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ABSTRACT

This research examines the influence of UNHCR as an international institution on Turkey in global refugee governance. The Syrian war was the cause of the large influx of refugees to Europe, Turkey, as a transit country, received many refugees who came before they were forwarded to third countries. Turkey has become the most significant country in responding refugee crisis, especially the Syrian refugee crisis. This study used a qualitative method of reading critically and then being analyzed for interpretation. The data was collected through library research. The author uses an international regime theory to explain the role of international institutions in influencing actors' behaviors. The results found that UNHCR, as an international institution, influences Turkey's behavior in dealing with refugee issues. UNHCR standards and refugee regulations affect Turkey to adjust and adopt policies in the field of education, temporary protection regulations, and policy standards for refugees with a certain sexual orientation. Even though UNHCR influences the Turkish government, referring to the theory as an international institution, UNHCR's role is not binding and intervening in Turkish policies. Hence, the policies adopted by the Turkish government are their own decisions because the policies also follow their goals.

Keywords: International Institution, Policy Influence, Refugee, Turkey, UNHCR

Penelitian ini mengkaji pengaruh UNHCR sebagai lembaga internasional terhadap Turki dalam tata kelola pengungsi global. Perang Suriah menjadi penyebab masuknya pengungsi dalam jumlah besar ke Eropa, Turki sebagai negara transit banyak menerima pengungsi yang datang sebelum diteruskan ke negara ketiga. Turki menjadi negara yang paling signifikan dalam merespon krisis pengungsi, khususnya krisis pengungsi Suriah. Penelitian ini menggunakan metode kualitatif membaca secara kritis kemudian dianalisis untuk interpretasi. Pengumpulan data dilakukan melalui studi kepustakaan. Penulis menggunakan teori rezim internasional untuk menjelaskan peran lembaga internasional dalam memengaruhi perilaku aktor. Hasil penelitian menemukan bahwa UNHCR sebagai lembaga internasional memengaruhi perilaku Turki dalam menangani isu pengungsi. Standar UNHCR dan peraturan pengungsi memengaruhi Turki untuk menyesuaikan dan mengadopsi kebijakan di bidang pendidikan, peraturan perlindungan sementara, dan standar kebijakan bagi pengungsi dengan orientasi seksual tertentu. Meskipun UNHCR memengaruhi Pemerintah Turki, mengacu pada teori sebagai lembaga internasional, peran UNHCR tidak mengikat dan mengintervensi kebijakan Turki. Oleh karena itu, kebijakan yang diambil oleh Pemerintah Turki adalah keputusan mereka sendiri karena kebijakan tersebut juga sesuai tujuan mereka.

Kata-kata kunci: Institusi Internasional, Pengaruh Kebijakan, Pengungsi, Turki, UNHCR

In 2020, there were over 3.6 million refugees from Syria in Turkey (Presidency of Migration Management 2020). The UN held the 1951 Convention to discuss the status of refugees through its agency, namely United Nations High Commissioner for Refugees (UNHCR). It gave birth to a statute related to rights for refugees signed by several countries. Then in 1967, the continued application of the 1951 convention, referred to as the 1967 protocol, came into force regarding the geographical boundaries of countries that were eliminated. Turkey is one of the 145 countries that signed both by maintaining its geography in the 1951 convention through the 1967 protocol (Zenginkuzucu 2021, 386–87).

The mass influx of refugees into countries, including Turkey, was due to the civil war in Syria. Turkey borders Syria, so many refugees see Turkey as a destination for escape. Despite referring to Turkey's declaration at the 1951 convention that did not recognize asylum seekers, Turkey allowed Syrian refugees to enter as temporary protection with Temporary Protection Regulation (TPR) referring to Law on International Protection and Foreigners (LFIP). UNHCR demonstrates its goal of assisting governments in dealing with the ongoing humanitarian crisis related to refugees through the development of Temporary Protection or Stay Arrangements (TPSAs); UNHCR also continues to emphasize the need for cooperation in responding to this humanitarian crisis due to the emergence of risks such as those caused by climate. Turkey, through its laws, temporary protection is to protect people who leave their country in urgent circumstances; because of adopting the LFIP, the Turkish Ministry of Internal Affairs can cooperate with UNHCR and other international organizations in managing the implementation of temporary protection (Zenginkuzucu 2021, 395-398). It is important that UNHCR was formed for humanitarian reasons so that caring for humanitarian victims is part of UNHCR's role (Ma'arif and Maksum 2022, 309) as how UNHCR sees Refugees.

