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SELECTIVE HUMANITY:

THE SOCIAL and ECONOMIC ORIGINS of STATE RESPONSES TO ASYLUM CRISES

by

GULCAN SAGLAM

Under the Direction of Charles Hankla, PhD

ABSTRACT

Even though electoral democracies that are party to the refugee protection regime have adopted broadly similar refugee norms, there is still significant variation within and across countries in their responses to asylum crises. To address what explains this variation in national asylum regimes, I develop an interdisciplinary model for asylum policy-making undergirded by classical theories of forced migration, political economy and identity politics. I focus on the dyadic relationship between a destination country and a particular asylum-seeking group, and contend that the labor absorption capacity and social willingness in destination countries will shape their asylum policy responses. The labor absorption capacity is a function of institutional factors in the destination country, such as the industrial relations and skill training systems, and determines whether the labor market has the capacity to absorb the incoming refugee labor. The social

willingness is socially constructed and reflects the level of acceptance the host community has towards a particular asylum-seeking group. The dissertation takes an important step towards unpacking destination country asylum policies systematically while controlling for the merit of the asylum claim at hand. My predictions are borne out in a mixed method approach. The quantitative analysis of asylum policies of 30 OECD countries between 2000 and 2014 indicate that the labor absorption capacity and social willingness have statistically and substantively significant positive effects on destination country asylum policies. Destination countries with higher levels of labor absorption capacity have higher Refugee and Total Recognition Rates. Furthermore, higher social willingness to protect a particular asylum-seeking group leads to higher Refugee Recognition Rates in destination countries. The qualitative analysis lays out the causal mechanisms behind the correlation between my dependent and independent variables with in-depth case studies of Turkish and German national asylum regimes during various waves of asylum crises.

SELECTIVE HUMANITY:

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GULCAN SAGLAM

A Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of

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Georgia State University

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DEDICATION

To all the moms with a passion for knowledge, who spend many sleepless nights studying and many busy days taking care of their kids

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LIST OF ABBREVIATIONS

AFAD ....Başbakanlık Afet ve Acil Durum Yönetimi Başkanlığı

(The Disaster and Emergency Management Presidency of Turkey)

AfD ....Alternative für Deutschland (Alternative for Germany)

AKP...Adalet ve Kalkinma Partisi (The Justice and

Development Party)

BAMF ....Bundesamt für Migration und Flüchtlinge (Federal

Office for Migration and Refugees)

CDU...Christlich Demokratische Union Deutschlands (The

Christian Democratic Union of Germany)

CGB...Christlicher Gewerkschaftsbund (Christian Trade

Union Federation

CHP...Cumhuriyet Halk Partisi (The Republican People's

Party)

CIA...The Central Intelligence Agency

CME...Coordinated Market Economies

CUP...Ittihat ve Terakki Partisi (The Committee of Union and

Progress)

Dbb...Deutscher Bamtenbund und Tarifunion (German Civil

Servants Union and Wage Union

DGB...Deutscher Gewerkschaftsbund (German Confederation

of Trade Unions)

DISK ....Türkiye Devrimci İşçi Sendikaları Konfederasyonu

(The Confederation of Progressive Trade Unions of Turkey)

ECHR...The European Court of Human Rights

EU...	The European Union
FDP	Freie Demokratische Partei (Free Democratic party)
FRG	
GDP...	Gross Domestic Product
GNI...	Gross National Income
Hak-Is	Confederation of Turkish Real Trade Unions (Türkiye

Hak İşçi Sendikaları Konfederasyounu)

IDP	Internally Displaced People
IG Metall	Industriegewerkschaft Metall (Industrial Union of

Metalworkers)

INSCR..	Integrated Network for Societal Conflict Research
ISI..	Import Substitution Industrialization
LME..	Liberal Market Economies
MHP...	Milliyetci Hareket Partisi (The Nationalist Movement

Party)

MISK...Türkiye Milliyetçi İşçi Sendikaları Konfederasyonu

(Turkish Nationalist Workers' Unions).

MME...	Mixed Market Economies
NEET	The rate of youth not in employment, education, or

training

NGO	Nongovernmental Organization
OECD..	Organization for Economic Co-operation and

Development

PKK...Partiya Karkerên Kurdistanê (The Kurdistan Workers'

Party)

R&D ....Research and Development

SME..Small and Medium Sized Enterprises

Turk-Is..Türkiye Işçi Sendikalari Konfederasyonu (The

   Confederation of Turkish Trade Unions)

UK ....The United Kingdom

UNAMA..The United Nations Assistance Mission in Afghanistan

UNHCR..The United Nations High Commissioner for refugees

UNICEF ....The United Nations Children's Fund

USSR..The Union of Soviet Socialist Republics

VET ....Vocational Education and Training

VoC ....Varieties of Capitalism

WW 1 .... The World War 1

1   INTRODUCTION

The 1951 Geneva Convention along with the 1967 Protocol defines a refugee as a person, who "owing to 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.[1]" This definition also applies to stateless persons, where "country of origin" refers to "country of former habitual residence." The Convention sets non-refoulement as a strong principle and forbids states from rendering of a person fleeing persecution back to his or her persecutor. Once they cross an international border, the Convention claims, refugees are entitled to rights that cannot be less than the rights of any non-citizen living within the borders of the host country.

However, mentioned rights and responsibilities are not self-executing. Destination countries choose which part and how much they will adopt in each asylum case. When large numbers of asylum seekers cross international borders in a short period and ask for protection from the destination country, aka when there is an asylum crisis, destination countries do not respond uniformly. For example, when faced with "the worst humanitarian crisis since the World War II[2]", Austria and Hungary sealed their borders with razor-wire barriers to prevent asylum seekers crossing their borders,[3] while Greece, France, and Italy put them in inadequate, isolated, and mostly dangerous refugee camps within their borders[4]. Slovakia announced it will accept only Christian Syrians as

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[1] http://www.unhcr.org/3b66c2aa10.html

[2] UNHCR (2017) (Accessed 04/20/2017) http://www.un.org/apps/news/story.asp?NewsID=56339#.WRYLaxPysWo

[3] Reuters (2016) (Accessed 04/20/2017) https://www.rt.com/news/357264-hungary-fence-migrants-refugees/
Wall Street Journal (2015) (Accessed 04/20/2017) https://www.wsj.com/articles/austria-to-build-fence-on-slovenia-border-to-slow-flow-of-migrants-1446024586

[4] The Guardian (2017) (Accessed 04/24/2017) https://www.theguardian.com/global-development/2017/apr/24/eu-urgent-protection-23000-unaccompanied-child-refugees-squalid-camps-greece-italy
The Guardian (2017) (Accessed 04/24/2017) https://www.theguardian.com/world/2017/feb/12/dunkirk-child-refugees-risk-sexual-violence

refugees and closed its doors to Syrians from other religious affiliations[5], while German Chancellor Angela Merkel became "the compassionate mother[6]" of refugees due to Germany's open door policy that provided humanitarian protection, if not full recognition, to all Syrians. However, the same Mama Merkel also initiated the repatriation and deportation of hundreds of Afghan asylees[7] claiming their country was "safer[8]". Wealthier countries such as Denmark and Sweden announced their economies could not support the incoming refugee flow while Turkey, a country with half the GDP[9], has spent around $25 billion[10] of its money to accommodate 2.9 million registered Syrians living in the country[11]. Even though all member states that are party to the refugee protection regime adopted broadly similar refugee norms, why is there still significant variation within and across countries in how they respond to asylum seeking groups?

A survey of the literature in the next section reveals that asylum is a complex phenomenon, and there is not a single encompassing answer that explains why states respond in a particular way during an asylum crisis. That is why I develop an approach that takes both economic and social pressures into account. My theory borrows heavily from Hall & Soskice's Varieties of Capitalism (2001) and Simmel's social distance (1950) concepts, and elaborates on the idea that local absorption capacity (Jacobsen 1996), which entails ability and willingness of a state to host refugees, might be the key to understanding states' responses to asylum crisis.

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[5] BBC (2015) (Accessed 04/20/2017) http://www.bbc.com/news/world-europe-33986738
[6] The Guardian (2015) (Accessed 04/20/2017) https://www.theguardian.com/world/shortcuts/2015/sep/01/mama-merkel-the-compassionate-mother-of-syrian-refugees
[7] I use asylum seeker and asylee interchangeably throughout the paper.
[8] Janosch, Delcker (2015) Germany Cracks Down on Afghan Migrants. (Accessed 04/20/2017) http://www.politico.eu/article/germany-afghan-migration-asylum-refugees-syria/
[9] OECD (2017): Data/ Turkey (Accessed 04/20/2017) https://data.oecd.org/turkey.htm
[10] Milliyet (2017) (Accessed 04/20/2017) http://www.milliyet.com.tr/-suriyeliler-icin-yapilan-harcama-gundem-2396935/
[11] Al Jazeera (2017) (Accessed 04/20/2017) http://www.aljazeera.com/news/2017/01/erdogan-offers-citizenship-syrian-iraqi-refugees-170106195134961.html

To address what explains the variation in states' asylum policies during an asylum crisis, this study develops an interdisciplinary model for asylum policy-making undergirded by classical theories of forced migration, comparative political economy and identity politics. Its central predictions concern electoral democracies that are party to the refugee protection regime. The boundary condition is that these electoral democracies have the necessary capacity to control their borders and actually implement their preferred asylum policies on the ground. In this sense, this present study takes an important step towards explaining destination country asylum policies systematically while controlling for the merit of the asylum claim at hand. I contend that higher levels of labor absorption capacity and social willingness will lead to more inclusive asylum policies and higher recognition rates in destination countries. Accordingly, the more a market tends to fall toward the liberal market economies in terms of its labor market institutions, the more likely it will have higher levels of labor absorption capacity and therefore the higher the recognition rates in this destination country will be. Additionally, the lower the social distance between a host community and a particular asylum seeking group is, the higher the social willingness to protect them will get, and therefore the higher the recognition rates this destination country will be.

To test these hypotheses, I resort to a mixed method, making use of statistical analysis on the one hand and comprehensive case studies through process tracing on the other hand. I first test the correlation between my dependent and independent variables in a quantitative analysis of asylum policies of 30 OECD countries during different episodes of asylum crises. The destination countries I used for the quantitative analysis are Australia, Austria, Belgium, Canada, Chile, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, Turkey, United Kingdom, and United States. My unit of observation is a destination country-asylum-seeking group duo. Making use of a series of ordinary least squares models, I have

found that the labor absorption capacity in a destination country has statistically and substantively significant positive effects on both refugee and total recognition rates, while social willingness has a statistically significant positive effect on refugee recognition rates. That means having a legitimate claim to asylum does not necessarily and automatically lead to refugee recognition or temporary protection in destination countries. Even governments with an anti-immigrant or anti-refugee agenda are likely to take the labor absorption capacity of their economy into account and formulate their asylum policies accordingly. Moreover, destination countries also take social willingness into account for long-term, more comprehensive refugee protection regimes.

After establishing a correlation between the labor absorption capacity and social willingness on the one hand and destination country recognition rates on the other hand, I study the causal mechanism behind this correlation through analyses of Turkish and German national asylum regimes. The qualitative case studies are based on primary and secondary data, and are designed to evaluate the theory's implications for the variation in Turkish and German responses to different asylum-seeking groups. I analyze how the process through which the economic institutional structure and social distance between the host community and a particular asylee group shape the national asylum regimes in these two cases.. I compare Turkey's response to Turkish-Muslim asylum seekers fleeing Bulgaria in 1989, Kurdish asylum seekers fleeing Iraq in 1988, and (mainly) Sunni Arab asylum seekers fleeing Syrian civil war since 2011. As for the Germany's national asylum regime, I compare Syrian and Afghan asylum-seekers between 2014-2016, and try to explain how the response of the German state varies based on its labor absorption capacity and social distance towards each asylee group. Within each case, I make use of the most similar systems research design as the economic capacity remains constant within the case while social willingness varies depending on the asylee group.

Through my analysis of the Turkish case, I find that Turkish responses to the Muslim Turks fleeing Bulgaria in 1989, the Kurds fleeing the atrocities of the Saddam regime in 1991, and Syrians seeking refuge from the intense civil war in 2011 have been quite different from one another. The Turkish case shows that in a country such as Turkey, which has had a high capacity to absorb the incoming refugee labor pool with general skills, the narratives surrounding refugees, national identity of the host community, as well as its historical relationship with the incoming asylee group, determine the asylum policy. Turkey granted full citizenship to the Muslim Turks, tried very hard to exclude the Kurds as much as possible, and promised to tolerate the Syrian Arabs temporarily.

Although Germany is a tough case for my theory, through my analysis of German case I find that low labor absorption capacity and social willingness did indeed shape Germany's response to 2014-2016 asylum crisis, and led to a more exclusive asylum policy contrary to the general perception in public and scholars. Even though Germany had to open its doors to asylum seekers due to the intense media coverage and the self-image of the German society, which locates Germany as the champion of human rights and internationalism, German hospitality did not last long. The country tried to keep asylum seekers from reaching its borders by every means possible, including reinstating its borders, signing migrant agreements with safe-third countries, and deportations that are against the German and European regulations.

2   ALTERNATIVE EXPLANATIONS

There is an ongoing debate among scholars of international migration in general and forced migration in particular regarding the factors that affect asylum policies of destination countries. A group of researchers argues that factors that are deeply rooted in the international system create systemic constraints on nation states and shape their asylum policies. Accordingly, similar

international pressures diminish the gap between different national practices and force liberal democracies to adopt similar policy instruments for controlling refugee flows from developing countries (Sassen 1996, Soysal 1994, Cornelius et. al. 2004, Chimni 1998, Duffield 2001, Castles 2003, Zetter 2007). Others, on the other hand, attribute more power to state sovereignty. These scholars contend that domestic economic, political and social factors are more likely to shape state responses to asylum crises (Hein 1993, Jacobsen 1996, Veney 2007, Milner 2009, Betts 2013, Hollifield 1992, Freeman 1995). Such factors shape state preferences and interests and use institutional channels to influence the formulation of asylum policy at the national level.

2.1 International Factors:

Every explanation for refugee protection starts with the premise that refugees are an integral part of the international state system. Scholars from different schools of thought believe that the refugee concept is only meaningful by reference to the nation state (Betts 2009, Milner 2009, Snyder 2010, Madokoro 2012, Rae 2002, Asres 2007). On the one hand, refugees are the inevitable consequence of the international state system as they represent a breakdown of the state-citizen-territory nexus (Haddad 2008). On the other hand, they underscore the official state boundaries, indicate a clear distinction between citizens and non-citizens, and thereby reinforce the Westphalian state system (Haddad 2008, Soguk 1999, Linklater 1992).

2.1.1 Globalization

That is why Westphalian state and its foundational characteristics such as sovereignty and national borders lie at the heart of the discussion regarding refugee flows from mostly developing countries. Scholars who emphasize the effects of international systemic factors question the very notion that the Westphalian state is capable of controlling its borders. They contend that it might be an overstatement to talk about national "formulation" of asylum policies in a world ruled by the

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inescapable forces of globalization (Sassen 1996). In this world, transnational communities, human rights norms, and strong structural pull and push factors drive states' asylum policies (Sassen 1996). Accordingly, "in a world within which rights and identities derive their legitimacy from discourses of universal personhood, the limits of nationness, or of national citizenship, for that matter, become inevitably irrelevant," (Soysal 1998, p. 208). In other words, state sovereignty and national citizenship have become increasingly irrelevant due to the expansion of rights enjoyed not only by citizens but also permanent residents of a nation state and the prominence of international human rights norms (Sassen 1996; Soysal 1998).

If states have very limited capabilities to control immigration flow effectively as Sassen and Soysal argues, they should have even less control when it comes to managing asylum crises. After all, what distinguishes asylum from any other kind of immigration is that there is an international regime designed to guide and regulate state policies. The international refugee regime created in 1951 provides protection for refugees fleeing their country of origin due to political reasons on the basis of universal human rights, not national citizenship. Having said that, considering that the effectiveness of any international organization highly depends on promoting and fulfilling its mandate, the extent to which international refugee regime, especially UNHCR, is effective in influencing state behavior is subject to scholarly debate.

2.1.2   *International Refugee Regime*

A group of scholars contend that international organizations, especially UNHCR, push states for more open asylum policies. By maintaining its legal and non-political character, the UNHCR built up a moral authority on states as a knowledgeable non-political actor concerned about refugee protection and was able to affect state behavior between its establishment in 1950 until 1970s ((Loescher 2001, Loescher et. al. 2008).

However, over time the organization went through a major expansion, both in its mandate and operations. It expanded refugee camps, participated in repatriation operations, and engaged in the protection of other forced migrant groups such as internally displaced people (IDPs) (Betts et. al. 2008). By the 2000s, there was a shift in global discourse in refugee protection from forced/voluntary to legal/illegal nexus. Parallel to that, the number of international organizations and NGOs that work on human rights of different vulnerable groups including IDPs, trafficked persons, ecological migrants, undocumented migrants have increased (Betts 2009b). The institutional competition opened the door to the possibility of "forum shopping" for states and weakened the refugee protection regime (Betts 2009b). To remain relevant to states' asylum policies, UNHCR has increasingly expanded to other issue areas such as IDP protection and the protection of some groups of irregular migrants (Betts 2009).

On the one hand, the expansion of the work and mandate of the UNHCR has been necessary to ensure its ongoing relevance to states (Cohen 2006). Via using persuasion, socialization and its moral authority, UNHCR was able to influence state action (Loescher 2001) and confront member states (Chimni 1998). On the other hand, these expansions hindered the nonpolitical character of UNHCR, reduced its moral authority, and dispersed its resources (Betts et al. 2008, Betts 2009b). As a result, the organization had to appeal increasingly to the interests of powerful donor states in an attempt to protect its mandate and core principles (Betts 2009b, Chimni 1998, Betts et. al. 2008).

If UNHCR has gradually lost its moral authority along with its nonpolitical character, what convinced states to cooperate and contribute to refugee protection? That is, considering the majority of displacement takes place between developing countries in the South, what factors influence Northern states' policies to share the burden of the refugee crisis in Southern states?

Suhrke (1998) has argued that in the absence of some international institutions, the answer to these questions is simply "none," and that is why there are millions of protracted refugees in the South living in desperate situations in insecure refugee camps. "Because the costs of providing protection are borne by individual states but the benefits accrue to all states even if they do not contribute," Suhrke contends, "the refugee regime is a global public good and likely to be characterized by collective action failure," (Suhrke 1998, Betts 2009, p.26). Northern and Southern states fail to cooperate in the global refugee regime because the Northern states can free ride and refuse to contribute to refugee protection while the Southern states bear the costs (Suhrke 1998). Therefore, only hegemony may overcome this collective action failure and facilitate cooperation in the refugee protection regime (Suhkre 1998). A benevolent or coercive hegemon will either be willing to carry the burden alone or persuade/coerce others to cooperate (Suhrke 1998).

Betts (2009), however, has a different view of the nature of this collective action failure, and thus offers a different solution. According to Betts, it is a Suasion Game- not a Prisoner's Dilemma- that characterizes the nature of the collective action failure in the field of refugee protection. It is a Suasion Game because unlike Prisoner's Dilemma the two parties are not equal. Northern states have little incentive to contribute, and Southern states have little power to persuade them (Betts 2009). One way of overcoming suasion games is issue linkage, and, therefore "to understand how states respond to refugees, it is necessary to look at the way in which refugee protection is interconnected with other issue areas such as migration, security, development, trade, and peace-building," (Betts 2009, p.175). Betts contends that historically, North-South cooperation has been most likely to occur in the global refugee regime when UNHCR has linked refugee protection to such broader interests of Northern states (Betts 2009).

Taking into account all these shortcomings, many scholars have questioned the ability of UNHCR to pursue its protection agenda and influence state policies (Scheels & Ratfisch 2014, Long 2013). Skeptics have contended that as an international organization that relies almost entirely on voluntary contributions from governments, UNHCR has very limited autonomous power (Chimni 1998). That is why when states decide to adopt particular policies out of their national security concerns, UNHCR has no option but to complain and comply (Long, 2013). Furthermore, let alone influencing and regulating state behavior in accordance with the refugee protection regime, UNHCR has usually served to the interests of powerful donor states (Chimni 2009). By officially indicating that those who do not fall into the narrow category of refugee are illegals, UNHCR has been part of a broader migration management strategy of the Northern states (Chimni 1998, Scheels & Ratfisch 2014).

2.1.3   Structural Inequalities

Critical Theorists have argued that deeper structural inequalities in the international political economy have created a system, in which only powerful states in the Global North have the ability to formulate their national asylum policies in accordance with their national interests while Global South simply do as told (Chimni 1998, Zetter 2007).

States in the international system are not alike, and European state building as a model has failed to travel to other regions. Most Third World states have failed in Weberian sense as "sovereign" powers, whose legitimate rule and control stretches to its external boundaries (Buzan 1991, Herbst 2000). Many of these Third World states "have been states more in a judicial rather than in an empirical sense of the term," (Asres 2007, p.40). While the European state-building experience assumed hierarchy in the domestic arena and anarchy in the international arena, for these states it was anarchy that ruled the domestic arena and hierarchy that defined the international arena (Buzan 1991, Holsti 1998). Strategic use of humanitarian and development assistance by the North has been

the landmark of systemic hierarchy (Duffield 2001). This international inequality and hierarchy ensured that the responses of Third World countries to refugee crises represented not their national interests, but that of the Northern states' (Chimni 1998, Castles 2003). Since the underlying aim was to contain and securitize possible trans-boundary spillovers from the South, the resulting burden-shifting on the part of donor states also exacerbated the decline in protection standards in that part of the world (Crisp 2000, Castles 2003, Bakewell 2014).

Nevertheless, while globalization and international refugee regime may constrain state behavior to an extent, we have witnessed over and over again that the Westphalian state is more than able to exercise its sovereignty even in developing countries when it comes to dealing with non-nationals (Veney 2007). In other words, even in an otherwise highly globalized world "for people barriers to mobility remain strong," (Veney 2007, p.65).

One such important barrier is the foreign policy considerations of states. Changes in the international power structure and the need to balance power compel states to adopt policies that will markedly increase their relative power in the system, or at least not hinder it. This concern determines whether states will accept scores of refugees or not (Loescher & Scanlan 1986, Loescher & Monahan 1989, Hein 1993, Scalettaris 2007, Roberts 1998, Davies 2006).

2.1.4 Balance of Power Considerations

States will use asylum as a tool to gain leverage and increase their relative power in the international system by either sending out mass refugee flows (Snyder 2010) or by taking in a generous number of refugees from hostile states (Rosenblum & Salehyan 2004). Sending out high numbers of refugee populations may be used as a weapon to "intimidate neighboring countries into making concessions" by the threat of overburdening their economic, social and political resources (Snyder 2010, p.31). At the same time, accepting a generous number of asylees from hostile states may also be used as a

weapon to undermine the legitimacy of governments in the sending states (Rosenblum & Salehyan 2004).

For example, in their seminal work Calculated Kindness: Refugees and America's Half Open Door 1945-Present Loescher and Scanlan (1986) show how national interests, foreign policy constraints and ideological concerns consistently defined the US response to refugees fleeing from East to West. The study indicates a selective open door policy to asylum seekers on the part of the United States. According to Loescher and Scanlan, the US response to asylum crises was "calculated," because the admission of refugees from communist countries was a tool for underlining Western economic, political and ideological supremacy over the Soviet Union (Loescher & Scanlan 1986). On the other hand, the door was always only "half-open" because almost no refugees from right-wing dictatorships were admitted (Loescher & Scanlan 1986).

As refugee protection has become more and more politicized, host states have started to see refugees as a potential threat to their national security and relative power. That is why there has been an increase in the number of states that adopt restrictive asylum policies to mitigate the negative security implications of hosting them (Milner 2009, Rogge 1981, Loescher & Monahan 1989, Lischer 2005). Direct security concerns related to asylum usually stem from the possibility of armed elements within the refugee population seeking refuge on the other side of the border (Milner 2009, Rogge 1981, Loescher & Monahan 1989, Lischer 2005). The scholars underlining the direct security concerns usually base their claims on the experience of Third World countries, particularly African host states, during the Cold War. During the Cold War, Western powers provided support to refugee combatants and used refugee camps as sanctuaries for these guerilla warriors in internal and interstate conflict (Rogge 1981, Loescher & Monahan 1989, Lischer 2005).

Scholars also point out to indirect security concerns related to refugee camps such as increased crime and wider trafficking in arms as factors pushing states to adopt more restrictive asylum policies (Crisp 2003). They might also lead to clashes with the local community due to discrepancies in living standards (Milner 2009). These security concerns have contributed to the securitization of refugees and resulted in restrictive asylum policies such as encampment (Loescher 2001). Encampment, the argument goes, has been necessary to better able to segregate, control and limit the impact of refugees on the local community (Loecher 2001).

However, "national security with regard to the nation/state nexus can be read in several different ways" (Buzan 1991, p.77). That is, different states will experience very different kinds of insecurity based on their national security definition. For example, Devetak and True (2006) compare the security perception of two states, Australia, and New Zealand and try to answer how their different national security readings influence their asylum policies. They have found that contrary to Australia's traditional state-centric concept of security; New Zealand has a multidimensional security understanding including "threats to individual socio-economic well-being, environmental sustainability and regional stability and prosperity," (Devetak & True 2006, p.253). As a result, New Zealand responds to refugee crises with more humane and inclusive policies while Australia over securitizes asylum and depends on exclusionary policies (Devetak & True 2006).

Critics of security perspective also contend that the failure to distinguish between refugees and fighters leads to an unnecessary securitization of the refugee population as a whole (Juma 2002). This "failure" might be a deliberate host state strategy to facilitate the securitization of the entire refugee population for political purposes (Hammerstad 2010, Devetak & True 2006). Hammerstad (2010, p.268) argues that states employ "security discourses of fear and unease, positing particular groups or phenomena as threats to the group's cohesion, identity, way of life" to justify

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securitization of domestic realm. In some instances, refugees do not even need to be within the boundaries of a state to become an instrument for the construction of the security agenda. When human rights organizations and NGOs hinder securitization and criminalization of asylum seekers at home, states will construct their security agenda in third countries by expanding and rescaling the refugee problems (Somers 2004). This rescaling as well as border controls, detention centers, labeling, and media propaganda hinder the agency citizens and weaken democratic norms in the domestic realm (Bosworth 2008). At the end of the day, the critics conclude, it is the individual who is threatened by the policies and inadequacies of the government, not vice versa (Booth 1991).

2.2   Domestic Factors

Globalization and international refugee regime put pressure for the movement of refugees across borders relatively easily. On the contrary, the distribution of power and relative position of states in the international system predicts securitization of asylum, which creates an exclusion bias in host state policies. However, not everybody agrees that international pressures are the driving force behind states' asylum policies. Even though the connection between the changes in the international political economy and states' immigration policies is undeniable, many scholars believe that one has to open up the black box of the nation state to understand what shapes states' asylum policies. According to these scholars, the crisis of "migration management" in general and asylum crisis in particular derives largely from political, social, institutional and economic factors occurring within host states (Cornelius et. al. 2004, Hollifield 1992, Freeman 1995, Loescher 1989, Gibney 2002, Veney 2007, Milner 2009, Gottwald 2014).

2.2.1 *Political Factors*

In liberal democracies, the emphasis should be less on societal interests, and more on how and on what grounds states operate (Hollifield 2008). The biggest constraint on states' migration policies, which Hollifield calls as liberal paradox, is the tension between the need to be economically open and politically close while at the same time staying loyal to the demands of the political liberalism. On the one hand, states prefer to close-up their borders to secure legitimacy through protecting the rights of their citizens. On the other hand, they must keep their economies and societies open to being able to compete in the world market. In addition to the market forces, "the increase of rights-based politics" and increasingly liberal judiciary create a "strange bedfellow coalitions of left-liberals and libertarian-conservatives" that push for more inclusionary policies (Hollifield 2008). This "tug-of-war between national interests pulling for tighter asylum policies and moral arguments pulling for loser ones" is what drives asylum policies of liberal democracies (Steiner 1999, p. 46). If this line of reasoning is correct, we would expect more inclusive asylum policies from established liberal democracies with strong liberal institutions.

However, that is not the case. Democracy or democratization does not automatically translate into more inclusive asylum policies and higher recognition rates. For instance, the rise of multiparty democracy in Africa has arguably diminished the autonomy of state elites and marked a shift in asylum policies towards a more restrictive direction (Gibney 2002, Milner 2009). While maybe, in theory, democracies have certain values, which will make them respond in a more humane way than others to forced migration (Steiner, 2003), empirical data shows that there is no democratic dividend for refugees (Veney 2007). Milner (2009) argues that in many developing countries structural adjustment policies that entailed liberalization and democratization lead to more exclusionary policies towards refugees. According to Milner, structural adjustment programs increase competition for scarce resources, and democratization enables citizens to punish the incumbents through

electoral process for giving away these limited resources to "foreigners" (Milner 2009). Not only newly democratizing countries but also well-established Western democracies resort to increasingly restrictive asylum policies (Gottwald 2014).

Thus, not the regime type, but the ideology and the clientele of the governing party might be effective in determining how states respond to asylum seekers. Even though the main political parties in liberal democracies used to be in an implicit agreement to take immigration off the election agenda (Katznelson 1973, Freeman 1979), the heated debates on immigration and asylum policies have become characteristic of any election cycle after the rise of right-wing parties in the 1980s and 1990s (Betz 1998). Immigration and multiculturalism has become controversial issues, while conservative leaders such as "Jean-Marie Le Pen in France, Joerg Haider in Austria, Preston Manning in Canada, Pauline Hanson in Australia, and Patrick Buchanan in the United States engaged in the mobilization of resentment among groups whose members believe they are adversely affected by immigration," (Freeman 2005, p. 114). This discourse change, as well as the rise of the populist policies, has had significant implications on the attitudes of both conservative and liberal parties concerning their dealings with immigrants in general and asylum seekers in particular. Left wing parties have started to pursue more inclusive migration policies only when they do not feel pressure to represent the interests of unskilled manual workers that are adversely affected by migrant labor (Kyung Joon Han 2015). When they do, these otherwise liberal parties also shy away adopting inclusive asylum policies, underlining welfare concerns (Charlton et. al. 1988).

2.2.2   Economic Factors

The empirical data contradicts the notion that party id might be a significant factor driving the asylum policy. To my best knowledge, there are three empirical studies that examine what political and economic conditions in destination countries affect asylum recognition rates: Holzer, Sneider, and Widmer (2000), Holzer and Schneider (2001) and Neumayer (2005). The latter two studies use

aggregate data and try to answer whether recognition rates are influenced by political and economic factors related to host country or the country of origin. Both studies mostly focus on Western European and EU countries and find no correlation between the ideology of the government or the success of right-wing extremist parties and asylum recognition rates. With regards to the host country, only unemployment rate and the number of former asylum seekers from the same country of origin are negatively correlated with full recognition rates. In other words, destination countries push asylum seekers into lower protection statuses "in times of economic crises or when destination countries perceive themselves as being overburdened," (Neumayer 2005, p. 44). A previous study, Holzer, Sneider and Widmer (2000), also supports the arbitrariness in the assessment of asylum claims Neumayer points out. After examining recognition rates in different Swiss cantons between 1988 and 1996, Holzer, Sneider and Widmer (2000) come to the conclusion that decentralization in decision-making might lead to more discriminatory policies between asylum seekers with similar backgrounds.

Theoretical studies also support Neumayer's empirical findings that the changes in the state of the economy in destination country might lead to changes in its asylum policy. When the economy is ripe for a rapid expansion in employment, manufacturing, and investment, states opt for more inclusive policies, aiming social and economic integration of refugees into the host country (Sichel 1966). However, when liberalization and structural adjustment programs hinder states' ability to provide welfare benefits and employment opportunities to even citizens, they will be more likely to adopt restrictive policies towards noncitizens (Milner 2009, Veney 2007).

The effects of economic constraints and structural changes are not limited to the decision-making processes of Third World governments. Generally speaking, the economic situation in industrialized countries is also a major determinant of policy regarding the admission of refugees (Jacobsen 1996,

Cuenod 1989). Unemployment rates (Widgren 1989) and local community's absorption capacity (Jacobsen 1996) have been particularly important. High levels of unemployment decrease the absorption capacity of the local economy and lead to restrictive asylum policies (Widgren 1989).

2.2.3 *Political Economy Accounts*

At the domestic level, immigration in general, and asylum, in particular, does not have the same effect on various social, economic and political actors. Different actors usually have competing and at times contradicting interests and preferences (Hollifield 1992, Teitelbaum 1984, Betts 2010). The cost of asylum policies is not distributed equally by all sections of the society, and, as a result, the cost of hosting refugees is not borne equally by all either (Banarjee 2014). Respectively, the willingness of the local population to accept integration of refugees will "depend on who benefits and who loses from the continued presence of refugees, and on whether the interests of various actors, particularly the most powerful, are being sufficiently served, or at least not opposed," (Jacobsen 2001. p.10).

Classical theories of neoliberal economics such as Stolper-Samuelson Theorem, predict that within a country national owners of abundant factors will benefit from liberal policies while owners of scarce factors will support protection (Bhagwati 1983). In other words, a class conflict between the owners of capital and labor will determine the direction of state's asylum policy. In liberal democracies with advanced economies, the most powerful actors whose preferences matter the most will be the economic elites (Castles 2002). Elites will favor movement of people across countries as such flows satisfy their need for cheap and unskilled labor in industry and services (Castles 2002). On the other hand, the poor will bear the cost of economic restructuring and social service cuts, and strongly oppose opening up the borders to refugees that will present additional competition for scarce resources (Banarjee 2014).

On the contrary, another neoclassical model, Ricardo-Viner Theorem, suggests that broad class-based conflicts vis-à-vis asylum will be seen only in states where the factor mobility is high (Hiscox 2001). When the factor mobility is low, which is usually the case in the short-term, narrow, industry based political coalitions will be driving states' asylum policies and their degree of openness (Hiscox 2001). That is because "factors for which immigration and trade are good substitutes will lose relative to factors that are complementary," (Borjas et. al. 1997, p.2). In this case the content and relative power of different interest groups will come to the fore when it comes to influencing policy makers (Freeman 1995).

For example, refugee diaspora and human rights NGOs constitute one group who try to influence state decision-making via lobbying for fellow refugees (Robinson 1998). There is also a conservative block uses propaganda to securitize the refugee problem and use public opinion to corner the government (Hansen 2014). At the end of the day, whoever has better access to policy-making institutions will be able to influence the formulation of national interests on refugee protection arena (Milner 1992). However, such influence will require a lot of organizational skills. When the costs or benefits of refugee protection are concentrated on a particular group in direct and concrete ways, this group will be likely to organize more effectively and have a greater influence on policy (Freeman 1995, Kessler 1997). As a result, the mode of the asylum policies in liberal democracies will usually be client politics where the concentrated interests of a small organized group triumph the dispersed interest of large, unorganized public (Freeman, 1995, Kessler, 1997).

2.2.4   *Local Capacity*

There is a burgeoning literature, which contends that the refugee protection process is more about the factors that are related to the country of origin than all these theories make it to be. For example, Betts (2013) argues that the variation lies with the narrow legal-institutional category of "refugee" and the realities of political asylum on the ground. Most of the people who flee their countries for

political reasons do not comply with the Convention definition, and this creates a legal gap, which allows arbitrariness in states' responses to "survival migrants" (Betts 2013). Government elites assess international and domestic incentives such as foreign investments, donor pressures, local xenophobia, civil society activism and decide whether to label certain groups of people as refugees or not. Neumayer (2005) and Jacobsen (1996) believe these incentives have more to do with destination country related factors than the international ones. Accordingly, when unemployment rate is high, and the perception of being overburdened by refugees is high, states close up their borders to asylum seekers (Neumayer 2005). Jacobsen (1996) captures the essence of these "destination country related factors" by her "local absorption capacity" concept, which she defines as "the extent to which the community is willing and able to absorb an influx of refugees," (Jacobsen 1996, p. 666). She makes a distinction between the ability and the willingness because "a community may be structurally able to absorb a refugee influx, but it may not be willing to do so," (Jacobsen 1996, p.666). According to Jacobsen, structural capability mostly includes factors such as land availability, employment pattern, infrastructure, and in some cases, international assistance. These factors constitute the labor absorption capacity of the local community.

Being capable of adopting a more inclusive asylum policy does not necessarily mean that states will always opt to do so. Therefore, Jacobsen also talks about the willingness, which is mostly about attitudes and beliefs toward asylum seekers (Jacobsen 1996). The cultural meaning of refugees, the historical experiences of the local community about refugees and as refugees, and ethnic ties between the two groups all have an impact on to what degree the local community, and therefore the state, will be willing to accept asylum seekers.

2.3   A Combined Perspective

To sum up, theories of migration in general and forced migration in particular predict two contradicting state policies when it comes to asylum. The first strand of literature argues that destination countries will be more likely to adopt a closed refugee policy due to direct and indirect security concerns (Rogge 1981, Loescher & Monahan 1989, Lischer 2005, Crisp 2003), the rise of anti-immigrant populist parties (Freeman 2005, Hansen 2014) and the harsh economic conditions that cripple specifically the lower classes in destination countries (Widgen 1989, Milner 2009). These scholars believe that a combination of international and domestic factors will lead to the securitization of asylum policy in the destination country as the local community does not feel safe either physically or economically. Responding to the concerns of their constituencies, governments in destination countries will, then, opt out for policies that leave asylum seekers out. That is how "Fortress of Europe" has been built, for instance (Boswell 2007).

The second strand of literature posit that the globalization of human rights norms and transnational organizations (Sassen 1996, Soysal 1998), the moral authority of international organizations such as UNHCR (Loescher et. al. 2008), the domestic interest groups that will benefit from the fresh inflow of unskilled labor (Milner 1992, Freeman 1995, Kessler 1997, Castles 2002) and moral arguments based on liberal ideals prevent states from adopting exclusive asylum policies (Steiner 1999, Hollifield 2008). In other words, these scholars contend that liberal democracies are unable to pursue a closed asylum policy due to liberal institutions and ideals in a globalized world in which state sovereignty has increasingly been diminishing. In the case where altruism and ideals fail, it is then state interests that push for more inclusive asylum policies. Some of the destination countries use open asylum policy as a foreign policy tool to gain leverage and undermine the legitimacy of governments in sending countries by accepting a large number of refugees from hostile states (Loescher & Scanlan 1986, Rosenblum & Salehyan 2004).

One way or the other, the existing literature predicts convergence in state responses to asylum based on material capabilities or social perceptions, albeit in opposite directions. States either lose control of their borders and let everybody in, or strengthen their sovereignty and build fort-like borders that are impossible to pass even for the most vulnerable groups.

Following the steps of Jacobsen, Neumayer and Betts, I argue that we see divergence, not compliance and convergence, in destination country asylum policies. Most scholars treat state interests as fixed and exogenous. I believe destination country related factors play a key role in the asylum policy choice along with the merit of the asylum claim itself. Why does the literature expect convergence? Especially political economy accounts assume that economic elites in all liberal democracies have similar economic interests. As a result, they are expected to favor similar asylum policies. As economic elites are supposedly depend on cheap labor to bring down the costs of production and become more competitive in the world market, they are assumed to push for an open asylum policy. This line of reasoning implies that each and every liberal democracy has similar comparative advantages in the world market, based on similar domestic economic settings with similar institutions, actors, and demands.

However, this is not the case. Interest group politics is important, but the institutional context those interest groups operate is also important. It is the institutional context that determines the relationship between interest groups, their preferences, and demands from the state as well as how much influence they have on state's decision-making process (Hall & Soskice, 2001). Therefore, we need to look closer to the economic institutional structure of a destination country to be able to understand what kind of preference set the economic actors have and what kind of pressures they put on state regarding the asylum policy. The institutional structure and economic preferences of different actors will determine the "labor absorption capacity" of the destination country – or there

lack of- and factor in during the formulation of the asylum policy. Accounting for the labor absorption capacity will allow us to explore the variation across diverse economic institutional settings and determine which kind of institutions are more supportive of an inclusive or exclusive asylum policy in destination countries.

Even though the existing literature provides useful insights on why destination countries might open or close up their borders to asylum seekers, we still know very little about the quality of the asylum policy once the asylum seekers gain refugee status. How much protection do destination countries actually provide when they open up their borders? Do asylum seekers enjoy full refugee status with access to health, education and labor markets or do destination states offer protection for a limited time frame with limited rights and benefits?

The literature also overlooks the dyadic relationship between the host population and the asylum-seeking group, and therefore fails to explain within case variations. Because the scholars focus on the overall public opinion towards "refugees" or "immigrants" in general, they overlook the specific feeling or perception the host country might have towards a certain asylum-seeking group. Even though the host community is, for example, against an open asylum policy, they might support providing protection for a specific asylum seeking group depending on how close they feel towards that group in particular. If the host community perceives the people in the asylee group as "friends," "brothers" or "historical allies," they might adopt a more welcoming attitude towards them than they have towards the vague concept of "refugees" on an aggregate level. Similarly, a community may be in favor of an open asylum policy in general, but might strongly oppose integration of a particular asylum-seeking group if they perceive the people in that group as "enemies," "terrorists" or "proxies of a hostile country or ideology." For example, Slovakia has announced at the height of the Syrian refugee crisis that the country will only accept Christian Syrians as refugees and closed its doors to

Syrians from other religious affiliations. Similarly, when faced with two different asylum crises in the early 1990s, Turks fleeing Bulgarian assimilation policy and Kurds fleeing Saddam's massacres during the first Gulf War, Turkey embraced the former group with open arms while doing everything on its part to resist and constrain the latter. In both examples, the material capabilities of the destination countries remained the same while their asylum policies differed dramatically. It means not only the labor absorption capacity but also these societal preferences and prejudices matter. The social distance between the host community and the asylee group will determine the willingness of the destination country to welcome or leave out the asylum seekers and factor in the process of state's asylum policy formulation. Incorporating the dyadic relationship between a particular asylee group and the host community, we will be able to explain why there is a variation within destination country asylum policies towards different asylum seeking groups under similar circumstances.

Lastly, there are limited numbers of studies that try to explain destination country asylum policies systematically. With the exceptions of Jacobsen (1996), Neumayer (2005) and Betts (2013), the literature that specifically studies states' asylum policies is very limited and mostly descriptive. This study aims to contribute to this strand of literature not only theoretically but also empirically as well by analyzing the asylum policies of 30 advanced economies in a quantitative analysis, and then tracing the causal mechanism in two kinds of institutional settings with in-depth case studies.

To explain within and across state variation as well as the quality of the protection offered to asylum seekers, I adopt an interdisciplinary approach and expand on Jacobsen's local capacity concept. I derive propositions about how the labor absorption capacity and identity politics shape the overall interests of states in a given issue area, and how states, in turn, shape their asylum policies around those interests when they need to decide whether to provide protection for a particular asylee group

or not. While doing that, I bring together comparative political economy, sociology and refugee studies and show that interdisciplinary research is not merely a choice but a necessity for explaining a complicated foreign policy issue such as asylum.

By bringing in the Varieties of Capitalism approach that focuses on the whole economic institutional structure in the host country, I go beyond Jacobsen's local absorption capacity concept, which only takes unemployment rate into account as the indicator for economic capacity in a destination country. I argue that unemployment rate is merely a symptom, not the underlying factor that is at play. Rather, it is the type of economic institutional structure in a host country that needs to be taken into account. Varieties of Capitalism approach emphasizes the institutional foundations of different comparative advantages in advanced economies and explains how these differences shape the interests of economic actors and dictate complementary policies and practices in a number of issue areas. Scholars have mostly used Varieties of Capitalism to explain the variance of economic institutions such as labor market policy, central bank formation and monetary policy, corporate governance and technological innovation. How these economic institutions affect decision-making in foreign policy arena has attracted little scholarly interest. I believe the Varieties of Capitalism approach is a useful tool to explain the domestic foundations of foreign policy choices of many states. Economic institutional differences create differences in the preferences of economic actors, and these preferences in return put different pressures on states' foreign policies in complex issue areas. Especially so when those issue areas have a direct effect on the labor market in the host economy.

Similarly, by bringing in Simmel's (1950) social distance theory, I expand on Jacobsen's social willingness concept, which only talks about historical experiences of the host society as refugees and with refugees. Social distance helps us understand how other factors help shape the perception

of the asylee group in the host country. Religion and historical experiences of the host society are still a big part of the identity formation in the host country, but they do not help us understand why the same experiences play out differently towards different asylee groups. To be able to explain the variation within states regarding their asylum policies, we need to take the perception and feeling towards specific asylee groups into account, not the overall attitudes or beliefs towards a vague and sometimes romanticized idea of "refugee." Simmel's social distance concept is a good measure for capturing the sentiment that may differ for each group the society interacts.

3 THE SOCIAL AND ECONOMIC ROOTS OF STATE RESPONSES TO ASYLUM CRISIS

The conceptions of national interest from which government officials operate in international relations are often a response to pressures from domestic interests. Milner (1992) argues "the national interest will be the sum of preferences of different interest groups as weighted by their access to policymaking institutions," (p.494). In my model, these national interests are a function of business interests shaped by domestic economic institutions, and social perceptions.

States are rational actors and interests, rather than altruistic concerns, drive their asylum policies (Betts 2009, Loescher 2001). That is to say, states will open their doors to large numbers of foreigners, be it immigrants or refugees, only when the utility of doing so surpasses the costs attached to it. Jacobsen (1996) calls the factor that affects this utility calculation process as "the local absorption capacity." I unpack the local absorption capacity concept and argue that it has two components: labor absorption capacity and social willingness. Each component will create pressure on the state decision making process in an electoral democracy because it is very much shaped by the preferences of critical constituencies the government relies on for electoral and financial support.

