Even more, within the routes of south-north migration movements that target the European Union countries for destination, these cases illustrated that co-existence of what might be called diverse situations – being both ‘transit’ and ‘receiving’ countries – was problematic and could raise problems at the regional/state level regarding security and immigration control and and at the individual level for the migrants regarding their protection and integration.

Unconditionally of their history as EU member states, experience in processing asylum applications and position of very attractive or less attractive destination for asylum seekers as indicated by the numbers of asylum seekers approaching each of the four countries, neither Belgium, nor Greece, Slovenia and Turkey can be described as having adequate refugee protection system. The lack of effective system for answering the asylum pressures is also one of the major triggers for the creation of substantive stock of undocumented migrants. This conclusion has been derived by several observations.

On the *first* place the reception systems in each country have not been developed to accommodate the increasing numbers of asylum seekers. The places available in open and closed reception centers are far below the actually needed for providing shelter to asylum seekers. By leaving nearly 50% of the asylum seekers without shelter and relying on the charity of the Red Cross, NGOs and churches, and as will be indicated below by not providing a decision on the application for many years, one could foresee that asylum seekers would involve in undocumented work in order to secure the minimum income for satisfying basic needs.

On the *second* place, the procedures of assessing an asylum application in each country are extremely long and can last up to seven years. For the asylum seekers this would mean extended period of residence in a country without any security with regard to the application outcome, limited possibilities for accessing the job market, decent housing, decent medical care, and education for the children, to mention just a few most prominent problems.

Another perturbing issue is the very low recognition rate in all four countries and the respective lack of vision of how to deal with the issue of rejected asylum seekers, who are only rarely removed from the territories of the countries. This practice, or rather lack of practice leaves each year nearly 10,000 persons (as is the case of Belgium) in the marginalized position of undocumented migrants, whose only chance is to await a regularization campaign in the future or to claim regularization on a personal basis.

In the article, it became apparent that Greece, Slovenia and Turkey face increasing transit migration, while 'traditional' reception countries such as Belgium face increasing numbers of irregular stayers, who are not transit migrants, but rejected asylum seekers. Hence, restrictive asylum policies in the EU periphery (in and out of the EU borders) lead to increasing transit

migration and further irregular migration to Western Europe. All countries, despite their differences in migration and asylum policy, history and geopolitical position, need to further develop a more generous and efficient asylum system. The possibility to seek asylum in any of these four countries should be guaranteed in order to provide protection to those in need and prevent further irregular movements. Migrants and asylum seekers seem to take chances and migrate to countries with different asylum and migration policies as these four countries presented here showed.

In result of these case studies, one may argue that mixed flows (transit/receiving status combinations, illegal migrants, refugees travelling together, current abuses of the asylum system, etc.) is a feature of contemporary migration all of which lead to complications and complexities in refugee protection. The analysis of four countries, developed in this article, illustrate the tendency that restrictions in refugee policies do not prevent people to migrate but on the contrary feed the phenomenon of undocumented migration. The conditions for integration in these countries seem not to have reached a satisfactory level as there is still the need for more effective integration policies not only for refugees but also for asylum seekers.

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Notes

1 The Dublin Convention was created as an instrument for determining which EU member state is responsible for examining an application for asylum, a matter that is not settled by the Convention on the status of refugees. The application of the Dublin Convention will ensure that every asylum-seeker's application will be examined by a member state, unless a 'safe' non-member country is considered responsible. This avoids situations of refugees being shuttled from one member state to another, with none accepting responsibility, as well as multiple

serial or simultaneous applications (Official Journal of the European Union, 1997: 1-12). The Dublin Convention was revised and replaced in 2003 by the relevant directive, thereafter named as the 'Dublin Convention II'.

2 The two organizations providing assistance for asylum seekers are OCIV (Overlegcentrum voor Integratie van Vluchtelingen, the Consultation Center for Integration of Refugees) and CIRÉ (Coordination et Initiatives pour Réfugiés et Étrangers, Coordination and Initiatives for Refugees and Foreigners).