Since the early 2000s, efforts to deal with temporary protection issues have been noticed by establishing common international standards, such as UNHCR's 2014 guidelines for TPSAs being the most common. Although Turkey adopted temporary protection in 2013 in the LFIP, the 2014 TPR guidelines, which are articles of the LFIP, are also followed by Turkey in implementing procedures and following its principles (Zenginkuzucu 2021, 405). Zenginkuzucu (2021, 406) sees that LFIP has a role in codifying the rights of refugees as equal to citizens, such as in terms of fundamental rights to education and freedom of religion. Additionally, Zenginkuzucu underlined the TPR that the contents of rights and freedoms must be expanded to reach international protection laws; temporary protection in terms of termination also needs to be determined more strictly with an assessment determined in cooperation with international institutions such as UNHCR. This research examines how UNHCR, as an international institution tries to influence Turkey in governance related to global refugees.

Methods to Assess the UNHCR and Turkey's Cooperation on Refugee Issues

To examine international cooperation between UNHCR and Turkey in dealing with global refugee problems, the authors use a qualitative approach to explain the complexity of the substance of the research content. Data was collected through a literature study collecting data in scientific articles, books, reports, and news. The secondary sources collected by the author are in the form of working papers from the official website of UNHCR or the Government of Turkey on each ministry website. The qualitative method used to process the data is descriptive by inductively analyzing the data that has been collected. To limit the scope of the research, the authors focus on and limit the explanation of how UNHCR. as an international institution, influences state actors, namely Turkey, in its policies regarding global refugee management. The data collected by the authors is limited to the literature that explains Turkey's cooperation with UNHCR. UNHCR's agenda in advocating for Turkey, and UNHCR's regulatory standards adopted by Turkey.

Key Concepts to Understand the Influence of UNHCR as an International Institution on Turkish Government Policy

International Regimes Theory

International regime theory has gained importance in the last two decades. Institutions and functioning rules are used collectively to govern many areas, such as trade and international monetary politics, which can be understood (Keohane 1982; Krasner 1982). In its function, the regime is closely related to the state, such as through mutually beneficial cooperation in its facilities. On the other hand, the regime impacts state behavior (Zürn 2018). However, because the state has the power to leave the regime, it does not mean state behavior is always forced by its will. So that in international regime theory, according to Gwynn (2019, 202), institutions can influence how actors behave and their preferences, but this influence can also be adjusted and decided consciously by related actors. Over time, the state is no longer the only actor due to the complexity of the global system. Institutions that are not bound under the jurisdiction of a country and have activities and interactions across territories, such as the European Union, companies, international institutions, and NGOs, can play a role in their operations with interactions with significant actors in the international system. So that in the international regime, we can see how international institutions impact world politics within the scope of the international regime.

Relational power can exist and support the creation of actors who structure situations to benefit their interests, an international regime can be formed from the accumulation of actors who use their power and form a regime, and then the regime is formed to apply to all members to benefit them. Even though the regime limits the actions of its members, the principle of an international regime that is binding will also work according to the interests of its members, so these ties tend to be insignificant. This approach with open power is unnecessary for actors with interests aligned according to the regime. In contrast, actors with significant power and influence will realize there is no need for protection in their relational strength because they tend to be respected. Pressure from actors can also influence the transformation and development of international regimes regarding demands such as distributed actor capabilities. Actors or countries that adapt to operate in line with the international regime consistently benefit from structural strength from other actors who are required to follow even with conflicting interests and potentially pose a risk to them. International regimes create structures on the broader picture, including power relations and international rules. International regimes can act as connectors by linking different domains, such as between financial domains and international financial institutions, such as banking (Gwynn 2019, 205-207).