These pressure groups will try to pull or push the government towards different directions based on their interests and have an impact on the asylum policy formulation. Some of these preferences are socially constructed while others have their roots in more material and structural factors.

The key pressures the government needs to take into account during asylum policy formulation are:

- **Labor absorption capacity:** I develop a new structural concept, labor absorption capacity, which measures whether the economic institutions in the destination country support the integration of generally skilled refugees into the local labor market. As a rational actor, the priority of any destination country is to make sure that the incoming asylum-seeking group is not going to be a burden on its economy. The ability of the host economy to utilize and support the incoming workforce plays a significant role in the utility calculation of the states when it comes to their asylum policies. Therefore, economic actors, especially the business elite, have a privileged position among other interest groups due to their structural power in the capitalist economy (Lindblom 1977, Wood 2001). While the state relies on the business for investment to generate economic growth and following political success, the business turns to the state for a favorable regulatory environment that will support the existing capital accumulation strategy (Wood 2001). In my model, business interests are a product of the existing economic institutional structure of the destination country. That is why it is imperative to analyze how economic institutions shape these preferences rather than taking them as given or similar across every destination country.

- **Social Willingness:** Having the material capacity to host refugees does not necessarily mean that states will be *willing* to do so (Jacobsen 1996). The economic interactions mentioned above take place in a societal setting. Members of a society continually shape their social identity while simultaneously being shaped by it. That is to say, society is not a mere

amalgamation of rational individuals. It is an imagined community constructed around certain values and ideas that distinguish that particular group of people from any other (Anderson et al. 2011). Different constructions of various groups of people lead to different historical experiences, which give each society its distinct characteristic. Through this process, a clear distinction between "our" society and "others" emerge. As a result, members of any constructed society operate with a clear understanding of "us" vs. "them." That is why it is vital for destination countries also to ensure that the incoming asylee group is not only economically viable but also socially acceptable. The public pressure determines this acceptance level -aka the willingness- of the destination country to host refugees. The direction of the willingness will depend on the national identity and self-image of the host community as well as the social distance between the host community –us- and a particular asylee group -them.

3.1   Labor Absorption Capacity

In their seminal work "Varieties of Capitalism: The Institutional Foundations of Comparative Advantage," Hall and Soskice (2001) argue that firms are the primary actors in the economy and their preferences pretty much shape policies and institutions within that economy. Based on how firms solve their coordination problems with other economic actors, there are two types of economic institutional structures: liberal market economies (LMEs) and coordinated market economies (CME)[12] (Hall & Soskice 2001). Among the large OECD countries, the Varieties of Capitalism approach classifies Britain, the USA, Australia, Canada, New Zealand, and Ireland as liberal market economies, and Germany, Japan, Switzerland, the Netherlands, Belgium, Sweden, Norway, Denmark, Finland, and Austria as coordinated market economies (Hall & Soskice 2001). The

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[12] Hall and Soskice also mention Mediterranean market economy as a more ambiguous type. This cluster of countries are "marked by a large agrarian sector and recent histories of extensive state intervention that have left them with specific kinds of capacities for non-market coordination in the sphere of corporate finance but more liberal arrangements in the sphere of labor relations," (Hall & Soskice 2001, p.21)

countries in the former category have more fluid markets and "provide economic actors with greater opportunities to move their sources around in search of higher returns, encouraging them to acquire switchable assets, such as general skills or multi-purpose technologies," (Hall & Soskice 2001, p. 17). The countries in the latter category, on the other hand, "provide more institutional support for the strategic interactions required to realize the value of co-specific assets, whether in the form of industry-specific training or collaborative research and development," (Hall & Soskice 2001, p. 17).

The policies and the structures of the economies differ because the product market strategies and comparative advantages in these two economies are different. Coordinated market economies (CME) are associated with a high-quality niche product market strategy while liberal market economies (LME) are associated with Fordist mass production of standardized goods and services. CMEs are associated with incremental innovation while LMEs produce radical innovation. In CMEs, cooperation underlies all relations in the economy while in LMEs market-based competition drives relationships between economic actors. All policies and institutions stem from these basic frameworks, and any attempt to deviate from the appropriate framework is prone to failure (Wood 2001). As a result, policy preferences of economic actors in CMEs differ from those of LMEs. In CMEs, employers demand policies that support cooperation between different economic actors, including the labor force, while their counterparts in LMEs will demand policies that sharpen the market competitiveness in the economy, usually in the expense of labor interests (Hall & Soskice 2001).

Varieties of Capitalism scholars assume that "states [will] seek to promote existing comparative institutional advantage because of the costs associated with moving from one institutional equilibrium to another – that is, with replacing one market economy with another," (Fioretos 2001, p.242). Thus, the preferences of big businesses and employer associations are critical and "a

government's policy options are fundamentally constrained or biased by different organizational capacities of employers in CMEs and LMEs," (Wood 2001, p.248). That is why governments in CMEs will be more likely to promote legislation incentive compatible with non-market coordination –legislation that reproduces the existing coordinated market economy the business elite relies. On the other hand, LME governments will support laws and regulations that are incentive compatible with sharp market competition – legislation that reduces the cost of production and increases the profitability of the business elites.

In line with this reasoning, I believe there will also be systematic differences between CMEs and LMEs with regards to their labor absorption capacities, which then affect the direction of their asylum policies. I argue that three characteristics of the CMEs will make them more reluctant to allow the integration of refugees into the local labor market.

First, the coordinated market economy and business model require industry-specific skills, which can be attained through vocational training, apprenticeship or working long years in the same industry or firm. Asylum seekers, the majority of whom flee from developing countries with lower levels of human development, are likely to lack such industry-specific training and skills. Moreover, most of these countries of origin lack a working education system or infrastructure due to years long armed conflict or failed states.

Second, there are generous welfare policies such as employment or unemployment benefits in CMEs to incentivize workers to invest in specific or co-specific skills. Unemployment benefits are designed to make sure that workers with specific skills can afford to be unemployed until they find the right match for their skill set, and employment protection makes sure the company, as well as the worker, has enough incentives to invest in the specific skill the worker needs to do that job. CMEs

will not want to waste these resources on asylum seekers with general skills, who will be hard to utilize within the economy in the short and medium term. In CMEs where companies adopt product market strategies that require specific or co-specific assets, they need to give enough incentives to a large number of workers to forfeit all other alternatives and invest in a specific skill-set (Estevez-Abe, Iversen & Soskice 2001). This mutual dependence of the company or industry to the skilled labor and the skilled labor to that particular company or industry leads to "a strong alliance between skilled workers and their employers in favor of social protection advantageous to them," (Estevez-Abe, Iversen & Soskice 2001, p. 147). Companies will produce the high-skilled labor force they require through state's secondary education system, the apprenticeship, and vocational training programs, and will offer more generous wage protection, employment protection, and unemployment protection to ensure workers invest in specific assets (Estevez-Abe, Iversen & Soskice 2001).

Third, as discussed above, coordinated market economies choose high quality, niche product market strategy, and therefore mostly rely on highly skilled and specifically trained labor force. Both companies and workers have vested interests for investing in industry-specific skills. However, without institutions that can prevent "poaching of skilled workers by other firms," the companies lack the incentive to do so (Hall & Soskice 2001, p.24). On the other hand, employees also lack incentives to invest in specific skills and go through long training if they cannot be sure that they will receive the highest return on their investment. That is why coordinated market economies need an industrial relations system that could give both employers and employees enough incentives to invest in the specific skills economy demands. Collective regulation of labor markets addresses this institutional problem and provides labor market stability (Thelen 2001). It involves industry-level wage bargaining between labor unions and employer associations. "By equalizing wages at equivalent skill levels across an industry, this system makes it difficult for firms to poach workers

and assures the latter that they are receiving the highest feasible rates of pay in return for the deep commitments they are making to the firms," (Hall & Soskice 2001, p.25). Collective bargaining requires a labor union powerful enough to convince the employees that they have received the return they deserve (Hall & Soskice 2001, p.24-25). That is why both companies and workers in coordinated market economies rely on highly organized, unified and encompassing labor unions to keep the system going. The workforce needs a strong labor union to be able to get the best deal possible, and organized employer associations need them because they "find [unions] useful in regulating competition among themselves," (Thelen 2001, p.76). Since the institutional structure compels them to cooperate on many levels, the interests of the business elite and workforce are parallel to each other and voiced through influential employer associations and politically relevant labor unions in CMEs. It means business elites do not necessarily support policies that put workforce at a disadvantage or sharpen the market competition in the labor market, such as low wages or social spending cuts.

As a result, business associations in CMEs prefer government policies that support high and specific skill formation through vocational training and apprenticeship programs, strong labor unions and a generous welfare policy –including unemployment benefits- to give workers enough incentive to invest in specific skills. Therefore, they will not prefer immigration or asylum policies that will enable the inflow of large numbers of workers with low or general skills into the labor market. These workers cannot be utilized within the economy in the short and medium term, and yet will be a burden on the welfare system that is designed to give incentive to specifically skilled workers. That is why the business organizations in CMEs will push the government for a more closed asylum policy.

Liberal market economies, on the other hand, are associated with the Fordist mass production of standardized goods or services, which require flexible labor markets that reward general skills. As a result, liberal market economies generate highly portable skills that are recognized by all employers and carry a value independent of the firm or industry one works in (Estevez-Abe, Iversen, & Soskice 2001). Instead of vocational training and apprenticeship, workers in the labor market need a diploma and job experience, which are relatively easier to attain (Estevez-Abe, Iversen, & Soskice 2001). These general skills are also more portable across industries, and when necessary, across countries. As a result, employers have no interest in promoting generous social protection policies as they try to hire the best employee with the lowest wage possible (Estevez-Abe, Iversen, & Soskice 2001). If anything, social policies in liberal market economies will be insufficient to encourage lower levels of unemployment and higher levels of turnout rates. The relationship between the company and the employee in LMEs is contract based, and firms depend more on market forces to regulate the labor market and wages (Thelen 2001). Technology transfer takes place through fluid labor markets and licensing, not through collective bargaining or coordination between firms, which is the case in CMEs (Hall & Soskice 2001). As a result, labor unions are less cohesive, encompassing, and politically relevant. In fact, deregulation and lowering the labor cost are priorities of the firms in LMEs as opposed to industry level set standards and investing in the workforce that we see in CMEs (Hall & Soskice 2001).

Thus, employers in LMEs will prefer asylum policies that sharpen market competition. In labor market policy, this means employers prefer policies that reduce labor costs, which can be possible through high turnover rates, weak labor unions, low wages and increasing competition in the labor market via the addition of new workers with portable, general skills. That is why the business elites in LMEs will be likely to push the government for more inclusive asylum policies that allow the inflow of large numbers of generally skilled people into the labor market. Because the welfare

system is already stingy, this addition will only lead to further reducing the labor cost without burdening the social protection system as much as it does in a CME.

The typological theory of national asylum regimes I have constructed above is based on the idea that destination countries fall into two ideal types based on their economic institutional setup: liberal market economies with higher levels of labor absorption capacity and coordinated market economies with lower levels of labor absorption capacity. It is important to evaluate states' asylum policies by taking these comparative institutional advantages into account. Varieties of Capitalism approach contends that states' stance will be influenced by judgments about whether their foreign policy initiatives are likely "to sustain or undermine the comparative institutional advantages of their nation's economy," (Hall and Soskice 2001, p. 52). At the end of the day, they argue, the goal is to adopt policies that will reinforce the existing comparative institutional advantage, as it can be economically and politically costly to change the whole structure. It does not necessarily mean that governments do not have the capacity to disturb "the market-based governance structures favored by business" and turn a deaf ear to business interests (Wood 2001). They do. It means those policies that are not incentive compatible with economic institutional structure are unlikely to succeed, and therefore drive governments out of power due to economic and following political failure (Wood 2001, Fioretos 2001). That is why the Varieties of Capitalism approach assumes that policy makers will be biased towards the needs and preferences of the business elites, which reflects the institutional complementarities of the comparative advantage the economy depends. Analyzing how a certain foreign policy choice affects the institutional equilibrium of national market economies will allow us to uncover why business and the government prefer particular forms of foreign policies.

However, the majority of the concrete cases that I am interested in hardly fit in these two ideal types and fall somewhere on a continuum between a pure coordinated market economy and a pure liberal market economy. In some cases, corporate governance and inter-firm relations might be coordination based while industrial relations and skill acquisition mostly rely on market competition. In other cases, corporate governance and inter-firm relations could be based on market competition, but the labor market might have a coordinated market characteristic due to direct state involvement and regulation. Firm-level representation and wage bargaining could take over the industrial level representation and wage bargaining in some countries, or the presence of vast numbers of small and medium-sized enterprises might challenge the norm among big enterprises regarding industrial relations and skill training. Moreover, the size of the informal labor market in a destination country might have a huge impact on its labor absorption capacity, although the formal labor market still falls under one of the two ideal types discussed above.

Therefore, I argue that:

Hypothesis 1: The more a market tends to fall toward the ideal type of liberal market economies regarding its labor market institutions, the higher levels of labor absorption capacity it will have and therefore the higher the recognition rates in this destination country will be.

3.2 Social Willingness

Shared history, language, religion, ethnicity, future, ideals, and societal norms… All shape experiences of people in a group, and those experiences, in turn, shape how people perceive their identities and the identities of those who do not belong to the same group. What differentiates "us" from "them" is so ingrained in our everyday operation that it is impossible to put our identities aside and make a decision without referring to these qualities, consciously or subconsciously. Our

identities shape how we think and how we react. The homo economicus, which the Varieties of Capitalism approach puts at the heart of its analysis, is by nature a social animal operating within a norm system.

The construction of corporate and social identities of states has been a crucial factor in the consolidation of state boundaries as well (Buzan 1991, Asres 2007, Rae 2002). Refugees are an integral part of such identity construction as they reinforce the Westphalian state system. Negative perceptions of refugees and resulting exclusionary asylum policies have particularly been constitutive of modern borders, both in the geographical and the societal sense of the word (Madokoro 2012). Perceptions and practices of states have influenced the development of international norms, which defined the legitimate state action regarding the treatment of citizens and noncitizens (Rae 2002).

What goes into the perception of refugees? Jacobsen argues "the way in which the receiving community perceives refugees, and therefore the way in which it responds to them, is influenced by the meaning it ascribes to the term "refugees," (1996, p. 668). Historical experiences as and with refugees, religious practices, and cultural factors influence this meaning (Jacobsen 1996). For instance, societies that depend on immigration as the foundation of their state building will have a more positive perception of immigrants or refugees than those that do not have such experiences (Freeman 1995). The folklore in these settler societies, such as the United States, Canada, Australia or New Zealand, is full of stories that glorify escaping from political persecution and building up a nation from the start (Elliott 1993, Freeman 1995). On the other hand, the state building of many other states –mostly European- were not based on immigration. For these countries, the asylum crisis they first encountered at the end of World War II was just an inconvenience, another byproduct of the war (Freeman 1995). Therefore, contrary to the settler societies, large-scale

population movements, in fact, threatened the national identities of European countries (Freeman 1995). That is why, first of all, the national identity construction and self-image of the local community plays a significant role in their perception towards refugees or foreigners in general.

Having said that, I believe the perception towards this vague idea of "refugees" does not tell us much about what the attitude of the host community during an asylum crisis is. Rather, I contend the dyadic relationship between the host community and a particular asylee group asking for protection will play a more significant role in asylum policy formulation. At this point, factors unique to a particular asylee group, such as language, religion or ethnicity, becomes determinant. Local communities have been intimidated more by people who are not their co-ethnics or do not share similar religious practices. Research shows that "political calculations regarding the collective identity of a particular refugee group and its relation to the host state's national community have always played a role in determining states' willingness to admit refugee flows, " (Long 2013, p.473). For example, historically, "white, male and anti-communist" refugees fleeing political persecution for protection were welcomed in Europe while those fleeing struggles over decolonization and state formation or non-communist dictatorships have been deprived of that right or privilege (Milner 2009, Chimni 1998).

The concept that captures this dyadic relationship between the host community and the asylee group best is social distance. Social distance largely rests on how the identities of "self" and "the other" created in the society, and can be defined as a measure dealing with the nearness or farness of the two social identities (Bogardus 1947, Simmel 1950). Subjective (affective) social distance is what the members of a group feel about another group (Bogardus 1947). Objective (normative) social distance is "an objective, observable quantity which varies from one social structure to another," (Karakayali 2009). A normative social distance is a set of collectively recognized norms about

membership status in a group. These norms differentiate "us" from "them" and specify what kind of relations with what kind of people are "acceptable" or "tolerable," (Simmer 1950; Karakayali 2009). These are the criteria that we use to define who "belongs" and who does not belong. Ethnicity is the first criterion that comes to mind when one talks about normative social distance. However, a host of different criteria can also be used to determine who belongs and who does not.

Affective or normative, how a host community feels about an asylee group and whether the decision-makers incorporate those feelings into the policy making process might have some very real rational consequences for the destination country governments. First of all, general theories of spatial voting posit that voters' general ideological orientations and predispositions influence their vote choice (Downs 1957, Miller & Shanks 1996). These ideological predispositions lead to strong positions on specific policy issues, which provide voters with the necessary tools to assess parties' positions. When it comes to deciding, voters either choose the party whose issue positions are closest to their own (Downs 1957) or vote directionally by taking into account the compatibility between the ideological direction and intensity of their issue preferences and that of the party's (Rabinowitz & Macdonald 1989, Macdonald, Listhaug, & Rabinowitz 1991). Therefore, it is no surprise that political parties devote considerable time and energy explaining their positions on migration, which encompasses asylum policy as well. Especially during times when there is an ongoing migration or refugee crisis that attracts voter's attention, defending a policy position that does not incorporate the social distance between their constituency and a particular asylee group might mean political suicide for political parties. That is why the political consequences of accepting or refusing an asylee group might be a significant deal-breaker for the decision makers.

Social instability might be another concern. Scholars of contentious politics have long stressed the importance of the distance, and polarization among different ethnic and social groups within a

society in the explanation of social strife and civil war (Easterly & Levine 1997, Fearon & Laitin 2003). Accepting a refugee group into the society might lead to social instability when the social distance between the host community and the refugee group is high. Especially when there is already high ethnic fragmentation between different ethnic groups within a society, opening doors for asylum seekers that share the same identity with one or the other might disturb the balance and exacerbate the perception of the threat they pose.

That is why when the social distance between the host community and the asylee group is high, the willingness to host refugees from that particular group will be low and the public pressure will push the state towards more closed asylum policies. On the other hand, when the social distance between the host community and the asylee group is low, the willingness to host refugees will be high and the public will be more likely to tolerate or even demand more inclusive asylum policies.

If this line of reasoning is correct;

Hypothesis 2: The lower the social distance between a host community and a particular asylum seeking group is, the higher the social willingness to protect them will get, and therefore the higher the recognition rates in this destination country will be.

4   QUANTITATIVE RESEARCH DESIGN

This study employs a mixed method of quantitative and qualitative analysis to analyze the relationship, if any, between the labor absorption capacity and social willingness in destination countries and their responses to asylum crises. The first part, quantitative analysis, relies on data from Organization Economic Co-operation and Development (OECD) and United Nations High

Commissioner for Refugees (UNHCR) Databases and analyzes whether there is a correlation between my dependent and independent variables.

4.1 Data And Case Selection

The quantitative analysis employs a dyadic model based on data from OECD and UNHCR Databases. The unit of analysis is a country-case pair. A country-case is a duo between an OECD country and a mass influx of asylum seekers that are unable to return to their country of origin due to state persecution, civil war, general violence, or grave human rights violations. An asylum crisis refers to asylum applications more than 500 from a single asylum-seeking group from the same country of origin in a given year. The dataset contains 30 electoral democracies from 2000 to 2014 due to data availability. My underlying assumption is that these destination countries have the necessary capacity to implement their preferred asylum policy on the ground. This choice leaves me with 2002 observations.

First, I would like to differentiate between various asylum policies and see whether the duration and the extent of protection matter for the asylum policy formulation of the destination countries. That is why, for my first model, I use the Refugee Recognition Rate, which according to UNHCR "divides the number of asylum-seekers granted Convention refugee status by the total number of accepted (Convention and, where relevant, complementary protection) and rejected cases."[13] When compared with the second model, which uses Total Recognition Rates, my first model allows me to analyze what factors affect full protection versus temporary protection. I coded the Refugee Recognition Rate variable as:

$$(Full\ Recognition\ X100) / Total\ Decision$$

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[13] UNHCR Statistical Yearbook 2009 - http://www.unhcr.org/4ce531e09.pdf page. 38

For my second model, I am mostly interested to know whether it is the idea of accepting "foreigners" into the country rather than the duration or the extent of their stay that affects the asylum policy formulation in a destination country. Therefore, I create a continuous dependent variable that measures the Total Recognition Rate. The total recognition rate "divides the number of asylum-seekers granted Convention refugee status and complementary form of protection by the total number of accepted (Convention and, where relevant, complementary protection) and rejected cases,"[14] and is one of the two measures the UNHCR uses for international comparability. I coded the Total Recognition Rate variable as:

$$[(\text{Full Recognition} + \text{Temporary Protection}) \times 100] / \text{Total Decisions}$$

My independent variables of primary interest are the social willingness and labor absorption capacity in a destination country. My social willingness variable is an additive index, which is scaled zero to three with states that have low social willingness at zero and those with high social distance at three (0-Low; 1; 2; 3- High). A higher score reflects a lower social distance between the host community and the asylee group, and therefore a greater willingness to host that particular group. The additive indexed variable is comprised of three factors: (1) Whether the host community and the asylum seeking group speak the same language, (2) Whether the host community and the asylum seeking group belong to the same religion, (3) Whether the host community and the asylum seeking group are co-ethnics. Then, I created a dummy variable using the additive index and coded the variable as 0 "Low Social Willingness" if the host community and the asylum seeker group share none of the traits. I coded the variable as 1 "High Social Willingness" if they have at least one trait in common. The data comes from CIA Fact Book Field Reports[15]. Of course, this is not a perfect measure of the socially constructed social distance between the host community and the asylee

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[14] UNHCR Statistical Yearbook 2009 - http://www.unhcr.org/4ce531e09.pdf page. 38
[15]Religion: https://www.cia.gov/library/publications/the-world-factbook/fields/print_2122.html
   Language: https://www.cia.gov/library/publications/the-world-factbook/fields/2098.html
   Ethnicity: https://www.cia.gov/library/publications/the-world-factbook/fields/2075.html

group. However, these indicators give me a general idea about the relationship between the two communities and provide a starting point for the empirical analysis.

For the labor absorption capacity, I run a factor analysis using the level of the harmonized unemployment rate[16], trade union strength[17], public unemployment spending[18] (whether there is employment or unemployment protection), and social spending[19] in the destination country. I argue the economic institutional setting in a destination country underlies all these indicators; whether a state tends to fall closer to a coordinated market economy or a liberal market economy on the continuum determines whether the relations and the institutions in the labor market will be coordination or market-based. Factor analysis helps me capture that underlying factor, which affects the unemployment rate and benefits, trade union strength, and social safety net in a destination country. Higher scores of the factor variable reflect higher levels of the unemployment rate, trade union strength, public unemployment spending and social spending, and therefore lower levels of labor absorption capacity. To create a scale that goes from lower labor absorption capacity to higher, I take the reverse of the factor variable.

The data for my economic indicators come from OECD Database. OECD defines harmonized unemployment rate as "the number of people of working age who are without work, are available for work, and have taken specific steps to find work," while trade union density refers to "the ratio of wage and salary earners that are trade union members, divided by the total number of wage and

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[16] OECD (2016) Harmonised unemployment rate. Doi: 10.1787/52570002-en (Accessed on 07 June 2016) https://data-oecd-org.ezproxy.gsu.edu/unemp/harmonised-unemployment-rate-hur.htm

[17] OECD (2016) Trade Union Density. DOI: 10.1787/1e628ddd-en (Accessed on 07 June 2016) http://www.oecd-ilibrary.org.ezproxy.gsu.edu/employment/data/trade-unions/trade-unions-trade-union-density-edition-2015_1e628ddd-en

[18] OECD (2016), Public unemployment spending (indicator). doi: 10.1787/55557fd4-en (Accessed on 07 June 2016) https://data-oecd-org.ezproxy.gsu.edu/socialexp/public-unemployment-spending.htm

[19] OECD (2016) Social spending indicator, DOI: 10.1787/7497563b-en (Accessed on 07 June 2016) http://www.oecd-ilibrary.org.ezproxy.gsu.edu/social-issues-migration-health/social-spending/indicator/english_7497563b-en

salary earners," (OECD Stats). Public unemployment spending (% of GDP) covers all payments from public funds to beneficiaries who are out of work for labor market policy reasons. Social expenditure, on the other hand, comprises "cash benefits, direct in-kind provision of goods and services, and tax breaks with social purposes. Benefits may be targeted at low-income households, the elderly, disabled, sick, unemployed, or young persons," (OECD Stats). This indicator is measured as a percentage of GDP or USD per capita. Lastly, public spending on labor market training is measured as a percentage of GDP that is spent on "institutional, workplace and alternate/integrated training, as well as special support for apprenticeship," (OECD Stats). Theoretically, coordinated market economies should perform higher in all four indicators.

To test whether the overall economic development of the destination country affects its asylum policy choices, I control for gross national income per capita. The Data for GNI comes from World Bank[20].

Concerning political conditions, I want to control for the party identification of the host government, as the literature argues that leftist governments might be more inclined to offer inclusive migration policies. The measure is a three-point ordinal scale where 1 "Right" 2 "Center," and 3 "Left." The data for incumbent ideological leaning comes from the World Bank Database of Political Institutions[21]. Scholars also argue that, regardless of the political orientation of the executive, the vote-share of the right-wing parties might shift the whole political discourse to further right. In other words, regardless of their ideological orientations, incumbent parties in destination countries might

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[20] http://data.worldbank.org/indicator/NY.GNP.PCAP.CD
[21] http://www.edac.eu/indicators_desc.cfm?v_id=251

feel obliged to restrict asylum to be able to win over their constituency (Neumayer 2005). That is why I account for the vote share of the radical right parties in legislative elections[22].

To capture whether the destination country feels overburdened by the asylum crisis, I control for the number of asylum applications from a specific country of origin and the number of asylum seekers in total. I used the UNHCR Population Statistics Database for this data.

My theory assumes that a destination country's economic and social contexts play a significant role in shaping its asylum policy. This line of reasoning implies that these domestic factors will triumph the merit of the asylum application at hand. To be able to control for factors related to the merit of the asylum application, I will resort to Neumayer's (2005) empirical analysis and borrow his measures. I construct an autocracy variable as the unweighted sum of political rights and civil liberties index published by Freedom House (2015). The two indices are based on expert surveys and measured on a 1 (free) -7 (not free) scale. My measure ranges from 2 (free) – 14 (not free).

With respect to human rights violations, Neumayer uses two Purdue Political Terror[23] scales. One of the scales is based on Amnesty International's annual human rights reports, and the other one makes use of US Department of State's Country Reports on Human Rights Practices. I use the mean scores when both scales are available for a given country. If only one is available, I used the available one as the mean score. The data comes from Gibney, Cornett, Wood, Haschke, and Arnon (2015).

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[22] Ryan Bakker, Erica Edwards, Liesbet Hooghe, Seth Jolly, Gary Marks, Jonathan Polk, Jan Rovny, Marco Steenbergen, and Milada Vachudova. 2015. "2014 Chapel Hill Expert Survey." Version 2015.1. Available on chesdata.eu. Chapel Hill, NC: University of North Carolina, Chapel Hill.

[23] Gibney, Mark, Linda Cornett, Reed Wood, Peter Haschke, and Daniel Arnon. 2015. The Political Terror Scale 1976-2015. Date Retrieved, from the Political Terror Scale website: http://www.politicalterrorscale.org

Following Neumayer's footsteps, I also test the impact of the intensity of civil war, general violence or state failure on asylum recognition rates. For this measure, I use maximum magnitude scores from Integrated Network for Societal Conflict Research (INSCR)'s Political Instability Task Force State Failure Problem Set[24]. I also use two scores (1) measuring the annual number of deaths from genocide and politicide from the same source to capture "the calculated physical destruction of a communal or a political group in whole or in part," and (2) measuring the extent of external armed (Neumayer 2005, p.54).

I also control for colonial history[25]. I do not add colonial history to the social distance index because I believe the relationship between the colonizer and the former colony is a complicated one. The host community may or may not feel favorably for an asylum seeker group from a former colony. That is why I chose to capture its effect separately.

To test for the overall economic conditions in the country of origin, I include a gross national income per capita variable for the country of origin as well. The data comes from World Bank[26]. To get a normal distribution on the variable, I use the natural log of the GNI per capita in my model.

Summary statistics for all the variables could be found in the Appendix.

4.2   Empirical Results And Discussion

Since my dependent variables for both refugee recognition and total recognition models are continuous variables, I employ a series of ordinary least square regression or linear regression

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[24] http://www.systemicpeace.org/inscrdata.html
[25] Colonial History: Paul R. Hensel (2014). "ICOW Colonial History Data Set, version 1.0." Available at <http://www.paulhensel.org/icowcol.html

[26] http://data.worldbank.org/indicator/NY.GNP.PCAP.CD

estimations to evaluate the empirical relationship between destination country recognition rates and the social willingness and labor absorption capacity in these countries. Using ordinary least squares regression allows me to calculate the best-fitting line for the observed data by minimizing the sum of the squares of the vertical deviations from each data point to the line. To account for heteroscedasticity, I use robust standard errors. My findings regarding the effect of the social willingness and labor absorption capacity on recognition rates of destination countries are presented below in Figure 1.

Using UNHCR Population Statistics Data between years 2000 and 2014, I find that social willingness has a statistically significant positive effect on refugee recognition rates while labor absorption capacity has statistically significant positive effects on both refugee recognition and total recognition rates (Figure 1).

The results indicate that one unit increase in the labor absorption capacity leads to on average a 4.8-percentage point increase in refugee recognition rate and 5.5-percentage points increase in total recognition rate of a destination country. That is to say, a destination country with one unit more labor absorption capacity on average has 5.5 percentage points higher total recognition rate and 4.8 percentage points higher refugee recognition rate than its counterparts. These effects hold true even though factors, such as the level of human rights violations, state repression, the intensity of civil war (only for total recognition rate) in the country of origin, or the ideology of the incumbent in the destination country, have statistically significant effects on recognition rates.
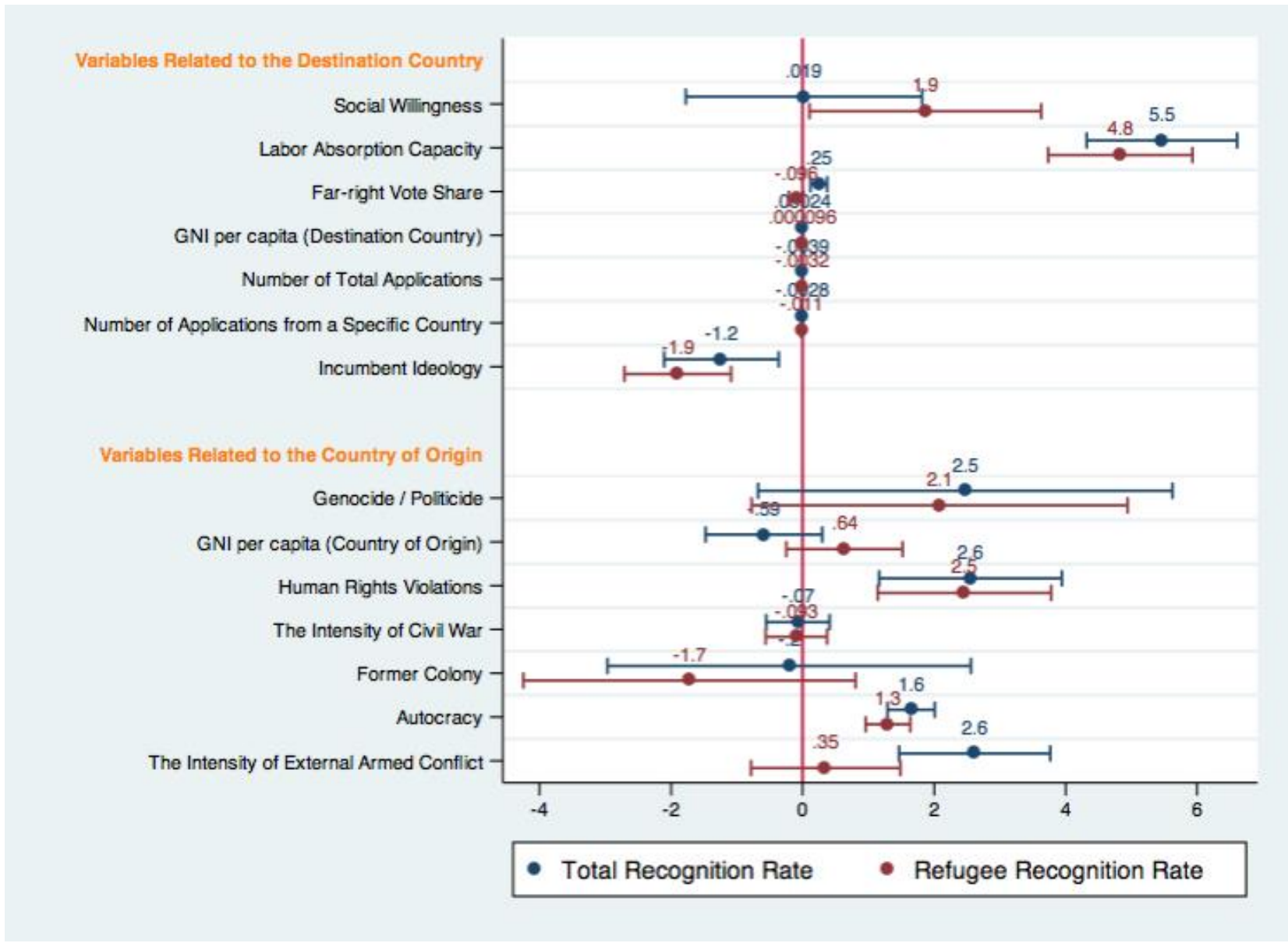
Figure 1 Linear Regression Analysis of National Asylum Policy Regimes

The above factors that are related to the country of origin have statistically significant positive effects while the incumbent ideology in the destination country has a statistically significant negative one on destination country refugee and total recognition rates. Yet, the labor absorption capacity still has the biggest impact on the recognition rates of the destination countries in both cases. That means having a legitimate claim to asylum does not necessarily and automatically lead to refugee recognition or temporary protection in destination countries. Moreover, even governments with an anti-immigrant or anti-refugee agenda are likely to take the labor absorption capacity of their economy into account and formulate their asylum policies accordingly.

Albeit much smaller, my second independent variable also has a statistically significant positive effect on refugee recognition rates of destination countries: one unit increase in the social willingness leads to 1.9 percentage points increase on refugee recognition rates. However, this average effect loses its significance when it comes to total recognition rates. In other words, countries with at least one common characteristic (language religion, or ethnicity) with an incoming asylum-seeking group have on average 1.9-percentage points higher refugee recognition rates than those that have none. Having said that, destination countries seem to be more open for protection of asylum seekers that share no common characteristics with them when the duration of this protection is short, and its scope is limited. The duration and the extent of the protection do matter for destination countries in their asylum policy formulation despite the fact that the asylum applicants have a legitimate claim to refugee status. For example, the level of human rights violations, state repression and the intensity of external armed conflict (on total recognition rates only) in the country of origin have statistically significant positive effects on refugee and total recognition rates. Nonetheless, the significant effect of social willingness on refugee recognition rate still holds up. It means destination countries take social willingness into account for long-term, more comprehensive refugee protection regimes, but are willing to open up their borders and provide limited protection

on humanitarian grounds for those fleeing state persecution and human rights violations regardless of the level of social willingness.

Table 1 presents the predicted probabilities of refugee recognition rate at the minimum and maximum values of labor absorption capacity and social willingness. The baseline refugee recognition rate is 15 percent. In other words, when the effects of the labor absorption capacity and social willingness are zero, only 15 % of the total asylum applicants receive full refugee status in an average destination country. When I hold other factors constant at their means, this recognition rate drops to 5.94% when the labor absorption capacity is at its minimum. That is to say, when the labor absorption capacity in the destination country is minimum, only about 6 % of the asylum applicants receive full refugee protection – a 9.1 percentage point decrease from the baseline! On the other hand, when the destination country has maximum labor absorption capacity, holding other factors constant at their means the refugee recognition rate makes a 9.7 percentage points jump and reaches 24.72%. That means, increasing labor absorption capacity from its minimum to maximum leads to an 18.8 percentage point increase in the refugee recognition rate in the destination country (Figure 2).

On the other hand, holding other variables constant at their means, increasing social willingness from its minimum to maximum increases the refugee recognition rate in destination countries from 15% to 16.86% (Figure 3). That is a 2-percentage point discrete increase from the baseline refugee recognition rate.

Table 1 Predicted Probabilities – The Effect of Minimum and Maximum Values of

Labor Absorption Capacity and Social Willingness on Refugee Recognition Rate

	Predicted Probabilities	Confidence Interval	
Baseline (Social Willingness=0 Labor Absorption capacity=0)	15%	13.72%	16.25%
Minimum Labor Absorption Capacity	5.94%	3.71%	8.18%
Maximum Labor Absorption Capacity	24.72%	22.42%	27.02%
(Other variables constant at their means)			
Minimum Social Willingness	15%	13.73%	16.27%
Maximum Social Willingness	16.86%	15.77%	17.96%
(Other variables constant at their means)			
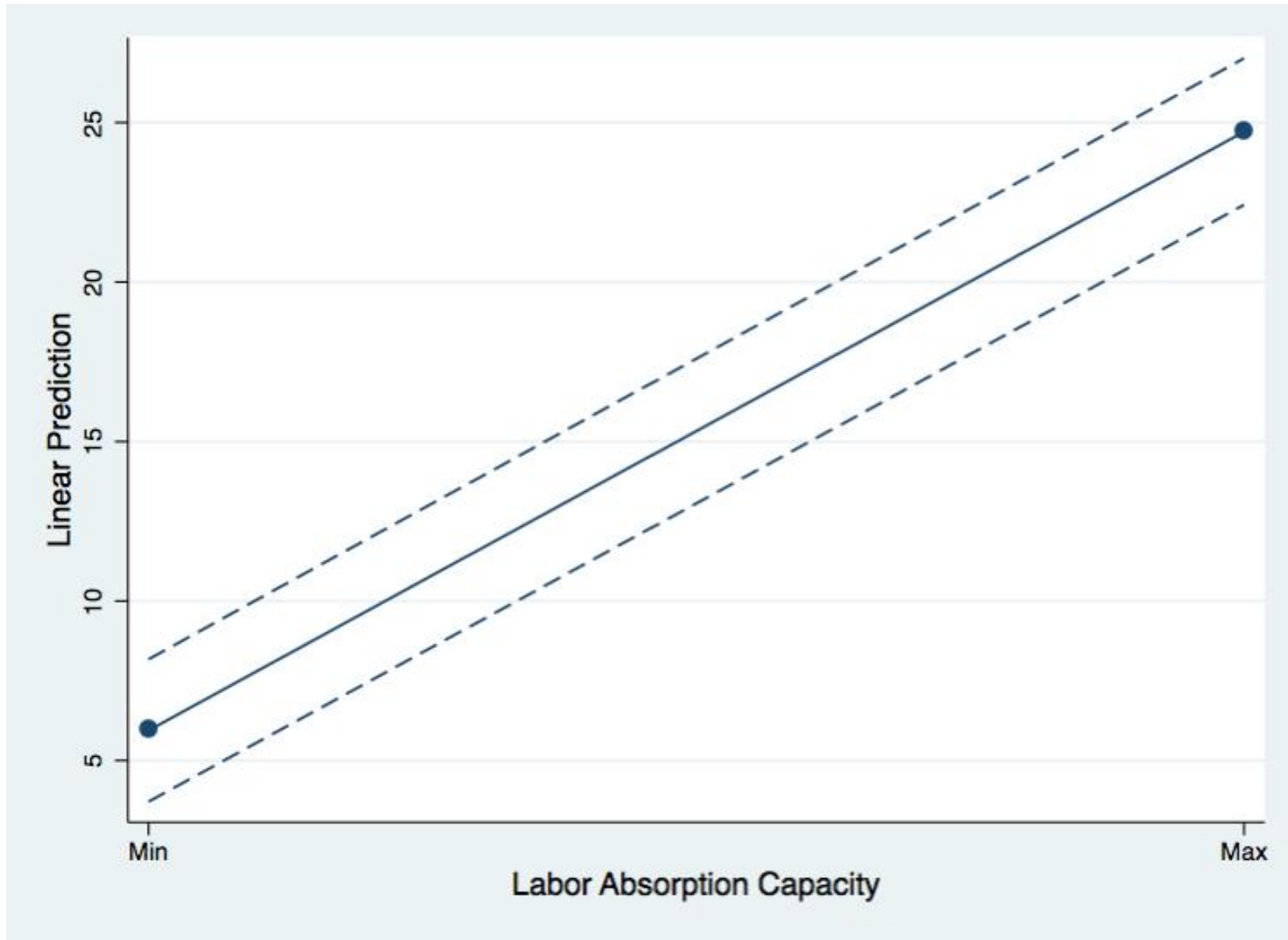
Figure 2 The Effect of Increasing Labor Absorption Capacity from Its Minimum to Maximum on Refugee Recognition Rates
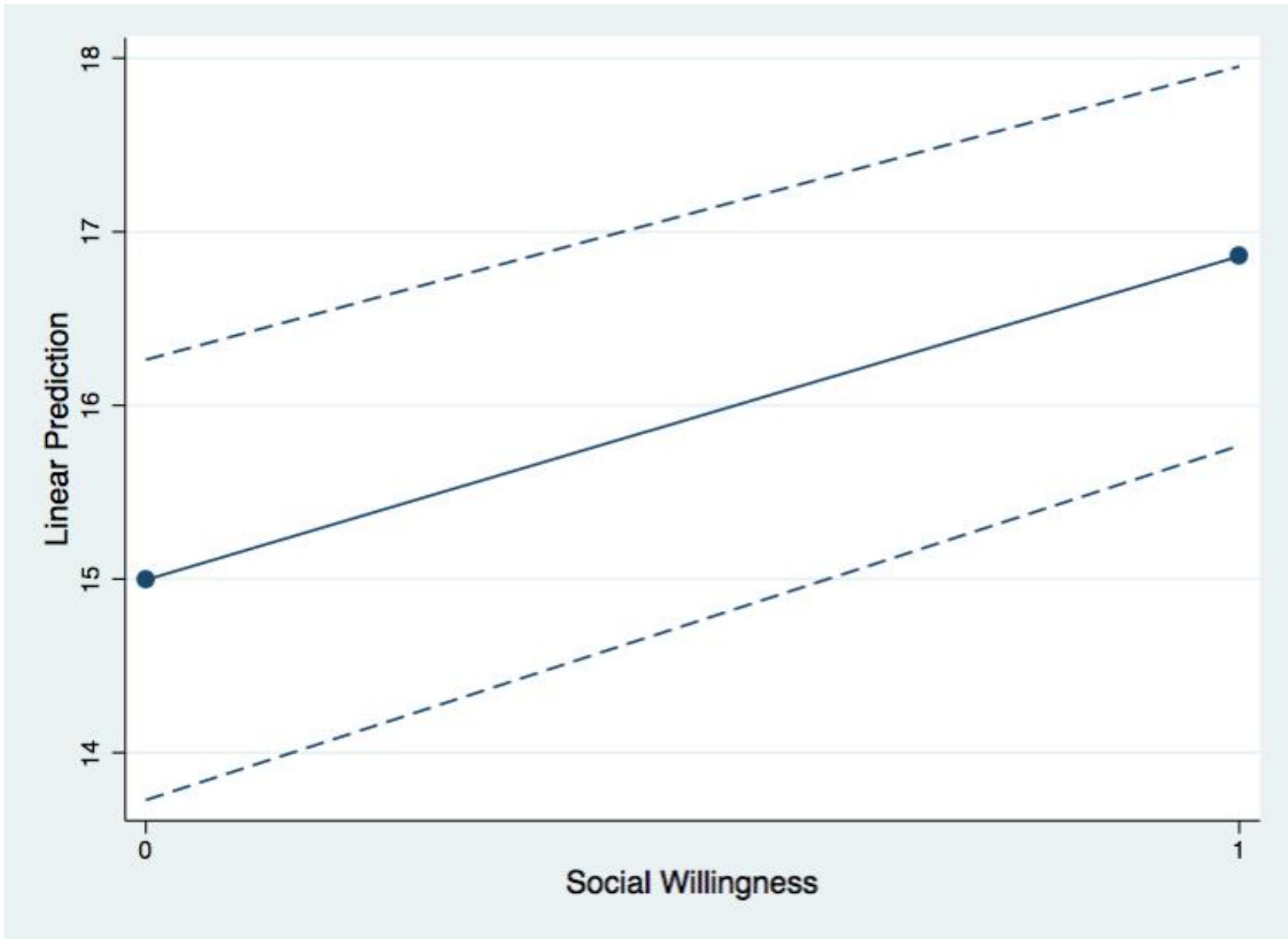
Figure 3 The Effect of Increasing Social Willingness from Its Minimum to Maximum on Refugee Recognition Rates

The significant effect of the labor absorption capacity also carries on to the total recognition rates (Figure 4) while the social willingness loses its statistical significance completely (Figure 5). Table 2 shows the predicted probabilities effects of labor absorption capacity and social willingness on total recognition rates in destination countries. The baseline total recognition rate with no labor absorption capacity or social willingness effect is 21.56%. That is when the labor absorption capacity and social willingness are held constant at zero; the total recognition rate in a destination country is 21.56%. When I keep other factors constant at their means and decrease labor absorption capacity to its minimum, this baseline rate drops to 10.12%. When I increase the labor absorption capacity to its maximum, the total recognition rate of an otherwise comparable destination country also increases and reaches to 31.36%. In other words, holding everything else constant at their means, increasing labor absorption capacity from its minimum to maximum leads to a 21.24 percentage points increase in the total recognition rate of the destination country, making protection more likely for 21.24 % more asylum seekers (Figure 4).

