

Asylum or Alternative: Exploring Ukrainian Settlement Choices vis-à-vis Laws and Policies in Turkey following the Russian Invasion of Ukraine

"Among 34,392 Ukrainians in Turkey, only 407 of them applied for international protection." This was the initial data provided by the Turkish government regarding Ukrainians who sought asylum in Turkey after the full-scale Russian invasion in February 2022. While there are varying numbers regarding Ukrainians in Turkey since the beginning of the conflict, UN agencies and Ukrainian authorities announced that more than 400,000 Ukrainians have arrived in Turkey, but the majority of them either returned to Ukraine or left for another country.

The latest figures by the Turkish government as of October 2023 are as follows: 38,281 Ukrainians were granted residence permits in Turkey, 26,276 of which are short-term residence permits. 6,336 Ukrainians obtained family residence permits. It is estimated that around 8,000 Ahiska Turks (Meskhetian Turks) and some Crimean Tatars from Ukraine have been resettled in Turkey. On the other hand, the number of Ukrainians applying for international protection has risen to 7,131. However, there is no data on the number of Ukrainians who were actually granted refugee status. The number of Ukrainians who were granted "humanitarian residence permits" has not been announced by the government either.

It is remarkable that Ukrainians have shown little interest in being recognized as refugees in Turkey. Although Turkey is a party to the 1951 Refugee Convention with geographical limitation, it does not apply to Ukrainians as they are from a European country. Then, how can this pattern be explained? Is it because of some legal barriers or the existence of better alternatives such as easy access to residence permits? What are the advantages and disadvantages of not seeking asylum for Ukrainians in the context of the Turkish asylum system?

The research will address these questions by examining the role of laws, procedures, and government policies to understand the reasons for this low rate. Legal doctrinal analyses of Turkish legislation on migration applicable to Ukrainians and in-depth interviews with Ukrainians, practitioners, and Turkish government officials will be employed to reveal the drivers shaping their behaviors vis-à-vis seeking or avoiding asylum.

Initial observations suggest that there is an interest convergence between the Turkish government and Ukrainians in their perception of the conflict as temporary. The Turkish government encourages short-term solutions for Ukrainians, which is probably a practical way of dealing with the issue in an increasingly hostile environment in Turkish society against refugees. On the other hand, Ukrainians benefit from rapid access to legal stay in Turkey. Additionally, it must be noted that Turkey's welcoming policy towards Ukrainians might be explained by broader global politics. Turkey has joined the international solidarity campaign with Ukrainians. Furthermore, this refugee policy can also be viewed as a component of Turkey's grand strategy in supporting Ukraine, simultaneously serving Turkey's interest in restoring its relations with the Western world.

Nevertheless, it is not guaranteed that the current relationship between Turkey and Ukrainians will remain the same, depending on internal and international politics, particularly if the conflict in Ukraine becomes protracted. Thus, international protection is, in any case, to remain an invaluable asset to be used by Ukrainians for a more secure future in Turkey.