As an international institution that focuses on refugee issues, UNHCR seeks to influence actors who also have the potential to assist humanitarian missions for refugees, such as through a framework in the form of cooperation or policy standards for actors to follow. Turkey is a country that has accepted refugees significantly with an open-door policy since the Syrian war. International regime theory explains how UNHCR, as an international institution, tries to influence Turkey in governance related to global refugees. UNHCR's regulatory standards related to refugees have influenced Turkey in several areas to follow related rules in dealing with the arrival of refugees. However, because Turkey's foreign policy focused on refugee issues, UNHCR's role is not seen as binding but rather assisting in achieving Turkey's interests. Hence, Turkey's policy of adjusting to UNHCR standards is an independent choice according to their interests without coercion.

Refugees' Temporary Protection in Turkey and UNHCR Influence

UNHCR plays a role in most of the cooperation it has with Turkey. In 2015, article 27 stated that applying for work permits to the Ministry of Labor and Social Security for people in temporary protection is mandatory. Meanwhile, Turkey had yet to implement regulations for foreigners seeking work permits. Then Turkey adjusted its regulations for the labor market for immigrants (Akçiçek 2015). Article 27 also states that temporary protection regulations must provide health services for temporary protection people. Turkey accommodates by providing all primary health services that

Turkish citizens receive through the Turkish Ministry of Health. However, obstacles such as language and lack of medical personnel often occur, and Syrian asylum seekers must still pay like Turkish citizens (Yavuz 2015). TPSA's temporary protection should be an international protection instrument, and UNHCR emphasizes this not to hinder the rights of asylum seekers. However, the TPR states that an application for international protection cannot be processed if the individual concerned is still under temporary protection, which affects citizenship rights. Turkey has ruled that people under temporary protection can obtain Turkish citizenship by marrying Turkish citizens for three years written in the Turkish Citizenship Law (TCL); it also allows citizenship applications in Turkey for foreigners who have lived for five years (Zenginkuzucu 2021, 400- 402).

Compared to other refugees, Syrian refugees have a different status and are counted separately in Turkey with temporary protection. The protests occurred due to different treatment; Afghan refugees protested after asylum seekers, and Afghan refugees, which should have been more than 25 thousand, only registered 10 thousand. Turkey is bound by the 1951 Geneva Convention regarding geographical boundaries; Turkey only provides international protection to asylum seekers who come from Europe, especially after the expansion of the implementation of the 1967 Protocol. However, Turkey still allows non-European refugees to be in Turkey temporarily until they are transferred to a country of destination or cooperation with UNHCR regarding their return. UNHCR, which has offices in Turkey, announced in May 2013 that all applications of Afghan asylum seekers would be suspended for six months. Non-European asylum seekers must follow procedures due to Turkey's geographical limitations: referring to the Geneva Convention, Turkish authorities and UNHCR work together to determine refugee status through interviews (Biehl 2015). Because Afghanistan is not a neighbor of Turkey, Afghan asylum seekers cannot apply in Turkey, but UNHCR adjusted and changed its policies (Erensu 2016, 666). In April 2015, there were protests related to the absence of a change in policy after a year had passed regarding the uncertain fate of Afghan migrants in Turkey; UNHCR cooperated with the police in requesting assistance regarding the handling of demonstrators in the second week of protests (Erensu

2016, 670).