Table 2 Predicted Probabilities – The Effect of Minimum and Maximum Values of
Labor Absorption Capacity and Social Willingness on Total Recognition Rate

|	Predicted Probabilities	Confidence Interval	
Baseline (Social Willingness=0 Labor Absorption capacity=0)	21.56%	20.22%	22.89%
Minimum Labor Absorption Capacity	10.12%	7.74%	12.50%
Maximum Labor Absorption Capacity (Other variables constant at their means)	31.36%	29%	33.72%
Minimum Social Willingness	21.56%	20.22%	22.89%
Maximum Social Willingness (Other variables constant at their means)	21.58%	20.45%	22.70%
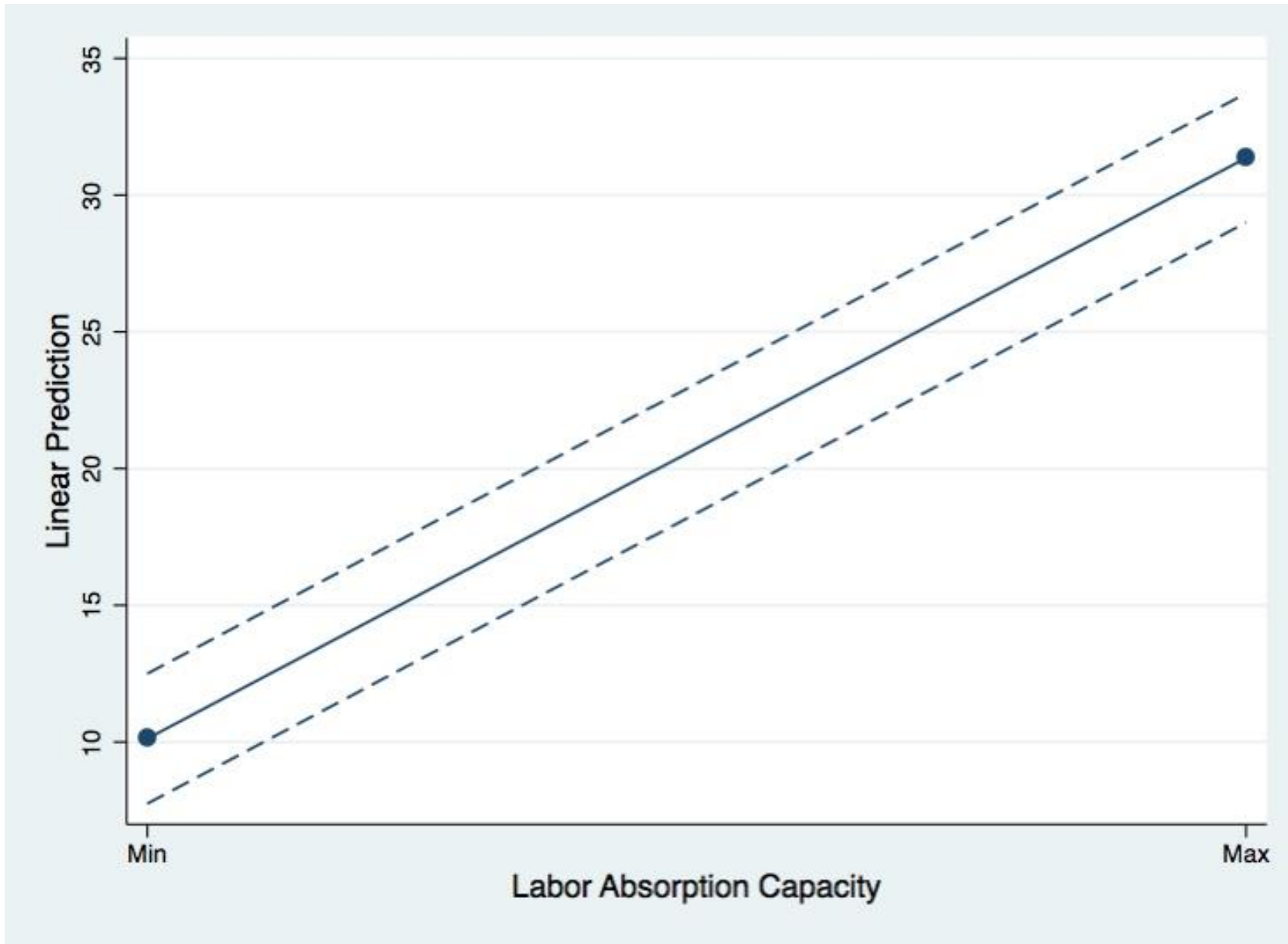
Figure 4 The Effect of Increasing Labor Absorption Capacity From Its Minimum to Maximum on Total Recognition Rates
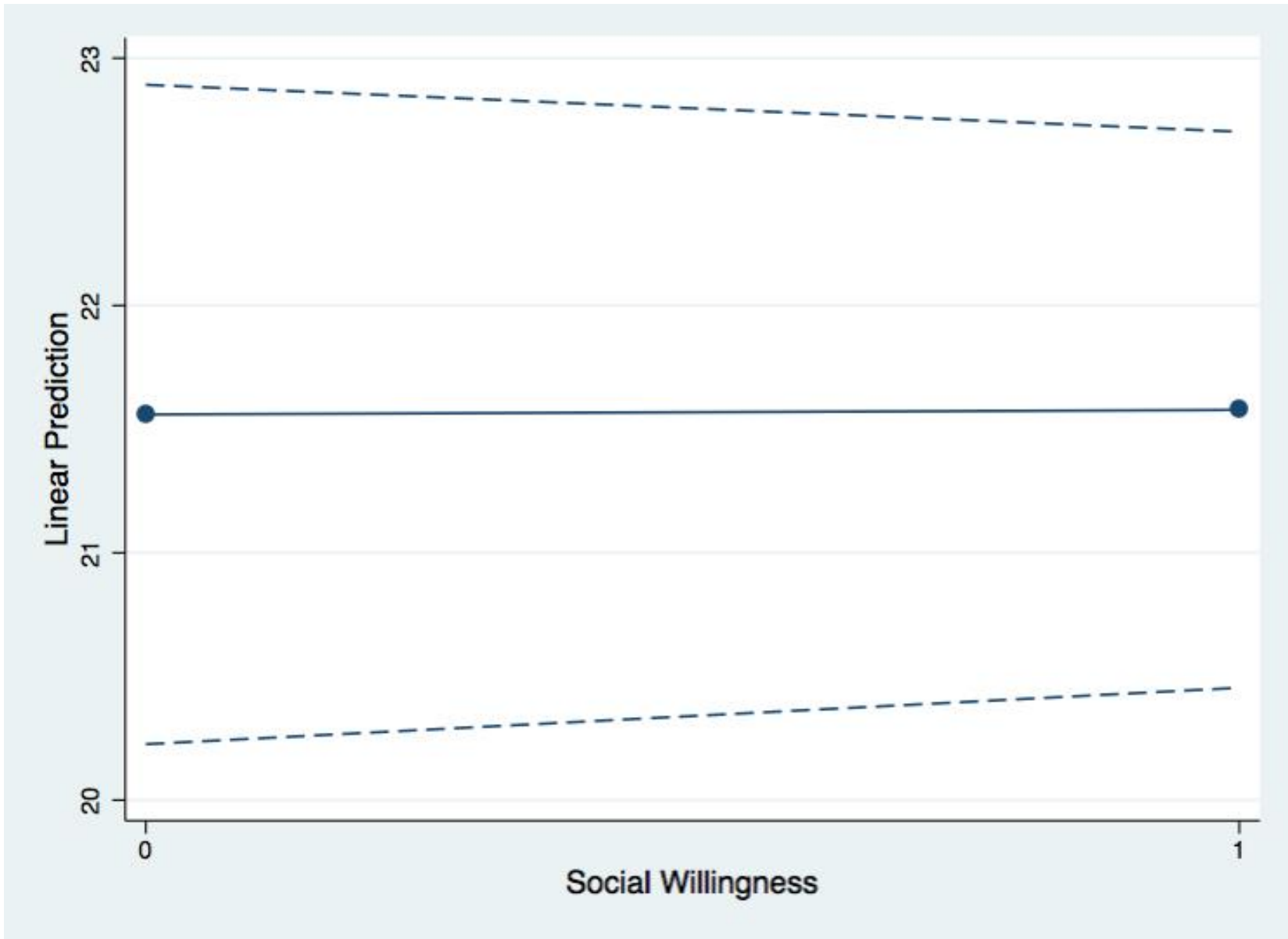
Figure 5 The Effect of Increasing Social Willingness From Its Minimum to Maximum on Total Recognition Rates

The results overall indicate that when it comes to asylum policy economics matter. A lot. And they do so regardless of the social similarities between the refugee and host country (i.e., independent social capacity). In other words, as expected in my model, destination countries that tend to have higher levels of labor absorption capacity are more likely to have higher levels of recognition rates. It means more asylum seekers find refuge in these countries. Furthermore, increasing social capacity can lead to more openness and full refugee recognition in these countries.

4.3   Conclusion

This study aims to understand why there is a variation within and across states in their responses to asylum crises. Bringing comparative political economy, identity politics, and international relations together, I argue that destination country related factors would be prevalent in the asylum policy formulation. In my quest to understand states' responses to asylum crises, I have found that the labor absorption capacity and social willingness in a destination country play a key role. Especially the capacity of a destination country's economic institutions to utilize the incoming labor force in the form of refugees has an enormous impact on its recognition rates.

Moreover, inclusive asylum policies might also be possible if the host community feels favorably for the incoming asylee group and pressures the government to open up the borders. Having said that, the effect of the social willingness is dwarfed by the impact of the economic capacity. This gap might be due to the shortcoming of my social willingness measure. Without a doubt, the measure I use in my current models falls short of capturing the socially constructed social distance between the host community and the asylee group. Nevertheless, the limited indicators I choose still give me a general idea about the relationship between the two communities and provide a starting point for the empirical analysis.

5   QUALITATIVE RESEARCH DESIGN

I will test these assertions by studying Turkish and German asylum policies during various asylum crises and examine whether there is a variation in their responses based on their labor absorption capacities and social willingness. For the analysis, I use most similar systems research design. This approach allows me to not only compare different cases in the same economic institutional setup but also point out to sharp distinctions between different institutional settings. These controlled comparisons are an effort to keep possible intervening variables in each case more or less constant. The intervening factors might be domestic pressures, such as the ideology of the incumbent, political institutional setting, legal framework, the number of veto players, the rise of radical nationalist discourse, the number of asylum applications, state's material capacity. The destination countries might also be under foreign pressures, such as international institutions, norms and regulations, naming and shaming of the international community, closeness to an armed conflict, foreign aid as an incentive to open or close borders or power of balance considerations of the destination country.

5.1   Case Selection

I choose my cases on the independent variables labor absorption capacity and social willingness. Germany is a critical case study. I prefer Germany to other CMEs with low labor absorption capacities because I believe it is a tough test for my theory. Germany has received the most number of asylum seekers than any other European country during the latest episode of asylum crisis between 2014 and 2016. By 2015, the registered number of Syrians has reached 494, 227[27] in Germany. Germany registered 722,300 first-time applicants in 2016 alone, making it a member state with 60% of all first-time applicants in the European Union[28], even ahead of the border countries such as Italy and Greece. It means six in every ten people who reached Europe applied asylum in

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[27]UNHCR (2017) http://data.unhcr.org/syrianrefugees/asylum.php
[28] Eurostats Newsrelease (March 2017) http://ec.europa.eu/eurostat/documents/2995521/7921609/3-16032017-BP-EN.pdf/e5fa98bb-5d9d-4297-9168-d07c67d1c9e1

Germany. Germany's "open door" policy attracted both praises from the international community for the humanitarian approach the country adopted[29] and at the same time a serious critique of the government policy that put the German nation under risk, economically, socially, and security wise[30]. For both admirers and critiques, the perception is that Germany is the champion of the refugee protection, especially during the latest asylum crisis. This perception is a problem for my theory because as a textbook CME, I claim Germany has low levels of labor absorption capacity and therefore is supposed to adopt an exclusive asylum policy such as closing up its borders, providing insufficient protection only temporarily or increasing the number of deportation. Through a detailed analysis of the German national asylum regime between 2014 and 2016, I aim to show the correlation between my independent variables of primary interest "the labor absorption capacity and social willingness" and Germany's national asylum regime, which I believe is not as generous or altruistic as perceived. If my theory can explain "the exception," a CME with low labor absorption capacity but an allegedly inclusive asylum policy, it will lend me some confidence that the idea is potentially generalizable to other destination countries with low labor absorption capacities beyond my case.

As for the LME type with high labor absorption capacity, I resort to Turkey as my example case. This choice begs justification because Hall & Soskice (2001) explicitly classify Turkey neither as a CME nor as an LME. According to the fathers of the VoC approach, Turkey is an ambiguous case

[29] Bloomberg (2016) "Merkel Wins IMF, OECD Praise for Refugee Stance as Down Payment"
 https://www.bloomberg.com/news/articles/2016-04-05/merkel-hailed-by-imf-s-lagarde-for-humanistic-refugee-policy
Express (February 2017) "This Woman is a SHAME' Outcry as Angela Merkel given award for open-door migrant policy"
 http://www.express.co.uk/news/world/762467/angela-merkel-award-open-door-migrant-policy-germany
Deutsche Welle (January 2017) "French presidential candidate Macron praises Merkel's refugee policy"
http://www.dw.com/en/french-presidential-candidate-macron-praises-merkels-refugee-policy/a-36971293
The Local (September 2016) "Obama thanks Merkel for open refugee policy"
 https://www.thelocal.de/20160921/obama-thanks-merkel-germany-for-open-refugee-policy
[30] Bloomberg (July 2016) "Merkel Refugee Policies Face Renewed Criticism After Attacks"
https://www.bloomberg.com/news/articles/2016-07-27/merkel-weighs-fallout-from-attacks-as-refugee-debate-reignites
Newsweek (December 2016) "BERLIN ATTACK: GERMAN POLITICS IS 'PARALIZED BY TERROR'
 http://www.newsweek.com/berlin-attack-angela-merkel-german-election-2017-afd-cdu-csu-opinion-polls-534089

"that may constitute another type of capitalism described as 'Mediterranean' marked by a sizeable agrarian sector and recent histories of extensive state intervention," (p.21). Although it is true that Turkish state is involved in the economy more than a regular LME, I believe the institutions and regulations regarding the labor market are very much compatible with the LME type setting. Since the 1980s, Turkish industrial policy has created a cheap and weak labor market that simply does not have the means to engage in meaningful wage or labor rights bargains with the employers. Therefore, both the firms and the employees solve their coordination problems with each other through market-based solutions even though other segments of the economy might have a more coordinated institutional setting. Additionally, although Turkey has put in place a skill training system that aims at building specific skills to meet the demands of the industry, the top-down approach of the Turkish education system combined with the lack of coordination with specific industries leave this system ineffective, and incentivizes both the employers and the employees to invest in general skills.

Turkey is also a compelling case because the country, which has never been among the primary refugee-hosting states, has registered 2,992, 567[31] Syrian refugees alone since the beginning of the Syrian civil war and landed on the top of the list. Moreover, the AKP government refused to get foreign assistance in handling the refugee crisis and ended up paying $25 billion[32] out of its national budget. It is worth investigating how much of these efforts translated into formal refugee protection policy with quality protection for asylum seekers as well as whether there are differences in state policies based on the identity of the incoming asylee group.

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[31] UNHCR (2017) Syria Regional Refugee Response
 http://data.unhcr.org/syrianrefugees/country.php?id=224
[32] Mehmet Cetingulec (2016) "How did Ankara's spending on Syrian refugees jumped to $25 billion?" Al-Monitor
http://www.al-monitor.com/pulse/en/originals/2016/09/turkey-syria-refugees-mind-blogging-increase-expenses.html

5.2   Independent Variable: Labor Absorption Capacity

Labor absorption capacity tells us whether the economic institutions in the destination country support the integration of refugees into the labor market based on the compatibility of the skill set the asylee group offers, and the host economy demands. Hall and Soskice (2001, p. 9) define the institution as "a set of rules, formal or informal, that actors generally follow, whether for normative, cognitive, or material reasons, and organizations as durable entities with formally recognized members, whose rules also contribute to the institutions of the political economy." Therefore, in my analysis, I will not only focus on the formal rules but also investigate the informal rules, business culture, and history of the political economy in my cases.

In accordance with the VoC approach, I argue that the labor absorption capacity of a destination country is determined by these formal and informal institutions that constitute the foundation of the interactions in five interconnected spheres: industrial relations, education, intra-firm relations, inter-firm relations, and corporate governance. However, only two of these spheres, namely industrial relations and skill training, are directly related to the structure and functioning of the labor market. I will focus on the indicators in these two spheres to determine whether a host country has high or low labor absorption capacity. These indicators demonstrate whether the equilibrium in that sphere supports general or specific assets, which in turn will guide my analysis and allow me to determine the labor absorption capacity in my cases.

5.2.1.1   Industrial Relations Indicators:

Industrial relations is the sphere where companies have to deal with "bargaining over wages and working conditions with their labor force, the organizations that represent labor, and other employers," (Hall & Soskice 2001, p. 7). Since the product market strategy of the CMEs requires a highly skilled labor force with industry-specific knowledge, the companies operating in this

institutional setting need to give enough incentives to the labor to invest in specific skills while at the same time prevent other companies from poaching their trained workers. That is why, they rely on industry level bargains between the labor unions and the employer associations to set the wages equal at comparable skill levels across an industry (Hall and Soskice, 2001: p. 25). To be able to achieve the equilibrium where workers feel like they have the best deal possible at their current company, CMEs support strong labor unions and employer organizations, and as a result, usually have higher minimum wages.

On the other hand, companies in a typical LME solve their coordination problem in the industrial relations sphere through market competition. It means the wage negotiations are contract based, and employers, who have the full control over the firm, can easily hire and fire. Unions are weaker than their counterparts in CMEs, and the labor market is highly fluid. That is why workers are incentivized to invest in general, portable skills to be able to appeal to a broader employer audience and settle for lower wages in a "race to the bottom" to get the job.

Since the industrial relations in CMEs reflect company's need for a labor force that is highly trained in a specific high-tech industry area, the labor absorption capacity in this institutional setting will be low. On the contrary, the industrial relations that depend on market competition and the final word of the employer –namely LME equilibrium- will be likely to have high labor absorption capacity. The indicators I use to assess whether my case studies fall under the former or the latter institutional setting are:

- Trade union density: The number of trade unions as well as their membership numbers and the regulations they are subject to.
- Collective bargaining or lack thereof: Is there an effective wage bargain between trade unions and employer organizations at the industry level?

- Are there other factors that might affect wage levels or working conditions?

5.2.1.2 *Skill training:*

Each economic institutional setting needs a labor force with compatible skills and therefore focuses on the education system that can produce those necessary skills. An economy supporting a fluid labor market with general skills, i.e., a typical LME, incentivizes workers to invest in a college degree or a certificate program that can be acknowledged across all firms and industries, and thus increase their chances of finding employment. Business elites in this institutional setting also support general education provided by mostly the state as they face the threat of losing their workers to other firms due to lack of collective bargaining. That is why they are reluctant to waste their resources on workers that can be poached by other companies.

Quite the contrary, firms in a typical CME depend on industry or firm-specific skills and do not face the threat of losing their trained workforce to another company in the same sector thanks to the collective bargaining system that equalizes wages at equal skill levels across the industry. In such institutional setting, workers have enough incentives to invest in firm or industry-specific skills because the collective bargaining guarantees them a fair wage and longer job tenures. Supported by generous unemployment benefits, workers have the luxury of staying unemployed until they find a suitable match for their skill set. On the flip side, firms in a CME will be willing to participate in collaborative vocational training schemes because they know that they will get the return of their investments from a highly skilled workforce that is likely to stay with the company for years. Therefore, vocational schools and apprenticeship are trademarks of a CME in need of industry-specific skills. If the institutional setting supports firm-specific skills, companies rely more on company training. While vocational training and apprenticeship programs result in certificates

widely applicable in that industry, firm-specific skills usually are of no use outside of that firm and therefore the least portable of all.

To sum up, the indicators for skill training systems are:

- General education system – vocational training or lack thereof

- Employment and unemployment benefit

- Job tenure

5.3   Independent Variable: Social Willingness

Social willingness has two elements. The first element is the identity of the host community. In my analysis social identity differs from legal identity, which means that anybody who is qualified to be a citizen has easy access to a nondiscriminatory and free civil registration[33]. For example, according to the Turkish nationality law, "the child of a Turkish father or a mother is a Turk."[34] That is to say, the legal identity of the mother or the father rather than the birthplace determines the legal identity of the child when it comes to Turkish nationality as a legal concept. However, the statutory definition does not necessarily guarantee membership to "the Turkish nation" as a social group. One can acquire legal identity through nationality laws given that they qualify while they remain outside the boundaries of the social identity – voluntarily or involuntarily. Therefore, I will focus on the socially constructed identity of the host community to be able to capture the in-group vs. out-group dynamics.

People acquire their ethnic, social, or national identity through socialization and education. That is why I will first analyze the construction of the identity of the host community in a historical

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[33] Dahan, Mariana and Jaap van der Straaen (2015) "What is not counted does not count: measuring progress towards the global target on universal identity" World Bank
 https://blogs.worldbank.org/ic4d/what-not-counted-doesn-t-count-measuring-progress-towards-global-target-universal-identity
[34] Turkish Citizenship Law, Article 1:
http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5901.pdf

perspective. What does it mean to be a Turk or a German? Which criteria determine whether a person belongs to these groups? To be able to do that, I will have a closer look at the Turkish and German nation-building processes and how "Turkishness" or "Germanness" is constructed.

The second component of the social willingness is the identity of the asylee group and its relation to the identity of the host community, i.e., social distance. How does the host community perceive the incoming asylee group? How does that perception relate to their self-image? Common characteristics such as ethnicity, language, or religion might shed some light on the social distance between the two groups. However, in some cases, they might fall short of capturing the socially constructed character of the concept.

First and foremost, the social willingness might be related to the perception of the asylee group found in the historical narratives and the collective memory of the host community. Therefore, it is essential to look at the past relations between the destination country and the asylee group.

Another way to understand the social willingness might be through a discourse analysis on national media before and after a tragic event related to a particular asylee group. People might be more willing to accept an asylee group when they are reminded of the atrocities or tragedies from which they are fleeing. On the flip side, social willingness might also be measured through discourse analysis before/after a negative event or crime committed or reportedly committed or associated with a particular asylee group. People might be less willing to accept an asylee group when some of the members of that group are linked to a terror attack or sexual assault or another crime. To measure this relationship, I will make use of primary and secondary sources such as public opinion polls, national newspaper coverage, parliamentary minutes, and official statements in the destination country.

5.4 Dependent Variable: National Asylum Regimes

Since I keep the labor absorption capacity constant in each economic institutional type, I test my theory by varying the social willingness of the host community towards different asylee groups. I analyze Turkey's national asylum regime through an analysis of its response to Turkish-Muslim asylum seekers fleeing Bulgaria in 1989, Kurdish asylum seekers fleeing Iraq in 1988, and (mainly) Sunni Arab asylum seekers fleeing Syrian civil war since 2011. As for the Germany's national asylum regime, I will compare Syrian vs. Afghan asylees during the latest asylum crisis, 2011-2017, and try to explain how it varies based on the social distance between the Germans and the incoming asylee groups. Within each case, the labor absorption capacity remains constant within the case while it varies across the cases.

My theory rests on the premise that asylum policies of destination countries are a natural extension of their immigration policies. That is why I will focus more on labor market access as my primary indicator to assess whether an asylee group is fully integrated into the host community than naturalization or social integration. Temporary protection covers both the quality and the temporariness of the asylum policy. If the destination country has accepted the asylee group into its borders and granted access to social services such as health and education, but not labor market, for a temporary period, I will take the policy as temporary protection. There are different ways of exclusion. The obligations and responsibilities of a destination country are not borne out until the asylum seekers cross its borders and apply for asylum. Therefore, the most apparent exclusionary policy would be preventing asylum seekers from physically crossing the borders. This path entails a spectrum of policies ranging from increasing the number of border guards and barb wiring the border to delegitimizing the asylum claim by declaring the country of origin a safe country. Safe third country agreements are also tools to keep the asylum seekers in these allegedly "safe" third

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countries. When this exclusionary policy fails, and asylee groups enter the country, either illegally or under the supervision of the destination country due to the international pressure, I expect the destination countries to try to isolate the asylee group from the host community completely. Refugee camps or detention centers in remote areas serve this purpose. Although this is still temporary protection, in this case, I expect asylum seekers to have restricted mobility and access to health or education services let alone the labor market.

The data for the asylum policy choice of the destination countries will come from official documents such as laws and regulations. If there is a gap between de jure and de facto asylum policy, I will also talk about it and what it means for the asylee group.

6   TURKISH NATIONAL ASYLUM REGIME

Turkey's relationship with immigration and asylum has dramatically changed in the last decades, and yet the preservation and re-construction of Turkish nation-state have always been at the center of its immigration and asylum policy (Kirisci 2003). From the early days of the Republic up until the 1950s, the primary goal of the Turkish asylum policy was the Turkification of Anatolia. Between the 1950s and 1980s, Turkey was a country of origin, a source of labor migrants as well as political asylees that knocked the doors of the European countries. Moreover, the Turkification of Anatolia continued through the emigration of Greeks and Jews on the one hand and immigration of Turks from Bulgaria and former Yugoslavia on the other hand. Moreover, due to the brutal military coup of 1980, the number of people seeking asylum in other countries skyrocketed and made Turkey a primary country of origin for political asylees. After the collapse of the Soviet Union, this "country of origin" characteristic of Turkey began to change as for the first time in its modern history the country started to experience the immigration of non-Turkish and non-Muslims – i.e., foreigners-

into Turkey from East Europe and former Soviet Russia to find employment. These years marked the beginning of Turkey as "a transit country," (Kirisci 2003, Icduygu 2004). Thanks to the fast-growing Turkish economy as well as the ongoing civil and international conflicts in the Middle East region, Turkey's immigration and asylum identity went under another transformation, and the country has gradually become a "destination country" for economic migrants and asylum seekers alike. Between 1997 and 2008, there were 31.000 asylum applications (56.000 with family unification) made in Turkey, the majority of which is from Iraq, Iran, and Afghanistan (Kirisci 2003).

In line with its changing characteristic, Turkey has started to make an effort to produce more systematic and efficient immigration and asylum laws and institutions in the last fifteen years. Of course, the membership process and the adjustment regulations pushed by the European Union speeded up this process.

Having said that, there has been significant variation in how Turkey responded to different groups seeking asylum in the country, namely Bulgarian Turks, Iraqi Kurds, and Syrian Arabs. In my analysis below, I will try to show how the labor absorption capacity and social willingness shaped Turkey's response to these different asylum-seeking groups and led to very different asylum outcomes for each.

6.1   Labor Absorption Capacity

Hall & Soskice's original VoC framework puts Southern European countries, such as France, Spain, Greece or Turkey, in an ambiguous "Mediterranean" category and glosses over. Even though scholars used VoC framework to elaborate on the institutional complementarities of the Mediterranean countries, there is hardly any consensus on whether they constitute a third variety or only a hybrid version of the original classification. For example, through her analysis of France,

Vivien Schmidt (2003) contends that the role of the state in these countries is so crucial for capital-labor relations that they constitute another category: state capitalism. However, according to Molina and Rhodes (2007), it is the degree and form of state intervention that matters, not the presence of it. Instead, they contend that these southern Mediterranean countries are Mixed Market Economies (MMEs) with two different trends: "the growth of 'autonomous coordination,' in which actors seek to govern the economy with new kinds of non-market coordination; and 'market colonization,' a process whereby market modes of coordination emerge and prevail," (Molina and Rhodes 2007, p. 2).

Although privatization of public companies and banks is still not complete, there is still not enough planned, intentional state intervention in Turkey to facilitate cooperation between the capital and the labor to classify it as state capitalism. Although we see a mix of coordinated and market-based solutions in the Turkish economy, these institutions are highly compartmentalized. Large businesses, which operate mostly as family conglomerates, have a CME like corporate governance strategy and finance base. They are also subject to one of the most regulated labor market among the OECD countries. Most of these rules apply to only a small percentage of firms and mostly remain on the paper. On the other hand, small and medium-sized enterprises, which make up almost 80% of the economy, are not subject to the same labor market regulations as the large corporations and therefore mostly rely on market mechanisms to solve the coordination problems in this sphere. That is why, as the backbone of the Turkish economy, the demands of these SMEs for cheap and abundant labor create a high labor absorption capacity in the economy.

6.1.1.1 Industrial Relations in the Turkish Context

In the 1960s and 1970s, Turkey adopted Import Substitution Industrialization (ISI) as the model of capital accumulation and development. State regulations and five-year development plans guided the

industrialization process. The 1961 Constitution laid the grounds for a pluralist industrial relations system by "let[ting] trade unions develop and expand their influence on Turkey's economic and political arena,"[35] (Buyukuslu 1994). The Constitution not only allowed unionization, but also granted collective action and strike rights, and thereby lead to the recognition of trade unions as strong bargaining partners by the employers (Ozerkmen 2003)[36]. In this context, Turkish unions became powerful "intermediary organizations" between the state, employers, and workers (Buyukuslu 1994). "This liberal constitution also made it possible for the working class to have an impact on the political processes and mechanism thereby leading to the characterization of this period as containing elements of populism," (Buyukuslu 1994, p. 51). In a way, Turkey experimented with state-initiated corporatism during this week. Turkish political elites considered the cooperation between workers and employers the pre-requisite for democratization and economic development (Buyukuslu 1994).

According to Buyukuslu (1994), union rights were granted by the government, not as a consequence of constant labor pressure, but as a necessary component of the new development strategy adopted in the 1960s. Therefore, the expansion of rights did not reflect the real power of the labor unions. Since they were given by the state, they could always be revoked by the state.

"By the mid-1970s, Turkey had about 800 unions", many of which were operating under one of the four nation-wide trade union federations with different political orientations[37]. These were the politically moderate The Confederation of Turkish Trade Unions (Turk-Is), the socialist the

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[35] Buyukuslu, Ali Riza (1994) "Trade Unions in Turkey: An Analysis of Their Development, Role and Present Situation" (PhD Diss.) The University of Warwick
http://wrap.warwick.ac.uk/53866/1/WRAP_THESIS%20_Buyukuslu_1994.pdf
[36] Ozerkmen, Necmettin (2003) "Gecmisten Gunumuze Turkiye'de Anayasa ve Yasalarda Sendikal Haklarin Duzenlemesi ve Getirilen Kisitlamalar." Ankara Universitesi Dil, Tarih ve Cografya fakultesi Dergisi, 43(1), p. 239-257.
http://dergiler.ankara.edu.tr/dergiler/26/1009/12246.pdf
[37] Helen Chapin Metz, ed. (1995). Turkey: A Country Study. Washington: GPO for the Library of Congress.
http://countrystudies.us/turkey/54.htm

Confederation of Revolutionary Workers' Trade Unions of Turkey (DISK), the pro-Islamist Confederation of Turkish Just Workers' Unions (Hak-Is), and the right-wing Turkish Nationalist Workers' Unions (MISK)[38]. There is no clear data on the trade union membership in the 1980s and 1990s. According to the Ministry of Labor statistics, "in 1992 Türk-Is had a membership of about 1.7 million, Hak-Is had about 330,000 members, and DISK had about 26,000 members. Also, Turkey had twenty-four independent unions that did not belong to federations. The size of their memberships was uncertain in early 1995, but organized labor totaled almost 2.2 million workers in 1992."[39] It was also possible to be a member of more than one union, which makes it hard to get a clear picture of the union membership during this period.

Although the growth strategy seemed to be working during the 1960s, Turkey fell into a deep economic and political crisis by the end of the 1970s. The global recession due to the 1973 oil crisis combined with soaring inflation and increasing unemployment rates, and mounting external debt required active stabilization policies that discarded the populist demands. The labor movement was too influential to bow to the proposed neoliberal policies at the expense of the populist Keynesian policies of the 1960s and 1970s.

By the help of the 1980 military coup, the development paradigm of Turkey shifted from import-substitution toward a more market-oriented, liberal trade and development strategy without being obliged to deal with the organized labor. To achieve a smooth transition from an interventionist to a neo-liberal economy, the military regime passed regulations to discourage unionization, and banned DİSK, Hak-Is, and MISK and arrested their leaders[40]. These labor organizations did not return to

[38] Helen Chapin Metz, ed. (1995). Turkey: A Country Study. Washington: GPO for the Library of Congress. http://countrystudies.us/turkey/54.htm
[39] Helen Chapin Metz, ed. (1995). Turkey: A Country Study. Washington: GPO for the Library of Congress. http://countrystudies.us/turkey/54.htm
[40] Industry All. (June 2016) "Profile: Unions in Turkey: holding the line for workers" http://www.industriall-union.org/profile-unions-in-turkey-holding-the-line-for-workers

the political and economic stage until 1992 when the ban was lifted[41]. "While labor legislation was designed mainly to weaken the power of the unions in relations with employers, various attempts were also made to reduce the institutional regulation of conflict so as to expose labor relations more directly to market forces, particularly in public sectors," (Buyukuslu 1994, p. 175). Other factors that led to low unionization rates, as well as the decline of the economic and political power of labor unions, were "anti-union legislation, cultural and ideological offensive, collective bargaining, and privatization," (Buyukuslu 1994, p. 175). Then Prime Minister Turgut Ozal created a rift between the workers and the labor unions by stressing that his problem was with the organizations that led to Turkey to chaos, not with the workers who were after their bread and butter (Buyukuslu 1994).

The military government used mainly two regulations to suppress the most organized interest group in the general labor market: Trade Unions Act of 1983 and The Collective Bargaining, Strike, Lockout Act of 1983, which are still valid and still regulate the industrial relations in the Turkish economy. These labor legislations were a natural extension of the 1982 Constitution, which curbed the labor rights considerably and limited the right to strike. The first act set strict rules about who could become union members while the second one prohibited coordinated actions such as general and solidary strikes. For example, "Clause 13 of the law stipulates that a trade union, in order to gain collective bargaining rights in a workplace, must have 10 percent of all workers in that branch of industry and 51 percent of workers in the particular workplace."[42] This clause was later amended in 2012 to bring the labor regulations in line with EU economic conditions. With the amendment, "the double threshold requirement for trade unions to attain competence to conclude collective agreements remain[ed]. However, the branch of industry threshold [was] reduced from 10% to 3% and the enterprise threshold [was] reduced from 50% to 40%. The workplace threshold remain[ed]

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[41]Industry All. (June 2016) "Profile: Unions in Turkey: holding the line for workers" http://www.industriall-union.org/profile-unions-in-turkey-holding-the-line-for-workers

[42] Margulies, Ronnie and Yildizoglu, Ergin (2016) "Trade Unions and Turkey's Working Class." Middle East Research and Information Project http://www.merip.org/mer/mer121/trade-unions-turkeys-working-class

unchanged at 50%," (Isik and van Wezel 2013, p.3). Moreover, "Although it f[ell] short of meeting the international standards, the scope of legal prohibitions on strikes and lockouts has been reduced," (Isik and van Wezel 2013, p. 7).

The unions representing public servants were already prohibited from collective bargaining and striking by The Public Servants Act from 1965. In line with the EU economic conditions, Turkey also amended The Public Servants Trade Union Act in 2001. This law enabled the public servants to participate in trade unions and collective bargaining. However, the act does not cover the collective agreements right (Yildirim and Calis 2008).

The main aim of the governments in the 1980s was "to limit the role of trade unions and the influence of collective bargaining so as to create a flexible labor market at every level," (Buyukuslu 1994, p. 172). To achieve this goal, they set the stage with the 1983 regulations and pursued policies that would considerably decrease the real wages. A Turk-Is report (1989) suggested that the real wage index fell from 100 in 1979 to 43,68 in 1988 (Buyukuslu 1994). During the period, the real wages in the public sector dropped from 100 to 52,4 (Buyukuslu 1994).

The trend of keeping the organized labor under the thumb of the state continued the following three decades with the continuing liberalization strategies. According to the official 2013 statistics, "there are a total of 11,628,806 workers, with 1,032,166 of them unionized, and with only a few of them eligible to enter collective bargaining due to the threshold. Out of 44 eligible unions, 30 of them are affiliated with the Confederation of Turkish Trade Unions (Turk-İş), eight with Hak-İş and four with DİSK."[43]

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[43] Hurriyet Daily News (August 2013) "Labor Union Membership Drops to Historical Low in Turkey" http://www.hurriyetdailynews.com/labor-union-membership-drops-to-historical-low-in-turkey.aspx?pageID=238&nID=51863&NewsCatID=347

However, these numbers do not reflect the actual figures, as they do not account for a significant portion of workers who remain invisible in the informal sector. When we take unofficial workers into account, this percentage goes down to 5.4 percent[44] (OECD 2014).

It is true that a 2003 Labor Act introduced a high severance pay and redundancy payment and to a small extent complemented the absence of labor unions from the political scene (Yildirim and Calis 2008). However, the Act was only applicable to employees who have been working in the same firm for at least one year. Also, the firm has to have at least 30 employees. An OECD report shows that this coordination attempt only resulted in firing and re-hiring of the low-skilled workers before the one-year deadline is met (OECD 2012).

To sum up, Turkish labor force is represented by a few unions with low membership rates and no real bargaining power. Similar to an LME, the labor market in Turkey is flexible, operates on low wages, and mostly depends on low, portable, general skills.

6.1.1.2 Skill Training in the Turkish Context

According to the OECD statistics, 63% of 25-34 age population in Turkey have only primary education or less[45], and the rate of youth not in employment, education, or training (NEET) is 13,3%[46]. Small and medium-sized enterprises (SMEs)[47] employ 75,5% of this workforce, but

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[44] OECD Data (2016) Trade Union Density (indicator) DOI: 10.1787/1e628ddd-en
https://stats.oecd.org/Index.aspx?DataSetCode=UN_DEN
[45] OECD (2017) Adult Education Level OECD (2017), Adult education level (indicator). DOI: 10.1787/36bce3fe-en
https://data.oecd.org/eduatt/adult-education-level.htm
[46] OECD (2017), Youth not in employment, education or training (NEET) (indicator). doi: 10.1787/72d1033a-en
https://data.oecd.org/youthinac/youth-not-in-employment-education-or-training-neet.htm
[47] Enterprises with 10-249 employees according to Turkish Statistical Institute
http://www.turkstat.gov.tr/PreHaberBultenleri.do?id=21864

contribute only 53,9% of the GDP[48]. In other words, the majority of the Turkish labor force has low skills and low productivity levels, and works in low-tech industries. These firms do not invest in labor training, as the official statistics show that in 2014 only "17.4% of R&D expenditure was performed by the SMEs."[49]

This picture gets worse when we take the informal[50] sector into account. In 2006, informal sector accounted for approximately 50% (35 % excluding the agricultural sector) of the labor market (Bolukbasi and Ertugal 2013). The workers in the informal sector are in high demand as they have low skills and are not protected by the formal social security system. In this section, I will focus on the formal economy and regulations to be able to capture the institutional set up the Turkish government intentionally set for the skill development.

Turkish national education system has two main parts: formal (academic and vocational) and non-formal education (public training, apprenticeship training, certificate training provided by NGOs and other institutions)[51]. The mandatory school attendance is 12 years. When they finish the 8th grade, Turkish students choose between academic secondary education or vocational secondary education. Until 2009, it was tough to pursue an academic career after graduating from a vocational secondary

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[48] European Commission 2014/2015 Annual Report on European SMEs
www.pmievolution.it/wp-content/uploads/2016/04/annual-report-SME-2015.pdf
[49] Turkish Statistical Institute (2015) Small and Medium Sized Enterprises Statistics
http://www.turkstat.gov.tr/PreHaberBultenleri.do?id=21864
[50] The ILO describes informal sector as bellow
"The informal sector may be broadly characterized as consisting of units engaged in the production of goods or services with the primary objective of generating employment and incomes to the persons concerned. These units typically operate at a low level of organization, with little or no division between labor and capital as factors of production and on a small scale." http://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/normativeinstrument/wcms_087484.pdf
It consists of "own account enterprises (optionally, all, or those that are not registered under specific forms of national legislation), and enterprises of informal employers (optionally, all those with less than a specified level of employment and/or not registered and/or employees not registered."
https://stats.oecd.org/glossary/detail.asp?ID=1350
[51] Statistical, Economic and Social Research and Training Centre for Islamic Countries (2012) "Vocational Education and Training in Turkey"
http://www.sesric.org/imgs/news/image/621-presentation-1.pdf

school. Graduates from a vocational school could only go to two-year vocational colleges, which were designed to build industry skills, or four-year technical departments, which mainly produced the teachers for the vocational schools (Demirli 2008). A new regulation in 2009 changed this system and allowed every high school graduate, including those from the vocational schools, to pursue any career they want in the tertiary education as long as they have the necessary score in the university entrance exam[52]. General Directorate of Vocational Education conducts the coordination between the formal vocational schools and the industry. Some vocational schools also have a close relationship with the Organized Industrial Zones, and thereby supposedly respond to the specific needs and demands of the industry in that zone.

The non-formal vocational training mainly consists of apprenticeship and certificate programs offered by NGOs and other institutions such as such as universities, municipalities, employer organizations, etc. Although apprenticeship training in Turkey has a long history dating back to the Ottoman craft guilds, the first apprenticeship law was adopted in 1977. The proposal spurred heated discussions in the parliament. According to those who oppose the bill, the apprenticeship training should be regulated by the Ministry of Labor and Social Security, not the Ministry of National Education[53]. The most controversial article of the law was the one that classifies the apprentice as a student. On the one hand, this classification allowed the apprentice to continue his or her theoretic education, and take a one-month paid leave in the summer[54]. On the other hand, it reduced their wages considerably and provided only limited social security coverage[55]. The Vocational Qualifications Authority oversees the non-formal vocational training. The Authority is responsible

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[52] Sabah Newspaper (2009) "Katsayi kalkti. Meslek liselerinin onu acildi."
http://www.sabah.com.tr/gundem/2009/07/22/katsayi_kalkti_meslek_liselerinin_onu_acildi
[53] Confederation of Turkish Tradesmen and Craftsmen "General Vocational Education in Turkey"
http://www.tesk.org.tr/tr/calisma/egitim/genel1.php
[54] Confederation of Turkish Tradesmen and Craftsmen "Apprenticeship Training in Turkey"
http://www.tesk.org.tr/tr/yayin/88/3.php
[55] Confederation of Turkish Tradesmen and Craftsmen "Apprenticeship Training in Turkey"
http://www.tesk.org.tr/tr/yayin/88/3.php
 http://www.tesk.org.tr/tr/yayin/88/3.php

for preparing the national qualifications standard for non-formal vocational training and validation of vocational training certificates[56].

Despite the formal and non-formal institutional setup, which indicates the intent of the Turkish state to create a CME type specific and co-specific skill-training program, the productivity levels in Turkey are pretty low compared to major CME and LME economies in the OECD (Table 3). "Like most developing countries, Turkey lacks an adequate number of trained and skilled personnel. In the early 1990s, the demand for educated and skilled workers exceeded the limited number of technically and scientifically trained graduates,"[57] and the scene has not changed much since.

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[56] Statistical, Economic and Social Research and Training Centre for Islamic Countries (2012) "Vocational Education and Training in Turkey"
http://www.sesric.org/imgs/news/image/621-presentation-1.pdf
[57] Helen Chapin Metz, ed. (1995). Turkey: A Country Study. Washington: GPO for the Library of Congress.
http://countrystudies.us/turkey/54.htm

Table 3 Level of GDP per capita and productivity (OECD 2017)

	1980	1985	1990	1995	2000	2005	2010	2015
Austria	..	..	..	40.6	44.5	48.1	51.2	53.5
France	31.9	38.0	42.8	47.3	52.7	56.7	58.3	60.8
Germany	32.3	36.0	40.7	46.0	50.6	54.4	56.3	59.0
Greece	..	23.5	24.7	25.1	29.0	32.1	33.0	31.3
Italy	33.9	36.3	40.5	44.9	47.3	47.6	47.2	47.7
Japan	18.7	22.5	28.1	31.4	35.2	38.3	39.5	41.4
Spain	28.1	34.8	36.9	40.7	40.9	41.4	44.3	46.8
Sweden	31.6	33.6	35.5	39.3	44.9	51.8	53.1	55.8
Turkey	13.0	16.1	19.4	20.4	23.1	28.4	30.7	36.4
United Kingdom	25.8	29.7	32.1	36.8	41.0	45.6	47.1	47.8
United States	36.1	39.3	42.1	44.8	50.4	57.1	61.9	62.9

The main reason for the ineffectiveness of the vocational training system in Turkey is the competitive intra-firm relations that enable poaching of trained workers, which discourages firms from investing in employee training. The lack of incentives for employees to invest in specific or co-specific skills such as employment protection, the lack of collective bargaining, little hope for promotion especially in the small and medium-size enterprises, the social culture that values college degree more than technical know-how, and lack of systematic vocational guidance (Demirli 2008).