3 In January 2001, there were 5,771 places in the federal reception centers and 2,844 places in the OCMWs. In January 2002 these two reception institutions offered 8,786 and 5,240 places, respectively, thus in one year the reception capacity increased from 8,614 to 14,032 places. In 2001, another nine new reception centers were opened.

4 Klein Kasteeltje is the first reception center in Europe and the biggest federal reception center in Belgium. It offers facilities for 640 persons and is currently further developing its infrastructure.

5 One should bear in mind that these figures comprise a large population of victims of the wars in the former Yugoslavia who received temporary protection in different European states but were rarely granted refugee status.

⁶ This number includes the Croat forced migrants and is only an estimation made by the then Office for Immigration and Refugees of the Government of Slovenia. The first official counting was in the autumn of 1993 and there were 31.000 forced migrants from Bosnia-Herzegovina and Croatia in Slovenia.

⁷ At that time the following NGOs were dealing with refugees: Center for Psychosocial Help to Refugees, Open Society Slovenia, Legal Information Centre, Foundation Gea 2000, The Peace Institute, project Exiles of the Cultural Arts Centre France Preseren and Amnesty International.

8 For an analysis of the phenomenon of transit migration, please see Papadopoulou (2005).

9 The Geneva Convention (1951) and the New York Protocol (1967) were introduced into the Greek legal system via Acts No. 3989/1959 and 389/1968 respectively.

10 Greece acceded to the 1990 Dublin Convention by Law 1996/1991 that came into force on the 1st September 1997.

11 Regarding employment, Presidential decree PD 189/98, (came into force in June 1998). Regarding free health care, PD 266/99 (came into force in October 1999).

12 For the reception centres, see <http://www.unhcr.gr/basics/00.htm>.

13 'Protocol for the Implementation of Article 8 of the Agreement between the Government of the Hellenic Republic and the Government of the Republic of Turkey on Combating Crime, Especially Terrorism, Organized Crime, Trafficking and Illegal Migration' signed on the 07/11/2001, and based on the Agreement signed on 20/01/2000, law 2926, Governmental Gazette issue 139,1,27/06/2001.

14 See <http://www.mirem.eu/docs/rapports-ed-documents/grece>.

15 See for example Papadopoulou (2005), İçduygu (1996) for Turkey, Okolski (2000) and Wallace (1996) for Central and Eastern Europe before Enlargement.

¹⁶ For a detailed assesment of the status of Turkey in international migratory regimes and the general framework of incoming and outgoing immigration movements in Turkey, please see Toktaş (2006).

¹⁷ European Council Summit in Copenhagen in 1993 set forth political conditions, economic conditions and the ability to adopt the community *acquis communautaire* (the body fo the community law) as membership

conditionality. Accordingly, membership required that the candidate country had achieved stability of institutions guaranteeing democracy, rule of law, human rights and respect for and protection of minorities.

¹⁸ Yet, EU consistently and frequently urges Turkey to withdraw its geographic limitation put in the Geneva Convention by Turkey.

¹⁹ The increase in the influx of Afghan illegal/irregular migrants after the bombing of the Taliban in Afghanistan by the US military in 2002 and the Iraqis after the occupation of Iraq by the USA forces in 2003 are some of the examples that illustrate the region's political instability and Turkey's concerns.

²⁰ The Law on Settlement dates back to 1934. It lists certain groups and ethnicities who cannot settle in Turkey. One of these groups is the Roma. The European Commission progress/regular reports on Turkey published since 1998, as part of monitoring Turkey's distance towards fulfilling the Copenhagen criteria, frequently refer to the need of removal of the Roma from this list. However, Turkey has not made any change to the Law as it is still in force.

²¹ The information about the Van Office has been provided by several interviews conducted with the police officers, the mayoralty personnel, the gendarmerie and the governor in Van in August 2002.

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