Turkey is a transit country for refugees in migration policy and a focal point in cooperation with UNHCR. Since 1960, UNHCR has been present in Turkey without a formal agreement with the Turkish government, which was agreed upon; refugee status determination (RSD) is a procedure carried out by UNHCR in cooperation with the Turkish government. The strength of Turkey-UNHCR cooperation was strengthened due to Turkey's signing of the Geneva Convention and the 1967 Protocol regarding geography so that Turkey only recognizes refugees from European countries; UNHCR also allows Turkey's search for asylum for non-Europeans because of its authority in implementing RSD itself. Apart from that, strengthening cooperation between Turkey and UNHCR is also due to the status of refugees; UNHCR must move them outside Turkey because they cannot live permanently in Turkey. The UNHCR and the Turkish Ministry of Internal Affairs have previously had procedures since 1994, but the Turkish government tends to follow UNHCR decisions, so the UN tends to carry out RSD to seek asylum independently (Kirişçi 2012; Scheel and Ratfisch 2014, 927). Scheel and Ratfisch (2014, 928) explained that the population in Turkey became manageable and regulated as part of UNHCR's active participation. Sourced from EU funds, UNHCR has provided training seminars for Turkish officials since 1997, so they can understand and answer questions about asylum. The seminar impacted modifying the asylum law in Turkey, where revocation of clarification is not prohibited (Kirisci 2012).

The first time the drafting of Turkey's asylum law was carried out with UNHCR actively involved was the culmination of cooperation and trust that has existed for many years. In implementing refugee protection, UNHCR legitimizes border controls and forms border guards. In 2014, UNHCR continued its involvement in Turkey by establishing reception centers in 6 Turkish cities. The UN also actively compiles humanity-related recommendations in planning (Scheel and Ratfisch 2014, 929). Regarding the construction of facilities, Scheel and Ratfisch (2014, 930) state that UNHCR has played a role in the construction of deportation facilities, which will generally serve migration management, not only limited to refugee protection but also forced return or deportation of refugees. For

the Turkish population, UNHCR is becoming a solid instrument in accepting refugees by avoiding mixing refugees and legal migrants in its categorization. In its relationship with Turkey, UNHCR provides a control that limits the importance of adequate refugee protection, so UNHCR is open to more than influencing Turkey's policies regarding migration and the expansion of border controls. Together with the International Organization for Migration (IOM), UNHCR is also committed to facilitating the return of irregular migrants in 2011, which further explains UNHCR's active involvement in many techniques related to migration and Turkish refugees.

UNHCR-Turkey Education Cooperation for Refugees

In 2014, more than 7.5 million Syrians, almost half of the Syrian population, were forced to flee their country of origin due to the conflict (UNHCR 2014). More than 40% of refugees flee to nearby countries; children are the most conspicuous group because their educational needs must also be considered; host countries must understand and be able to prioritize this, especially Turkey, as the country most affected by the Syrian crisis. Even Turkey's demographic impact has dramatically changed after the Syrian crisis. In 2015 alone, over 1.8 million Syrian refugees were in Turkey, and more than half of them were vulnerable, with 50% being under 18 years of age and 75% being children and women. The Turkish government used a budget of 5.1 billion Euros in 2015, while international assistance is only 325 million Euros. Cooperation between Turkey and UNHCR continues with the increase in funding assistance from UNHCR to Turkey since 2010, which was initially only 15.6 million Euros. Even if assistance from all international organizations such as UNESCO, WHO, and UNESCO only reaches 20% of Turkey's estimated funding of 560 million Euros. So that Turkey's open-door policy towards the Syrian crisis far exceeded expectations and forced the Turkish government to continue to seek international support. However, the education sector still needs more attention even though the Turkish government has started to focus since 2013 (Seydi 2014), with 70% of Syrian children not attending school in 2014 (UNHCR 2014; Bircan and Sunata 2015, 226-227).

Turkish law provides all children in Turkey, including foreigners, with equal rights to an education at primary to secondary levels. There are three options to choose from, namely schools in the camp provided and operated by the Turkish Ministry of Education and the Disaster and Emergency Management Presidency (AFAD), then another option by registering at a Turkish school for those outside the camp, and the last, choosing schools provided by NGOs or community organizations for those who do not have a residence permit (Bircan and Sunata 2015, 228–29; Dorman 2014). In 2015, 70% of Syrian school-aged children in Turkey had no access to basic education for those living outside the camps, and UNHCR provided cash to support their education to gain access (UNHCR 2015). Because Turkey has the potential to experience a global shortage of funds in achieving teacher training targets, UNHCR has budgeted educational assistance to Turkey for the education needs of Syrian refugees of 13.7 million Euros for 2015. As for the humanitarian needs of vulnerable groups and refugee protection, the aid budget for Turkey reaches 54 million Euros in facing the Svrian crisis (Bircan and Sunata 2015, 233). UNHCR plays the role of the most prominent organization with a focus on refugees by assisting with an aid budget for education, and Bircan and Sunata (2015, 236) argued that the Turkish government, through Turkey's Ministry of Education, must commit to distributing assistance toward education for Syrian refugees, starting at the elementary to higher education.