Moreover, the curriculum of the vocational schools does not reflect the needs and demands of the industry. Since Turkish education system is highly centralized, there is little room for the firms to influence and shape the curriculum. Therefore, most of the graduates graduate without the practical skills and acquire them on the job (Demirli 2008). Murat Erdogan and Can Unver's (2015) study, which covers in-person interviews with 134 employers in economically strong 18 cities, reveals this skill match problem in the Turkish economy. According to the interviewees, Turkish labor market is full of college graduates without any technical skills (Erdogan and Unver 2015). This make-up of the labor market creates not only an unemployment problem for those who are looking for employment but also lack of highly skilled, highly trained workers for those who are looking for an employee.

These employers believe that the skill match gap is worse especially in the intermediate staff position, and especially in agriculture, husbandry, construction, manufacturing, and textile sectors (Erdogan and Unver 2015). The majority of the firms in the Turkish economy do not have the means or the will to provide vocational training themselves. They do not have the means because, "the large majority (78%) are micro units employing less than nine workers, 18% small enterprises with 10 to 49 workers, 3.5% medium-size firms employing 50 to 249 employees, and less than 1% large firms with more than 250 workers," (Atabek, Andrews and Gonenc 2016). They also do not have the

will to provide the training due to three specific concerns: "Difficulty in determining and measuring benefits of investing in training, fear of other SMEs poaching their employees once they had obtained new specific skills, and a lack of public funding (Elci 2011, p. 55).

On the employee side, Varieties of Capitalism talks about employment protection, unemployment protection, and job tenure as the incentives for workers to invest in specific skills (Estevez-Abe, Iversen, and Soskice 2001). It is apparent from labor protection regulations that Turkish state tries to compensate for weak labor unions by offering coordinated solutions. Turkey introduced its first unemployment protection law in 1999. The regulation sets up a system where the employee (1%), employer (2%) and state (1% on behalf of the employee) make contributions to the mandatory unemployment insurance and under very specific circumstances, employees can benefit from it up to 10 months[58]. There is also a 2003 labor law that grants a relatively high severance pay and redundancy payment. However, employees must be working in the same firm for at least one full year to benefit from it, and the firm must have at least 30 workers (Yildirim and Calis 2008). This provision arguably leads to the firing of low-skilled workers before they complete their first year[59]. Firms also appeal to informal employment to circumvent the strict labor protection laws[60]. In other words, although Turkish state offers coordinated solutions, the market replaces them with more viable, more profitable market-based solutions.

The amount of severance pay depends on the duration of the employment; seniors get higher payments[61]. This gives the formal employees incentive to stick to their job, which increases the job

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[58] Turkish Labor Law, FAQ (2017) https://turkishlaborlaw.com/news/business-in-turkey/474-faqs-on-unemployment-benefits-in-turkey

[59] Gonenc, Rauf., Röhn, Oliver., Koen, Vincent., and Seref Saygili. (2012). "Structural Reforms to Boost Turkey's Long Term Growth" http://dx.doi.org/10.1787/5k92smv7cnjl-en

[60] Gonenc, Rauf., Röhn, Oliver., Koen, Vincent., and Seref Saygili. (2012). "Structural Reforms to Boost Turkey's Long Term Growth" http://dx.doi.org/10.1787/5k92smv7cnjl-en

[61] Turkish Labor Law, FAQ (2017) https://turkishlaborlaw.com/news/business-in-turkey/474-faqs-on-unemployment-benefits-in-turkey

tenure. However, firms are set free of this obligation if the employee leaves the job voluntarily[62], which might lead firms to resort to mobbing to force their unwanted employees to quit. Moreover, unemployment benefits are only applicable if the firm has more than 30 employees. Considering that the 31% of the Turkish economy is informal[63] and micro businesses employ 45% of the formal labor market, it is safe to claim that these regulations formally apply only to a small segment of the labor market, to begin with.

In conclusion, scattered and weak labor unions combined with the lack of strong labor regulation provide incentives for the employee invest in general skills. On the other hand, firms also do not have an incentive in investing specific skills, as most of them do not have the financial means and the vision. Moreover, there is no inter-firm coordination that can prevent poaching, which makes the training a risky investment.

6.2   Turkish Identity/Nation-building and Social Willingness

Turkish identity has its roots in the Ottoman millet system and the modernization process in the late 19th and early 20th century. In an attempt to save the empire from its downfall, Ottoman elites and intellectuals came up with three solutions: Ottomanism, Islamism, and Turkism. They had to forego the former two and hold onto the last one not because it was a better choice, but because they had no other option. Accordingly, in the Ottoman context and the following Republican era, Turkish identity has been a project of military and political elites, the ultimate goal of which is the prevalence of the state. In other words, in a country where a strong state penetrated every aspect of

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[62] Turkish Labor Law, FAQ (2017) https://turkishlaborlaw.com/news/business-in-turkey/474-faqs-on-unemployment-benefits-in-turkey
[63] OECD (2016) SME Policy Index. "Western Balkans and Turkey 2016: Assessing the Implementation of the Small Business Act for Europe" DOI:http://dx.doi.org/10.1787/9789264254473-en

the social life, the relevant question has not been "Who are the Turks?" but rather "Who and/or how are the Turks going to be?" (Kadioglu 1996, p. 177).

As the Ottoman Empire went through a slow, humiliating and yet decisive defeat vis-à-vis the European powers following its centuries-long military superiority, the intellectuals, as well as the political elites, tried to understand the reason behind the change in the balance of power. First, failing to comprehend the structural changes the European powers had gone through with modernization, Istanbul government brought military advisors from European countries, such as France and Germany, and undertook a comprehensive military reform in the hope of catching up with the West. When this approach failed, the reform process spilled over to other areas, such as education and administrative system through Tanzimat Charter, to put an end to military and economic deterioration of the Empire.

In addition to the modernization problem, Ottomans faced another "ill" from Europe that spread like wildfire in the Christian-majority regions: nationalism. Filled with their newly found national pride, minorities such as Greeks, Serbs, Bulgarians, and Albanians all demanded a break away from the Ottoman rule. The first response of the Ottoman elites to the threat of nationalism was improving the minority rights and presenting Ottomanism as the social glue that could hold the Empire together.

According to the millet system, which regulated the social relations since the 15th century, Ottoman society consisted of different millets based on religious affiliation. Each millet was subject to their own rules and courts in civic matters with little Ottoman interference as long as they paid cizye, an extra tax collected only from non-Muslim subjects. At the top of the system were Sunni Muslims, regardless of their ethnicity. They were millet-i hakime - the master (dominant) nation. The reform process and the Ottomanism ideology were supposedly a dent in the millet system as they were to

create a sense of equality among the non-Muslim subjects of the Empire and prevent nationalist demands. According to Ottomanism, it was possible to feel pride in one's nation as a Greek, Bulgarian, Serb or Albanian and still pledge allegiance to the Ottoman Empire as an equal and respected member of the society. Religion took a back seat, as it was not important whether one was a Muslim, an Orthodox or a Jew; they were all Ottomans. This strategy of solidarity failed miserably, and the Empire lost most of its European territory in a series of independence wars in 1912 and 1913. The trauma of losing Balkans imprinted in the psyche of the elites as well as the masses and led to a strong sense of insecurity and distrust towards the remaining religious minorities of the Empire. Committee of Union and Progress (CUP), the incumbent party between 1908-1918 with short interruptions, initiated "the Turkification of Anatolia" to prevent another Balkan catastrophe and deported/massacred the largest non-Muslim minority group, the Armenians, in 1915 (Yegen 2011).

Losing Balkans also led to a net influx of Muslim populations from the newly established nation states towards the center of the Ottoman Empire. In a few years, the state lost its multi-ethnic, multi-religious character and transformed into a Muslim majority empire. That is why Islam became prominent as a unifying factor that could hold the realm together. Sultan Abdulhamid used his position as the Khalif – the leader of all Muslims worldwide- and polished the Islamic character of the state as part of the political strategy to save the Empire. To underline his role as the supreme leader of the Islamic nation, he emphasized the holy cities Macca and Madia and adopted policies that have a symbolic meaning for Muslims. By renovating Kaba, building Hejaz railway for the pilgrims, or undertaking infrastructure projects served the residents and visitors of the holy city, Abdulhamid clinched his role as the guardian of Islam and the Muslim nation. However, to the disappointment of the Ottomans, the failure of Islamism became apparent when Arab subjects of the empire made allied with the Allied forces against the state during the World War 1. United behind

the pan-Arab nationalist ideology, Arabs launched a revolt against the Ottomans to establish an independent Arab state in the Arabian Peninsula with British support. This "betrayal" has been imprinted on the minds of Turks and created resentment against Arabs in the collective memory of the Turkish nation (Erdogan 2015). The public school curriculum has taught students from K-12 that Arabs were sell outs, backstabbers, and traitors (Sever 2015).

Left mostly with the Turkish subjects of the empire, the political and military elites now turned their eyes to Turkism- the only viable option left to save the remains of the Ottoman state. However, the abrupt "Turkification" project defined "Turk" on the religious basis in line with the millet system. This classification laid the foundations of the idea that non-Sunni Muslims were potential Turks – waiting to be assimilated- while non-Muslims had to be excluded from the society (Cagaptay 2002. Yegen 2011). Therefore, "it was much easier for a Kurd, Circassian, Laz, Acana, or Arab to assimilate to the Turkish society than for a Greek, an Armenian, or a Jew," (Uzer 2011). As a result, the number of religious minorities dropped rapidly. For example, "In 1913, one in every five persons was a non-Muslim. At the end of 1923, the ratio was 1 in 40," (Keyder 1989, p.67).

Turkification and the dual nation-building strategy of assimilation of non-Turkish Muslims and exclusion of non-Muslim ethnic groups constituted the core of the official Turkish nationalism of the Turkish Republic as well. Ataturk and his followers also inherited the statist top-down approach and kept the primary goal of the official Turkish nationalism as the survival of the state. Therefore, Turkish identity" has always glorified and encouraged sacrificing oneself for the state. The two pillars of Turkish nationalism were Westernism and Islamism, both of which had a paradoxical relationship with the Turkish identity.

On the one hand, Turkish nationalism had strong anti-imperialist tones as it was flared up by the independence war against the Allied powers (except the United States), which carved up Anatolia into influence zones among themselves. On the other hand, the technical superiority of the West was awe-inspiring for the Turkish elites, who were the products of the Western education themselves. They loathed the West because of its imperialist agenda, but at the same time, they were in awe of the West because it represented the reason, rationality, development, and higher living standards – everything they longed for their country.

Despite its technological superiority, the West also was the epitome of moral and spiritual decay. That is why Westernism in Turkish nation-building strived for two irreconcilable goals since the 19th century; reaching the level of "contemporary civilizations" without "falling to their immorality." It was the spirituality and morality of the East in the form of religion that compensated for this immorality. Moreover, Turks largely identified themselves with their religion as "[they were] so integrated into Islam as the principal defenders of the religion that there was not any element or institution of Turkish life that was not permeated by Islam," (Koyuncu-Lorosdagi 2011, p. 140). According to the Kemalist elite, Islam was an obstacle to the modernization and economic development of Turkey and therefore needed to be cut off (Kadioglu 2011).

The problematic relationship of Turkish nationalism with Islam and the West created a variety of Turkish identity formulations. There are various competing Turkish nationalisms and identities in Turkey, which has a symbiotic antagonist relationship with each other (Kadioglu and Keyman 2011). Theirs is an antagonist relationship that also needs each other for survival because these nationalisms "derive their raison d'etre from one another and prepare the conditions for each other's continuous reproduction and downfall," (Kadioglu and Keyman 2011, p.xi). In this section, I will

focus solely on various Turkish nationalisms, and leave their relationship with the identities of the incoming asylee group to the next section.

6.2.1.1 Kemalist (official) Turkish nationalism:

Tanil Bora defines Kemalist nationalism as "a combination of a French style nationalism, based on the principle of citizenship and territoriality, and a German-style nationalism, which has ethnicist assumptions," (Bora, p.63). On the one hand, it emphasizes a cultural and territorial conception of Turkish identity based on citizenship, which was granted by the state to those who share the Turkish culture and are willing to live together. On the other hand, it assumes the superiority and dominance of Turkishness over other identities and nationalisms in Turkey.

The primary goal of Kemalist nationalism has been "to reach the levels of 'Western civilization' by installing an independent nation-state, fostering industrialization, and constructing a secular and modern national identity," (Keyman 2011, p. 20). As a result, the building blocks of this form of *Turkish* identity have been *secularism* and *modernism* – aka Westernism. The new nation would be Turkish, not multi-ethnic. It would also be secular, and therefore Islamic and Ottoman heritage was downplayed through the glorification of pre-Ottoman and pre-Islamic Turkish past. Additionally, it would be modern, "accepting Western modernity as *the way"* to modernity (Keyman 2011, p.13). This obsession with Westernism necessitated turning backs to the East and all its backwardness, and corruption. Westernism was also an integral part of the Ottoman modernism. The main difference of Kemalist Westernism from Ottoman Westernism was its acceptance of the superstructure of the West –aka Western rationality, cultural practices, and legal institutions, as a necessary component of Western development and modernity (Keyman 2011).

Turkey inherited the fears and paranoia of the late Ottoman elites. The underlying fear that shapes the boundaries of Turkish identity is still the fear of the disintegration of the state at the hands of the Western powers or their local collaborators (Ozkirimli 2011, Kadioglu 2011). Penetrating to the capillaries of the Turkish society, The Sevres Syndrome leads to constant paranoia. It manifests itself in the motto "Turks have no friends but Turks', which in turn gives birth to a thriving industry of conspiracy theories and laborious process of inventing enemies, both within and outside," (Ozkirimli 2011, p. 94). Accordingly, the West is determined to disintegrate Turkey, as it attempted in the past through the Sevres Treaty, which carved up the Ottoman territory to various zones of influence among the victorious Allied powers of the WW1. Sevres paranoia is an underlying theme for all nationalisms in Turkey. For ulusalci nationalism (a combination of Kemalist and left-wing nationalism), the West, disguised as foreign investment, human right advocates, etc., is trying to take over Turkey through whatever means possible – a goal they could not achieve militarily in the past.

Even though Kemalist nationalism seemingly adopted a territorial - civic definition of Turkishness and promoted a strict secularization of the public sphere, in practice "only the Muslims of Turkey considered true Turks," (Cagaptay 2006, p.1). For example, the Treaty of Lausanne, which put an end to the Turkish Independence War against the Allied powers and marked the recognition of the borders of newly established Turkish Republic, regulated the rights of religious minorities, not ethnic ones. By doing so, both parties recognized that religious and cultural affiliations were more critical in the definition of Turkish nationalism than ethnic bonds.

Along the same lines, The Convention Concerning the Exchange of Greek and Turkish Populations (1923) provided for the reciprocal expulsion of Orthodox Greeks from Turkey to Greece and Muslims from Greece to Turkey. Since the convention prioritized religious identity over ethnic

identity, Orthodox Turks from Anatolia, who does not speak one word of Greek, were also classified as "Greeks" and forcibly sent to Greece. On the flip side, Greek Muslims, who converted to Islam during the Ottoman period, were classified as Turks and had to migrate to Turkey. The population exchange was followed by systematic attacks to religious minorities –such as special wealth tax (Varlik vergisi) directed at religious minorities, "Citizen, speak Turkish!" campaign, September 6-7 attacks directed at Greek minority in Istanbul. It is clear that the official nationalism, which wanted a sharp break from the Ottoman and Islamic past, has still subconsciously defined citizenship based on a particular religious affiliation – a state-approved version of Islam.

6.2.1.2   *Radical right-wing Turkish nationalism:*

"A racist version of Turkish nationalism appeared around the time of World War 2 and became a political movement in the 1960s and 1970s," (Yegen 2011, p. 235). It has an ethnic, and even racist, understanding of the Turkish identity. Similar to the official nationalism, radical right-wing nationalism glorifies the pre-Islamic Turkish history, with a particular focus on Turkish mythology and symbols representing ancient Turks. It has pan-Turkist tendencies, downplays the significance of Islam as a constituent component of the Turkish identity, but still respects religious symbols and sensibilities of the Turkish Muslim society (Bora 2011).

Especially after the 1980s, parallel to the rise of Islam in Turkey as part of the "Green Belt" built against the Soviets, the significance of religion increased, and the Turk-Islam synthesis has become the founding blocks of the radical-right wing nationalism. Its credo has been "As Turkish as the Tengri Mountain [a place in Central Asia which the radical right wing nationalism believes Turks migrated from], as Muslim as the Hira Mountain [a mountain in the holy city of Macca on which Prophet Muhammad received first revelations of the Holy Quran."

The main difference between radical right-wing nationalism and official Kemalist nationalism is their approach to non-Turkish speaking Muslim identities in Turkey. Kemalist nationalism acknowledges the existence of ethnic minorities but pursues an aggressive assimilation strategy to defy them. This attitude is apparent in Ataturk's remarks on the Turkish identity: "How happy is the one who *calls himself* a Turk!"[64] not who *is* a Turk. On the other hand, radical right-wing nationalism strongly rejects the existence of ethnic minorities in Turkey as it argues all Muslims in Anatolia are of Turkish origin, but somehow forgot their Turkishness and should be brought to their senses through assimilation. The construction of the Turkish identity, in this case, depends on the "one homeland, one flag, one nation, one state[65]" motto. That is why, while the official Turkish nationalism uses "mosaic" as a symbol for Turkey to argue that different ethnic groups make up the "Turkish nation," radical right-wing nationalism rejects this image claiming that Turkey is more like an inseparable, unbreakable "marble block."

Radical right-wing nationalism is associated with the Nationalist Movement Party, which was founded in 1969 by Alparslan Turkes – the chieftain of the nationalist movement.

6.2.1.3 Conservative Nationalism

After their defeat at the political arena, the ideas of Ottomanism and Islamism did not just disappear into thin air. They continued to live in the society despite constant attacks from the Kemalist nationalism. Strengthened by the adoption of Turk-Islam synthesis as the state ideology, Islamism resurfaced in the fight against communism during the 1980s.

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[64] Mustafa Kemal Ataturk. 1933. 10th Year Speech. http://www.ataturkiye.com/nutuklari/onuncuyil2.html
[65] Devlet Bahceli (Leader of the Nationalist Movement Party) https://twitter.com/mhp_gundem/status/790578415304867841

Conservative nationalism highlights the irrevocable role of Islam in shaping the Turkish identity. Accordingly, Turks have been so integrated into Islam right from the very beginning, and Islamic principles are so ingrained in every aspect of life in the Turkish community that it is impossible to think Turkish identity separate from the religion. Islam is the unifying factor that brings all the oppressed groups of Turkey together and gets rid of the inequalities among different identities. Therefore, the allegiance of Turk should be to his or her religious identity, as Islam itself forbids *kavmiyetcilik* (ethnic nationalism) (Uzel 2011).

Ottomanism has also made a comeback with conservative nationalism. The Ottoman past has a special meaning for conservative nationalists due to its role as the guardian of the religion and the Muslim nation for centuries. Therefore, this strand of nationalism glorifies the Ottoman Empire with its Islamic character and resorts to symbols from the Ottoman era such as *tugra* – unique signatures of the Ottoman sultans. This nationalism envisions Turkey as the patron of the Islamic world (Bora 2011). The anti-imperialist Sevres paranoia of the Kemalist nationalisms transforms into a Zionist paranoia in conservative narratives. Accordingly, everything is a part of a big Zionist conspiracy. The entire West with its international organizations and big powers are all the puppets of this Zionist conspiracy at worst or Crusaders at best. Kemalists are the collaborators who, (willingly or unwillingly), serve these Zionist interests.

Historically, conservative nationalism is associated with the National Outlook Movement. Conservative nationalism has given rise to various political Islamist parties such as the National Salvation Party, Welfare Party, Virtue Party, and the Justice and Development Party. It "employ[s] a just discourse and opt[s] for a transfer of power to the people," contrary to the Kemalist nationalism, which "has an unjust discourse by virtue of advocating social cohesion at the national level to the point of excluding and assimilating minorities," (Kadioglu and Keyman 2011, p. xv).

6.3 National Asylum Regime

The legal framework that regulates the immigration and asylum policies of Turkey has been scattered and unsystematic until very recently. Therefore, it has been difficult to talk about a systematic Turkish national asylum regime for decades, as the policy responses of the Turkish state to different asylum waves have been pretty much impromptu. Nevertheless, these ad hoc policy responses were never random; they very much reflected the need for generally skilled low wage labor in the economy and the social distance between the Turkish society and the incoming asylum-seeking group. Below is an analysis of the relationship between these factors and the responses of the Turkish state to three asylum crises the country experienced over the course of three decades.

6.3.1 *The Legal Framework and Turkish Response to Turkish-Muslim Asylum Seekers Fleeing Bulgaria in 1989*

The last and the biggest immigration wave from Bulgaria to Turkey took place in 1989 as a direct consequence of the forced assimilation policies of the Bulgarian government (Cetin 2008). The Bulgarian government initiated the "Revival Process" in 1984, which put the denial of separate Turkish-Muslim identity at its core. Accordingly, the Muslim minority in Bulgaria consisted of Slavs who were forcibly converted to Islam under the Ottoman imperialism[66]. Now that the imperialists were long gone, these oppressed souls could go back to their normal selves. "Under the motto of creating "a unitary nation," where all - without differentiation on the grounds of ethnicity - would enjoy equal rights and privileges, the regime began its operations for destroying the Turkish minority ethnic identity," (Muyhtar 2003, p. 70). In addition to the restrictions on the religious rights, the use of Turkish language was banned as well (Karpat 2004). Minority schools and newspapers were closed down. Religious rituals such as going to Hajj or circumcision were banned,

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[66] CNN Turk (2014) "Assimilation and Migration: The Story of Bulgarian Turks"
http://www.cnnturk.com/haber/turkiye/asimilasyon-ve-goc-bulgaristan-turklerinin-oykusu

and most of the mosques were turned into warehouses[67]. Moreover, now that "they realized" their Bulgarian origin, the Turkish minority members revived their Bulgarian names as an ode to their past (Muyhtar 2003).

Turkish media, enjoying strong support from their Western counterparts, straightforwardly called the revival process "genocide," (Muhytar 2003). For example, here is how Turk Kulturu, a radical right-wing nationalist newspaper framed the issue:

> "A real genocide is being committed in neighboring Bulgaria. The Turkish-Muslim minority in Bulgaria is being destroyed. … Each Turkish village and town was surrounded by the Bulgarian armed forces. [T]he Muslim Turks have been forced at gunpoint to take Slavic-Bulgarian names. Turks' names that go back three generations, have been changed … . Not only were the personal names of all Turks changed, but the names of their parents and grand-parents were erased from the birth registers; Slavic-Bulgarian names were written in place of these names, and the Turks were given new birth certificates with Slavic-Bulgarian names. The names of … [those] Turks who had immigrated to Turkey, or had died several years ago, were also changed. … " (Simsir, 1988, p. 265 cited in Muhytar 2003).

The resistance of the Turkish-Muslim minority to the forced assimilation process met with state crackdown. Many people were arrested, injured and even killed during the clashes between the Bulgarian armed forces and protestors. Although the exact number is highly speculated, the reports show that at least 700 Turks lost their lives while trying to defend their identity rights[68].

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[67] CNN Turk (2014) "Assimilation and Migration: The Story of Bulgarian Turks"
 http://www.cnnturk.com/haber/turkiye/asimilasyon-ve-goc-bulgaristan-turklerinin-oykusu
[68] CNN Turk (2014) "Assimilation and Migration: The Story of Bulgarian Turks"
http://www.cnnturk.com/haber/turkiye/asimilasyon-ve-goc-bulgaristan-turklerinin-oykusu

The official Turkish stance since the establishment of the Turkish Republic was to keep a Turkish presence in the countries with a Turkish minority. Therefore, Ankara first tried to solve the problem diplomatically and prevent a mass exodus of the Turkish minority from Bulgaria[69]. Some of these diplomatic attempts were: to send a note to the Bulgarian authorities demanding an immediate end to the forced assimilation of the Turkish minority, to propose an immigration agreement between Turkey and Bulgaria, and to seek international mediation. However, the international condemnation, as well as the diplomatic efforts of Turkey, fell on deaf ears in Sofia. Bulgarian authorities insisted that there was no Turkish minority in Bulgaria[70]. Both sides overlooked the fact that the Muslim minority in Bulgaria consisted of different ethnic groups, not including Turks and Pomaks (Slav converts)[71].

At the height of the crisis, then the Prime Minister Turgut Ozal announced that Turkey would accept each member of the Turkish-Muslim minority if necessary. Todor Zhivkov, the Secretary of the Bulgarian Communist Party, replied with a speech to the Bulgarian mass media On May 29th, 1989, and asked Turkey "to open up its borders for all Bulgarian Muslims, who wish to go to Turkey temporarily, or to stay and live there."[72] After a brief hesitation, Turkey opened up its borders, and the mass expulsion of the Turkish-Muslim refugees from Bulgaria began. According to Bulgaria, it was not expulsion, but "excursion" because those who fled Bulgaria were "visiting" Turkey with a three-month tourist visa[73]. Thus, they were more than welcome to return to Bulgaria once their visit to a neighboring country is over.

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[69] Daglioglu, Gokcay. (2014). "Turkish Policy to Bulgarian Turks in the Period of Turgut Ozal: A Constructivist Approach." Journal of Business Economics and Political Science, 3(6), p. 139-181. http://docplayer.biz.tr/5118079-Turgut-ozal-doneminde-turkiye-nin-bulgaristan-turkleri-politikasi-konstruktivist-bir-inceleme.html
[70] Turkish Grand National Assembly, Period: 18, Volume: 28, Session: 98 (June 7th, 1989). https://www.tbmm.gov.tr/develop/owa/td_v2.goruntule?sayfa_no_ilk=279&sayfa_no_son=286&sayfa_no=281&v_mecl is=1&v_donem=18&v_yasama_yili=&v_cilt=28&v_birlesim=098
[71] Martino, Fransesco. (2009). "The Big Excursion of Bulgarian Turks." Osservatorio Balkani e Caucaso Transeuropa https://www.balcanicaucaso.org/eng/Areas/Bulgaria/The-big-excursion-of-Bulgarian-Turks-46489
[72] *Rabotnichesko Delo* newspaper, issue of 29 May 1989.
[73] Martino, Fransesco. (2009). "The Big Excursion of Bulgarian Turks." Osservatorio Balkani e Caucaso Transeuropa

Turkish Government responded with open arms to more than 300.000 Turkish–Muslim asylees fleeing Bulgaria. Ankara mobilized a massive humanitarian assistance and made necessary legal provisions to facilitate the integration of refugees into the Turkish society with considerable public support (Kirisci 1996; Kirisci 2014). Refugees could import their cars without a customs tax, convert their currencies into Turkish liras, stay in special refugee camps temporarily (if they did not have a family member in Turkey), receive public funded housing, and acquire Turkish citizenship in an accelerated manner (Kirisci, 2014). This preferential treatment was not only for ethnically Turkish refugees but also for Pomaks – Bulgarian-speaking Slav Muslims (Kirisci 1996).

Why Turkey, a developing country with limited resources, went out of its way to host and integrate hundreds of thousands of people fleeing state assimilation in Bulgaria? One might argue that Turkey had to grant refugee status to the Bulgarian asylum seekers regardless of their ethnicity or religion to comply with the 1951 Refugee Convention. While signing the 1951 Refugee Convention, Turkey put a geographical limitation and indicated that it would accept refugees from European countries only. Bulgarian Turks and Pomaks were indeed fleeing a European country, and therefore the geographical limitation Turkey had in place did not apply to them. However, other European asylee groups, for instance, Bosnian Muslims, who were fleeing genocide, only received temporary protection even though they technically qualified to settle in Turkey based on the 1951 Refugee Convention and 1934 Settlement Law (Kirisci 1996). Furthermore, numerous asylum attempts of Turkish-speaking Orthodox Gagauz Turks from Moldova were outright rejected without any form of protection (Kirisci 1996).

One might also contend that Turkey was very eager to extend full recognition to the asylum seekers fleeing Bulgaria due to its foreign policy during the Cold War. Bulgaria was in the Eastern block

https://www.balcanicaucaso.org/eng/Areas/Bulgaria/The-big-excursion-of-Bulgarian-Turks-46489

while Turkey was in the Western block. However, this argument overlooks the fact that Turkish response has been constant throughout the earlier immigration waves from Bulgaria, which had dated back long before these two countries decided to be a part of opposing camps in the Cold War. Modern Turkey responded to the immigration of the Turkish-Muslim minority from Bulgaria with open arms between 1923-1939 and 1940-1944 period as well as the 1950 and 1968 crises. Moreover, a discourse analysis of the parliamentary discussions during the crisis period reveal that the Turkish authorities were trying hard to keep the relationship with Bulgaria at the best level possible to advance the rights of the Turkish-Muslim minority in Bulgaria. For example, in a parliamentary speech where he briefs the Parliament about the recent developments with regards to the Turkish minority in Bulgaria, then the Minister of Foreign Affairs Mesut Yilmaz states "[The Revival Process] inflicted a heavy blow on the Turkish-Bulgarian relationship, which had been going on at a marvelous level."[74] He explains how the ongoing relationship between Turkey and Bulgaria on different issue areas had to be downgraded due to the intense assimilation policies of the Bulgarian government against the Turkish minority[75]. Mesut Yilmaz's account of Turkish-Bulgarian relationship before the 1989 asylum crisis defies the notion that Turkey had a hostile relationship with Bulgaria due to the Cold War alignment and that is why she opened her borders to hundreds of thousands of Turkish-Muslim asylees fleeing Bulgaria.

What differentiates Bulgarian asylees from others was the perception among Turkish people that they belonged to the Turkish kin (Sever 2015). This perception had its roots in the Ottoman retreat from the Balkans, which landed modern Turkey with a certain sense of responsibility for ethnic Turks who were left behind in this geography (Kirisci 1996). In his remarks at the parliamentary

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[74] Turkish Grand National Assembly, Period: 18, Volume: 28, Session: 98 (June 7th, 1989).
https://www.tbmm.gov.tr/develop/owa/td_v2.goruntule?sayfa_no_ilk=279&sayfa_no_son=286&sayfa_no=281&v_mecl
is=1&v_donem=18&v_yasama_yili=&v_cilt=28&v_birlesim=098 p. 281
[75]Turkish Grand National Assembly, Period: 18, Volume: 28, Session: 98 (June 7th, 1989).
https://www.tbmm.gov.tr/develop/owa/td_v2.goruntule?sayfa_no_ilk=279&sayfa_no_son=286&sayfa_no=281&v_mecl
is=1&v_donem=18&v_yasama_yili=&v_cilt=28&v_birlesim=098 p.281

session on June 7th, 1989 (the day following the arrival of the first batch of Bulgarian asylees to Turkey) then Minister of Foreign Affairs Mesut Yilmaz also explains this dynamic and puts the immigration waves from Bulgaria to Turkey into Turkish perspective. According to Yilmaz, Turkey pursued two primary goals in its relations with Bulgaria. First and foremost, Turkey tried "to find a solution to the problems of the Turkish minority [in Bulgaria], which entailed the restoration of the status and the rights of the Turkish minority[76]" The second goal was to ensure that anybody [from the Turkish minority] who so wills could leave Bulgaria[77].

During the same speech, Mesut Yilmaz makes the case why the Muslim minority in Bulgaria is of Turkish origin, not Slav as the Bulgarian authorities contend. First of all, Yilmaz mentions the bilateral agreements between Turkey and Bulgaria and argues that the clauses referring to the Muslim minority in Bulgaria imply their Turkish origin. According to Yilmaz, Bulgaria accepted a natural connection between its Muslim minority and Turkish citizenship by agreeing to the Immigration Agreement in 1968[78]. Moreover, Yilmaz contends, the 1968 Immigration Agreement contains the phrase "Muslims with Turkish origin" and therefore validates the Turkish identity of the Muslim minority in Bulgaria[79]. Additional proof to the Turkishness of the Muslim minority in Bulgaria was official Bulgarian statistics themselves. According to the 1956 census, there were 656,

[76]Turkish Grand National Assembly, Period: 18, Volume: 28, Session: 98 (June 7th, 1989). https://www.tbmm.gov.tr/develop/owa/td_v2.goruntule?sayfa_no_ilk=279&sayfa_no_son=286&sayfa_no=282&v_mecl is=1&v_donem=18&v_yasama_yili=&v_cilt=28&v_birlesim=098
[77]Turkish Grand National Assembly, Period: 18, Volume: 28, Session: 98 (June 7th, 1989). https://www.tbmm.gov.tr/develop/owa/td_v2.goruntule?sayfa_no_ilk=279&sayfa_no_son=286&sayfa_no=282&v_mecl is=1&v_donem=18&v_yasama_yili=&v_cilt=28&v_birlesim=098
[78]Turkish Grand National Assembly, Period: 18, Volume: 28, Session: 98 (June 7th, 1989). https://www.tbmm.gov.tr/develop/owa/td_v2.goruntule?sayfa_no_ilk=279&sayfa_no_son=286&sayfa_no=280&v_mecl is=1&v_donem=18&v_yasama_yili=&v_cilt=28&v_birlesim=098
[79]Turkish Grand National Assembly, Period: 18, Volume: 28, Session: 98 (June 7th, 1989). https://www.tbmm.gov.tr/develop/owa/td_v2.goruntule?sayfa_no_ilk=279&sayfa_no_son=286&sayfa_no=280&v_mecl is=1&v_donem=18&v_yasama_yili=&v_cilt=28&v_birlesim=098

025 *Muslims with Turkish origin* in Bulgaria while the 1965 census records an increase in this number with 780, 928 people registered as Muslim with Turkish origin[80].

Establishing the Turkishness of the Muslim minority fleeing Bulgaria seems to be critical for the justification of the political and humanitarian response Turkey adopted. Not only then the Minister of Foreign Affairs Mesut Yilmaz but also the representatives of the opposition parties in the parliament emphasize the kinship between the Bulgarian asylees and the Turkish nation. On behalf of SHP group, Istemihan Talay accuses Ozal government of not being able to explain, "the tragedy of Turks living in Bulgaria" to the international community[81]. The DYP representative Vefa Tanir also starts his speech with a brutal critique of the foreign policy of the government. Then, he warns that members of the parliament should not forget Turkish people opened not only their doors but also their hearts to "our citizens fleeing Bulgaria."[82] Moreover, he mentions that Turkey has spent 3 billion Turkish liras for the asylees and states that his party is ready to support even more spending on this issue. He argues that Turkish people should not have a problem in sharing their bread and butter with those, who have "kept watch for 500 hundred years in those countries not because they had a desire to do so but because we had left them behind."[83] As a response, Seref Bozkurt, the representative of the incumbent ANAP party, lists the initiatives taken by the government to solve the problem with regards to the Turkish minority rights in Bulgaria and argues that the inhumane practices endured by the Turkish community in Bulgaria "tore the heart of 55 million Turkish

[80]Turkish Grand National Assembly, Period: 18, Volume: 28, Session: 98 (June 7th, 1989). https://www.tbmm.gov.tr/develop/owa/td_v2.goruntule?sayfa_no_ilk=279&sayfa_no_son=286&sayfa_no=280&v_mecl is=1&v_donem=18&v_yasama_yili=&v_cilt=28&v_birlesim=098
[81]Turkish Grand National Assembly, Period: 18, Volume: 28, Session: 98 (June 7th, 1989). https://www.tbmm.gov.tr/develop/owa/td_v2.goruntule?sayfa_no_ilk=279&sayfa_no_son=286&sayfa_no=291&v_mecl is=1&v_donem=18&v_yasama_yili=&v_cilt=28&v_birlesim=098
[82]Turkish Grand National Assembly, Period: 18, Volume: 28, Session: 98 (June 7th, 1989). https://www.tbmm.gov.tr/develop/owa/td_v2.goruntule?sayfa_no_ilk=279&sayfa_no_son=286&sayfa_no=288&v_mecl is=1&v_donem=18&v_yasama_yili=&v_cilt=28&v_birlesim=098
[83]Turkish Grand National Assembly, Period: 18, Volume: 28, Session: 98 (June 7th, 1989). https://www.tbmm.gov.tr/develop/owa/td_v2.goruntule?sayfa_no_ilk=279&sayfa_no_son=286&sayfa_no=288&v_mecl is=1&v_donem=18&v_yasama_yili=&v_cilt=28&v_birlesim=098

citizens out."[84] Both the government and the opposition representatives refer to the Muslim minority in Bulgaria as "Turks in Bulgaria," "Turkish minority in Bulgaria" and "our kinsmen," which indicates that the asylum seekers fleeing Bulgaria were perceived as an organic part of the Turkish nation.

Turkishness was not the only virtue of the Bulgarian refugees. They had higher skill levels compared to the locals in Turkey. According to a UNDP-funded study conducted by Turkish Statistical Institute, 31% of the refugees had elementary education while 58% had secondary education or above. These numbers were way above the Turkish demographics as during the same time, 80.5 % of the Turkish population had elementary education, only 12% had secondary education, and a mere 7 had tertiary education[85]. Studies show that "the enthusiasm, education, and discipline of the Bulgarian refugees made them more favorable in the labor market than Turkish workers who were already having problems integrating into the newly flourishing labor and housing market (Icduygu, Erder and Genckaya 1996, p. 156).

When we look at the statements of then Prime Minister Turgut Ozal, we also see that the state was aware of the skill set of the Bulgarian refugees and encouraged their settlement in cities where there is demand for that specific type of skill. He stated, "Based on their general professional experience, it would be our priority to settle our kinsmen coming from Bulgaria in the Middle Anatolian industrial regions."[86] Out of 88,960 refugees who applied for jobs a total of 33, 646 (37,8%) were

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[84]Turkish Grand National Assembly, Period: 18, Volume: 28, Session: 98 (June 7th, 1989).
https://www.tbmm.gov.tr/develop/owa/td_v2.goruntule?sayfa_no_ilk=279&sayfa_no_son=286&sayfa_no=289&v_meclis=1&v_donem=18&v_yasama_yili=&v_cilt=28&v_birlesim=098
[85] Turkish Statistical Institute (2010) cited in "Türkiye'nin Demografik Dönüsuümü." (2008). Hacettepe University Population Research Institute
http://web.archive.org/web/20160305125600/http://www.hips.hacettepe.edu.tr/TurkiyeninDemografikDonusumu_220410.pdf p. 17
[86] Cumhuriyet, Newspaper, June 7th, 1989
http://www.cumhuriyetarsivi.com/katalog/192/sayfa/1989/7/6/13.xhtml

employed (Cetin 2008). 96,5% of those who were employed were hired in non-agricultural jobs (Cetin 2008).

Turkey was party to the 1951 Refugee Convention with a geographical limitation that accepts refugees only from Europe. However, Turkish authorities did not handle the crisis according to the international refugee protection regime. Rather, Turkey's response to the Bulgarian asylum crisis was based on the 1934 Settlement Law. The formulation of these laws and the discussion they initiated in the society reveals how Turkey perceived Turkish-Muslim asylees from Bulgaria.

"The official formulation of Turkish national identity denies the existence of ethnic and cultural diversity in the country," (Kirisci 1996, p.1). However, in practice, Turkish nationalism rests more on an ethnic-religious foundation than its declared civic origins. Therefore, there is "a striking preference for admitting immigrants with a Sunni and Hanafi religious background," (Kirisci 1996, p. 3). Turkish immigration and refugee policies have been in favor of Sunni Muslims of Turkish descent.

1934 Settlement Law divided immigrants and refugees into three groups:
- "Those who are of Turkish descent and speak no other language than Turkish
- Those who do not speak Turkish but considered to be connected to the Turkish culture such as Bosnians, Pomaks, Albanians, Circassians, Tatars
- Those who do not speak Turkish and do not belong to Turkish culture such as Kurds, Arabs, Roma, etc.,"(Kirisci 1996, p.5)

With this law, Turkey tried to facilitate the immigration of Turkish minorities or people who belong to the Turkish culture as immigrants or refugees while keeping all others who do not qualify out

(Kirisci 2003, Cagaptay 2002, Yildiz 2007). 1934 Settlement Law also regulated non-Turkish speaking Muslim groups living in the country, i.e., Kurds would forcibly resettle to particular regions where they could be easily assimilated ((Kirisci 2003, Cagaptay 2002, Yildiz 2007).

Turkish authorities considered immigration and asylum as an integral part of their nation-building project from the earliest days of the Turkish Republic. This mentality presents itself clearly during the Parliamentary sessions around the 1934 Settlement Law. For example, during his parliamentary address, then the Minister of Interior Sukru Kaya elucidated the goal of the Law as "the unification of the domestic realm of the country" and added, "Firstly, it is about [current] population, and secondly about migration."[87] According to Kaya, "population scarcity [was] one of the worst disasters a country c[ould] experience," and therefore it had to be a priority to increase the Turkish population via immigration of people of Turkish race from abroad[88]. There were already around two million Turks in the region outside Turkey. This Turkish kin, who were left behind by the Ottoman military as it was retreating, were very eager to return to Turkey and were destined to come back gradually[89]. It is quite clear that the 1934 Settlement Law was mostly a part of the assimilative population policy of the government[90]. The primary goal was to create a unified nation with a common language through assimilation of the non-Turkish speaking minorities and population increase. It seems that the immigration of digestible groups into Turkey was a significant part of the population growth strategy.

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[87] Turkish Grand National Assembly, Period: 7, Volume: 23, Session: 3 (June 14th, 1934)
https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d04/c023/tbmm04023068.pdf
[88] Turkish Grand National Assembly, Period: 7, Volume: 23, Session: 3 (June 14th, 1934)
https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d04/c023/tbmm04023068.pdf
[89] Turkish Grand National Assembly, Period: 7, Volume: 23, Session: 3 (June 14th, 1934)
https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d04/c023/tbmm04023068.pdf
[90] Cumhuriyet Newspaper, June 8th, 1934 p.1

There was no discussion at all over the substance of the Settlement Law, neither by the opposition nor the media. The lengthy debates at the parliament and in the press around the 1934 Settlement Law instead focused on the terminology of the document. Since Turkey was trying to purify the Turkish language by getting rid of Ottoman, Arab and Persian influence, using the correct Turkish term was a more significant concern at that time. This preference indicates that there was an implicit consensus on the substance, namely who can immigrate to Turkey as a prospective citizen and who can not.

The most important conversation, which might also be a substantive argument, was about the use of the word "kin" in the document. Hasan Resit (Tankut) Bey (Mus MP) suggested that "Turkish language and culture" would be a more suitable terminology than "kin" while defining the subject matter of the law[91]. The suggestion was rejected.

According to the 1934 Settlement Law, only those who are of Turkish descent or belong to Turkish culture can be "gocmen" or refugees. Refugees who are of Turkish origin are free to settle any part of Turkey if they forego settlement assistance from the government[92]. On the other hand, those who are not of Turkish descent can only settle where the government shows even though they do not ask for government assistance. Article 3 of the law leaves it to the Council of Ministers (Icra Vekilleri Heyeti) to determine who is considered to be "of Turkish descent" or who "belongs to the Turkish culture."

The Turkish government opened the borders on 2 June 1989 and announced that it would immediately give citizenship to ethnic Turks from Bulgaria. It meant dual citizenship for the

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[91] Turkish Grand National Assembly, Period: 7, Volume: 23, Session: 3 (June 14th, 1934) https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d04/c023/tbmm04023068.pdf
[92] Turkish Grand National Assembly, Period: 7, Volume: 23, Session: 3 (June 14th, 1934) https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d04/c023/tbmm04023068.pdf

refugees; "by the end of August 1989, 311,862 Bulgarian Turks-Muslims had poured into Turkey," (Konukman, 1990, p.61). The Turkish state also accommodated other needs of the Bulgarian asylum seekers and enabled a smoother integration. For example, they could exchange their money easily and bring their cars into Turkey without any import tax (Kirisci 1996). Initially, those who had relatives moved to the cities where their relatives lived while others were placed in schools and large tent cities in Edirne and Kirklareli (Kirisci 1996).

Even though the government had ceased granting settlement aid in forms of land to immigrants in 1970, it quickly adopted legislation to enable the Bulgarian refugees "to receive the assistance that state-sponsored immigrants were entitled to under the Law on Settlement," (Kirisci 1996, p. 393). Using credits from the European Social Development Fund and the Islamic Development Bank, the government-funded accommodation and employment projects for Bulgarian refugees (Kirisci 1996).

6.3.2 *The Legal Framework and Turkish Response to Kurdish Asylum Seekers Fleeing Iraq in 1988*

1934 Settlement Law is critical to understanding not only the preferred identity and culture of the current and prospective citizens of the Turkish state but also the characteristics of those who are excluded. This preference reveals an immigration hierarchy where some asylee groups are deemed acceptable and others not so much (Danis and Parla 2009). The first layer of the hierarchy is between those who are of Turkish descent or belong to the Turkish culture vis-à-vis the others, which also imply a hierarchy between citizens/immigrants/asylees who are ethnic Turks and Sunni Muslims versus those who are non-Turkish speaking Muslims or non-Muslim groups (Cagaptay 2002). Even though most of them are Sunni Muslims, Kurds ranked at the bottom of the hierarchy along with non-Muslim groups such as Armenians, and therefore are mostly precluded from immigration and naturalization (Danis and Parla 2009). That is why I will start with the relationship

between the Kurdish and Turkish identities to understand Turkey's response to the Kurdish asylum seekers fleeing Saddam regime in Iraq in 1988.

"During the mid-19th century, Kurdish principalities were mainly autonomous, and Kurdish identity was influenced by the empire's general perception of its Muslim subjects," (Ozoglu, p. 205). As the members of millet-i hakime, the master nation, Kurds emphasized their religious identity over their ethnic background. Therefore, Turkish nationalism in the form of Ottomanism and Islamism did not create tension with their Kurdishness. However, Turkism as a social engineering project of Committee of Union and Progress Party was "designed to render the [ethnically] Turkish people the dominant nation," (Yegen 2011, p. 227). That is when the two nationalisms started to compete and feed of off each other, creating a "symbiotic antagonism" that created the ultimate other for both and made their survival possible (Kadioglu and Keyman 2011).

The construction of the Kurdish identity as "the anti-Christ[93]" of the Turkishness dates back to the Sevres Treaty. It is true that before Sevres, there were already tensions between the Kurdish and Turkish elites due to the autonomous status of the former and the administrative centralization project of the latter. However, the Sevres Treaty, which was signed at the end of the World War 1 between the Allied powers and the Ottoman government, was a major trauma in the course of the construction of Turkish identity. Among other things, by advocating for an independent Kurdish state in Kurdish areas of eastern and southeastern Anatolia, the Sevres created a major trauma in the collective memory of the Turks and transformed the Turkish-Kurdish relations into a zero-sum game. The cynicism that Kurds aspired for an independent state on Turkish soil characterized the public perception and official state policy of the Turkish nationalism.

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[93] (Ozkirimli 2011).

The relations were in fact off to a good start. To "fortify the struggle for independence" against the Ottoman Empire and allied powers, Mustafa Kemal Ataturk, the founding father of the modern Turkey, needed a unified, cohesive national front. To get the much-needed Kurdish support, he constantly referred to the "Turkish and Kurdish nations" as the founding elements of the new state, "the unity of [which] as an Islamic entity was constantly reiterated and emphasized," (Barkey and Fuller 1997, p.62).

However, the course of the relations changed immediately after the establishment of the Republic in 1923. Ataturk severed all formal attachments to the Islam, the common ground that brought the Kurds and Turks on the same table, and centered his revolution on laicite, a form of secularism that aims to contain and control religion. During the nation-building process, "the Kurds, who as Muslims had been equals in the Ottoman state, confronted a nationalist regime determined to assimilate them into a Turkish nation, using both education and military force," (Barkey and Fuller 1997, p. 63). Kurds were "Turks-to be," just like the other non-Turkish speaking minorities of Anatolia such as Lazs, Albanians, Circassians, etc. and could be integrated into the Turkish society through assimilation (Kadioglu and Keyman 2011, p. xix). Contrary to non-Muslims, Kurds were still part of the nation but needed a little bit of Turkification. Therefore, while the Turkish state entirely excluded non-Muslim groups from the nation-building project (Yegen 2011, p.228), it took its time to assimilate and then integrate Kurds into the Turkish nation (Cagaptay 2002).

Unsurprisingly, the Kurds resisted and rebelled against the Kemalist state. Rebellions erupted in the eastern and southeastern regions one after another (Barkey and Fuller 1997, Yegen 2011). The Turkish state responded with an iron fist. The rebellions were crushed by the Turkish military, the leaders were sentenced to death by the independence tribunals, "the use of Kurdish in public sphere is banned; all references to Kurds as a distinct group in society were dropped," (Barkey and Fuller

1997, p. 63). The word "Kurd" became a taboo and disappeared from the public discourse (Somer 2002). The use of Kurdish language in the public sphere was also banned. The Turkish state renamed various Kurdish villages, cities and lakes in Turkish and prohibited the naming of children in Kurdish (McDowell 2004, van Bruissan 1992).

The Kemalist state also used 1934 Settlement Law as a strategic tool to disperse the Kurdish population through forcible migration and tried to speed up the "Turkification" process. According to Ugur Mumcu (1993), a prominent Turkish journalist, one of the most critical goals of the Settlement Law was to create a brethren/citizen identity by melting those who remained alien to the Turkish culture into the sublime Turkish identity.

Mainstream Turkish nationalism mostly perceived the Kurdish question as "one of political reaction, banditry and regional [economic] backwardness," (Yegen 2011, p. 235). "The modern, secular, centralized, and Westernized Turkishness was constructed in opposition to the 'easterners' of Kurds," (Demir 2014, p. 387). Extreme right-wing Turkish nationalism denied the existence of Kurdishness as a separate identity. Accordingly, mountain Turks, who had forgotten about their Turkish descent and adopted the "Kurd, Kurd" sound of their snow boots as their ethnic identities, fell prey to the incitement of foreign powers conspiring against Turkey (Yegen 2011). The Islamic nationalism was able to speak to the hearts and minds of the Kurds more than the other two not because it recognized and respected the demands of the Kurdish nationalism; but because it managed to highlight the religious identity of the Kurds while glossing over their ethnic belonging. In all three cases, "the identity that holds the upper hand," namely Turkishness, have created a "hegemonic efendi (master) identity…. which attempted to absorb and civilize the "other," the Kurds (Demir 2014, p.382). Especially the racist and strictly secular version of the official nationalism "persuaded" Kurds toward Turkishness as it was the desired, the meant to be, "the

sublime" national identity (Demir 2014). Their religious identity was also under attack. Aggressive secularism process that "persuaded" the Muslims towards a narrow version of strictly regulated Sunni Islam hit the Kurds as well. (Demir 2014).

As a result, Kemalism has inadvertently given birth to not one but two identities: the Turkish and the Kurdish identities (Barkey and Fuller 1997). Assimilative policies combined with a massive military presence in the region lighted the fuse of the Kurdish separatist movement in the 1980s. Especially the military regime, which had seized power in 1980, adopted "the most regressive and repressive policies towards the Kurds (Barkey and Fuller 1997), The Kurdistan Worker's Party (PKK) emerged as a violent group fighting for Kurdish independence (Barkey and Fuller 1997, Dixon and Ergin 2010). The bloody war between the PKK and the Turkish army has cost thousands of combatant and civilian lives from both sides. Anti-Kurdish sentiment in Turkish public opinion was specifically high in the late 1980s and early 1990s due to the loss of a large number of civilians (Barkey and Fuller 1998).

The Kurdish identity and a plight for at least autonomy for Kurds created a problematic relationship between the Kurds and the state on the other side of the Turkish border as well. Kurdish peshmerga and Iraqi forces had fought two wars before the re-emergence of the conflict as part of the Iran-Iraq war in the 1980s. Over the course of the Iran-Iraq war, the unrest and irredentist demands in the Kurdish region grew stronger with the Iranian military support. Saddam regime increasingly perceived The Kurds as the fifth column. Convinced that neither assimilation policies nor military solution would work on the Kurdish problem, Saddam resorted to the only remaining option: extermination[94]. The Anfal[95] "was a mammoth counterinsurgency campaign of civic annihilation,

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[94] Newark College of Arts and Sciences. (1988). "Al-Anfal and the Genocide of Iraqi Kurds." University College-Newark https://www.ncas.rutgers.edu/center-study-genocide-conflict-resolution-and-human-rights/al-anfal-and-genocide-iraqi-kurds-1988

displacement and mass killing … [which] was unleashed against the Kurds from February through September 1988."[96] The most infamous incident during this extermination campaign was the Halabja genocide. On March 16th, 1988, the Saddam regime used chemical weapons in the Kurdish city of Halabja and instantly killed thousands of civilians while injuring thousands more[97]. The bombings and chemical attacks continued for months.

The very next day Iraq signed a cease-fire agreement with Iran, Saddam regime turned on its "disloyal" Kurdish population "with a vengeance."[98] The people of the region were already fleeing to Iranian and Turkish borders, but the chemical attack and the pursuit of the Iraqi security forces speeded up the process. "By August 29, 1988, thousands of Iraqi Kurds had reached the Turkish border, only to find their passage blocked by Turkish troops."[99] For the next two days, as the number of Iraqi asylees mounted up, Turkey refused to open up its borders[100]. Respectively 51.000 Kurds sought asylum in Turkey in 1988. However, the response they received was completely different from what the Turkish state would offer to Bulgarian Turks in the upcoming months.

Turkey had to let the asylum seekers in due to international pressure but made it clear that this was only a humanitarian gesture and in no way meant that Iraqi asylees were going to be given refugee status[101]. To justify this stance, Turkey used the geographical limitation clause in the 1951 Refugee Convention as an excuse. Accordingly, the right to receive refugee status from the Turkish state was

[95] Al Anfal is the name of the 8th sura in the holy Quran. The main theme of the sura is the war between believers and non-believers, or the truth and the falsehood. https://quran.com/8

[96] Jones, Dave. "The Crimes of Saddam Hussein 1988: The Anfal Campaign" PBS Frontline World http://www.pbs.org/frontlineworld/stories/iraq501/events_anfal.html

[97]Jones, Dave. "The Crimes of Saddam Hussein 1988: Halabja" PBS Frontline World http://www.pbs.org/frontlineworld/stories/iraq501/events_halabja.html

[98] Human Rights Watch. (1991). "Whatever Happened to the Iraqi Kurds?" https://www.hrw.org/reports/1991/IRAQ913.htm

[99] Human Rights Watch. (1991). "Whatever Happened to the Iraqi Kurds?" https://www.hrw.org/legacy/reports/1991/IRAQ913.htm

[100]Human Rights Watch. (1991). "Whatever Happened to the Iraqi Kurds?" https://www.hrw.org/reports/1991/IRAQ913.htm

[101] Cumhuriyet, Newspaper, September 1st, 1988. http://www.cumhuriyetarsivi.com/katalog/192/sayfa/1988/9/1.xhtml

limited to asylum seekers fleeing from a European country, and therefore the 1951 convention did not apply to Iraqis. Turkey did not even consider the application of 1934 Settlement Law, the only other legal document regulating immigration to Turkey at that time, in its response to the Iraqi asylum crisis. There was a heavy emphasis on the security concerns of the state as the Turkish government was apprehensive about the PKK militants sneaking in Turkey disguised as asylees[102]. The Iraqis who were able to cross the border were granted a vague "guest" status, confined in tent refugee camps in the mountainous areas at the border[103], and reminded that Turkish hospitality was contingent on their loyalty and cooperation over the PKK issue[104]. These Kurdish "guests" were strictly prohibited from leaving the camps[105]. There were constant raids to the camps, especially at night, to prevent any leaks from PKK militants[106]. According to the Human Rights Watch, the only education the refugee children could get was from "untrained Turkish teachers attempting to teach students in Turkish -- a foreign language to the Iraqi Kurds[107]" after two years without any schools. Turkish state not only refrained from opening official schools under the Turkish Ministry of Education but also "forbade the refugees from setting up their schools in Kurdish."[108]

Nonetheless, the refugees were able to get free basic health care from a government-run clinic inside the camps, that of course if they were allowed to stay in the camp[109]. Turkey sent some refugees,

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[102] Cumhuriyet, Newspaper, August 30th, 1988.
http://www.cumhuriyetarsivi.com/katalog/192/sayfa/1988/8/30.xhtml
[103] Cumhuriyet, Newspaper, September 8th, 1988. http://www.cumhuriyetarsivi.com/katalog/192/sayfa/1988/9/8.xhtml
[104] Cumhuriyet, Newspaper, August 3rd, 1988. http://www.cumhuriyetarsivi.com/katalog/192/sayfa/1988/9/3.xhtml
[105] Cumhuriyet, Newspaper, September 8th, 1988.
 http://www.cumhuriyetarsivi.com/katalog/192/sayfa/1988/9/8.xhtml
[106] Cumhuriyet, Newspaper, September 18th, 1988.
 http://www.cumhuriyetarsivi.com/katalog/192/sayfa/1988/9/18.xhtml
[107] Human Rights Watch. (1991). "Whatever Happened to the Iraqi Kurds?"
 https://www.hrw.org/reports/1991/IRAQ913.htm
[108] Human Rights Watch. (1991). "Whatever Happened to the Iraqi Kurds?"
 https://www.hrw.org/reports/1991/IRAQ913.htm
[109] Human Rights Watch. (1991). "Whatever Happened to the Iraqi Kurds?"
 https://www.hrw.org/reports/1991/IRAQ913.htm

45,000 according to the Turkish press, to Iran by force[110] and pressured many others to return to Iraq[111]. After a year, most of the Kurdish asylees left Turkey.

6.3.3   The Legal Framework and Turkish Response to Syrian Asylum Seekers Fleeing Syrian Civil War since 2011

The Syrian leg of the Arab Spring, which turned into a full-scale civil war in 2011, has led to the worst humanitarian crisis since World War II[112]. According to the UNHCR, almost six and a half million have been internally displaced, more than five million have fled the country, and thirteen and a half million Syrians are stuck in Syria in need of food, water, and shelter [113].

Since the beginning of the asylum crisis, Turkey has opened up its borders and spent $25 billion[114] out of its money to assist 3.5 million Syrians it hosts[115]. The Disaster and Emergency Management Presidency of Turkey (AFAD) has been exclusively responsible in handling the crisis, especially in terms of establishing and overseeing the refugee camps with very little support from the international organizations including the UNHCR. About ten percent of Syrians live in the refugee camps set up by AFAD, while others are spread throughout the country, particularly in major metropolitan and industrial regions.

[110] Cumhuriyet, Newspaper, September 4th, 1988
http://www.cumhuriyetarsivi.com/katalog/192/sayfa/1988/9/4.xhtml
[111] Human Rights Watch. (1991). "Whatever Happened to the Iraqi Kurds?"
https://www.hrw.org/reports/1991/IRAQ913.htm
[112] Tobia, P. J. (2015). "The worst humanitarian crisis since the World War II." PBS Newshour
http://www.pbs.org/newshour/updates/worst-humanitarian-crisis-since-world-war-ii/
[113] UNHCR (2017) http://www.unhcr.org/en-us/news/press/2017/5/5921922c4/searching-syria-google-unhcr-offer-answers-five-top-questions.html
[114] Finans Gündem, Online Newspaper, march 23rd, 2017 http://www.finansgundem.com/haber/suriyelilere-25-milyar-dolar-harcadik/1178935
[115]Cumhuriyet, Newspaper, February 15th, 2017
http://www.cumhuriyet.com.tr/haber/siyaset/676613/Turkiye_deki_multeci_sayisi_3_5_milyon.html

Similar to its response to the Kurdish aylees in the late 1980s, initially the Turkish government was reluctant to grant a legal status to the Syrian asylum seekers. In the first three years of the crisis, Turkish authorities insisted that Syrians were "guests" enjoying Turkish hospitality until the hardship in their home country is over. However, as the numbers increased and the prospect of return faded, Turkey has put an end to this legal limbo in October 2014 with a regulation that granted temporary protection to Syrians and thereby recognized their refugee status. The temporary protection regime has granted Syrian refugees the right to non-refoulement and access to healthcare and education, but no access to the formal labor market in Turkey. The temporary protection regime prohibited refugees from applying for residency and working permits in Turkey, as well as individual protection internationally (Erdogan and Unver 2015, p.31). Restricting the labor market access and residency for only those who entered Turkey with their valid passports through the customs (Erdogan and Unver 2015). These refugees, who make up less than 4% of the total Syrian refugee population in Turkey, are also allowed to apply for resettlement or international protection (Erdogan and Unver 2015).

Despite this legal framework, Syrian refugees are well integrated into the informal labor market. Employers do not shy away from acknowledging the dependence of certain industries on cheap Syrian labor for positions that locals are unwilling to take (Kirisci 2015). Murat Erdogan and Can Unver (2015) interview 134 opinion leaders from 18 economically strong cities in their "The Expectations and Suggestions of the Turkish Business World About the Syrians in Turkey" report. The interviewees point out to a gap or a miss-match between the skill demands of the industry and the skill composition of the Turkish labor market (Erdogan and Unver 2015, p.60). The employer interviewed claim that Syrians provide the "unskilled labor" necessary to fill this gap in agriculture, husbandry, manufacturing, and other SMEs that do not depend on high-skilled labor (Erdogan and Unver 2015, p. 61). 54% of the SME employers in the border region think that Syrian refugees

should be integrated into the labor market through work permits (Erdogan and Unver 2015) while only 23,8% of the general public agree with this stance (Konsensus 2014). This preference seems to be strongly dependent on the party identification, and therefore the national identity construction, of the respondent. The majority of the CHP (90%) and MHP supporters (88%) strongly oppose the integration of Syrian refugees into the labor market while this ratio drops to 58% for the AKP supporters (Konsensus 2014). On the other hand, the majority of the HDP supporters, 56%, are in favor of granting work permits to refugees (Konsensus 2014).

The opposition to the integration of Syrian refugees into labor market might be tied to the perception that the Syrian refugees are "stealing local's jobs" as another poll by Hacettepe University show that 68,9 % of the respondents agree or strongly agree that "Syrians took [their] jobs (Hacettepe 2015). Yet, the scientific studies analyzing the impact of Syrian refugee crises on host labor markets demonstrate no effect on the employment rates of natives in various skill groups (Akgunduz, Van den Berg and Hassink 2015). These findings confirm the suggestion above that refugees fill the skill-match gap, providing a pool of cheap labor for jobs that natives are simply are not willing to do. Yet, the perception of losing one's job to a refugee remains quite strong.

Seasonal agriculture, particularly citrus, pistachio, vegetable, and cotton production is one of the biggest employers of informal refugee labor (Tarimsal Uretimde Yabanci Gocmen Isciler Raporu). For example, although at the beginning, the refugees in the Islahiye camp in Gaziantep were not allowed to enter and exit the camp freely, "once the red pepper season approached, they were allowed to stay outside of the camp from 9 to 5," (Ozden 2013, p. 8). In essence "not only are the Turkish authorities not taking any precautions against the exploitation of refugee labor, they are actually indirectly encouraging it," (Ozden 2013). The small and medium-sized enterprises in Anatolia also mostly rely on informal refugee labor. Fatma Sahin, the former Minister of Family and

Social Policies and the mayor of Gaziantep – a city with the largest refugee population- claims "The 140 thousand Syrians were the lifeline for the factories in Gaziantep," (Erdogan and Unver 2015, p.43). The Deputy Prime Minister Veysi Kaynak responds to a wave of anti-refugee rallies after a sexual assault case involving a Syrian refugee by warning the Turkish public that " Turkey should see these three million people as human capital because if they were gone, the production in factories in Kahramanmaras, Adana, Osmaniye, Gaziantep [cities with a large refugee population] and even in Ankara would stop. No Turk wants to do be a raw hand."[116] He also adds that Turkish people should not forget the Syrians are in Turkey only temporarily and are a living showcase of long Turkish tradition of sacrifice and hospitality[117].

Although Turkish hospitality and "Turk" as a person who extends a hand to people in need are common themes in every segment of the society, various Turkish nationalism projects also have their unique discourse that puts forward certain labels and images when talking about Syrian refugees. In this section, I will first discuss the public polls that give us a hint about the perception towards Syrian refugees in the Turkish society in general and then show the nuances between the various construction of the Turkish identity and their distance to the Syrian refugees.

According to "Syrians in Turkey: Social Acceptance and Harmony" report published by Hacettepe University Migration and Politics Research Center in 2014, almost 65 % of the survey respondents believe that accepting Syrians into Turkish state without any discrimination is a humanitarian obligation. Only 16,6 % think Turkey can benefit from Syrians (Table 4). This finding indicates that the self-image of a "Turk" as someone who extends a hand to those in need is a driving force in the social willingness to host Syrians.

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[116] Hürriyet, Newspaper, July 5th, 2017
http://www.hurriyet.com.tr/basbakan-yardimcisi-kaynak-kimsenin-suc-isleme-ozgurlugu-yoktur-40509701
[117] Hürriyet, Newspaper, July 5th, 2017
 http://www.hurriyet.com.tr/basbakan-yardimcisi-kaynak-kimsenin-suc-isleme-ozgurlugu-yoktur-40509701

Those who see the asylum policy towards Syrian refugees as an obligation originating from the history and geography of the Turkish state make up more than half of the respondents while 53 % of the respondents believe that their religious fraternity dictates embracing the refugees.

Table 4 How Survey Respondents Perceive Syrian Refugees

PROPOSITIONS	Strongly Agree %	Agree %	Neither Agree Nor Disagree %	Disagree %	Strongly Disagree %
Acceptance of Syrian refugees into Turkey is an obligation that originates from history, geography of our country.	11,7	39,5	8,4	30,3	10,1
We admitted the refugees as our religious fraternity dictates.	9,8	43,1	15,8	25,1	6,2
Syrian refugees are our ethnic kin in that should be admitted.	6,7	35,4	15,8	31,3	10,8
Turkey helped and paid significant attention to the Syrian Turkmen.	15,0	51,2	13,3	14,1	6,4
Acceptance of Syrians without any discrimination regarding their language, religion and ethnical background is a humanitarian obligation on our part.	14,3	50,3	12,6	18,3	4,5
Syrian refugees are not our concern. We should not be involved.	13,3	28,3	12,6	36,2	9,6
Refugees should not have been admitted, as this is an intervention in the domestic affairs of Syria.	11,0	30,6	15,3	35,7	7,4
Syrian refugees are beneficial for our country.	2,4	14,2	12,6	44,2	26,6

When asked how they would describe the Syrians, 41,1 % of the respondents describe them as people fleeing persecution while only 12 % sees them as part of the Turkish society (Table 5). In fact, the respondents who think that Syrians are culturally close to the Turkish society are only 17% (Hacettepe 2014). These numbers combined with the emphasis on the "guest-host" relationship highlights the temporal and qualitative limits on the Turkish hospitality.

Table 5 How Survey Respondent Describe Describing Syrians

"Which one below best describes your opinion regarding the Syrians in Turkey?"

People who escape from persecution	41,1
Our guests in Turkey	20,8
People who are burden on us	20,1
Our brothers and sisters in religion	12,1
Parasites-Beggars	5,9
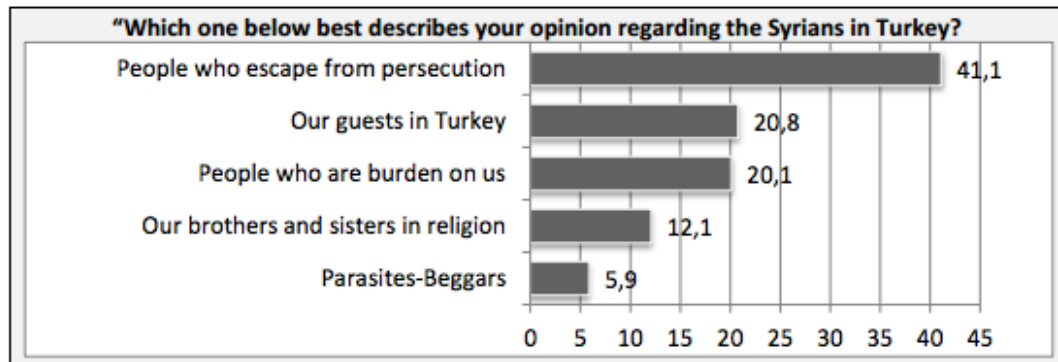
Source: Syrians in Turkey: Social Acceptance and Harmony Report, 2014, Hacettepe University Migration and Politics Research Center

One of the most interesting findings of the survey is that there is a considerable social distance between the Syrians and Turks. Although Turks and Syrian Arabs share a common history and common religion, only 17,2% agree that two communities are culturally similar (Hacettepe 2014, p.32). Moreover, almost half of the respondents say that it would make them uncomfortable to have a Syrian neighbor. The same study also reveals that Turkish society has a very clear opinion against the naturalization of the Syrian refugees more than any other issue related to refugees. A majority of 84,5% thinks that it is unacceptable to grant citizenship to the Syrian refugees (Hacettepe 2014, p.33).

The 2014 Regulation that constitutes the basis for the temporary protection regime is based on the Law on Foreigners and International Protection adopted in 2013. The discourse of the political party representatives during the parliamentary session follows a pattern that is similar to the survey results above. The main themes, which mostly reflect the version of Turkish identity the political party promotes, are as follows:

The CHP representative Ali Serindag focuses on the securitization of refugees, particularly in the border cities, and points out that there might be terrorists disguised as refugees living in Turkey, who might not be even Syrian. Mr. Serindag also reminds the parliament of the profound and unplanned increase in the population and warns that Turkey has to act wisely, not emotionally. He adds that population increase cannot be seen as the necessary and sufficient condition for the solution of the problems the country faces. Another CHP member, Kamer Genc, highlights the ethnic difference between the Syrians and Turks, and demands "Charity should start at home."[118]

Hasan Huseyin Turkoglu, who represents the MHP group, defines the Turkish nation as "a group of people who share a common history and consciousness of common history, common religion, and common culture; those who have established and sustained a common state, and are still living within the boundaries of the same."[119] He also claims Turkish state has always been a sanctuary for not only Turkish kin but also for those in need that live in the same region - no doubt all due to the hospitality of the Turkish nation. As proud as he might be, Turkoglu believes there should be a limit to that hospitality. The European demands such as lifting the geographical limitation on the 1951 Refugee Convention, acknowledging the full authority of the UNHCR, granting refugees access to public service, is nothing but an attempt to use Turkey as a barrier to prevent refugees from reaching Europe[120].

Hasan Huseyin Turkoglu securitizes the Syrian refugee crisis and talks about the risks the Syrians pose regarding national security, national economy, public health and demographic structure. Turkoglu's dehumanizing discourse intensifies as he also mentions how asylees have brought off-

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[118] Turkish Grand National Assembly, Period: 24, Session: 81, March 21st, 2013.
https://www.tbmm.gov.tr/tutanak/donem24/yil3/ham/b08101h.htm
[119] Turkish Grand National Assembly, Period: 24, Session: 81, March 21st, 2013.
https://www.tbmm.gov.tr/tutanak/donem24/yil3/ham/b08101h.htm
[120] Turkish Grand National Assembly, Period: 24, Session: 81, March 21st, 2013.
https://www.tbmm.gov.tr/tutanak/donem24/yil3/ham/b08101h.htm

the agenda diseases such as measles or tuberculosis, into Turkey. Moreover, Turkoglu accuses Syrian refugees of having an adverse impact on the unemployed. In a way, he is accusing Syrians of their exploitation as a cheap labor pool. He then makes a comparison with the aftermath of the first Gulf War and the Syrian civil war and warns the government not to repeat the same mistake Turkey made concerning its response to the "Turkoman brethren" living in these countries. He adds, "Turkish nationalists also know how to recite Surah al Fatiha[121]" and implies that he is well aware of the religious motivations underlying the government policy to host Syrians.

Another MHP representative and a prominent historian, Yusuf Halacoglu argues that the history demands Turkey to embrace Syrian refugees as payback[122]. Nevertheless, he thinks the Turkish state has to make it a priority to prevent any disturbance to the public order due to these refugees[123]. That is why the Turkish authorities should confine each Syrian refugee in refugee camps, and strictly regulate the entrance to and exit from these camps[124]. These positions are in line with the radical right-wing nationalism that has a strong ethnic emphasis with some religious flavor.

The government has an opposing view on the issue. Muammer Guler, then the Minister of Interior, approaches the Syrian asylum crisis from a human rights perspective. Minister Guler reminds the members of the Turkish Parliament that it is an obligation to protect the asylum seekers according to the 1951 Refugee Convention. He promises that the new law will strike a balance between the refugee rights and public safety. It is an interesting justification because Turkey has never formally lifted the geographical limitation clause from 1951 Convention. Therefore, technically it is under no

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[121] The first surah in the Quran, implying Turkish nationalists are also very well versed in religion.
Turkish Grand National Assembly, Period: 24, Session: 81, March 21st, 2013.
https://www.tbmm.gov.tr/tutanak/donem24/yil3/ham/b08101h.htm
[122] Turkish Grand National Assembly, Period: 24, Session: 81, March 21st, 2013.
https://www.tbmm.gov.tr/tutanak/donem24/yil3/ham/b08101h.htm
[123] Turkish Grand National Assembly, Period: 24, Session: 81, March 21st, 2013.
https://www.tbmm.gov.tr/tutanak/donem24/yil3/ham/b08101h.htm
[124] Turkish Grand National Assembly, Period: 24, Session: 81, March 21st, 2013.
https://www.tbmm.gov.tr/tutanak/donem24/yil3/ham/b08101h.htm

international obligation to provide protection for those who flee a non-European state. Moreover, despite this humanitarian approach at the parliament, the AKP government has not made an attempt to lift the geographical limitation clause or make meaningful amendments to the 1934 Settlement Law that could end the ethnic immigration policies.

During the time of the parliamentary discussions, the only legal predecessor that somewhat addressed the non-European asylum crises was the 1994 Asylum Regulation, which enabled the government to provide temporary protection for those fleeing non-European states without lifting the geographical limitation clause of the 1951 Convention.

In his parliamentary address during the discussions of the Law on Foreigners and International Protection, Mr. Guler answers the criticisms by stating that the government has no intention whatsoever of lifting the geographical limitation of 1951 Convention, particularly in a geography bombarded with excessive immigration movements[125]. According to Muammer Guler, the AKP government makes a clear distinction between those who flee a European country, and therefore qualify for "refugee" status with full protection, and others who flee a non-European country, and therefore can only receive "conditional asylee" status with temporary protection[126].

The rhetoric of the political parties corresponds with the stance of the newspapers and the Turkish identity they are trying to construct. The framing of the Syrian asylum crisis in the Turkish newspapers has a direct relationship with the political affiliation of the respondent (Hacettepe 2014, Ibrahim Efe 2015). "Due to the Turkish government's openly hostile position to the Syrian regime, Syrian migration became closely linked with Turkish domestic politics and foreign policy," (Ozden

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[125] Turkish Grand National Assembly, Period: 24, Session: 81, March 21st, 2013.
https://www.tbmm.gov.tr/tutanak/donem24/yil3/ham/b08101h.htm
[126] Turkish Grand National Assembly, Period: 24, Session: 81, March 21st, 2013.
https://www.tbmm.gov.tr/tutanak/donem24/yil3/ham/b08101h.htm

2013, p.1)[127]. Yaylaci and Karakus (2015, p.238) conduct a content analysis on the top three newspapers from different ideological standings during 2014 and conclude "political standing of the newspapers and their attitudes towards the Turkish government strongly affect[ed] the ways they shape the news about Syrian refugees." According to Muzeyyen Pandir and Ibrahim Efe (2015, p. 20)[128], the distribution of the news related to the Syrian refugees in five national newspapers with the largest circulation in 2014 shows "it is the political position of the newspapers and its proximity to the position of the ruling party that determines whether the representation [of the Syrian refugees] is in a positive or negative light." For example, Murat Erdogan (2015) analyzes the websites of 21 national and 56 local newspapers between 2011 and 2014 and finds that newspapers that are close to the AKP government represent the Syrian refugees as people in need of protection and speak highly of the government policies, while newspapers that are against the government characterize the refugees as crime-prone and a burden.

Research also shows "the discourse of media might serve as the main source of individual's information, attitude and ideologies," (Von Dijk 2000 in Yaylaci and Karakus 2015, p. 249). Therefore it not only constructs a social reality but also reflects the one that gives birth to that particular media outlet. The level of social willingness to host Syrians very much depends on which Turkish identity they are trying to promote: official Kemalist Turkishness, Islamist Turkishness or radical right-wing Turkishness.

Three factors shape the social distance between official Turkishness and Syrian refugees:

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[127] Özden, Senay. (2013). "Syrian Refugees in Turkey." Migration Policy Centre Research Report 2013/5
http://www.migrationpolicycentre.eu/docs/MPC-RR-2013-05.pdf
[128] Pandir, Muzeyyen,, Efe, Ibrahim., and Paksoy, Alaaddin, F. (2015). "A Content Analysis of the Representation of Syrian Asylum Seekers in the Turkish Press." *Marmara Journal of Communication*, Issue: 24, p. 1-26.
http://dergipark.gov.tr/download/article-file/216688

- Historical reasons, particularly the negative image that has been associated with the Arab politics during the World War I.

- The remnants of the image of Syria as "the supporter of terrorism" during the 1980s and 1990s.

- The domestic opposition to the foreign policy of the AKP government since the beginning of the Syrian civil war (Erdogan 2015 Syrians in Turkey: Societal Acceptance and Harmony, Istanbul Bilgi Universitesi Press).

The impact of Syrian asylum crisis on the demographic structure of Turkey is a huge concern for the secular Turks (Kirisci and Ferris 2015, p. 6). Cumhuriyet, a historically Kemalist newspaper, reflects and reproduces this attitude by focusing mostly on Yazidis, a Christian group fleeing ISIS in Iraq, and Alawites fleeing Syria in its news coverage concerning the Syrian refugees. Cumhuriyet coverage shows that these groups do not enjoy the same rights and services as their Sunni Arab counterparts[129]. Cumhuriyet is also highly critical of the government for its foreign policy and handling the Syrian asylum crisis (Yaylaci and Karakus 2015, Erdogan 2015, Pandir, Efe and Paksoy 2015). This emphasis on the demographic structure shows a suspicion that the government is trying to gain an electoral advantage either by naturalizing the Syrians or changing the demographic structure of the regions that traditionally vote for opposition parties[130]. That is why the construction of new refugee camps for Sunni Arab refugees in Alawite majority cities of Turkey gets a considerable media attention [131].

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[129] Cumhuriyet, Newspaper, June 20th, 2016.
http://www.cumhuriyet.com.tr/haber/siyaset/554372/CHP_den_carpici_multeci_raporu.html
[130] Cumhuriyet, Newspaper, July 3rd, 2016.
http://www.cumhuriyet.com.tr/haber/siyaset/562088/Erdogan_a_tepkiler_cig_gibi..._AKP_ye_oy_deposu_yaratmak_is
teniyor_.html
[131] Kavukcuoglu, Deniz. (2016). "Suriyeliler sorunu." Cumhuriyet, Newspaper, March 12th, 2016.
http://www.cumhuriyet.com.tr/koseyazisi/496543/Suriyeliler_sorunu.html
http://www.cumhuriyet.com.tr/haber/turkiye/506152/Alevi_koyune_Suriyeli_kampi.html

Among radical-right wing nationalism supporters, there has been an intense anti-Arab discourse. For example, Ortadogu, the mouthpiece of the radical right wing MHP, calls Syrian refugees "Those who look for a mouse hole to hide" and criticizes "The rich Arab sultans whose treasure is bigger than their bellies" for leaving the burden of taking care of the Syrians on the "weak shoulders" of Turkey[132]. Accordingly, Syrians, who were accepted in Turkey because they were oppressed and victimized, have created oppression and victimhood for Turks in their homeland by committing homicide, rape, and burglary all over Turkey[133]. Under these circumstances, it is surely "indigestible" to offer Turkish citizenship to the refugees[134].

Jacobsen (1996) argues that the meaning the host community ascribes to the term refugees is affected by cultural, historical, and religious factors. Especially in countries with a ruling Islamic political party, the religious factors particularly come to the fore in the local community's willingness to host refugees (Jacobsen 1996). Islam views asylum as a legitimate way of dealing with state persecution and ascribes a positive meaning to both the asylum seeker and the host communities. According to Islamic tradition, the Prophet Mohammad himself and his followers had to flee the persecution of Meccans and seek refuge in Yathrib (Madina), a city with a considerable amount of newly converts. This "asylum crisis" is known as the Hijrah and considered to be the beginning of the Islamic civilization. Those who left all they had in Macca and followed the divine direction to migrate to Madina were called Muhajirun, while the local community who opened their doors to the Muslims who were fleeing persecution was the Ansar. Both the Muhajirun and the Ansar are highly praised and highly honored in the Islamic tradition.

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[132] Kurucu, Nazif. (2016). "Kacacak fare deligi arayan Suriyeli Araplar… Ve hazineleri gobeklerinden de siskin zengin Arap padisahlari…" Ortadogu, Newspaper, February 9th, 2016.
http://ortadogugazetesi.net/makale.php?makale=kacacak-fare-deligi-arayan-suriyeli-araplar-ve-hazineleri-gobeklerinden-de-siskin-zengin-arap-padisahlari&id=21406
[133] Cicek, Yildiray. (2017). "Magdur gelip, magdur yaratma carpikligi!" Ortadogu, Newspaper, May 24th, 2017.
http://ortadogugazetesi.net/makale.php?id=24452
[134] Hurriyet, Newspaper, July 4th, 2016.
http://www.hurriyet.com.tr/bahceli-suriyelilere-vatandaslik-hakki-tanimak-hazmedilecek-bir-durum-degil-40130374

Therefore it is not very surprising that "Religiously conservative Turks and Turkish citizens of Arab descent, usually voting for the AKP have by and large been more open to receiving the bulk of refugees who are Sunni Arabs," (Kirisci and Ferris 2015, p. 6). The AKP government and their mouthpiece conservative media outlets framed the Syrian refugee crisis in this Islamic symbolism. Accordingly, Syrians were muhajirun – Muslim brothers and sisters justifiably fleeing state persecution and seeking refuge in a Muslim country. On the other hand, the Turkish society was the Ansar who should embrace the Muhajirun and take care of their every need[135].

6.4 Conclusion

The structure of the industrial relations and the incompetence of the skill training in Turkey have created a fluid labor market that mostly depends on market-based solutions to solve any coordination problems. The scattered and politically weak labor unions can in no way represent the demands of the workers at the state level, nor can they engage in meaningful wage bargains with the employer associations. Trade Unions Act and The Collective Bargaining, Strike, Lockout Act of 1983 have curbed the labor rights considerably and prohibited organized and coordinated labor action. Although the Turkish state presented strict labor regulations concerning unemployment

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[135] Yenisafak, Newspaper, December 24th, 2014.
http://www.yenisafak.com/gundem/muhacire-ensar-olma-zamani-2052155
Yenisafak, Newspaper, February 13th, 2015.
http://www.yenisafak.com/yazarlar/detayscroll/2007843?n=1
Yenisafak, Newspaper, September 1st, 2015.
http://www.yenisafak.com/yazarlar/detayscroll/2019995?n=1
Yenisafak, Newspaper, December 25th, 2016.
http://www.yenisafak.com/yazarlar/detayscroll/2035082?n=1
Yenisafak, Newspaper, August 19th, 2014.
http://www.yenisafak.com/yazarlar/detayscroll/55424?n=1
Yenisafak, Newspaper, February 13th, 2015.
http://www.yenisafak.com/yazarlar/detayscroll/2007843?n=1
Yildirim, Ergun. (2014). "The Last Muhajirun of Anatolia." Yenisafak, Newspaper, September 14th, 2014.
http://www.yenisafak.com/yazarlar/ergunyildirim/anadolunun-son-muhacirleri-suriyeliler-55863
Bayraktar, Cemile. (2016). "The Dimensions of Naturalizations of Syrians and the Racist Discourse." Yenisafak, Newspaper, July 14th, 2016.
http://m.yenisafak.com/yazarlar/cemilebayraktar/suriyelilere-vatandaslik-verilmesinin-tum-boyutlari-ve-irkci-soylem-2030353?n=1

benefits and severance pay, the percentage of workers who qualify for these benefits are significantly low due to legal pre-requisites and market-based bypasses the firms adopt. Moreover, the state-sponsored vocational training system is disconnected from the demands of the industry, and the lack of coordination among firms make it very hard for especially SMEs to invest in skill training. As a result, the labor market has a high capacity of absorbing workers with general skills and lower wages.

Having the institutional capacity and the need for cheap labor does not necessarily mean that Turkey has been willing to open its doors to just anybody. Kemal Kirisci (1996, p.3) argues "states prefer admitting persons that are likely to strengthen a country's national identity and cohesion, and in turn enhance its national security" because "whom you let into the country as prospective citizens says a lot about who you are." The comparison of Turkey's responses to Turkish asylees fleeing Bulgaria, Kurds fleeing Saddam, and Arabs fleeing Syrian civil war supports this premise. Muslim Turks from Bulgaria were embraced as kin and granted full citizenship with special legislation. On the other hand, the Kurds fleeing chemical attacks in Iraq around the same time were labeled as "guests" and were put in temporary refugee camps where they do not have access to education or labor market, and only limited access to healthcare. They had the bad fortune of seeking asylum from Turkey at a time when Turkish state was waging a bloody civil war against its own Kurdish population, which have been used as "the ultimate other" for the construction of Turkish identity for centuries. As for the Syrians, the public polls and the statements from government and opposition representatives show that Turkish hospitality can only tolerate Syrians temporarily as public perceive Arabs as culturally distinct from the Turkish nation. Although there are different groups of people within the Turkish nation that emphasize the Ottoman heritage or religious duty to embrace Syrian refugees, an overwhelming majority strongly opposes their naturalization or integration into the labor market.

7 GERMAN NATIONAL ASYLUM REGIME

As a country that has officially referred to itself as "not a country of immigration" for decades, it is ironic how immigration and asylum have been an integral part in the post-war economic development and nation-building in Germany. In the 1950s, Germans witnessed huge numbers of political and economic migration into the country. "The German economic miracle" demanded high numbers of workers that can work in manufacturing and other low skilled jobs. Especially after the construction of the Berlin Wall, Germany met the demands of its growing economy through guest worker agreements and inadvertently laid the foundations for its "migrant problem" in the upcoming decades. The 1950s also marked the years where post-war Germany faced the very first asylum wave, mostly ethnic Germans fleeing from Eastern European states. Since these people were ethnically German and had the right to citizenship even though some of them could not speak any German, their integration went relatively smoothly compared to other asylum-seeking groups that reached Germany later.

In each of the following asylum crises, which mostly consisted non-ethnic Germans or foreigners, German response was more exclusion and restriction in contrast to the common perception. In 1992, at the height of one of the most severe asylum crisis the country faced, Germany adopted Asylum Compromise, and first restricted, then banned certain people from enjoying the constitutional right to asylum. The refugees who could enter the country, on the other hand, were sent back immediately after the peace agreement between conflicting parties, without paying much attention to the developments on the ground. Moreover, racism, xenophobia, and anti-immigrant sentiments in the country reached a point where immigrants' homes and asylum centers were attacked and burned to the ground as ordinary Germans stood and watched.

Although these attacks and the level of racism and xenophobia in the country set off alarm signals in the international community and German elites, the attempts of governments to normalize immigration and protection of foreigners fell short of meeting the de facto immigration country status of Germany. The same anti-foreigner, anti-immigrant stance triumphed during the latest asylum crisis between 2014 and 2016 as well. On the one hand, Germany was celebrated in the international media as the most generous European country that opened its doors to the asylum seekers fleeing the worst humanitarian crisis since the World War II. On the other hand, the country adopted an exclusionary policy, which aimed at keeping the asylees from even reaching to the shores of the European Union, as it was bad publicity when thousands of them marched the European streets demanding protection.

My analysis below reveals that at the root of these German asylum policies lied the low labor absorption capacity of the local economy and high social distance between Germans and any non-German, Muslim asylum-seeking group.

7.1   Labor Absorption Capacity

Varieties of Capitalism scholars mostly refer to Germany as the paragon of coordinated market economies. As an industrialized country with high quality, niche product market strategy, Germany built economic institutions that support coordination across all five interconnected spheres and relied on a workforce with specific skills and high levels of productivity. Developing this skill set requires institutional guarantees and incentives for employers and employees, as the former needs to make sure the trained employer will be loyal to the company while the latter seeks the highest possible return for its investment in those industry-specific skills. The institutional complementarities between labor market regulations, social protection, and skill training in Germany "has been better at improving productivity than at creating jobs," especially in low skilled industries (Hall 2007,

p.82). That is why I argue the labor absorption capacity is lower in Germany than in a typical liberal market economy whose institutions support a generally skilled workforce, higher turnout rates and lower levels of unemployment. A comparison of employment rates of immigrants and native-born citizens by an OECD report as well as empirical studies support this premise. The unemployment rate among of the foreign-born is lower in Anglo-Saxon countries, which typically have higher labor absorption capacities, compared to Continental European countries with lower labor absorption capacities, such as Germany and Sweden (OECD 2017)[136]. A European Parliament study attributes this difference to country-specific skills and vocational qualification systems apart from the labor market institutions such as minimum wage or employment protection[137] – all of which are interconnected according to my theory. The report goes on to argue that, for example, "The British skill system based on the Qualification and Credit Framework is more flexible than the German Qualification Framework providing more possibilities to enter the labor market."[138]

There is an ongoing effort in Germany to bring the unemployment rate down through a dual labor market that offers part-time or temporary employment at relatively lower wages in less regulated sectors (Eichhorst and Marx 2009). Nonetheless, the majority of the labor force works in the industrial or public sector that offers higher wages and job security (Hall 2007) and keeps the labor absorption capacity low.

7.1.1.1   *Industrial Relations in the German Case*

The traditional German industrial relations system is characterized by high coordination between employers and workers where labor unions have not only bargaining power but also political and

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[136] OECD (2017), Foreign-born unemployment (indicator). doi: 10.1787/ba5d2ce0-en (Accessed on 13 October 2017) https://data.oecd.org/migration/foreign-born-unemployment.htm#indicator-chart

[137] Labor Market Integration of Refugees. 2016. European Parliament Directorate-General for Internal Policies Report. http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578956/IPOL_STU(2016)578956_EN.pdf

[138] Labor Market Integration of Refugees. 2016. European Parliament Directorate-General for Internal Policies Report, p.25. http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578956/IPOL_STU(2016)578956_EN.pdf

social power to influence state policy. Collective bargaining between employees and employers takes place at two levels: the industry or sector level bargains between trade unions and employers' associations and plant level co-determination process through work councils. The industry level bargains might regulate both wages and working conditions while Works Constitution Act 1972 prohibits negotiation over "pay issues already settled by collective agreements" at the company level.