UNHCR emphasizes protective policies and makes providing quality education an important priority. According to Beltekin (2016, 179), UNHCR's policy principles support the integration of refugees into the national education system, such as new standards and indicators that serve as benchmarks for advancing quality education and investment in ongoing training for teaching staff such as teachers. Turkey has become a home for many refugees from various regions; the global refugee wave caused by the Syrian War has made Turkey a destination for refugees from the Middle East, Africa, and Asia, even Eastern Europe (Dincer et al., 2013). In Turkey, education still tends to ignore the continuity of education for refugees. Turkey has struggled to maximize refugee education, but a systematic approach has not been achieved, resulting in difficulties. The role of the Turkish government through the

Ministry of Education is still ineffective due to a lack of policies related to refugee education. UNHCR has a role in evaluating and observing related to access, quality, participation, and protection to assess the educational needs of Syrian refugees so that they are met according to the level of criteria. Still, these needs are inadequately fulfilled by Turkey (Beltekin 2016, 186).

Turkey-UNHCR Framework on Queer and LGBTI Refugees

As a transit country, Turkey has become a destination for many temporary refugees for some time before heading to their destination country. While in Turkey, refugees must follow the rules for the legitimacy of asylum to competent authorities such as the Turkish asylum authority and UNHCR. There are special groups, including lesbian refugees from Iran, who must follow government legal entity regulations regarding their real identity. Sarı researched one of the lesbian refugees who had been in Turkey for four years waiting for a third country's willingness to accept her, the lesbian refugee needed to verify her sexual orientation through an interview process with UNHCR and the Turkish asylum authority. UNHCR and the Government of Turkey do not provide financial or legal assistance to LGBT refugees, so they are required to independently seek assistance in Europe and North America for financial and legal support (Sari 2020, 1-3); all these efforts to claim asylum from the Turkish authorities. UNHCR as well as the authorities of the destination country (Biehl 2015). One of the other refugees interviewed by UNHCR was given a recognition letter to prove her sexual orientation. She then used the letter from UNHCR as credible evidence that she was a lesbian. Sari (2020, 10-11) sees the use of the recognition letter from UNHCR to provide a broader picture of how the transnational asylum system practices towards refugees. As for lesbian refugees, if they have married the opposite sex and even have children, UNHCR will reject their legitimate claim, and other LGBT refugees will see them as bisexual, not lesbian.

The 1951 Convention and the 1967 Protocol became Turkey's foundation in broad limits on protection, where acceptance of

refugees was only for Europeans. Still, the Turkish government's policy adjustments allowed non-European asylum seekers to live in Turkey until UNHCR decided on their fate temporarily. For the application process, refugees must register with UNHCR and the Turkish Ministry of Interior, and then refugees wait for several years for interviews to be conducted. They can apply for resettlement to a third country if they pass and are approved as refugees. When finished with registration at UNHCR, applicants go to the place where the Turkish police have registered them for an interview and need to stay while the interview process runs. The applicants are evaluated by UNHCR and the embassy of the country of asylum in their medical and psychological examination. In Turkey, there were more than 530 LGBTI refugee applicants between January 2010 and July 2013, according to UNHCR data. In the beginning, many asylum seekers still received sexually sensitive questions until finally, UNHCR educated its staff through literature results and improvements to UNHCR guidelines. UNHCR conducts training efforts for its officers in Turkey regarding homophobia and transphobia, and normative ideas about gender and sexuality are also maintained (Shakhsari 2014, 1000–1002).