The Basic Law (German Constitution) and the Collective Agreement Act of 1969 designate broad autonomy to employers and labor representatives in negotiating the wage levels and working conditions such as hours of work, benefit, dismissal and redundancy provisions. The Act of 1969 also establishes industrial peace and conflict periods. Once the employer and labor organizations reach a collective agreement, it becomes legally binding on every firm represented by the employers' association and every worker represented by the trade union, crosscutting regions within the same sector[139]. The state cannot interfere with the collective bargaining for the collective is a statutory right. The efforts of the governments mostly fail when they try to interfere with Tarifautonomie anyway since these attempts mean a disturbance to the institutional equilibrium. Stewart Wood (2001) talks about the liberal attempts of the Helmut Kohl's CDU-led coalition to weaken organized labor during the 1980s as an example of how government policies that are not incentive compatible with the economic institutional setting are prone to failure. Wood (2001, p. 267) argues "the 1984 metalworkers' strike over the issue of reduced working time raised a technical but fundamental issue regarding state neutrality during strikes." According to law, workers who were directly involved in the strike would do so by accepting the fact that they were not going to get state benefit from the Federal Labor Office. However, those who were indirectly affected by

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[139] Germany: Working Life Country Profile. The European Foundation for the Improvement of Living and Working Conditions. September 4th, 2017. https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/germany/germany-working-life-country-profile

the strike – workers who worked for companies that cease their production because they were affected by the disruption of the production through supply chains – were able to get their unemployment benefits in line with the Work Promotion Act of 1969. The only condition was that "the strike could not aim at changing the terms and conditions of the firm where the 'indirectly affected' workers were employed; and payment of the benefits should not influence the outcome of the strike," (Wood 2001, p. 267).

Albeit it seems like a technical issue, payment of benefits to the indirectly affected workers had a critical impact on the workers' solidarity within the union. The employers contested the provision from the beginning and challenged the court decisions sympathetic to the workers as far as this provision is concerned. Having said that, when CDU-FDP coalition wanted to use the 1984 strike as an excuse to change this provision and weaken the trade unions by attacking their solidarity, employers objected to government interference (Wood 2001). According to the new proposed amendment, "payment would be denied to all workers indirectly affected by a strike, irrespective of their regional location,' (Wood 2001, p.268). In response, the then President of German Confederation of Employers Otto Esser argued for solving the problem directly with the trade union without any state interference and argued for significantly limited state intervention once the voluntarist approached failed (Wood 2001). Moreover, a leftist fraction within the CDU, who enjoyed a strong relationship with the trade unions, opposed the leadership contending that the party's image as a "Volkspartei" was at stake (Wood 2001). In the end, the cooperation and compromise institution triumphed over Kohl's new "Thatcherism" attempt. The amendment could pass after two years of negotiations only by keeping the state support for indirectly affected workers in place. According to the amendment, payments could only be withheld "if demands of workers in the indirectly affected region were ' in scope and content equivalent to the main demands of the strike, without necessarily corresponding exactly," (Wood 2001, p. 269). The employers remained

reluctant to use the new ruling to their advantage even with its compromised version since 1986. Contrary to the government, their aim was never to crash the organized labor, but sustain a balance of power between both parties, "thus ensuring that neither party to a collective bargain had a disproportionate incentive to reject discussion in favor of industrial action," (Wood 2001, p. 269).

For the collective wage agreement to work, it is imperative that there are unified, strong labor unions and employers' associations that can convince their respective audiences. That way, the labor union can convince its members that it was able to go head to head with the employer's association and get the best deal possible in return for their skill investment. On the flip side, a strong employer's organization is necessary for the implementation of the collective agreement reached on the national level. In addition to these "organizational representatives," the Federal Labor Ministry and the labor ministries of the 16 federal states may also play a role in extending the sectoral collective agreement with the consent of the labor union and employer organization struck the deal[140].

Trade unions in Germany have a few characteristics. First of all, they are unified, meaning they represent all workers in that industry irrespective of the ideology or the political leaning of the worker (Dribbusch and Birke 212, p. 2). Second, all workers, including civil servants have freedom of association according to the Basic Law (German Constitution). That means every worker has the right to join a trade union. However, trade union membership is not compulsory. German constitution prohibits closed-shop regulations. Therefore, the result of collective bargaining is considered a public good and applied to all workers irrespective of union membership (Fitzenberger, Kohn, and Wang: The Erosion of Union Membership in Germany). Third, the central role of

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[140] Germany: Working Life Country Profile. The European Foundation for the Improvement of Living and Working Conditions. September 4th, 2017 https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/germany/germany-working-life-country-profile

German trade unions is bargaining, not distributing benefits or pensions to their members (Dribbusch and Birke 212).

Three major trade union confederations operate as umbrella organizations for affiliated trade unions, which in total compass an eight million workers population (Table 6) (Dribbusch and Birke 212). It means one in every five workers is a trade union member in Germany (Dribbusch and Birke 212). The confederations do not have bargaining power; they do not directly involve in collective bargaining, industrial relations or any other negotiations with the employer organizations. Their primary task is to represent the interests of their affiliated union members before the federal and local state representatives (Dribbusch and Birke 212).

By far the biggest of these three trade union confederations is the German Confederation of Trade Unions (DGB), who represents eight individual trade unions and around 6.2 million workers (Dribbusch and Birke 212). Within DGB, the biggest affiliated trade union is IG Metall (German Metalworkers Union) with 2,269,281 members, followed by the United Services Union with 2,039,931 members[141]. German Civil Servants Union and Wage Union Dbb is the third biggest trade union in DGB with its 1,276,407 members[142]. However, it has a different status as a trade union representing civil servants. Although public servants have the freedom of association according to the German constitution, they do not have a right to strike. Moreover, Dbb does not have the right to engage in collective bargaining since German government unilaterally determines the wages and working conditions of its civil servants through laws and regulations (Dribbusch and Birke 212).

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[141] Germany: Working Life Country Profile. The European Foundation for the Improvement of Living and Working Conditions. September 4th, 2017 https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/germany/germany-working-life-country-profile

[142] Germany: Working Life Country Profile. The European Foundation for the Improvement of Living and Working Conditions. September 4th, 2017 https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/germany/germany-working-life-country-profile

Table 6 Main Trade Union Federations and Confederations in Germany

Long Name	Abbreviation	Members	Collective Bargaining
Deutscher Gewerkschaftsbund (German Confederation of Trade Unions)	DGB	6,104,851	No*
Deutscher Bamtenbund und Tarifunion (German Civil Servants Union and Wage Union)	Dbb	1,276,407	Yes
Christlicher Gewerkschaftsbund (Christian Trade Union Federation)	CGB	273,815	No

* Typically no, but, mandated by affiliates to bargain with employers of temporary agency work sector

Source: Eurofound 2015, European Foundation for the Improvement of Living and Working Conditions [143]

Another critical aspect of the German industrial relations system is the plant level bargaining between works councils and upper management. Works councils, which consist of the elected representatives of the company workforce, involve in shop-floor level bargaining and dispute resolution on behalf of the workers. Works Constitution Act of 1972 establishes work councils with voting rights in factories with five or more employees[144]. These work councils represent the employees in that factory and engage in bargaining with the management. The bargaining is mostly about the adjustment of the industrial or sectoral collective agreement to the specific needs and

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[143]Germany: Working Life Country Profile. The European Foundation for the Improvement of Living and Working Conditions. September 4th, 2017 https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/germany/germany-working-life-country-profile

[144] Works Constitution Act http://www.gesetze-im-internet.de/englisch_betrvg/

demands of the company. These adjustments might include the terms of employment, including but not limited to hours of work, dismissal, benefits, redundancy provisions, Works Constitution Act of 1972 prohibits works councils negotiating wage-related matters. "Works councils are the main form of employee representation at the establishment level."[145] As reported by the Institute for Employment Research, "9% of establishments (covering some 43% of employees) in the Western German private sector had a works council in 2013."[146] In East Germany, 10% of the establishments had a works council, which covers 35% of employees.

Workers are also represented at the management level. According to the Codetermination Act of 1976, half of the supervisory board of directors must be elected worker representatives if the company has more than 2000 employees. This provision applies to public and private companies alike as long as they meet the criterion. For companies that have less than 2000 employees (500-2000), the law requires one-third of the supervisory board to represent company workforce.

There is a downward trend regarding the trade union density (Table 7). The literature argues a move away from the national and sectoral bargaining toward company-level bargaining in the last decade (Doellgast and Greer 2007, Behrens 2008, Hassell 1999).

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[145] Germany: Working Life Country Profile. The European Foundation for the Improvement of Living and Working Conditions. September 4th, 2017 https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/germany/germany-working-life-country-profile
[146] Germany: Working Life Country Profile. The European Foundation for the Improvement of Living and Working Conditions. September 4th, 2017 https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/germany/germany-working-life-country-profile

Table 7 Trade Union Density

Country	2000	2005	2010	2013
Germany	24.6	21.7	18.6	18.1
United Kingdom	30.2	28.6	26.6	25.8
Turkey	28.2	16.8	8.9	6.3

Source: OECD Stats, 2015[147]

Nevertheless, the data shows that a significant portion of the German labor force is still covered with collective agreements made at the sectoral level. According to the Eurofound, European Company Survey 2013, in all private sector companies with over ten workers, 70% of the workforce was covered with a collective wage bargaining agreement at all levels in 2013[148]. The data from the Institute for Employment Research further breaks down this number and show that 60% of all private sector employees in the West Germany are covered by a collective agreement while this ratio falls to 40% in the East[149].

Additionally, although the bargaining at the company levels gives more flexibility to the employers, it is still evident that German firms resort to coordination mechanisms to solve the industrial conflict even at the company level. Barry and Nienheuser's (2010) study of the dual market characteristics of the German aviation industry illustrates this point distinctively. In their study "Coordinated market economy/liberal employment relations: low-cost competition in the German aviation industry,"

[147] OECD Data (2016) Trade Union Density (indicator) DOI: 10.1787/1e628ddd-en
https://stats.oecd.org/Index.aspx?DataSetCode=UN_DEN
[148] Germany: Working Life Country Profile. The European Foundation for the Improvement of Living and Working Conditions. September 4th, 2017 https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/germany/germany-working-life-country-profile
[149] Tarifbindung der Beschäftigten. 2015. Institut für Arbeitsmarkt und Berufsforschung
http://doku.iab.de/aktuell/2015/Tarifbindung_2014.pdf

Barry and Nienheuser argue that the low-cost international competition in the aviation industry created a "market divergence … from the typical pattern of German employment relations" in Germany (2010, p.3). According to Barry and Nienheuser, "in a country known for sectoral level collective bargaining, company level negotiations predominate the [German airline] industry," (Barry and Nienheuser, 2010, p. 14). However, their argument does not challenge the notion that German economic institutions rely on coordination rather than the market for solving various problems. First of all, the "low-cost competitor" at the heart of their analysis is Germanwings, which is a subsidiary company of Lufthansa – the German airline giant. As a parent company, Lufthansa, in collaboration with Eurowings, provide staff training and technical support for the maintenance of the Germanwings fleet (Barry and Nienheuser 2010, p. 12). Therefore, the traditional employee relations Lufthansa adheres to already cover those employees. Additionally, contrary to its biggest competitor Ryanair, Germanwings does not avoid unionization while also keeping co-determination as an integral part of its organization culture (Barry and Nienheuser 2010). It has powerful workers representation at the company level. As a result, job security is stronger, and wage levels are higher compared to the ideal low-cost model Ireland's Ryanair represents (Barry and Nienheuser 2010). Consequently, Germanwings still benefits from the coordinated economic institutions and can employ equally productive workers. Smaller firms, especially those in the East Germany, voluntarily opt-out from the collective agreements and compete in niches. Yet, they still resort to bargaining with the works councils or smaller labor unions to strike a collective agreement for their labor force, if not for the whole sector. Even this low-cost segment, which is not characterized by industry or sectoral level bargaining struck by industry based unions and employers' associations, is far from operating in and creating its pure market-oriented institutional setting.

This choice might be due to the fact that German employers have to abide by strict employment protection regulations. Table 8 compares the strictness of employment protection regulations on

individual dismissal of workers with regular contracts and additional costs for collective dismissals in Germany, a typical CME, United Kingdom, a typical LME, and Turkey, a mixed market economy that shows LME tendencies in terms of its labor absorption capacity. It is two times as hard to dismiss a worker with a regular contract in Germany than in the United Kingdom. Turkey has one of the strictest employment protection regulations on paper as the data shows. However, as my case study above shows, in practice employers usually find a way around those rules and resort to market solutions.

Table 8 Employment Protection: Regulation on individual dismissal of workers with regular contracts and additional costs for collective dismissals

Country	2013
Germany	3.0
The United Kingdom	1.6
Turkey	2.5

Data Source: OECD Stats, 2015[150]

Notes: Most countries impose additional delays, costs or notification procedures when an employer dismisses a large number of workers at one time.

The overall strictness of regulation of collective dismissals is the sum of costs for individual dismissals and any additional cost of collective dismissals.

0 = very loose, 5 = very strict.

Similarly, Germany has higher job tenures, and lower turnover rates, than both the United Kingdom and Turkey (Table 9). The greater the percentage of workers with longer tenures, the more difficult it will be for new workers to get into the labor market. As a result, the labor absorption capacity will

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[150] OECD 2015, Indicators of Employment Protection.
http://www.oecd.org/els/emp/oecdindicatorsofemploymentprotection.htm

be relatively lower in the countries with lower turnout rates. Germany and United Kingdom show similar tendencies for workers with tenures over three years; they make up 73% of the workforce in Germany and 67.5% of the workforce in United Kingdom in 2015. However, only mere 52.4 % of the workers have more than three years of tenure in Turkey. After five years of tenure, Germany and the United Kingdom diverge considerably. Those with tenures with ten years or more are 43% of the German workforce, while they make up 23% of the workforce in the UK.

Table 9 Employment by job tenure intervals – percentage

Country	Job Tenure	2000	2005	2010	2015
Germany	Less than 3 years	28.7	26.3	27.8	27
	3-5 years	11.3	12.4	11.6	12.1
	5-10 years	20.4	19.6	17.2	17.9
	10 years and more	39.6	41.7	43.4	43
United Kingdom	Less than 3 years	36.4	34.8	29.5	32.5
	3-5 years	13.6	15	16	13.1
	5-10 years	17.5	20	22.5	20.6
	10 years and more	32.5	30.2	32	22.8
Turkey	Less than 3 years		34.9	43.2	47.6
	3 years and more		65.1	56.8	52.4

Data source: OECD Stats, 2016 [151]

With the long-term employment due to strict employment regulations and real wage stability due to collective bargaining, employees receive a lot of incentives from the employers to invest in specific

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[151] OECD 2016, Employment by Job Tenure Intervals Indicator
https://stats.oecd.org/Index.aspx?DataSetCode=TENURE_AVE

skills. However, as Estevez-Aba, Iversen, and Soskice (2001, p. 145) argue, "employers' promises are not sufficiently credible by themselves." That is why social protection is a critical aspect of Social protection Esteves-Abe, Iversen and Soskice (2001) contend that social protection provides a critical safety net by the government for workers who are considering of investing in specific assets. (Estevez-Abe, Iversen, Soskice 2001). Accordingly, in CMEs, where the product market strategy requires specific and co-specific assets, "a strong alliance between skilled workers and their employers in favor of social protection advantageous to them is likely to emerge- even if this means reducing job opportunities for low-skilled workers," (Esteves-Abe, Iversen, Soskice 2001, p. 149). In other words, in CMEs where typically there are generous employment, unemployment or wage protection systems, labor absorption capacity for low-skilled workers will be relatively low.

Unemployment benefits are also institutionally higher in CMEs like Germany, which have adopted product market strategies requiring industry-specific skills. Unemployment protection is such an integral part of skill-formation and wage-protection in CMEs because "it allows workers to turn down job offers outside their previous industry or occupation," (Esteves-Abe, Iversen, Soskice 2001, p. 152). Moreover, it prevents a "race-to-the-bottom" among unemployed workers, who would be otherwise compelled to accept job offers lower wages or outside of their core competencies. Data shows that Germany, a CME, distributes around three times more unemployment benefits than the United Kingdom, a typical LME and seven times more than Turkey, my high labor absorption capacity case (Figure 6).
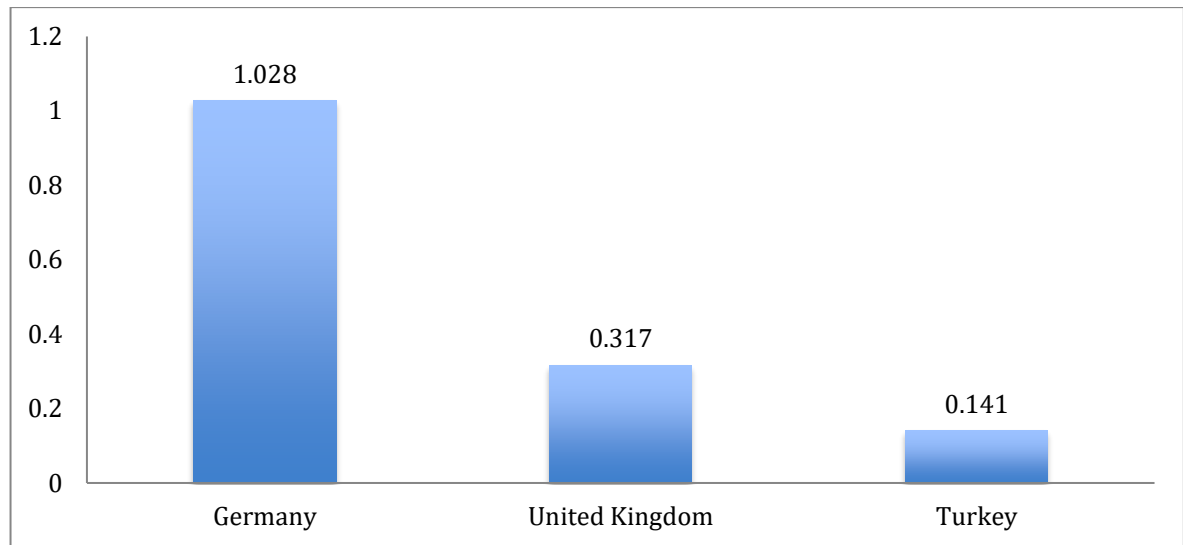
Figure 6 Public Unemployment Spending (% of GDP) (2013)
Data Source: OECD Stats, 2017[152]

7.1.1.2   Skill Training in German context

According to the OECD statistics, Germany has one of the lowest levels of adult population with

tertiary education compared to other OECD countries (Table 10). The percentage of 24-34 year-olds

who earned a university degree is 29.6% in Germany. This rate is lower than not only the typical

LME countries such as the United Kingdom (49.2%) or the United States (46.5%) but also other

CME economies like Austria (38.6%) and Sweden (46.4%). In a similar vein, the percentage of 55-

64 year-olds with tertiary education is 25.6%, which is much lower than those in the United

Kingdom (35.5%) or the United States (41.4%) or Sweden (29.9%).

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[152] OECD (2017), Public unemployment spending (indicator). doi: 10.1787/55557fd4-en (Accessed on 04 August 2017) https://data.oecd.org/socialexp/public-unemployment-spending.htm

"Public unemployment spending is defined as expenditure on cash benefits for people to compensate for unemployment. This includes redundancy payments from public funds, as well as the payment of pensions to beneficiaries before they reach the standard pensionable age, if these payments are made because the beneficiaries are out of work or for other labour market policy reasons,"

Table 10 Population with Tertiary Education (2015)

Country	25-34 year-olds	55-64 year-olds
Germany	29.6	25.6
Sweden	46.4	29.9
Austria	38.6	21.8
Turkey	27.5	10.3
The United Kingdom	49.2	35.5
The United States	46.5	41.4
OECD average	42.1	26

Data Source: OECD (2017), Population with tertiary education (indicator)[153].

Lower tertiary education levels do not necessarily mean that Germany has low levels of productivity. According to a 2015 OECD report "upper secondary qualification plays a central role in German's education system. 87% of the population among 24-65 year-olds have upper secondary qualification or above."[154] Germany also has the second largest population with upper secondary vocational training among OECD countries (Figure 7).

According to OECD data, 59% of the German population between the ages of 25 and 34 hold an upper secondary or post-secondary non-tertiary education degree. 51% of these young Germans received vocational qualification at the upper secondary or post-secondary non-tertiary level while only 7% attained a general, non-vocational upper secondary or post-secondary non-tertiary degree as their highest degree (OECD 2016)[155].

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[153] OECD (2017), Population with tertiary education (indicator) doi: 10.1787/0b8f90e9-en (Accessed on 16 August 2017) https://data.oecd.org/eduatt/population-with-tertiary-education.htm#indicator-chart
[154] OECD (2017), Adult education level (indicator). doi: 10.1787/36bce3fe-en (Accessed on 16 August 2017) https://data.oecd.org/eduatt/adult-education-level.htm#indicator-chart
[155] OECD 2016, Education at a Glance. http://www.keepeek.com/Digital-Asset-Management/oecd/education/education-at-a-glance-2016/germany_eag-2016-56-en#.WZM5JHeGMb0#page2
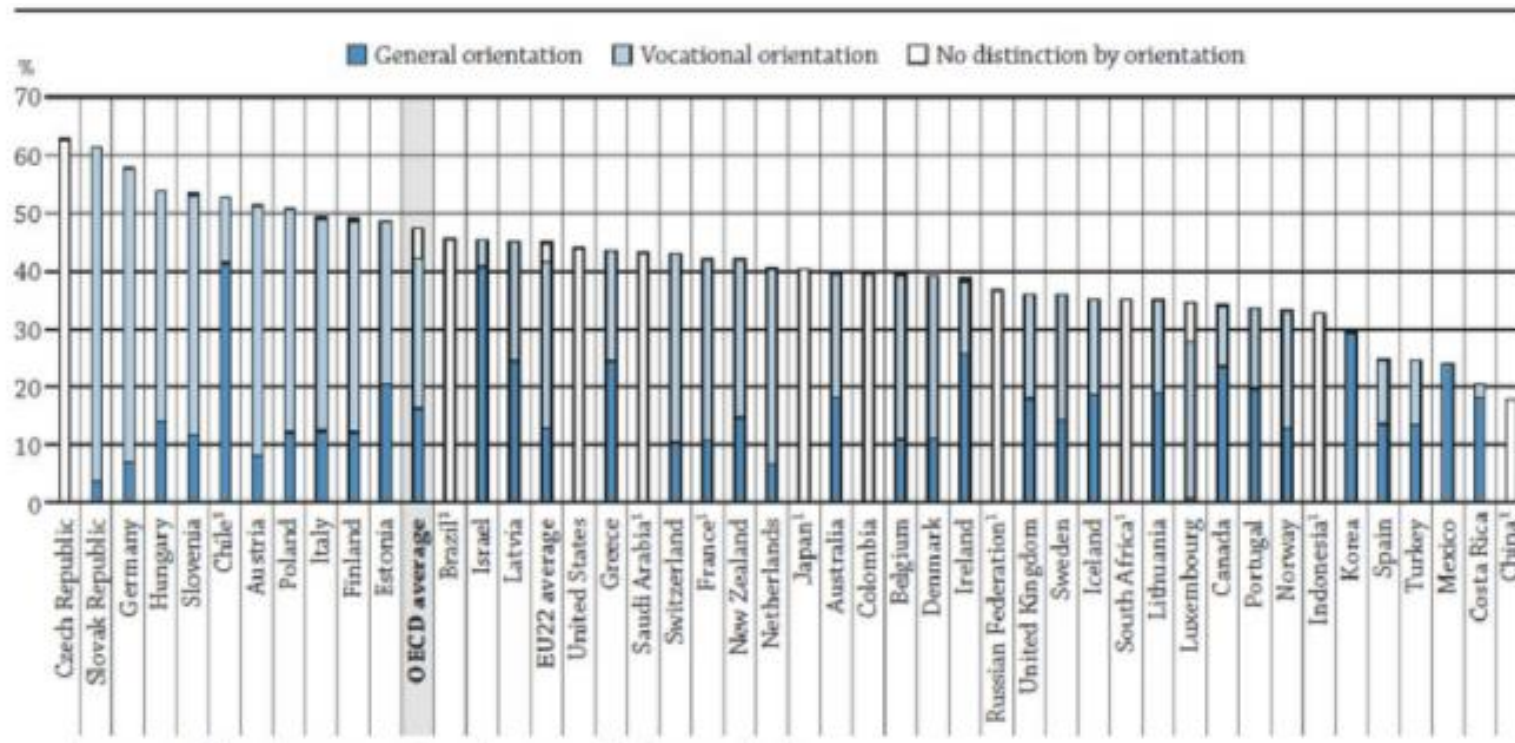
Figure 7 Percentage of 25-34 year-olds whose highest level of education upper secondary or post-secondary non-tertiary, by program orientation (2015)

Data Source: OECD Education At A Glance, 2016[156]

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[156] OECD 2016, Education at a Glance. http://www.keepeek.com/Digital-Asset-Management/oecd/education/education-at-a-glance-2016/germany_eag-2016-56-en#.WZM5JHeGMb0#page3

In other words, only 7%[157] of the young Germans between the ages of 24 and 35 have graduated from a high school that offers education in general skills, the so-called academic track, and chosen to directly enter the labor market without pursuing a university degree. In contrast, 51% of the people at the same age group entered the labor market directly after graduating from a vocational high school or post-secondary level full time or part time vocational training program (Figure 8).

It is apparent that to produce the skilled workforce complementary to its product market strategy, Germany depends on its comprehensive vocational training system. There are different kinds of vocational schools and training tracks, some of which are part of the formal education system in Germany while others require close collaboration of the state, businesses, and chambers of commerce and crafts.

Apart from the dual vocational training system, which is specifically designed to train middle and high ranking workers for businesses, "the entire German education system is a three-class system that divides students into three different tracks,[158]" which grant three different diplomas and put pupils to work at different levels.

Upon completion of an optional kindergarten and compulsory four-year elementary school (Grundschule), students in Germany head to one of the three different tracks based on their academic achievements and overall abilities:

1. "Gymnasium for bright students headed for college

2. Realschule for the next step down kids headed for average or better white-collar positions

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[157] OECD average is 17%.
[158] The German Way and More, The German School System. August 16th, 2017 https://www.german-way.com/history-and-culture/education/the-german-school-system/

3. Hauptschule for the bottom tier generally aimed at the trades and blue-collar jobs."[159]

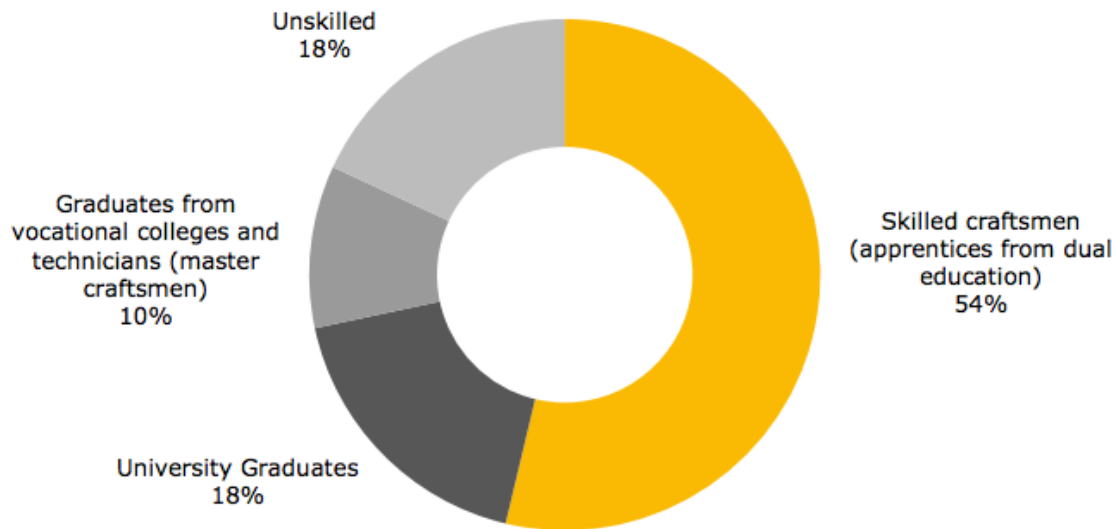*Figure 8: Workforce in Germany by Level of Professional Education (2012, in % of total workforce)*

Data Source: Vocational Training "Made in Germany" Germany's Dual System of Vocational Education and Training (VET) Report. 2014. Germany Trade and Invest

[159] "The German School System." The German Way and More, August 16th, 2017. https://www.german-way.com/history-and-culture/education/the-german-school-system/

By the age of ten, most students are directed towards one of these academic or vocational tracks that eventually determine their employment prospects. It is possible but very unlikely to switch tracks once the decision is made.

Hauptschule is one of the two lower secondary vocational tracks. Students, who have below average grades and have no prospects of attending a university, attend Hauptschule until grade 9 (some schools have 10th year). The core subjects taught in these schools are the same as Realschule or Gymnasium but at a much slower pace. Hauptschule also teaches additional classes such as introduction to the world of work. After graduation at the age of 15 or 16, Hauptschule students have four options:

1. Going into practical vocational training

2. Starting work at the basic level

3. Attending a full-time vocational school (Berufsfachschule).

4. Continuing education in a Realschule or Gymnasium if their grades are good enough[160]

The second vocational track, Realschule, is the next step up from Hauptschule. It teaches "modern languages, mathematics, science, practical arts, and commercial subjects, no classics, and is not designed to prepare students for the university[161]." Students who graduate Realschule and receive a Mittlere Reife cannot directly attend a university. They must first attend another school that grants Abitur – the university entrance diploma. If they do not want to progress to university, these students can attend a Fachgymnaisum (vocational high school), Berufschule (dual vocational training) or Beruffachschule (vocational training). High school diplomas awarded by other countries are usually considered equivalent of a Mittlere Reife (graduation from a Realschule).

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[160] "The German School System Explained." Young Germany, August 16th, 2017. http://www.young-germany.de/topic/study/the-german-school-system-explained
[161] Merriam-Webster Dictionary, August 16th, 2017. https://www.merriam-webster.com/dictionary/realschule

The gymnasium is the only secondary school that prepares its students for university through a rigorous academic education. Students need a certain grade average and good recommendation letters to apply for these schools. After graduating from a gymnasium, students attain an Abitur – certificate of general maturity. There are also universities of applied sciences (Fachhochschulen), which require a university of applied sciences maturity certificate earned through vocational training, not an Abitur. These universities are more industry oriented and usually include a practical internship program in fields like engineering, business, and computer science.

The dual tracking system allows students who do not wish to continue on the academic track to still develop valuable skills through vocational training and have promising career opportunities (Estevez-Abe, Iversen, Soskice 2001). On the contrary, in a typical LME such as the United States, most dropouts stuck on the entry level jobs as low-paid unskilled workers, who have no certification of the education they have received. If a student does not succeed in meeting the high passing standard and drops out before graduation, she receives no diploma at all. Estevez-Abe et al. (2001) conclude that specific skill systems create exit points for students at the bottom of the academic ability, and incentivize them to still do their best to qualify for the best vocational training spots or apprenticeships.

At the heart of the system that produces the highly skilled, highly productive workers the German economic institutions depend on lies is dual vocational education and training system (dual VET system). The dual VET system combines theoretical education at public vocational schools with on the job training through apprenticeships in companies[162]. By doing so, the system facilitates a

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[162] "Vocational Training 'Made in Germany' Germany's Dual System of Vocational Education and Training (VET)." Germany Trade & Invest, August 17th, 2017.
https://www.gtai.de/GTAI/Content/EN/Invest/_SharedDocs/Downloads/GTAI/BLG/blg--most-wanted--dual-vocational-training-in-germany-pdf.pdf

smooth transition into the labor market for young people and provides highly skilled, highly productive workers the businesses demand (Euler 2013).

Contrary to the "English speaking world [where] skills are viewed from a decidedly non-pedagogical perspective," the main purpose of the VET in Germany is not to increase employability or productivity of the workers or to improve international competitiveness alone (Argilles and Ganczi, cited in Deisser 2013, p. 337). Rather, the dual vocational training system serves individual and social purposes as well (Euler 2013). "The individual dimension refers to the role of vocational training in developing the skills individuals need to meet the challenges on the job as well as in other aspects of life," while the social dimension signifies promoting the social integration of the younger generations through the vocational training and education system (Euler 2013, p. 20). The German system is designed to ensure to prevent social marginalization of young people who are not academically inclined via giving them the necessary skills to make a smooth transition to the labor market.

The current vocational training system has its roots in the traditional master-apprentice model of on-the-job occupational training. The modern system dates back to 1969 with the Vocational Training Act, which codifies the critical provisions of the dual VET program and establishes quality standards such as:

"1. Curricular standards for training in a recognized training-based occupation

2. Standards concerning the subject matter and procedures for examinations

3. Rights and duties of the parties to a training contract

4. Duties of the agencies responsible for monitoring training," (Euler 2013, p. 50).

The most important feature of the dual vocational program is the close partnership between the social partners, namely the government, business community, trade unions, and chamber of commerce and crafts[163]. This close partnership is based on the "consensus principle" that prevents implementation of any reform related to the vocational training system against the will of one of the social partners (Euler 2013). "The federal and state governments perform regulatory and support tasks" while the companies have other responsibilities such as "creation and updating of "training occupations, nominating experts for training regulations and negotiating provisions in collective agreements like."[164]. Chamber of commerce and crafts supervise training in the company and administer examinations after the completion of the training period while the Federal Institute for Vocational Education and Training supports the system through scientific research. The partnership is not limited to regulation and overseeing of the education. The cooperation of public sector and private companies also extends to the funding of the German dual VOC system; the public sector funded 57.2% of the dual VOC training program in 2012, while the private entities contributed 42.8% (Euler 2013).

Here is how the system works:

1. The government and industry representatives decide on the certified training occupation that is going to be offered to the trainees. There are currently around 350 certified training occupations, designed by the government and the industry representatives[165].

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[163] "Vocational Training 'Made in Germany' Germany's Dual System of Vocational Education and Training (VET)." Germany Trade & Invest, August 17th, 2017. https://www.gtai.de/GTAI/Content/EN/Invest/_SharedDocs/Downloads/GTAI/BLG/blg--most-wanted--dual-vocational-training-in-germany-pdf.pdf

[164] "Vocational Training 'Made in Germany' Germany's Dual System of Vocational Education and Training (VET)." Germany Trade & Invest, August 17th, 2017, p. 10. https://www.gtai.de/GTAI/Content/EN/Invest/_SharedDocs/Downloads/GTAI/BLG/blg--most-wanted--dual-vocational-training-in-germany-pdf.pdf

[165] "Make it in Germany." Federal Ministry for Economic Affairs and Energy, Federal Ministry of Labor and Social Affairs, and Bundesagentur für Arbeit, August 17th, 2017. http://www.make-it-in-germany.com/en/for-qualified-professionals/training-learning/training/vocational-training-in-germany-how-does-it-work

2. The federal government lays out the regulations for training and examinations and codifies the curricular standards for a particular training-based occupation.

3. The Vocational Training Act and The Ordinance of Trainer Aptitude set out specific details concerning the vocational and teaching requirements as well as the suitability of the training personnel.

4. Students have to finish 9-10 years of compulsory education to get an apprenticeship (preferably from Hauptschule or Realschule). For a dual VOC program, applicants do not need a specific graduation qualification on the paper. The companies are free to decide themselves what qualifications they look for in a trainee. Having said that, most of the apprenticeship positions are highly competitive, and therefore companies naturally pay more attention to school-leaving certificates, grades, language proficiency, etc.[166]. Vocational programs that take place at a vocational college do require graduating from a Realschule or a Gymnasium[167].

5. Trainees three to four days at the in-house training, and the remaining one or two days at the vocational school learning about the theory of the occupation. Average apprenticeship period is 36 months.

6. Companies pay around one-third of a skilled worker's salary to trainees

7. Upon completion of the training, the relevant chamber of commerce and crafts administers the graduation examination to measure whether the trainee meets the occupational standards.

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[166] "Applying for Vocational Training in Germany." Young Germany, August 16th, 2017. http://www.young-germany.de/topic/work/jobs-career/applying-for-vocational-training-in-germany

[167] Applying for Vocational Training in Germany." Young Germany, August 16th, 2017. http://www.young-germany.de/topic/work/jobs-career/applying-for-vocational-training-in-germany

8. The significant share of the trainees (67% in 2011) receive an employment contract from the company after their training is over[168]

"More than 1.4 million apprentices support German companies, 83% in companies with less than 500 employees."[169] Moreover, "companies with 50 to 499 employees have the largest amount of apprentices, [while] almost 90% of large companies employ apprentices."[170] Even though taking part is not compulsory, what are the incentives for some 455.000 German companies to invest in the dual vocational training system? A 2004 survey from German Statistical Office sheds some light on the reasons why companies choose to take part in the skill training of the young people (Table 11).

The incentives to hire highly productive and loyal employees with specific skills rank at the top of the list. Accordingly, 94% of the company representatives responded to the survey state that their company takes part in the dual vocational training system to own trainees that can meet the company's labor demands, while 93% thinks the apprenticeship program provides reach to the specialists that are not readily available on labor market. 71% of the survey respondents also believe that employees, who have been trained through an apprenticeship program and offered employment afterward, will be more loyal to their companies. Longer tenure, low turnover rate, is a typical feature of a CME and strongly connected to not only skill formation but also the organization of the workplace and inter-firm relations in that economic institutional setting.

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[168] "Vocational Training 'Made in Germany' Germany's Dual System of Vocational Education and Training (VET)." Germany Trade & Invest, August 17th, 2017. https://www.gtai.de/GTAI/Content/EN/Invest/_SharedDocs/Downloads/GTAI/BLG/blg--most-wanted--dual-vocational-training-in-germany-pdf.pdf

[169] "Vocational Training 'Made in Germany' Germany's Dual System of Vocational Education and Training (VET)." Germany Trade & Invest, August 17th, 2017. https://www.gtai.de/GTAI/Content/EN/Invest/_SharedDocs/Downloads/GTAI/BLG/blg--most-wanted--dual-vocational-training-in-germany-pdf.pdf

[170] "Vocational Training 'Made in Germany' Germany's Dual System of Vocational Education and Training (VET)." Germany Trade & Invest, August 17th, 2017. https://www.gtai.de/GTAI/Content/EN/Invest/_SharedDocs/Downloads/GTAI/BLG/blg--most-wanted--dual-vocational-training-in-germany-pdf.pdf

Table 11 Why do companies participate in dual education?

Own trainees fit company's needs	4%
Acquisition of specialists not available on labor market	3%
Low labor turnover through loyal employees	1%
Possibility to choose the best candidate when considering employment after end of apprenticeship	2%
Improving competitiveness in future	4%
Avoiding risk of wrong hiring of external candidates	8%
Time and cost saving instead of settling-in of external personnel	6%

Data Source: German Federal Statistical Office, 2004 cited in Germany Trade & Invest Report[171]

A dual vocational training system, which produces highly and specifically-skilled workers, can only exist "when skilled workers play a major role in the workplace," (Euler 2013, p.21). In economic institutional settings where workers with academic training make decisions and those with lower skill levels simply follow the others, there is no place for a dual education system that produces highly skilled workers who take initiative and participate in the corporate governance. It is also crucial that the companies that invest in the skill training are immune to poaching of their workers. They will only be interested in taking part in the dual vocational training system if they are certain to

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[171] "Vocational Training 'Made in Germany' Germany's Dual System of Vocational Education and Training (VET)." Germany Trade & Invest, August 17th, 2017.
https://www.gtai.de/GTAI/Content/EN/Invest/_SharedDocs/Downloads/GTAI/BLG/blg--most-wanted--dual-vocational-training-in-germany-pdf.pdf

collect the fruits of their sunk investment in the future. Participation in the dual training system becomes "not only a burden but also a competitive disadvantage" when there is a risk of losing the trained worker to companies that do not train their workers and instead poach them from those who do invest in training (Euler 2013, p.44).

Vocational training has significant positive effects on the local labor market (OECD 2016)[172]. Germany has one of the lowest unemployment rates among the OECD countries. Unemployment level for 24-65 year-olds with a vocational education at upper secondary or post-secondary non-tertiary was 4.2% in 2015 (OECD 2016). Moreover, "the employment rate for individuals with upper secondary or post-secondary non-tertiary vocational qualification (86%) is almost as high as for individuals with tertiary education (88%)," (OECD 2016, p. 3). For both groups, the unemployment rate is 5 points lower than the OECD average (OECD 2016). In terms of youth unemployment, the country has the lowest rate among all OECD countries. The rate of youth not in employment, education or training is 2.5% for 15-19 year-olds (OECD average 6.3%) and 9.3% for 20-24 year-olds (OECD average 16.9%)[173].

The fact that upper secondary vocational training almost guarantees employment in Germany incentivizes young people to invest in the specific skill set labor market demands. Although, people who go beyond the upper secondary education earn more money in the labor market, the gap is narrower in Germany than it is in a typical LME country such as the United States. For example, a short cycle tertiary education translates into 26% more earnings while a long-term tertiary degree means earning 52% more (OECD 2016). Those with a master's or doctoral degree earn 77% more than those with an upper secondary education only while their counterparts earn 122% more in the

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[172] OECD 2016, Education at a Glance. http://www.keepeek.com/Digital-Asset-Management/oecd/education/education-at-a-glance-2016/germany_eag-2016-56-en#page3
[173] https://data.oecd.org/youthinac/youth-not-in-employment-education-or-training-neet.htm

United States (OECD 2016). Moreover, the social benefits mentioned in the previous section, such as strict employment protection, the prospect of longer tenures, high unemployment benefits, ensure that workers with specific skills will get the returns to their investment in those skills.

It is not just the economic benefits that make investing in vocational training attractive to the young people in Germany. Attaining a vocational degree is historically prestigious in Germany, which also explains the high acceptance level of the dual training system in the German society. Traditionally, Germans do not perceive vocational education as a pathway for those who cannot pursue an academic degree as it was the case in the Turkish case. Rather, vocational training regarded as a "worthwhile alternative to school-based training systems," (Euler 2013, p. 61).

7.1.1.3 *Labor Market Integration of Asylum Seekers: Syrians vs. Afghans*

For decades, German asylum policy was based on the active exclusion of asylum seekers from the labor market due to the "fear that labor market access could serve as a pull factor for asylum seekers and discourage compliance with deportation orders," (Rietig 2016b, p.3). However, the more recent legal regulations with regards to refugee protection have started to actively promote the integration of refugees into the labor market as early as possible. In fact, settlement of refugees in Germany has been strictly tied to mastering the German language and economic independence. In most cases, a residence permit, which is granted on a temporary basis for one to three years depending on the type of protection granted, may be turned into a settlement permit if the refugee or asylee is well integrated into the German labor market and speaks adequate German. This policy shift is undoubtedly a product of the shift in public and elite perception, particularly after 2005, in acknowledging Germany as an immigration country. It also reflects a more practical approach to asylum policy where it is in the national and economic interest of the Federal Republic to create a welcoming environment for highly skilled workers to meet the demands of the local labor market

that suffers from an aging population and skill shortages (Foroutan 2013, Rietig 2016a, Mayer 2016).

Although there seems to be a move in policy and perception towards the integration of the refugees into the German society, in reality, these provisions serve as roadblocks in the way of refugees to "qualify" for protection. Two obstacles hinder the social and economic integration of refugees into the German society. First, very few newcomers speak German, and second, the majority lacks the skills and qualifications they need to enter the local labor market (Rietig 2016a, Mayer 2016).

Language is one of the biggest challenges that lie ahead of asylum seekers in Germany. Germany's Federal Office for Migration and Refugees does offer language and integration classes where basic German is taught along with history and culture of the Federal Republic. Yet, these courses are oversubscribed and do not teach workplace specific vocabulary that will facilitate the transition of the asylum seekers to the labor market (Rietig 2016a). Furthermore, only "those who come from countries with a protection quota of at least 50 percent are eligible for language courses while their asylum claims are being processed," (Rietig 2016b, p.5). With 96%, 92%, and 89% application approval rates[174], those who have primary access to the language classes come mainly from Syria, Eritrea, and Iraq. On the other hand, with a 47% approval rate the second largest non-European group to apply for asylum in Germany in 2015, Afghans, are barred from enrolling in state-sponsored language and integration courses until their asylum application is approved (Vo 2017). This means, "access to language courses and labor market integration measures are solely based on origin rather than on ability or motivation," (Rietig 2016b, p.6). Since German national identity construction is mostly based on ethnicity and language, this delayed access to language courses

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[174] "December 2016 Report." Federal Office for Migration and Refugees. September 12th, 2017. http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/Asyl/201612-statistik-anlage-asyl-geschaeftsbericht.pdf?__blob=publicationFile

becomes a self-fulfilling prophecy. Certain groups are excluded from the integration classes because they are less likely to stay in Germany while at the same time the same group of people is less likely to remain in Germany because they do not have access to the language classes that can increase their chances to stay.

The second challenge for the asylum seekers trying to integrate in Germany is to penetrate the "Germany's prestigious vocational training system (VET), [which is] often described as the ticket to skilled work," (Rietig 2016b, p.1). The statistics show that German labor market is already quite closed to immigrants (Table 12). It is even harder for asylum seekers to penetrate into the system because most of them lack documentation of their credentials, those who have documentation have a hard time getting recognition, and those whose qualifications are recognized require additional training to attain the specific skills required by the German labor market (Mayer 2016, Rietig 2016a).

As discussed earlier, German labor market needs skilled workers with vocational or technical education, or to a lesser extent a university degree. That is why refugees who have these qualifications – especially in occupations with high demand (such as healthcare) – have a better chance of finding jobs and integrating into the German society successfully (Rietig 2016a). However, the literature argues that on an aggregate level "only 20% of refugees in Germany hold a vocational qualification or university education while 30 or 40% (at best) have work experience that is potentially relevant to the German labor market," (Mayer 2016, p.7).

Having said that, some asylum groups have better chances of integrating than others because they have higher levels of education or show more advanced technical skills. In this regard, Syrians have an advantage over Afghans in the German labor market.

Table 12 Unemployment Rate in Germany Between 2000 and 2016

	Native-born unemployment	**Foreign-born unemployment**
2000	7.40	10.60
2001	7.40	9.80
2002	8.00	10.50
2003	9.00	13.10
2004	9.90	14.50
2005	10.00	17.50
2006	9.30	16.70
2007	7.80	14.60
2008	6.60	12.30
2009	7.00	13.10
2010	6.60	10.80
2011	5.60	8.90
2012	4.90	8.50
2013	4.80	8.10
2014	4.50	7.90
2015	4.10	7.70
2016	3.60	6.80

Source: OECD (2017).[175]

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[175] OECD 2017, Foreign-born unemployment (indicator) & Native-born unemployment (indicator) https://data.oecd.org/migration/foreign-born-unemployment.htm#indicator-chart doi: 10.1787/ba5d2ce0-en (Accessed on 03 October 2017)

According to a UNHCR survey, "nearly 9 out of 10 Syrians arriving in Greece report high levels of education, with 43% holding a university degree, another 43% a high school diploma, and half with the goal of going to Germany[176]" (Rietig 2016a). The data collected by Germany's Office for Migration and Refugees (BAMF) and published by a 2017 OECD report paints a similar picture (Figure 9). Among asylum seekers who were interviewed in 2015 and 2016, more than 20% of the Syrian respondents reported a university degree and while 50% had at least a high school diploma compared to Afghan asylum seekers, the majority of whom have primary education or less.

Regardless of the education level, though, for the majority of refugees, finding work on the German labor market in the short term is hard. According to the data from the Federal Employment Agency "80% [of the refugees] had not completed any vocational training compared to 43% of unemployed German nationals[177]," and among those who arrived in 2015 and early 2016, only 13% were in work[178]. Even if the newly arrived asylum seekers do get access to the vocational training system, the opportunity cost is too high for some to stay in the system. Around 70% of the refugees who start a VET program eventually drop out. "High dropout rates among refugees and asylum seekers suggest that the system is not meeting their needs, in part because of the relative appeal of low-skilled, but better-paid work, especially among those with debts to smugglers or other financial obligations," (Rietig 2016b, p.1).

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[176] Victoria Rietig. 2016 "Burden or Blessing? The Impact of Refugees on Germany's Labor Market" The American Institute for Contemporary German Studies
http://www.aicgs.org/publication/burden-or-blessing-the-impact-of-refugees-on-germanys-labor-market/
[177] Labor Market Integration of Refugees. 2016. European Parliament Directorate-General for Internal Policies Report.
http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578956/IPOL_STU(2016)578956_EN.pdf
[178] Michelle Martin. 2016. "Only 13 percent of recent refugees in Germany have found work: survey." Reuters, September 12th, 2017. https://www.reuters.com/article/us-europe-migrants-germany-survey/only-13-percent-of-recent-refugees-in-germany-have-found-work-survey-idUSKBN13A22F

Up until 2014, asylum seekers only had access to the labor market if there were no employees from Germany, an EU Member State who could do the same job or whether the employment conditions meet the minimum wage and labor standards in Germany[179].
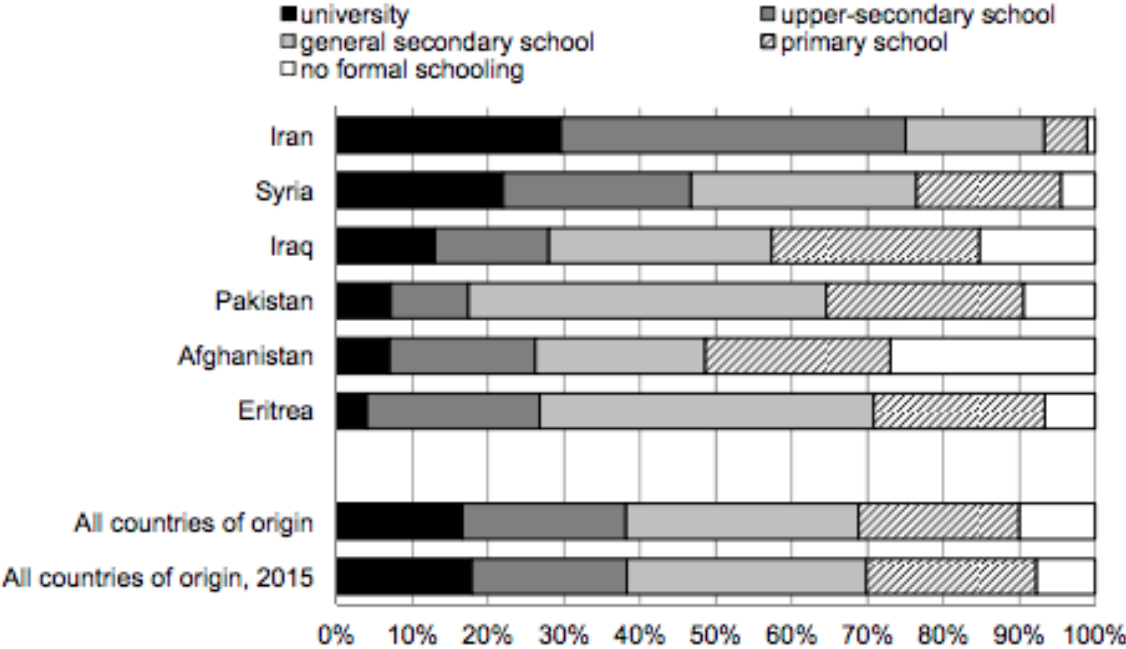

Figure 9 Educational background of asylum applicants in the first half of 2016, by highest education started in origin country, and comparison with 2015

Source: OECD 2017[180]

The 2014 Asylum Regulation "decreased the period asylum seekers had to wait to gain access to the labor market from 4 years to 15 months for unrestricted access, and from 9 to 3 months for restricted access," (Rietig 2016b, p. 14). In addition to the asylum seekers who had been legally residing in Germany for 15 months, the priority examination was also repealed for other groups with high qualifications such as "university graduates who meet the conditions for the Blue Card, skilled

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[179]Thomas Hummitzsch. 2014. Asylum and residence rights reforms decided. German Federal Agency for Civic Education. http://www.bpb.de/gesellschaft/migration/newsletter/197873/asylrechtsreform
[180] "Finding Their Way: Labor Market Integration of Refugees in Germany." OECD 2017. September 12th, 2017 https://www.oecd.org/els/mig/Finding-their-Way-Germany.pdf p.22

workers in bottlenecks such as mechatronics, climatic technicians or healthcare workers (according to the positive list the Federal Agency for Labor)."[181]

Many employers have also been reluctant to hire a refugee due to the risk of "administrative hustle" and "cultural clashes that might interrupt the business," (Rietig 2016b, p.1). Among those who had hired a refugee or an asylum seeker hired them out of "humanitarian responsibility" in low skilled jobs or internships[182]. German government focused on the integration courses and direct job placement to accelerate employment among refugees and respond to the increasing pressure from the public after 2015/2016 crises. German government adopted a new integration law in 2016 and "suspend[ed] the priority examination for three years in regions with less than average employment," and introduced three plus two rule (Rietig 2016b, p. 14). With the new law, asylum seekers undergoing vocational training gained secure legal status for the duration of their training period (typically three years) regardless of the outcome of their asylum claim. The refugees would be able to stay additional two years after the training if their employers wanted to keep them. Those who had not secured a job after graduation were granted a six-month grace period to find a job. The age limit to start vocational training (21 years) was also eliminated to allow the access of older refugees to the VET system. Moreover, the Integration Act created a direct job placement program called "Refugee Integration Measures" that provided one-dollar jobs for 100.000 refugees who were waiting for the decision on asylum application (Gesley 2017). The program assigned jobs in the low wage sector with an hourly compensation of one Euro to the refugees over 18 and fir to work and refusing to take part in the program without a legitimate reason would mean a reduction in refugee benefits (Gesley 2017). The legitimate reasons were listed as employment in the regular job market, commencement of vocational training, and continuing university education (Gesley 2017). The 2016

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[181]Thomas Hummitzsch. 2014. Asylum and residence rights reforms decided. German Federal Agency for Civic Education. http://www.bpb.de/gesellschaft/migration/newsletter/197873/asylrechtsreform
[182] "Finding Their Way: Labor Market Integration of Refugees in Germany." OECD 2017. September 12th, 2017 https://www.oecd.org/els/mig/Finding-their-Way-Germany.pdf

Integration Law was a direct reflection of the ongoing business demands "since it assures [employers] that their trainees can not be deported in the middle of their education, and that they can hire them after they graduate to reap the rewards of investing in their training," (Rietig 2016b, p.14).

The data collected by Germany's Office for Migration and Refugees (BAMF) and published by a 2017 OECD report presents that some asylum seeking groups have higher and more relevant skill-sets than others, and therefore have a better chance of integration (Figure 10). Among asylum seekers who were interviewed in 2015 and 2016, more than 20% of the Syrian respondents reported a university degree and while 50% had at least a high school diploma compared to Afghan asylum seekers, the majority of whom have primary education or less.
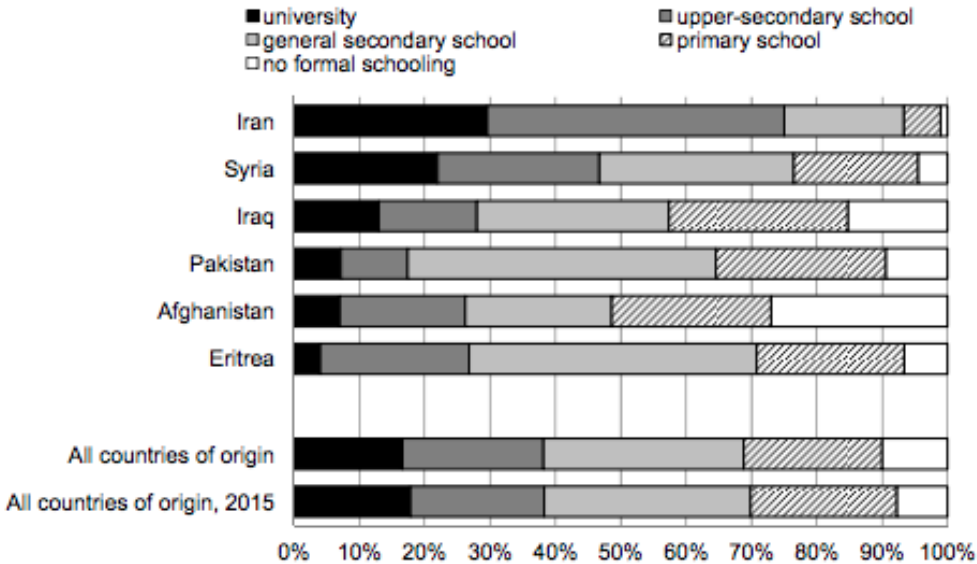

Figure 10 Educational background of asylum applicants in the first half of 2016, by highest education started in origin country, and comparison with 2015
Source: OECD 2017[183], p. 22.

7.2   German Identity/Nation-building and Social Willingness

Scholars believe that to be able to define self meaningfully, one needs to establish a contradicting "other" (Feldman 2003, Bauder 2009, Foroutan 2013). The value attributed to this distinction and the narrative constructed around it makes up the social distance between "us" vs. "them." In this chapter, to determine the social distance between Germans and any group that seeks asylum in Germany, we first need to find out what it means to be German and what it means not to be German.

This is not an easy task. German identity is one of the most scrutinized and reevaluated social identities in the world. The meaning of acceptable or approved Germanness has changed over time dramatically depending on the social and political context. At various historical junctures, Germans had to reconstruct their national identity –sometimes due to domestic demand to spur strong national pride, while other times due to international pressure that stigmatizes certain aspects of previous definitions of Germanness and demands a fundamental change in how Germans think about themselves. "The German question," refers to this ongoing struggle "to define what it means to be a German, to confront the negative manifestations of German nationalism, and to find balance as a German nation-state locked in the center of Europe," (Motyl 2001, p. 189).

Contrary to the French nationalism, or its Turkish counterpart discussed in the previous chapter, that created a state-centered, assimilationist, and essentially political national identity, German national consciousness has developed outside the territoriality of the German state (Brubaker 1990). Since German identity predates the German state, "[it] was framed by the historical and discursive connection between the German Volk (nation), blood and territory," (Bauder 2009, p. 263). Germanness was hereditary; it was something that could "neither be acquired nor lost," (Forsythe 1989, p.151). That is why at the center of the German national consciousness was language and culture, not allegiance to the state. German nationalism was the child of Romanticism. This was "a

nation of poets and thinkers," (Gould 2012). That is to say "this pre-political German nation was conceived not as the bearer of universal political values, but as an organic cultural, linguistic, or racial community – as an irreducibly particular Volksgemeinschaft," (Brubaker 1992, p.1). The Volksgemeinschaft (people's community), which consists of various German-speaking populations, became a unified political entity only after the emergence of Prussia and Otto von Bismarck with a vision of unified Germany in the 18th century and a foreign threat, Napoleon's invasion of the German-speaking lands, in the 19th century (Motyl 2001). However, the newly established German state was not a nation-state in the pure sense of the word: "As a klein Deutsches Reich, it was underinclusive, excluding above all millions of Austrian Germans. But it was at the same time overinclusive, including French in the Alsace-Lorraine, Danes in North Schleswig, and Poles in Prussia," (Brubaker 1990, p.57-58).

It was the ideal of creating "the German nation-state" in the purest sense that fueled the National Socialist narrative in the interwar period. The National Socialist period between 1933 and 1945 took the primordial understanding of German identity to a whole another level. Germany's loss in the World War I not only resulted in territorial losses and the collapse of the economy but also left a huge dent in German national pride (Motyl 2001). Offering economic prosperity and the restoration of honor and national pride, Adolf Hitler and his National Socialist Party were able to appeal to ordinary people who were economically and socially dissatisfied and politically humiliated. National Socialism instrumentalized an extreme version of German nationalism, which was based on the theories of racial hierarchy. Accordingly, German nation and German civilization were superior, and therefore needed to purify themselves from those who were racially inferior. Additionally, individual rights and liberties should be sacrificed at times, because 'the all-powerful, authoritarian state (manifested in the Nazi Party and Adolf Hitler as der Fuhrer) was the embodiment of the German nation and people," (Motyl 2001, p.190). Ethnic and religious

foreigners, those with physical or mental disabilities, homosexuals, or political opponents all constituted "the impurities" that should be exterminated. The Holocaust, the killing of six million Jews in the Nazi Germany, was the apex of this Nazi extermination program.

The Nazi nation-building project in the interwar period "was the single most important factor influencing domestic developments as well as West Germany's international status," (Welsch and Wittlinger 2011, p.48). In the upcoming decades after the end of the Nazi period, "the idea of being German was mainly associated with World War II brutalization and shame – not only outside but also inside the country," (Foroutan 2013, p. 9). Germans lost the comfortable relationship they had with their history that had served as the basis for their identity. It was difficult to construct a positive narrative around a shared national history when certain aspects of that history constituted the central negative reference point of the moral values promoted by the international community. Therefore, both nationalist and non-nationalist Germans in the Federal Republic of Germany had to tackle the elephant in the room first – namely the burden of the Nazi past - to make sense of their Germanness after the World War II.

The de-Nazification process pushed by the allied powers also entailed the de-nationalization of Germans and left many with an ambiguous and fragile identity that is burdened by the task of coming to terms with the Nazi crimes – either through projection or overcompensation. Since a conscious emphasis on German nationalism has been perceived more or less equivalent to National Socialism, democracy, liberal human values, and economic success have become the basis for the reconstruction of the German identity in the post-war period. Instead of relying on "the narrow, backward-looking concept of the nation-state," most Germans embraced post-national or post-conventional identities to define themselves (Welsch and Wittlinger 2011). Europeanism and multilateralism have provided the material the Germans needed to shake off the undesired aspects of

Germanness. In this narrative, Germany was the champion of universal human rights and values. The central foreign policy approach of the country was characterized by "a renunciation of power politics" as well as "a commitment to multilateralism," (Welsch and Wittlinger 2011).

In contrast, those who had a more conservative understanding of Germanness made several attempts to "de-emphasize the uniqueness of the Nazi period to broaden the appreciation of other elements of the national past," (Welsch and Wittlinger 2011, p. 50). One of these attempts was the Historians Debate of 1985. During the Historians Debate, a group of conservative historians opened the singularity of the Holocaust into question and made parallels with the Stalinist mass murders and the atrocities of the Nazi Party (Feldman 2003). The primary goal of the historicization attempt was to come to terms with the national past without denying German responsibility in the Holocaust (Feldman 2003).

When the possibility of unifying the East and West Germany rose in 1989, the question of "Who is German?" resurfaced. The left had serious doubts about whether the East Germany also experienced the same critical process the West Germany went through in terms of the role of the Holocaust in the German identity construction. According to these leftist intellectuals, "Germany has moved away from defining herself in categories of ethnic, cultural, collective 'community of faith' and towards a constitutional patriotism," and that the unification should be based on humanitarian or democratic ideals, not solely on an economic interests (Feldman 2003, p. 259). However, the conservative, nationalist definition of German identity, which championed the ethnic and economic unity, led the unification process and the German identity construction afterward (Feldman 2003, p. 260). However, the East and the West that were reunited with the motto of "one nation, one Germany" were in fact very different from each other in terms of their adherence to democratic norms and ideals (Foroutan 2013). They had gone through different socialization processes for forty years,

which was fueled by the hostility and antagonism they felt towards each other (Foroutan 2013). There was a need for a connector, a negative other that could bring these two very distinct Germanys together and carve one nation out of them. Xenophobia provided that "docking station" since "the cohesion and storytelling of these two distinct Germanys could have only started with a social identity theory which upgraded the peer group, thus creating and downgrading the out-group," (Foroutan 2013, p. 10).

In fact, the exclusion of a negative other has always been instrumental in the German identity construction. During the 18th and 19th century, German nationalism placed French nationalism as the negative other and constructed its national identity with reference to the distinction between the two (Bauder 2009). After the French came the Jews as the prototypical other. First, their existence and later their destruction was central to the construction of the German identity especially during the interwar period. Following the catastrophe of the World War II, "Germany's own past, as well as the Communism, constituted "the others" in its identity construction," (Marcussen et al. 1999, p. 66). Finally, following the unification process, migrants have become the ultimate other. In theory, the distinction has been pretty clear and exclusive: people either had German genes and therefore were Germans, or lacked German genes and therefore were foreigners. "Being of German stock," a mixture of appearance, country of origin, country of residence and family ground, has been a factor that legitimizes the claim to Germanness. Yet, in practice, an array of ambiguous categories in between has differentiated between various levels of Germanness:

"Deutschen, that [was] German citizens of German descent, Aussiedler people of German descent who move[d] back to Germany from East and South East Europe, Restdeutschen, those who live[d] in historical Deutschland or in other areas of the Eastern Europe, Auswanderer, German citizens of German descent living in other Western countries, German speakers in German speaking countries such as Austria, and people of German descent living

in non-German speaking countries who may or may not speak German," (Forsythe 1989, p. 146).

The rest were Ausländer – foreigners. That is why the questions of "Can immigrants ever be German?" and "Is Germany a country of immigration?" have been very much at the center of the debates regarding the reconstruction of the German identity pretty much the whole post-war period.

7.2.1.1 The Social Distance Between the German Society and Asylum Seekers: "Germany is (not) an immigration country

The postwar migration to modern Germany had a long history dating back to the 1950s. The early comers were mostly ethnic German settlers (Aussiedler) fleeing discrimination or persecution from the communist countries in the Eastern Europe. Germany wide opened its doors to these settlers because first, they were of German descent and therefore had a natural right to German citizenship according to German citizenship laws, and second, they were fleeing Communist regimes and presented the perfect foreign policy tool for West Germany to hit the Soviet bloc. In addition to Aussiedler (ethnic Germans distinct from East Germans), "3.8 million Germans moved from East Germany (the German Democratic Republic, or GDR) to West Germany (the Federal Republic of Germany, or FRG) between 1945 and the construction of the Berlin Wall in 1961."[184] In fact, the wall failed to stop this flow completely, and an additional 400,000 people migrated from East Germany to West Germany between 1961 and 1988[185]. This flow of East Germans was "welcomed

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[184] Veysel Ozcan. 2004. "Germany: Immigration in Transition." Washington DC: Migration Policy Institute. http://www.migrationpolicy.org/article/germany-immigration-transition
[185] Veysel Ozcan. 2004. "Germany: Immigration in Transition." Washington DC: Migration Policy Institute. http://www.migrationpolicy.org/article/germany-immigration-transition

economically by the FRG's expanding industrial sector and politically as a rejection of the GDR's communist political and economic system."[186]

The 1950s also marked the beginning of the postwar economic boom and actively planned labor migration into West Germany (Gesley 2017). To meet the demands of its "economic miracle" and make up for the acute labor shortages that surfaced after the building of the Berlin Wall, West Germany initiated the Gastarbeiter (guest workers) program and signed the first labor recruitment treaty with Italy in 1955[187]. Other agreements with Spain (1960), Greece (1960), Turkey (1961), Morocco (1963), Portugal (1964), Tunisia (1965), and Yugoslavia (1968) followed. These workers were hired "almost exclusively in the industrial sector, for jobs that required few qualifications."[188] The central principle that guided the migration policy during this period was rotation. Accordingly, workers would leave their families in their home countries, work in Germany for one or two years, and go back to their countries to make room for new recruits. However, the rotation principle did not work in practice. There was no clause to in the labor recruitment agreements that required the return of the guest workers after a specified time period[189]. Therefore, more and more guest workers violated the rotation principle and stayed in Germany.

The gap between the formal expectations and de facto immigration realities led to a politically charged discussion of a "migrant problem" in the early 1970s. Responding to the public discomfort combined with the economic recession due to the oil shock in 1973, the German government

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[186] Veysel Ozcan. 2004. "Germany: Immigration in Transition." Washington DC: Migration Policy Institute. http://www.migrationpolicy.org/article/germany-immigration-transition
[187] Marcel Berlinghoff. 2011. "Germany: From a Non-Immigration Country to A Country of Integration and Back?" Fair Observer. September 13th, 2017. https://www.fairobserver.com/region/europe/germany-non-immigration-country-country-integration-and-back/
[188] Veysel Ozcan. 2004. "Germany: Immigration in Transition." Washington DC: Migration Policy Institute. http://www.migrationpolicy.org/article/germany-immigration-transition
[189] Marcel Berlinghoff. 2011. "Germany: From a Non-Immigration Country to A Country of Integration and Back?" Fair Observer. September 13th, 2017. https://www.fairobserver.com/region/europe/germany-non-immigration-country-country-integration-and-back/

decided to discontinue the labor recruitment programs. Rather than returning to their home countries, the majority of guest workers brought their families to Germany and therefore the net flow of migrants in fact increased rather than decreasing after the recruitment stop. Public investment for the integration of these Ausländers into the German society was out of the question as their stay was supposed to be only "temporary." There were several political attempts to encourage as many guest workers as possible to voluntarily return to their country of origin. For example, the Return Assistance Act of 1983 provided guest workers with a "repatriation help" of 10,500 Deutsche Mark (Gesley 2017). An additional 1,500 Deutsche Mark was also available for his spouse and each of his children. However, neither the recruitment stop nor the return assistance led to a significant drop in the number of immigrants in the West Germany. In addition to the guest workers and their families, the citizens of the European Economic Community countries as well as other Western countries such as Switzerland, Israel, and Canada were free to move and work in Germany[190]. As the number of immigrants continued to rise steadily, so did the social and political discontent.

The political response to the growing number of immigrants was reflective of the anti-immigrant sentiments of the general public. Germany was officially "not an immigration country (kein einwanderungsland)" and therefore "all humanitarian measures [had to] be taken to prevent the immigration of foreigners.[191]". The Foreigners Act of 1990 underlined the fact that "Germany would not be able to continue an open and liberal foreign policy if every time-limited stay resulted in a permanent residence right," (Gesley 2017, p. 7). Nevertheless, the Foreigners Act also introduced new residence and naturalization provisions. As discussed above, Germany traditionally defined

[190] Marcel Berlinghoff. 2011. "Germany: From a Non-Immigration Country to A Country of Integration and Back?" Fair Observer. September 13th, 2017. https://www.fairobserver.com/region/europe/germany-non-immigration-country-country-integration-and-back/
[191] Welt Newspaper. September 13th, 2017. https://www.welt.de/print/die_welt/politik/article118653823/Als-Helmut-Kohl-die-Tuerken-zurueckschicken-wollte.html

citizenship based on descent, not by place of birth. This vision was evident in the codification of citizenship into German laws. Until 2000, the citizenship was based on the right of blood (jus sanguinis), which granted German citizenship to anybody who can prove they are ethnically German. Ancestry, not the place of birth, was the basis for defining German citizenship. The Foreigners Act opened the door to citizenship for the first time for the first and second-generation immigrants without any criminal conviction, who could provide for themselves and their dependents and were fluent in German. Young immigrants between the ages of sixteen and twenty-three could get citizenship if they had been legally residing in Germany for eight years, and had been to school for at least six years[192]. For others, the requirement was fifteen years of residency. In both cases, those who applied for the German citizenship were expected to give up or had lost their previous citizenship[193].

In theory, according to the Foreigners Act, "Germany's capacity to take immigrants was not unlimited, and preference had to be given to immigrants of German heritage, foreigners fleeing political persecution, and EU citizens taking advantage of their freedom of movement," (Gesley 2017, p. 7). But has it been the case in practice? Has Germany been better at accepting foreigners fleeing political persecution than those fleeing poverty and economic hardship?

Humanitarian migration had a special place in the German identity construction in the post-war period. It was "administratively and legally separated from citizenship, labor migration, and the return migration of Germans from Eastern Europe and former USSR," (Bauder 2009, p. 266). German's Constitution Basic Law granted the right to asylum to those fleeing political persecution in 1948 "as a direct reaction to the Holocaust," (Mayer 2016, p.1). The drafters of the Constitution was particularly paid attention to the right to political asylum as they recognized that during the

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[192] German Law Archive. September 20th, 2017. https://germanlawarchive.iuscomp.org/?p=274
[193] German Law Archive. September 20th, 2017. https://germanlawarchive.iuscomp.org/?p=274

Third Reich, many Germans who were politically persecuted were able to survive because they could find refuge in other countries (Bauder 2009). Asylum legislation was a reflection of "the responsibility the country continue[d] to shoulder for its past," and thus was an integral part of the identity construction in the early post-war Germany (Mayer 2016, p.1). Dauvergne (2005, p. 161) argues that this "act of grace" in the form of "rescuing a small number of people in humanitarian need and permitting them to settle" serves for the construction of the identity in the destination country. The identity of the group who benefits from our grace is only important and meaningful to the extent that "it reflects light back on us," (Dauvergne 2005). Humanitarian immigration was that tool that reflected light on a Germany that had nothing to do with the atrocities of the Third Reich; a brand new Germany that was the safeguard of human rights and international law (Bauder 2009).

Supporting humanitarian immigration has helped to create two narratives about Germany. First, it provided a legal identity where Germany is the champion of international law and humanitarian aid. This narrative pits Germany and the country of origin against each other, and champions Germany "as a country in which law and order creates a safe environment for residents" while the country of origin where refugees and asylum seekers come is the one which violates international law and disrespects human rights as well as human dignity (Bauder 2009, p. 270). By creating a stark contrast between the lawlessness, repression, and fear in the country of origin with the security, freedom, law, and order in Germany, the legal narrative also legitimizes temporary protection and repatriation, where refugees are only temporarily protected in Germany and have to go back to their country when the situation gets better. The second narrative underlines the high moral values German society is associated with. It revolves around the Christian values of compassion and kindness towards people who are suffering hardship and Article 1 of the German Constitution that talks about the indefeasibility of human dignity (Bauder 2009). According to this moral narrative, which is mostly adopted by churches, NGOs, and used mainly against the anti-immigration

"Christian" parties, "even people who legally do not exist are bearers of indefeasible human rights," and "compassionate Christians" should not forget that (Catholic Bishop Josef Voss cited in Bauder 2009, p. 272).

Germany received a total of 178,000 asylum seekers between 1953 and 1978 (Bauder 2009). Most of these people were white Christians fleeing Communist regimes, and therefore did not pose a significant threat to the mainstream German identity. The numbers on average remained below 100,000 until 1987 (Bauder 2009). Thus, the legal and moral narratives surrounding the relationship between Germans society and asylum seekers were not put to a test until the end of the 1980s.

The first litmus test for the "generous, compassionate Germany who is the champion of human rights" arose in 1992. In addition to the increasing number of economic migrants and their dependents, more than 400,000 asylum seekers fleeing the ongoing civil war in Yugoslavia applied for asylum in Germany in 1992[194]. Public discomfort transformed into xenophobia, right-wing extremism, and racism and fueled a number of arson attacks on asylum reception centers. In a country where people have been more skeptical of humanitarian migration than any other place in Europe (Bauder 2009), a campaign-like public discussion about the "massive abuse" of Germany's constitutional right to asylum by "economic migrants." dominated the narrative. These foreigners pouring into the country were, in fact, economic migrants, who were disguised as asylum seekers and here to take advantage of the welfare and employment opportunities. The "humanitarian" aspect of "asylum" faded as it was increasingly blended with the topic of "labor migration." Therefore, "the immigrant" as the essential other for the nation-building of a newly unified Germany essentially included "the humanitarian migrant" as well. Even those who were not as cynical and accepted the legitimacy of the asylum claims argued that "Germany [did] not have the resources to save every

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[194] Eric Leise. 2007. Germany to Regularize "Tolerated" Asylum Seekers. Washington DC: Migration Policy Institute. http://www.migrationpolicy.org/article/germany-regularize-tolerated-asylum-seekers

person who [was] persecuted and ha[d] a moral responsibility towards its own citizens," (Bauder 2009, p. 274).

In response to rising racism, xenophobic discourse, and physical attacks – namely, increasing social distance between the German society and the immigrants/refugees in the country - German parliament chose to restrict the constitutional right to political asylum significantly. The conservative Helmut Kohl government and the social democratic opposition reached an "asylum compromise" in 1992[195]. The asylum compromise and the following Asylum Procedure Act of 1993 introduced the concepts of "safe third country," "safe country of origin," and "expedited airport procedure," and denied political asylum to certain people (Gesley 2017). According to the new regulations, asylum seekers who came from countries of origin that were designated "free of persecution" by the German parliament or entered Germany from safe third countries had no legitimate claim to asylum and should be removed to the safe third country they came[196]. Safe third countries were the European Union countries, Norway and Switzerland. Since every country bordering Germany was declared to be safe with this clause, "it became impossible for refugees to legally enter Germany"[197] via land route. Furthermore, the air route was also blocked as asylum seekers who entered by air were subject to an "expedited airport procedure." The asylum compromise enabled the authorities to process the asylum procedure directly at the airport and speeded up deportation "If the asylum seeker entered without or with false or expired papers or via a safe country of origin."[198] The safe country of origin and safe third country practices led to

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[195] Marcel Berlinghoff. 2011. "Germany: From a Non-Immigration Country to A Country of Integration and Back?" Fair Observer. September 13th, 2017. https://www.fairobserver.com/region/europe/germany-non-immigration-country-country-integration-and-back/
[196] Refugee Law and Policy: Germany. Library of Congress. September 10th, 2017. https://www.loc.gov/law/help/refugee-law/germany.php
[197] "Migration History in Germany." Documentation Centre and Museum of Migration in Germany. September 10th, 2017. http://www.domid.org/en/migration-history-germany
[198] "Refugee Law and Policy: Germany." Library of Congress. September 10th, 2017. https://www.loc.gov/law/help/refugee-law/germany.php

significant drops in the number of asylum applications in Germany in the upcoming years – starting with a drop "by 34% in its first month" (Feldman 2003, p.250).

Intensified xenophobia and lethal violence against immigrants and refugees alarmed both Germans and the international community, and became "a turning point for German society in acknowledging its intolerance towards immigrants."[199]

This change in public attitude also reflected in the ballot boxes on the political level. In 1998, the pro-immigrant Red-Green Coalition won the electoral victory. One of the first projects the new government got its hands on was the reform of the German Nationality Law[200]. According to the Old Nationality Law, which was adopted in 1913 based on jus sanguinis principle, German citizenship could only be achieved through descend. As a result, "1/3 of the estimated 16 million people with a migration background living in Germany" were considered "foreigners" even though they were born and raised in Germany their whole life (Foroutan 2013, p.2). The social democratic coalition was able to pass a limited citizenship reform "after a hard struggle on the domestic level — the conservatives won a decisive election in the Federal State of Hessen with a campaign against the new citizenship law."[201] With the new citizenship law that came into effect in 2000, "if a child of foreign parents was born in Germany, he or she could acquire German citizenship if one parent had been legally residing in Germany for 8 years and had been granted a permanent right of residency," (Gesley 2017, p. 11). Children could continue to hold the citizenship of the country of their parents

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[199] Marcel Berlinghoff. 2011. "Germany: From a Non-Immigration Country to A Country of Integration and Back?" Fair Observer. September 13th, 2017.   https://www.fairobserver.com/region/europe/germany-non-immigration-country-country-integration-and-back/
[200] Marcel Berlinghoff. 2011. "Germany: From a Non-Immigration Country to A Country of Integration and Back?" Fair Observer. September 13th, 2017.   https://www.fairobserver.com/region/europe/germany-non-immigration-country-country-integration-and-back/
[201] Marcel Berlinghoff. 2011. "Germany: From a Non-Immigration Country to A Country of Integration and Back?" Fair Observer. September 13th, 2017.   https://www.fairobserver.com/region/europe/germany-non-immigration-country-country-integration-and-back/

until they were 23 and had to choose between the two after that. The new Nationality Law allowed dual citizenship only in exceptional cases.

The incorporation of some jus soli principles into the citizenship law opened the possibility to define Germanness in a more cultural manner. However, it did not mean that German society and political elites fully embraced the role of Germany as an immigration country. However, it was evident that German domestic labor market was short of highly qualified information technology experts (Gesley 2017). To meet this demand, Chancellor Gerhard Schröder introduced a "green card" system, which allowed qualified specialists from non-EU countries to access the German labor market for a maximum of five years[202].

The demand for the qualified specialist in the labor market combined with "increasing life expectancy, low birth rates, and a workforce that is shrinking due to an aging population" led to a broader discussion about immigration and integration policies in Germany[203]. In 2000, the government appointed an independent commission on immigration led by Federal Minister of Interior Otto Schily. In light of economic and demographic reasons, the Schily commission argued for a fundamental change in the immigration policy based on a point system the taking age, language skills, and training of the immigrant into account[204]. The Schily commission also offered a 20,000 cap for immigrants per year, which could be increased to 40,000 in urgent labor shortages[205]. Moreover, the commission report called for fostering the integration of immigrants who had a good

[202] Veysel Ozcan. 2004. "Germany: Immigration in Transition." Washington DC: Migration Policy Institute. http://www.migrationpolicy.org/article/germany-immigration-transition

[203] Veysel Ozcan. 2004. "Germany: Immigration in Transition." Washington DC: Migration Policy Institute. http://www.migrationpolicy.org/article/germany-immigration-transition

[204] "Germany: Schily Proposal." Migration News. September 15th, 2017. https://migration.ucdavis.edu/mn/more.php?id=2450

[205] Veysel Ozcan. 2004. "Germany: Immigration in Transition." Washington DC: Migration Policy Institute. http://www.migrationpolicy.org/article/germany-immigration-transition

command of the German language[206]. The commission chairman and then-Interior Minister Otto Schily defended the proposal in the face conservative criticism targeting the proposal that "This [was] about the integration of fellow citizens living in Germany and [was] in the interests of all German citizens. This [was] not about allowing greater immigration."[207]

The Red-Green Coalition picked up on several recommendations of the Schily Commission and introduced a new migration bill in 2001 tackling highly qualified immigration and integration. Despite serious opposition, the bill passed both upper and lower chambers of the German Parliament. However, the Federal Court struck it down due to a procedural issue in 2002 (Bauder 2009). When the coalition government introduced the unchanged bill to the parliament the second time in 2003, the bill passed only in the lower chamber of the parliament[208]. It was clear that an immigration reform was impossible without a compromise between the government and the opposition. The German political system, similar to the German economic institutional structure, was based on coordination and compromise. The two parties could reach a compromise when the core of the new legislation, the point system, was eliminated due to the demands of the Christian Democrats. The new Immigration Law passed both chambers of the parliament in 2005. The full name of the legislation was quite revealing regarding its journey: Act to Control and Restrict Immigration and to Regulate the Residence and Integration of EU Citizens and Foreigners. Although the Act acknowledged the need for the integration of immigrants who are already legally residing in Germany into German society, it also highlighted the determination of the German state to control and restrict further immigration into the country. The Migration Law of 2005 "allow[ed] highly qualified non-EU-workers such as scientists or top-level managers to obtain a residence permit of

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[206]Veysel Ozcan. 2004. "Germany: Immigration in Transition." Washington DC: Migration Policy Institute. http://www.migrationpolicy.org/article/germany-immigration-transition
[207] BBC, January 13th, 1999 http://news.bbc.co.uk/2/hi/europe/254688.stm
[208] Veysel Ozcan. 2004. "Germany: Immigration in Transition." Washington DC: Migration Policy Institute. http://www.migrationpolicy.org/article/germany-immigration-transition

unlimited duration at the outset. However, companies [could] only hire non-EU workers if there [were] no Germans (or foreigners such as EU nationals, who [were] legally treated as Germans) available for the job."[209] Furthermore, "foreign students would be able to stay in Germany for a year after finishing their studies and entrepreneurs, who invested at least one million euros in their business and created 10 new jobs, were welcome."[210] In return," the Christian Democrats were able to pass provisions that facilitated the deportation of foreigners, especially religious extremists, for reasons of national security."[211] This provision reflected "the security concerns that dominated negotiations in the wake of the September 11 terrorist attacks in the United States, and later the terrorist attacks in Spain on March 11, 2004."[212] In terms of integration of the immigrants already legally residing in Germany, the new migration framework "simplified and reduced" the complicated residence-permit system into two kinds: temporary and permanent. To acquire permanent residency, the immigrant was expected to show interest in integration to the German society through taking German language and culture classes (Gesley 2017). However, "the simplified legal situation for residence permits did not lead to a general opening up of the local labor market for non-Germans. Rather, the recruitment stop was expressly maintained except for highly qualified and self-employed."[213] Ultimately, the Immigration Act of 2005 was a total paradigm shift in terms of the integration policy. Yet, it also resorted to the existing structures in other areas such as immigration, humanitarian protection or residency, which showed the stickiness of the role of the immigrant as the ultimate other for the German identity construction even in the 21st century.

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[209] Veysel Ozcan. 2004. "Germany: Immigration in Transition." Washington DC: Migration Policy Institute. http://www.migrationpolicy.org/article/germany-immigration-transition
[210] Veysel Ozcan. 2004. "Germany: Immigration in Transition." Washington DC: Migration Policy Institute. http://www.migrationpolicy.org/article/germany-immigration-transition
[211] Veysel Ozcan. 2004. "Germany: Immigration in Transition." Washington DC: Migration Policy Institute. http://www.migrationpolicy.org/article/germany-immigration-transition
[212] Veysel Ozcan. 2004. "Germany: Immigration in Transition." Washington DC: Migration Policy Institute. http://www.migrationpolicy.org/article/germany-immigration-transition
[213] "Asylum law, refugee policy and humanitarian immigration in the Federal Republic." Federal Agency for Civic Education. September 20th, 2017. http://www.bpb.de/gesellschaft/migration/kurzdossiers/207548/asylrecht-fluechtlingspolitik-humanitaere-zuwanderung

Humanitarian or otherwise, in political and public debates "immigrants" excluded Aussiedlers, who were viewed as Germans, not foreigners, and whose right of return to Germany was guaranteed by law. Members of the European Union countries were also excluded since they represent the embodiment of German integration in post-nationalism and multilateralism. Therefore, the "immigrants" or Ausländer mostly implied Gastarbeiters –guest workers- and their families, specifically the Turkish community, "which became Germany's largest and most visible immigrant group over the years."[214] Much later, a Der Spiegel report revealed that then-newly-elected Chancellor Helmut Kohl stated during a conversation with the then British Prime Minister Margaret Thatcher in 1982 that "With Europeans and Southeast Asians, Germany ha[d] no problem, since these [were] well integrated 'but the Turks came from a very different kind of culture[215].'" Therefore, the number of Turkish immigrant population had to be halved, as it was impossible for Germany to assimilate their present number[216].

However, it was not only Turks who represented a foreign set of value and cultural practices. The increasing number of Muslim immigrants combined with the international discourse following the Iran Islam Revolution and the end of the Cold War placed "Muslims" as the essential stranger in the German context (Foroutan 2013). "Within the public discourse in Germany on the subject of immigration, the position of foreigners in the country, and notions of German identity, headscarf ha[d] become a symbol for other," (Gauld 2008, p. 5). The headscarf, and the non-Europeans, particularly Muslims it represents, "[was] presented as a metonym for a very foreign set of values, including the position of women in society and before the law," (Gauld 2008, p.5).

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[214] Marcel Berlinghoff. 2011. "Germany: From a Non-Immigration Country to A Country of Integration and Back?" Fair Observer. September 13th, 2017. https://www.fairobserver.com/region/europe/germany-non-immigration-country-country-integration-and-back/
[215] Welt Newspaper. September 13th, 2017. https://www.welt.de/print/die_welt/politik/article118653823/Als-Helmut-Kohl-die-Tuerken-zurueckschicken-wollte.html
[216] Welt Newspaper. September 13th, 2017. https://www.welt.de/print/die_welt/politik/article118653823/Als-Helmut-Kohl-die-Tuerken-zurueckschicken-wollte.html

From an individual standpoint, in addition to being born into the German stock, language has been essential for deciding someone's Germanness. "People whose native language is German have [had] a certain claim to be counted as German," (Forsythe 1989, p. 151). However, language has proved to be neither necessary nor sufficient to claim to be counted as German, since "German-born citizens of German citizens, who speak a dialect indistinguishable from that of their German neighbors, are classified by the latter as foreigners, whereas Aussiedler who cannot speak a word of the language are perceived as being far more German," (Forsythe 1989, p. 151). Germans have had associated foreignness "with the negative qualities of dirtiness, instability, darkness, non-Christianity, and disorder," while they attributed the most positive qualities such as "cleanliness, stability, Whiteness, Christianity, familiarity, and reliability" with themselves (Forsythe 1989, p. 151). In the 1960s, Germans constructed a narrative, in which a German was "hardworking, proper, and punctual while the immigrant (a Southern European guest worker from Italy, Spain, Greece, or Turkey) was unambitious, lazy, and always late," (Foroutan 2013, p. 9). Over the years, this narrative evolved into a tolerant, democratic and enlightened German visa-a-vis an intolerant, anti-democratic, and unenlightened Muslim (Foroutan 2013).

Much of this narrative was evident in the German identity construction in the last three decades. For example, the appeal of a German citizen to the Federal Constitutional Court claiming that "her constitutional rights have been breached because she was refused a teaching certificate due to her scarf" initiated a public debate with regards to the compatibility of Islamic and German value systems (Gould 2008, p.6). A few years later, when Thilo Sarrazin, a former politician, came up with his book "Deutschland Schafft Sich Ab (Germany Does Away with Itself)" in 2010, a huge debate about the incompatibility of the two cultures resurfaced (Holtz et al. 2013). Sarrazin contended that it was impossible to integrate immigrants – especially the Turks- into German mainstream culture as "the work ethnic and cultural and constitutional values of Germany [which

are essentially Christian] clash[ed] with the fundamentals of Islam," (Gould 2012, p. 409). He also

argued "Muslims [were] less intelligent because of their cultural ties, prefer[ed] to live off the state

rather than work, and ha[d] too many children (while well educated native Germans [were] having

too few," (Foroutan 2013, p. 5-6). The book immediately became a best seller with 1.25 million

copies sold in six months and influenced the debates about challenges of integrating the immigrants

into the mainstream German culture in the following months (Holtz et al. 2013).

The success of Sarrazin's book in steering the public debate against Muslim immigrants is not

unexpected. A 2008 study by German Institute for Human Rights found that "Islam and being

Muslim are perceived in stark contrast to being German, " (Foroutan 2013, p. 6). According to the

study, 21.4 % of the surveyed Germans think that "Muslim immigration to Germany should be

stopped." while three-quarters of the respondents disagree with the proposition that "Muslim culture

fits into our Western world," (Foroutan 2013, p. 6). Another study by the social democratic

Friedrich Ebert Foundation published in 2011 revealed that these anti-Muslim attitudes in Germany

were quite widespread (Zick et al. 2011). Although Muslims make up only 5% of the German

population, 46.1% of the survey respondents responded that there were too many Muslims living in

Germany, 54.1% said that they were too demanding, and more than half (52.2%) believed that their

religion is intolerant (Zick et al. 2011). A comparative study by the University of Münster titled

"Perception and Acceptance of Religious Diversity" has found that German society had a worse

perception of non-Christian religions than any other society in Europe[217]. While answering the

question of "How is your personal attitude towards the members of the following religious groups?,"

62.2% of the German respondents from the former East Germany states and 57.7% of those from the

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[217] "The Legitimacy of Religious Pluralism: Perception and Acceptance of Religious Diversity Among the European Population." The University of Münster. September 25th, 2017. https://www.uni-muenster.de/Religion-und-Politik/en/forschung/projekte/c21.html

former West Germany states indicated negative or extremely negative attitudes towards Islam[218]. By comparison, only 3.5% of the Portuguese, 35.6% of the Danish, 35.9% of the Dutch, and 36.7% of the French answered negative or extremely negative the same question[219]. The research also found that only 8.1% of the respondents from the former West German states attributed peace and solidarity with Islam while the number went further down to 6.6% for those from the former East German states. This is the lowest attribution rate compared to other European countries. For example, 32.6% of the Dutch identified Islam with peace and 44.9% with solidarity[220].