Turkey, in the special refugee law related to UNHCR, only refugees under international protection can be handled by UNHCR through RSD to be transferred by UNHCR to a third country. Turkey has geographical limitations referring to the 1951 Convention; full protection only applies to refugees from Europe. However, non-European asylum seekers are still processed by Turkey regarding the regulation for foreigners referring to LFIP by allowing them to stay temporarily until transfer to a third country through UNHCR; UNHCR processes applications according to the convention's provisions in categorizing them. If refugee status is granted, UNHCR will guarantee temporary residency and rights in Turkey for resettlement (Sarı and Dincer 2017, 60). The process of seeking asylum and resettlement in Turkey, which cooperates as UNHCR implementing partner, has several steps, starting from registration in Ankara and the migration office, making ID cards for foreigners, interviewing, and granting refugee status, then interviews for resettlement and UNHCR decisions regarding the country third for refugees. Queer refugees tend to be different and have complicated steps; during the RSD interview, UNHCR officers require credible

reports that burden queer refugees (Murray 2014, 26) with evidence to prove their sexuality. Turkish officials have concerns about homophobic discourse regarding the inability to talk about gender identity, which could result in cases of fake refugees who should not be given refugee status (Koçak 2020, 6-8).

In Turkey, resettlement can begin if the applicant has received legal status as a conditional refugee with international protection. For resettlement interviews, UNHCR asked queer refugees to describe acts of gender-based persecution in Turkey and their country of origin in their presentations. Koçak (2020, 13-14) explained the concerns of queer refugees while in Turkey regarding the problems they face; UNHCR is expected to play a role in becoming a forum and means of reporting for refugees regarding their vulnerability, such as UNHCR's determination of persecution criteria in asylum countries and being able to contact UNHCR directly by telephone or face-to-face regarding cases of persecution. Resettlement by UNHCR and Turkey's refugee law involves discussion of gender and sexual abuse, with resettlement impacting the role of international refugee governance in Turkey as it does for queer refugees (Koçak 2020, 16).

Conclusions

As an international institution focusing on the most well-known and significant refugee issues, UNHCR seeks to spread its influence to address refugee issues effectively. UNHCR does not have the authority to intervene in policies, so the role that can be utilized is advocacy and dialogue with actors who also have an agenda on refugee issues. Turkey is one of the largest donor and recipient countries of refugees in the world; with a significant role, UNHCR realizes the need to cooperate in realizing a humanitarian mission for refugees. Several agendas have become UNHCR and Turkey's collaboration on refugee issues, starting from ratifying the 1951 Geneva Convention and the 1967 Protocol, which caused geographical boundaries so that only Europeans could legally be considered refugees. However, in this case, Turkey adjusted by continuing to accept non-European refugees and permitting them to stay temporarily; UNHCR assisted in transiting these

refugees until later the refugees could be determined. This article concludes that UNHCR's influence, although it cannot intervene in Turkish policies, can influence the Turkish government to participate in adopting suggested policies and regulations through dialogue, cooperation, and collaboration carried out by UNHCR with the Turkish Government. Starting from temporary protection for refugees, a rule adopted by Turkey in dealing with refugee problems, the implementation of temporary protection for refugees by Turkey cannot be separated from UNHCR's role. In education, UNHCR is channeling financial assistance to help refugees in Turkey, creating a more solid dialogue between UNHCR and Turkey to facilitate education for refugee children in Turkey. UNHCR's influence on the Turkish Government's policy for refugee education in Turkey integrates the cooperative relationship between the two. Then, for refugees with a specific sexual orientation, LGBTI and queer refugees are also of concern to UNHCR and the Turkish Government, seeing discrimination and homophobia around them. Although not significant, the training and education on gender issues for officers in Turkey, to discussions about gender involved in the Turkish refugee law, proves the awareness of UNHCR and the Turkish Government to facilitate them, as well as evidence of UNHCR's influence on policies that adopted by the Turkish Government.

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