Scholars believe that "this shift in policy is also linked to the fact that Germany is in need of highly qualified immigrants to offset the labor market shortage" especially in the IT sector (Gesley 2017, p. 11); and therefore, "creating a more welcoming climate for foreign workers is in the national and economic interests" of the Federal Republic (Foroutan 2013, p. 7). However, research shows that this realization has not trickled down into the capillary of the German bureaucracy or the general population. In a 2013 study, Jon Michael Kotowski analyzes the association between narratives of immigration and national identity in a comparable discourse analysis of American and German social studies textbooks. Kotowski finds that "In Germany, the country's decade-old self-denial of its status as a country of immigration is no longer a tenable official position, but, at the same time, the conscious self-identification as an immigration country has not yet profoundly shaped German national identity," (Kotowski 2013, p. 295).

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[218] "The Legitimacy of Religious Pluralism: Perception and Acceptance of Religious Diversity Among the European Population." The University of Münster. September 25th, 2017. https://www.uni-muenster.de/Religion-und-Politik/en/forschung/projekte/c21.html
[219] "The Legitimacy of Religious Pluralism: Perception and Acceptance of Religious Diversity Among the European Population." The University of Münster. September 25th, 2017. https://www.uni-muenster.de/Religion-und-Politik/en/forschung/projekte/c21.html
[220] "The Legitimacy of Religious Pluralism: Perception and Acceptance of Religious Diversity Among the European Population." The University of Münster. September 25th, 2017. https://www.uni-muenster.de/Religion-und-Politik/en/forschung/projekte/c21.html

7.3   National Asylum Regime and the Legal Framework

The Federal Office for Migration and Refugees, the German authority responsible for implementing the law on asylum, distinguishes between various groups and individuals:

Entitlement to Asylum

The German Constitution establishes the right of asylum as a fundamental right – not only an international obligation. The Article 16A of the Basic Law provides the right to political asylum for those fleeing state persecution for reasons of race nationality, political opinion, religious beliefs, or membership of a particular social group (including a social group based on sexual orientation)[221]. Additionally, these asylum seekers should lack an alternative refuge in the country of origin or another possibility of protection against persecution[222].

The Constitutional right to asylum is limited only to state persecution, which is persecution originating directly from the state. Non-state persecution has to be attributable to the state or has come to replace the state itself to be considered as the foundation of a legitimate asylum claim. Other situations where state failure is evident, "such as poverty, civil wars, natural disasters or a lack of prospects are therefore ruled out as a matter of principle as reasons for granting asylum in accordance with Article 16a of the Basic Law[223]" however urgent they might be.

The right to asylum is tied to three conditions:

1. The persecution has to be performed by the state agencies

2. The person has to cross the German border

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[221] Federal Office for Migration and Refugees. October 1st, 2017.
http://www.bamf.de/EN/Fluechtlingsschutz/AblaufAsylv/Schutzformen/Asylberechtigung/asylberechtigung-node.html
[222] Federal Office for Migration and Refugees. October 1st, 2017.
http://www.bamf.de/EN/Fluechtlingsschutz/AblaufAsylv/Schutzformen/Asylberechtigung/asylberechtigung-node.html
[223] Federal Office for Migration and Refugees. October 1st, 2017.
http://www.bamf.de/EN/Fluechtlingsschutz/AblaufAsylv/Schutzformen/Asylberechtigung/asylberechtigung-node.html

3. Asylum application has to be done immediately after entering Germany.

If one of these conditions is missing, the asylum seekers lose eligibility for asylum in Germany. On the other hand, when these conditions are met, and the person is granted asylum, he or she becomes entitled to a legal right to a residence permit for three years, as well as family reunification, and gains unrestricted access to the labor market[224]. After three years of residency, the asylee might get a settlement permit if he or she can prove that a mastery of German language and economic independence (secure living).

According to the German Asylum Act, people who flee from a safe country of origin or pass a safe third country on their route to Germany lose their legitimate claim to asylum. The Act defines the Member States of the European Union, as well as Norway and Switzerland, as safe third countries. Germany considers Bosnia, Serbia, Macedonia since 2014 and Montenegro, Albania, and Kosovo since 2015 safe countries of origin with a democratic system, respect for the rule of law, human rights, and the rights of the minorities.

Refugee Protection Based on 1951 Refugee Convention

According to the Section 1 of the Asylum Act, a foreigner is a refugee as defined in the 1951 Geneva Refugee Convention if he or she is "unable or unwilling to return to his or her country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion."[225]

Acts of persecution as referred to in the Section 1 may among others take the form of:

1. "acts of physical or mental violence, including acts of sexual violence;

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[224] Federal Office for Migration and Refugees. October 1st, 2017.
http://www.bamf.de/EN/Fluechtlingsschutz/AblaufAsylv/Schutzformen/Asylberechtigung/asylberechtigung-node.html
[225] Convention and Protocol Relating to the Status of Refugees. October 1st, 2017. http://www.unhcr.org/3b66c2aa10.pdf

2. legal, administrative, police or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner;

3. disproportionate or discriminatory prosecution or punishment;

4. denial of judicial redress resulting in a disproportionate or discriminatory punishment;

5. prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling under the exclusion clauses as set out in Section 3(2);

6. acts which are of a gender-specific nature or are directed against children (Section 3a, The Asylum Act)."[226]

These acts do not have to be performed by the State or non-state actors representing the state in the case of entitlement to asylum. Agents of persecution may include:

1. "the state,

2. parties or organizations which control the state or substantial parts of the national territory, or

3. non-state agents, if the agents referred to under nos. 1 and 2, including international organizations, are demonstrably unable or unwilling to offer protection from the persecution, irrespective of whether a power exercising state rule exists in the country (Section 3c, The Asylum Act)."[227]

A person loses his claim to refugee protection in line with 1951 Geneva Convention if

1. "if he does not have a well-founded fear of persecution or has access to protection against persecution in a part of his country of origin and

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[226] Federal Ministry of Justice and Consumer Protection. October 1st, 2017.
http://www.gesetze-im-internet.de/englisch_asylvfg/englisch_asylvfg.html#p0017
[227] Federal Ministry of Justice and Consumer Protection. October 1st, 2017.
http://www.gesetze-im-internet.de/englisch_asylvfg/englisch_asylvfg.html#p0017

2. if he can safely and lawfully travel to this part of the country, will be admitted there and can reasonably be expected to settle there (Section 3e, The Asylum Act."[228]

Foreigners who are granted refugee protection enjoy similar rights and benefits to those who are entitled to asylum under the Article 16A of the Basic Law. The Asylum Act grants refugees a residence permit for three years, which could become a settlement permit after three or five years if the refugee can prove adequate knowledge of German and secure living, provides unrestricted access to the labor market and allows family reunification.

Subsidiary Protection

According to the Section 4 of the Asylum Act, a person can be granted subsidiary protection, if he qualifies neither for asylum nor refugee protection, but "has shown substantial grounds for believing that he would face a real risk of suffering serious harm in his country of origin (Section 4(1), The Asylum Act."[229] Serious harm in this sense consists of "death penalty or execution, torture or inhuman or degrading treatment or punishment, or serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict Section 4(1), The Asylum Act."[230] In other words, a foreigner must prove that he or she is subject to individual, personal persecution by the state for entitlement to asylum and by state or non-state actors for gaining refugee protection. Subsidiary protection covers the cases of general violence or grave human rights violations in times of civil or international conflict and does not require the individual persecution of the asylum seeker.

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[228] Federal Ministry of Justice and Consumer Protection. October 1st, 2017.
http://www.gesetze-im-internet.de/englisch_asylvfg/englisch_asylvfg.html#p0017
[229] Federal Ministry of Justice and Consumer Protection. October 1st, 2017.
http://www.gesetze-im-internet.de/englisch_asylvfg/englisch_asylvfg.html#p0017
[230] Federal Ministry of Justice and Consumer Protection. October 1st, 2017.
http://www.gesetze-im-internet.de/englisch_asylvfg/englisch_asylvfg.html#p0017

Subsidiary protection comes with a residence permit for one year, which might be extended two more years in each case and unrestricted access to the labor market[231]. If certain preconditions are met, such as an adequate knowledge of German and making a secure living, a settlement permit might be possible after five years. However, subsidiary protection does not cover family unification.

An individual can not be considered for any form of protection mentioned above – entitlement to asylum, refugee protection, and subsidiary protection "If he/she has committed a war crime or a serious non-political criminal offence outside of Germany, has breached the goals and principles of the United Nations, is to be regarded as a risk to the security of the Federal Republic of Germany, or constitutes a danger to the public because he/she has been finally sentenced to imprisonment for a felony (Verbrechen) or a particularly serious misdemeanour (Vergehen)."[232]

Besides, the Dublin procedure applies to all three forms of protection. The Dublin Protocol, which is a piece of EU law that governs the common asylum policy in the Union, is based on the principle that the first member state where the asylum seekers enter the EU and have their fingerprints stored is responsible for the asylum claim. Therefore, if a member state establishes that "another member state is responsible for the processing of the asylum claim, it can file a transfer request with the state in question."[233] The European Union countries had two goals in mind while agreeing to the Dublin Protocol: "to establish a common framework for determining which country in the European Union (countries which are part of the European Union are known as member states) decides an asylum

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[231] Federal Office for Migration and Refugees. October 1st, 2017.
http://www.bamf.de/EN/Fluechtlingsschutz/AblaufAsylv/Schutzformen/SubsidiaererS/subsidiaerer-schutz-node.html
[232] Federal Office for Migration and Refugees. October 1st, 2017.
http://www.bamf.de/EN/Fluechtlingsschutz/AblaufAsylv/Schutzformen/SubsidiaererS/subsidiaerer-schutz-node.html
[233] Federal Office for Migration and Refugees. October 1st, 2017.
http://www.bamf.de/EN/Fluechtlingsschutz/AblaufAsylv/PruefungDublinverfahren/pruefung-dublinverfahren-node.html

seeker's application and to ensure that only one member state should process each asylum application."[234]

"While the Dublin Convention is meant to provide all asylum applicants with a guarantee that their applications will be examined by one of the member states, Article 3(5) of the Convention allows EU member states to remove asylum seekers to non-EU third countries. The Convention does not refer to challenging such removals on the grounds of whether or not that country is indeed safe for the asylum seeker concerned[235].

Persons Entitled to Remain/Deportation Prohibition

For persons who do not qualify for any of the three forms of protection – entitlement to asylum, refugee protection and subsidiary protection – a ban on deportation can be issued under certain circumstances.

The Section 60 of the Residence Act states that a foreigner who is seeking protection, but is not qualify for any, may still stay in Germany if "the return to the destination country constitutes a breach of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), or a considerable concrete danger to life, limb or liberty exists in that country."[236] Moreover, "if a national ban on deportation is issued, a person may not be returned to the country to which this ban on deportation applies."[237] People who cannot be deported due to the national ban are issued with a residence permit for at least one year and benefit from restricted

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[234] "The Dublin Convention in asylum applications: What it means and how it is supposed to work." Refugee Council. October 5th, 2017. https://www.refugeecouncil.org.uk/assets/0001/5851/dublin_aug2002.pdf

[235] "The Dublin Convention in asylum applications: What it means and how it is supposed to work." Refugee Council. October 5th, 2017. https://www.refugeecouncil.org.uk/assets/0001/5851/dublin_aug2002.pdf

[236] Federal Office for Migration and Refugees. October 1st, 2017. http://www.bamf.de/EN/Fluechtlingsschutz/AblaufAsylv/Schutzformen/AbschiebungsV/abschiebungsverbot-node.html

[237] Federal Office for Migration and Refugees. October 1st, 2017. http://www.bamf.de/EN/Fluechtlingsschutz/AblaufAsylv/Schutzformen/AbschiebungsV/abschiebungsverbot-node.html

employment possibilities, contingent upon the approval of the immigration authority[238]. A settlement permit might be possible after five years if certain conditions are met, such as adequate knowledge of German and making a secure living. The ban on deportation loses grounds "if the person concerned could depart for another country, and it is reasonable for them to be called on to do so, or if they have not complied with their obligations to cooperate."[239]

7.3.1   Policy Responses to European Refugee Crisis: Syrian Asylum Seekers vs. Afghan Asylum Seekers

Before 2015, the latest peak in the number of asylum applications in Germany was in 1992, when more than 400,000 asylum seekers fleeing the ongoing civil war in Yugoslavia applied for asylum. At that time, the majority of asylum seekers, who were mostly Bosnians, were denied refugee status and granted temporary protection instead[240]. When German authorities asked them to leave the country, "the ink was barely dry on the 1995 Dayton Peace Accord."[241] By 1998, 250.000 of the 250.000 Bosnians who were officially tolerated in Germany had left, for USA and Canada instead of their war-torn home country[242].

German response during the whole episode included heated public discussions about "foreigners" who were trying to "abuse" the German asylum regime, increased xenophobia and arson attacks against migrants and asylum seekers, and finally the 1993 Asylum Compromise. The Asylum Compromise restricted the constitutional right to asylum with the introduction of safe third country

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[238] Federal Office for Migration and Refugees. October 1st, 2017.
http://www.bamf.de/EN/Fluechtlingsschutz/AblaufAsylv/Schutzformen/AbschiebungsV/abschiebungsverbot-node.html
[239] Federal Office for Migration and Refugees. October 1st, 2017.
http://www.bamf.de/EN/Fluechtlingsschutz/AblaufAsylv/Schutzformen/AbschiebungsV/abschiebungsverbot-node.html
[240] Deutsche Welle, September 12th, 2017. http://www.dw.com/en/refugees-reloaded-lessons-from-germanys-approach-to-bosnian-war/a-19021249
[241] Deutsche Welle, September 12th, 2017 http://www.dw.com/en/refugees-reloaded-lessons-from-germanys-approach-to-bosnian-war/a-19021249
[242] Deutsche Welle, September 12th, 2017 http://www.dw.com/en/refugees-reloaded-lessons-from-germanys-approach-to-bosnian-war/a-19021249

and safe country of origin concepts. As intended, this approach led to a steady decrease in the number of asylum applications after 1993. When the calendars showed 2007, there were only 19.164 new asylum applications, and the recognition rate was 1.1%.

However, this picture started to change as the civil war in Syria intensified, and more and more people sought refuge in Europe. The number of asylum applications broke records with each coming year. There were 172.072 applications in 2014[243] – the highest since 1993. 2015 marked another record with a total of 441.899 new applications (155.3% increase in application rates compared to the previous year) (Figure 11).

With a 56.4% increase compared to 2015, the number of applications submitted to the Federal Office reached 745,545 in 2016. The majority of 745,545 applications reflected the number of asylum seekers who could finally submit their asylum claims after waiting for months due to the gridlock the Federal Office experienced in 2015 rather than new applications[244]. In fact, the data provided by the German Interior Ministry shows that in 2016 the number of new arrivals kept decreasing with every passing month, with 92,000 arrivals in January, 61,000 in February, 21,000 in March, and 16,000 in April[245]. Therefore, there is a consensus among scholars and policy-makers that the height of the refugee crisis was in 2015.

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[243] "December 2015 Report." Federal Office for Migration and Refugees. September 12th, 2017. https://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/Asyl/201512-statistik-anlage-asyl-geschaeftsbericht.pdf?__blob=publicationFile
[244] Deutsche Welle, September 12th, 2017. http://www.dw.com/en/germany-to-process-over-one-million-asylum-claims-in-2016/a-19245582
[245] Deutsche Welle, September 12th, 2017. http://www.dw.com/en/germany-to-process-over-one-million-asylum-claims-in-2016/a-19245582
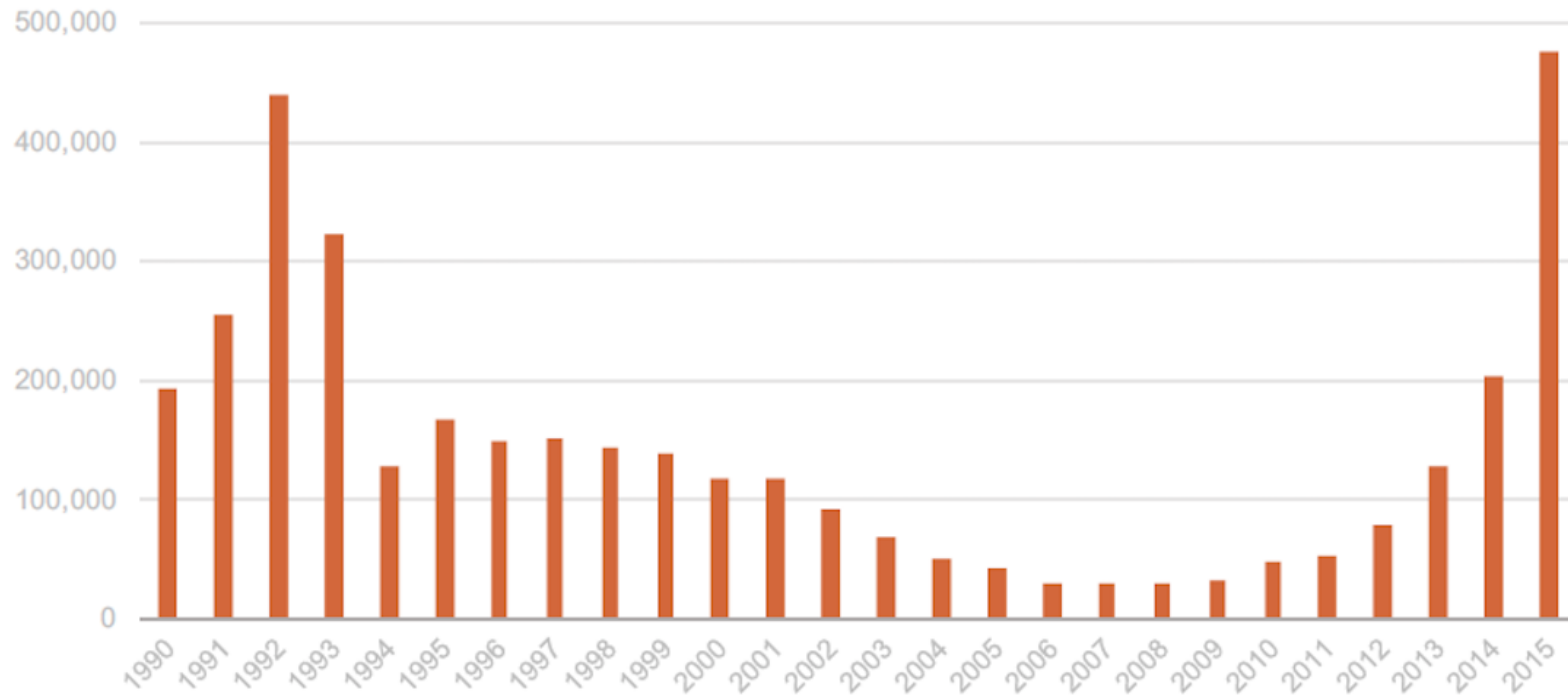
Figure 11 Asylum Claims in Germany (initial and subsequent applications)

Source: In Mayer (2016), German Federal Office for Migration and Refugees (2015, 2016)

In the year 2015, more than a third of applicants came from Syria (35.9%), followed by the applications from six Balkan countries, which made up another quarter. These countries were "Albania: 53,805, Kosovo: 33,427, Serbia: 16,700, Macedonia: 9,083, Bosnia and Herzegovina: 4,634, and Montenegro: 3,233."[246] Afghans, with 31.902 applications, became the second largest non-European group to apply for asylum in Germany in 2015.

Table 13 shows the recognition rates of Syrian and Afghan asylum seekers in 2015 and 2016. Out of 105.62 asylum decisions, only 23 Syrians got rejection while this ratio is 819 to 5966 for Afghan asylum seekers in 2015. Among those who did get protection, 101.137 Syrians and 1.708 Afghans were granted refugee status while 325 Afghans and a mere 61 Syrians received temporary protection. This trend changes a little bit in 2016. The recognition rate is still above 90% for Syrians and around 50% for the Afghans. However, the rate of Syrians who received temporary protection rather than full recognition is significantly higher compared to the previous year. As for the Afghans, they are more likely to get rejected than receive any form of protection in Germany in 2016. Nevertheless, German authorities warned Syrians that their stay in Germany would be temporary regardless of the type of protection they received."[247]

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[246] "December 2015 Report." Federal Office for Migration and Refugees. September 12th, 2017. https://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/Asyl/201512-statistik-anlage-asyl-geschaeftsbericht.pdf?__blob=publicationFile

[247] Telegraph Newspaper, September 13th, 2017. http://www.telegraph.co.uk/news/worldnews/europe/germany/12132657/Merkel-warns-asylum-seekers-that-German-refuge-is-temporary.html

Table 13 Asylum Recognition Rates of Syrian and Afghan Asylum Seekers

	2015		2016	
	Syria	Afghanistan	Syria	Afghanistan
Total	162.51	31.902	268.866	127.892
New Application	158.657	31.382	266.25	127.012
Total Decisions	105.62	5.966	295.04	68.246
Refugee Status	101.137	1.708	166.52	13.813
Subsidiary Protection	61	325	121.562	5.836
Rejection	23	819	167	24.817

Source: Federal Office of Migration and Refugees (Annual Reports 2015 and 2016)

Syrian humanitarian crisis had been going on for a couple of years before it snowballed and reached its peak in Europe in 2015. There were a few reasons behind it. First of all, throughout 2014 and 2015, the conflict in Syria deepened with the involvement of a number of domestic and international actors as well as the use of weapons of mass destruction. Between October 2014 and July 2015, just in 10 months, one million people had to flee Syria and pulled the number of Syrian refugees up to four million by July 2015[248]. "The worst humanitarian crisis since World War II" was a product of the intensification of the clashes between Syrian army and rebel forces, the Russian interference and the atrocities of the so-called Islamic State. Before the Russians

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[248] Guardian Newspaper. October 3rd, 2017. https://www.theguardian.com/global-development/2015/jul/09/syria-refugees-4-million-people-flee-crisis-deepens

started fighting alongside Assad and "threw gasoline on the fire,"[249] the balance between the government forces and the rebels was tilting towards the rebels. To get the advantage back, the Syrian military of Bashar al Assad reportedly dropped chemical weapons (chlorine bombs) "on the towns of Talmenes in April 2014 and Sarmin in March 2015."[250] Moreover, the ISIS, a terrorist group that declared caliphate in the territory from Aleppo in Syria to Diyala in Eastern Iraq in June 2014, embarked genocide against religious minorities and committed war crimes and crimes against humanity against other civilians in the territories they controlled in Syria and Iraq. A United Nations and the Organization for Prevention of Chemical Weapons report shows that the terrorist group also used chemical weapons on the town of Marea in August 2015[251]. These developments led to a mass exodus of asylum seekers from Syria and Iraq to neighboring countries.

On the other sides of the Syrian border, Turkey, Lebanon and Jordan, were struggling with overflowing refugee camps and scarce resources. The United Nations Food Program had to suspend food vouchers due to insufficient funding, a reduction that immediately deteriorated the situation for 1.7 million Syrians who were already living in dire conditions in refugee camps spread out the region[252]. Moreover, Turkey – a country already hosting around 1,800,000 Syrian

[249] Guardian Newspaper. October 3rd, 2017. https://www.theguardian.com/world/2015/sep/30/russia-launches-first-airstrikes-against-targets-in-syria-says-us

[250] "Letter dated 24 August 2016 from the Secretary-General addressed to the President of the Security Council." United Nations. October 5th, 2017. https://undocs.org/S/2016/738

[251] "Letter dated 24 August 2016 from the Secretary-General addressed to the President of the Security Council." United Nations. October 5th, 2017. https://undocs.org/S/2016/738

[252] Public Broadcasting Service. October 6th, 2017. http://www.pbs.org/newshour/bb/un-world-food-program-turning-aid-1-7-million-syrian-refugees/

refugees[253] at that time, started building a concrete wall in mid-2015[254] to stop the militants, but also refugees, from crossing its borders.

As a result, the number of asylum seekers who sought protection in Europe increased. For example, in 2015 in Libya alone "there were between 500,000 and 1,000,000 migrants ready to leave for Europe," according to the executive director of the EU border agency Frontex, Fabrice Leggeri."[255] Other groups who wanted to take advantage of the open West Balkan and Mediterranean routes also tagged along with Syrians on their rote to North Europe. Along with Afghans and Iraqis who were fleeing desperate security situations and grave human rights violations in their countries, large numbers of people from the Balkans, approximately 800 to 1000 per day from Kosovo alone[256], joined Syrians and exacerbated the already acute refugee crisis in Europe. However, policymakers in Brussels and Berlin were "too distracted by the Russian military intervention in Ukraine and the Greek financial crisis to react to the growing stream of refugees arriving in Europe," (Mayer 2016, p. 6). Moreover, the Dublin Protocol landed the handling of the "humanitarian migration problem" on the frontier countries that first interact with the asylum seekers.

In August 2015, it was evident that the frontier countries such as Greece, Italy, and Bulgaria, as well as the transit countries in the Balkan route such as Macedonia and Hungary, were overburdened and failing at their struggle to accommodate the swelling number of asylum

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[253] Ahmet Icduygu. "Recent Migration Trends in Turkey: Focus on Syrians." Third Sector Foundation of Turkey. October 4th. 2017. http://www.tusev.org.tr/usrfiles/files/Ahmet_Icduygu_Suriyeli_Multecilerin_Durumu.pdf
[254] Anatolian Agency. October 6th, 2017. http://aa.com.tr/tr/turkiye/suriye-sinirina-3-metrelik-beton-duvar/16835
[255] New Europe Newspaper. October 4th, 2017.
 https://www.neweurope.eu/article/million-libyans-ready-cross-europe-says-frontex/
[256] Welt Newspaper. October 6th, 2017.
 https://www.welt.de/politik/deutschland/article148588383/Herbst-der-Kanzlerin-Geschichte-eines-Staatsversagens.html

seekers arriving on their shores and at their borders every day. The pictures of mountains of life jackets on Greek islands, Macedonian police clashing with refugees, people without food or water stranded in Hungarian train stations as well as human stories from refugee detention centers started circulating the international media. In early August 2015, the United Nations called for "bold and urgent action to address a deepening crisis in Greece, where some 124,000 refugees and migrants have arrived by sea this year – a staggering increase of over 750 percent compared to the same period in 2014."[257] When interviewed, the asylum seekers voiced one goal: to go the North - to Sweden, Austria, and particularly to Germany.

On August 25, Germany announced the relaxation of the Dublin Procedure for Syrians, "but then later issued another statement through the German embassy in Hungary that said it was abiding by the Dublin Regulation."[258] As thousands of refugees were blocked from entering Budapest's central train station,"[259] Chancellor Angela Merkel stated in a press conference on August 31 that Germany was a strong country, which managed many things in the past and could manage this situation as well. "Wir schaffen das – We can do this" became the mantra of the Merkel's asylum policy during the height of the refugee crisis when dozens of people were suffocating inside trucks[260] or drowning on boats on a daily basis trying to reach Germany. However, at the same time Austria and Germany were critical of Hungary and demanded stricter

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[257] UN News Centre. October 5th, 2017. http://www.un.org/apps/news/story.asp?NewsID=51585#.WdZmkxNSwb0
[258] Rick Lyman and Dan Bilefsky. 2015. " Squalid Migrant City Rises in Budapest as Europe Seeks Solutions." New York Times Newspaper, October 5th, 2017.
https://www.nytimes.com/2015/09/03/world/europe/europe-migrant-crisis.html?ribbon-ad-idx=4&rref=world&module=Ribbon&version=origin&region=Header&action=click&contentCollection=World&pgtype=article
[259] Al Jazeera Newspaper, October 6th, 2017. http://www.aljazeera.com/news/2015/09/refugees-barred-entering-train-station-hungary-150901091613124.html
[260] Carlo Angerer and Alastair Jamieson. 2015. "71 Dead Refugees Found in Truck On Austria Highways: Officials." NBC News, October 6th, 2017. https://www.nbcnews.com/storyline/europes-border-crisis/71-dead-refugees-found-truck-austria-highway-officials-n417536

registration of refugees before they board on trains to the North[261]. Merkel also called for responsibility sharing and a fair distribution of refugees across Europe[262]. Bounded by the European regulations, Hungarian authorities blocked thousands of refugees who did not have passports or valid visas from boarding on trains to Vienne or Berlin and declared that the policy was a result of the implementation of the Dublin Protocol[263].

On September 2nd, the picture of a four-year-old Syrian boy washed up on the shores of Turkey sent shock waves across the world. Aylan Kurdi became the poster boy for Syrian humanitarian crisis and the ineffectiveness of the European asylum regime. Meanwhile, refugees in Keleti train station in Hungary were clashing with Hungarian police and chanting "Freedom, freedom" and "Go! Go! Go! Germany! Germany!"[264] Tired of waiting for an end to the impasse, hundreds of refugees started to walk to their destinations- the 100 miles to Austria and 300 miles to Germany[265]. "The failure to act earlier despite early warnings left the German government with only two choices: to keep borders open for people fleeing to Germany, or risk a humanitarian catastrophe," (Mayer 2016, p. 7). In line with its self-image as "the champion of democracy and human rights in the international arena," Germany chose the former. In a time when Syrian civil war and the humanitarian crisis it created were making headlines, Germany could not effort to turn a blind eye to the chants on the European streets. Germany had to adopt an inclusive

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[261] Deutsche Welle, October 6th, 2017. http://www.dw.com/en/survey-germany-divided-over-merkels-migrant-policy-changes/a-19489757
[262] Deutsche Welle, October 6th, 2017. http://www.dw.com/en/survey-germany-divided-over-merkels-migrant-policy-changes/a-19489757
[263] Deutsche Welle, October 6th, 2017. http://www.dw.com/en/survey-germany-divided-over-merkels-migrant-policy-changes/a-19489757
[264] Jen Kirby. 2015. "Thousand of Migrants are Protesting Outside a Train Station in Hungary, As Europe's Crisis Keeps Getting Worse." New York Magazine, October 6th, 2017.
http://nymag.com/daily/intelligencer/2015/09/migrants-protest-outside-hungarian-train-station.html
[265] Carlo Angerer and Caludio Lavanga. 2015. "Hungary Refugees Begin 300-Mile Walk to Germany Amid Train Impasse." NBC News, October 6th, 2017. https://www.nbcnews.com/storyline/europes-border-crisis/migrants-budapest-hungary-refuse-leave-camp-bound-train-n421601

asylum policy because the construction of its national identity after the postwar period was based on these ideals. On September 4, Germany and Austria announced that they were suspending the Dublin Protocol and would start to take in refugees who were stuck in Hungary[266]. At Germany's main train stations, volunteers greeted hundreds of refugees with "help and kindness[267]" highlighting the country's "Willkommenskultur," or welcome culture[268]. At the same time, calls for government efforts to facilitate the integration of refugees into the labor market increased. Michael Fuchs, the deputy leader of the conservative Christian Democratic Union/Christian Social Union Alliance in the German Parliament, asked the government to speed up the integration of newcomers by setting up language courses and assessing their job qualifications at the reception areas[269]. "According to Fuchs, it made no sense for refugees to be hanging around in camps," since "That [would] only lead to ghetto-style circumstances."[270]

On September 13, ten days later, after Germany had opened its doors to the refugees stuck in Hungary, German authorities reinstated border controls at Austrian border and halted all train traffic with Austria in an attempt to cope with the refugee influx[271]. The Interior Minister Thomas de Maizière announced that "asylum seekers had stretched the system to the breaking point" and added, "they must understand that they can not choose the states where they are

[266] Deutsche Welle, October 6th, 2017. http://www.dw.com/en/two-years-since-germany-opened-its-borders-to-refugees-a-chronology/a-40327634

[267] Guardina Newspaper, October 6th, 2017. https://www.theguardian.com/world/2015/sep/03/germany-refugees-munich-central-station

[268] Deutsche Welle, October 6th, 2017. http://www.dw.com/en/two-years-since-germany-opened-its-borders-to-refugees-a-chronology/a-40327634

[269] Guardian Newspaper, October 6th, 2017. https://www.theguardian.com/world/2015/sep/01/migrant-crisis-hungary-closes-main-budapest-station

[270] Guardian Newspaper, October 6th, 2017. https://www.theguardian.com/world/2015/sep/01/migrant-crisis-hungary-closes-main-budapest-station

[271] Guardian Newspaper, October 6th, 2017. https://www.theguardian.com/world/2015/sep/13/germany-to-close-borders-exit-schengen-emergency-measures

seeking protection."[272] It meant not only a reversal in the welcome culture, but also an exit from the Schengen System, which put an end to borders and facilitated free movement of people among European Union member countries.

Meanwhile, polls showed that the majority of Germans disagreed with Merkel's open door policy. According to a YouGov pol published on October 14, 2015, around 64% of the responded disagreed with the question "Angela Merkel has repeatedly said in relation to the high number of refugees: We can do it. Would you agree with her or not[273]?" Only one in three participants agreed with the German Chancellor when she said Germany could cope with the numbers of people entering the country. It was an 11% decrease from a month ago[274]. Moreover, only 20% of the respondents believed that Germany could still accommodate more asylum seekers, down from 28% a month ago while 56% of the respondents agreed with the statement that there were already too many asylum seekers in Germany – 10 % higher than it was a month ago[275].

In addition to the steady decline of her approval ratings (down from 42% to 38% in a single month[276]) and critical public opinion, Merkel had to deal with increasing pressure from the far right and its aggressive anti-immigrant rhetoric. Anti-refugee hate-speech and violence escalated not only on social media but also in public. A rally held by "The anti-Islamic group PEGIDA, or

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[272] Guardian Newspaper, October 6th, 2017. https://www.theguardian.com/world/2015/sep/13/germany-to-close-borders-exit-schengen-emergency-measures
[273] 10/14/2015 YouGov Public Poll. October 6th, 2017. https://yougov.de/news/2015/10/14/nur-noch-jeder-dritte-glaubt-wir-schaffen-das/
[274] 09/07/2015 YouGov Public Poll. October 6th, 2017. https://yougov.de/news/2015/09/07/jeder-funfte-wurde-einen-fluchtling-bei-sich-aufne/
[275] 10/14/2015 YouGov Public Poll. October 6th, 2017. https://yougov.de/news/2015/10/14/nur-noch-jeder-dritte-glaubt-wir-schaffen-das/
[276] Infratest Dimap. October 6th, 2017.
https://www.infratest-dimap.de/umfragen-analysen/bundesweit/sonntagsfrage/

Patriotic Europeans Against the Islamization of the West" attracted around 20,000 protesters[277]. Talking to the crowd, speakers said that it was "unfortunate that the concentration camps were closed" in reference to what should be done about the refugee influx[278]. Physical attacks on migrants and refugees also increased. In 2015 alone, there were more than 1,000 reported attacks on asylum centers according to the Federal Criminal Police Office. As Merkel pledged to reduce the number of asylum seekers, the government started taking concrete steps to curb the number of asylum seekers arriving in Germany. Yes, Germany had to prevent another human catastrophe and open its doors to foreigners to overcompensate for the Holocaust, but it did not have to open its doors to just anybody who wanted to come in. In addition to reinstating its borders with neighboring countries, Germany added Albania, Kosovo, and Montenegro to the list of safe country of origins in an effort to reduce the number of asylum seekers from low-key countries. Effective by October 24, 2015, asylum applications from these countries became manifestly unfounded[279]. Additionally, the Interior Minister Thomas de Maizière announced that the majority of the Afghan asylum seekers would be sent back home[280]. De Maiziere said that the majority of the Afghans asylum seekers were middle class people who left safe areas like Kabul or Mazar-i Sharif and came to seek a better life in Germany (Pro-Asyl 2017).

[277] Felicity Capon. 2015. "Germany under Pressure to Crack Down on Anti Refugee Hate Speech." Newsweek Magazine, October 6th, 2017. http://www.newsweek.com/hate-speech-germanyhate-speech-germanyangela-merkelsigmar-gabrielhate-crime-598210

[278] Alison Smale. 2015. "Anti-Immigrant Violence in Germany Spurs New Debate on Hate Speech." New York Times Newspaper, October 6th, 2017. https://www.nytimes.com/2015/10/22/world/europe/anti-immigrant-refugees-violence-in-germany.html

[279] Asylum Information Database, October 6th, 2017. http://www.asylumineurope.org/reports/country/germany/asylum-procedure/safe-country-concepts/safe-country-origin

[280] Felicity Capon. 2015. "Germany to Send Afghan Asylum Seekers Back Home." Newsweek Magazine, October 6th, 2017. http://www.newsweek.com/afghan-asylum-seekersafghan-asylum-seekers-germanygermany039s-refugee-597913

Reports from NGOs, international organizations, and the German Foreign Ministry itself refuted these assessments of the German Interior Minister with regards to Afghanistan. In its annual report published in February 2016, the United Nations Assistance Mission in Afghanistan (UNAMA) reported a new wave of violence and record numbers of civilian deaths in Afghanistan[281]. The United Nations High Commissioner for Human Rights stated, "The people of Afghanistan continue to suffer brutal and unprincipled attacks that are forbidden under international law. This is happening with almost complete impunity." while the UNAMA report made it clear that there was practically no government support or protection for the civilian population who feared for their lives[282]. Moreover, according to a joint report published by UNICEF and UNAMA, educational and medical establishments in Afghanistan were under systematic attack (Pro-Asyl 2017). Due to suicide attacks, Taliban offences especially in Kunduz region, collateral damage resulting from the clashes between government troops and armed militia and warlords, "there [was] a war raging in Afghanistan and civilian population [was] fundamentally in grave danger all across the nation," (Pro Asyl 2017, p. 22). Even the assessment of the Federal Foreign Office was contradicting the picture of the security situation in Afghanistan the Interior Ministry was trying to paint. According to an internal report leaked in the German media on November 2015, Afghan government did not have the monopoly of the legitimate use of force in many parts of the country as it was "challenged significantly by insurgents and militias."[283] The lack of state sovereignty created a security gap where "the

[281] United Nations Assistance Mission in Afghanistan, Annual Report 2015. October 7th, 2017.
https://unama.unmissions.org/sites/default/files/poc_annual_report_2015_final_14_feb_2016.pdf
[282] United Nations Assistance Mission in Afghanistan, Annual Report 2015. October 7th, 2017.
https://unama.unmissions.org/sites/default/files/poc_annual_report_2015_final_14_feb_2016.pdf
[283] 2015 Federal Foreign Office Report on Afghanistan: Country with many serious problems. October 6th, 2017.
https://www.tagesschau.de/ausland/auswaertiges-amt-afghanistan-101.html

biggest threat to the Afghan population derive[d] from local rulers and commanders."[284] In a chapter on "asylum-related facts", the report stated that particularly women and children were vulnerable to discriminatory practices and violations of human rights, and "sexualized and gender-specific violence [was] widespread."[285] The report concluded that the government in Afghanistan was effective in protecting the population[286].

Afghanistan was clearly not a safe country, nor did it have secure regions (except a very narrow and well-protected elite circle in Kabul) where Afghan asylum seekers could go back and live without any fear for their lives. Still, it did not stop German Interior Minister from concluding that "vast sums of foreign aid had been poured into the country and the German soldiers were involved in making Afghanistan safer," and therefore it was unacceptable for these people not to stay in their country and help build it up (Pro-Asyl 2017, p. 29).

Germany accelerated its efforts to share the burden with the rest of the continent and developed a collective European response to the crisis. On the one hand, the German Interior Ministry announced that it was returning to "orderly procedure" and re-imposed the Dublin regulation on October 21st, only two months after its suspension[287]. The Interior Ministry was also quoted saying that "the country has [already] been applying the Dublin procedure for arrivals of all

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[284] 2015 Federal Foreign Office Report on Afghanistan: Country with many serious problems. October 6th, 2017. https://www.tagesschau.de/ausland/auswaertiges-amt-afghanistan-101.html

[285] 2015 Federal Foreign Office Report on Afghanistan: Country with many serious problems. October 6th, 2017. https://www.tagesschau.de/ausland/auswaertiges-amt-afghanistan-101.html

[286] 2015 Federal Foreign Office Report on Afghanistan: Country with many serious problems. October 6th, 2017. https://www.tagesschau.de/ausland/auswaertiges-amt-afghanistan-101.html

[287] Natalie Ilsley. 2015. "Germany Backtracks on Decision to Suspend Dublin Regulation." October 6th, 2017. http://www.newsweek.com/germanysyrian-refugeesdublin-regulationinterior-ministryeu-rulesgerman-finance-596984

origins and transiting through all countries except Greece."**288** On the other hand, German authorities intensified their calls for European solidarity and burden sharing, as a result of which the European Union member states refused the quota system but initiated a joint action plan with Turkey to deal with migration flows and human trafficking to the EU. Since the majority of refugees used the Mediterranean route through Turkey, it was imperative for the EU to seal a deal with Turkey to push refugees beyond its borders[289]. The joint action plan turned into a full-fledged agreement, and the EU and Turkey struck a deal in the late November 2015. According to the refugee deal, the European Union would not only give $3 billion to Turkey to help accommodate for the refugees but also allow the visa-free movement of Turkish nationals in member countries. In return, Turkey promised to introduce tighter border and coastal controls to prevent "irregular migration and human trafficking," and agreed that "all irregular migrants crossing from Turkey to the Greek islands (EU territory) would be returned to Turkey," (Mayer 2016, p. 8). For every Syrian sent back to Turkey, the EU would resettle another Syrian from the refugee camps in Turkey. The deportation of refugees from Greece to Turkey under the refugee deal started in early Apil 2016[290].

In a keynote address to the delegates of her Christian Democrat Party on December 14, Chancellor Angela Merkel highlighted the fact that allowing around one million refugees into Germany was necessary to "fulfill its humanitarian duty" in the face of the "biggest refugee

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[288] Natalie Ilsley. 2015. "Germany Backtracks on Decision to Suspend Dublin Regulation." October 6th, 2017. http://www.newsweek.com/germanysyrian-refugeesdublin-regulationinterior-ministryeu-rulesgerman-finance-596984

[289] Kenan Malik. 2015. "The EU's Stinking Refugee Deal with Turkey." Al Jazeera, October 7th, 2017. http://www.aljazeera.com/indepth/opinion/2015/10/eu-stinking-refugee-deal-turkey-151026093515679.html

[290] EuroActiv Network, October 7th, 2017. https://www.euractiv.com/section/global-europe/news/first-refugees-shipped-back-to-turkey/

crisis since the Second World War."[291] As she renewed her pledge to "tangibly reduce" the number of refugees, which earned her a seven-minute standing ovation, Merkel told the delegates it was now Europe's turn to show solidarity[292].

The anti-immigrant sentiment flared up when German tabloids published incidents of sexual assault, rape, and robbery on the New Year's Eve – all allegedly perpetrated by a mob of "Arab or North African appearance."[293] According to the "leaked" reports of police and witnesses, 2,000 Middle Eastern men assaulted 1,200 German women, and Merkel's open-door policy was responsible for allowing the perpetrators into Germany[294]. Although later the German policy announced that the story was completely baseless, and the newspaper first published the story apologized for "the untruthful article and the accusations made in it,"[295] the damage was already done. Merkel's government responded to the allegations by passing a regulation that makes it easier to deport asylum seekers with criminal charges in Germany[296]. Moreover, Germany accepted the regulation that suspends the right to family unification for two years for asylum

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[291] Tony Paterson. 2015. "Angela Merkel vows to 'tangibly reduce' refugee numbers – gets seven-minute standing ovation from party." Independent Newspwper, October 7th, 2017.
http://www.independent.co.uk/news/world/europe/angela-merkel-vows-to-tangibly-reduce-refugee-numbers-at-party-conference-and-gets-seven-minute-a6773121.html

[292] Tony Paterson. 2015. "Angela Merkel vows to 'tangibly reduce' refugee numbers – gets seven-minute standing ovation from party." Independent Newspwper, October 7th, 2017.
http://www.independent.co.uk/news/world/europe/angela-merkel-vows-to-tangibly-reduce-refugee-numbers-at-party-conference-and-gets-seven-minute-a6773121.html

[293] Rick Noack. 2016. "Leaked Document Says 2,000 men allegedly assaulted 1,200 German Women on New Year's Eve." The Washington Post Newspaper, October 7th, 2017.
https://www.washingtonpost.com/news/worldviews/wp/2016/07/10/leaked-document-says-2000-men-allegedly-assaulted-1200-german-women-on-new-years-eve/?utm_term=.0df4cadb79b3

[294] Rick Noack. 2016. "Leaked Document Says 2,000 men allegedly assaulted 1,200 German Women on New Year's Eve." The Washington Post Newspaper, October 7th, 2017.
https://www.washingtonpost.com/news/worldviews/wp/2016/07/10/leaked-document-says-2000-men-allegedly-assaulted-1200-german-women-on-new-years-eve/?utm_term=.0df4cadb79b3

[295] Elizabeth Nolan Brown. 2016. "Refugee Rape Mobs on New Year's Eve Were a Hoax, Says German Police." Reason, October 7th, 2017. http://reason.com/blog/2017/02/15/rumors-of-migrant-rape-mobs-on-new-years

[296] The Atlantic Magazine, October 7th, 2017. https://www.theatlantic.com/international/archive/2016/01/cologne-refugees-migrants-merkel/423708/

seekers with subsidiary protection and decided to create special reception centers for refugees with lower chances of staying in Germany.

Meanwhile, Slovenia, Croatia and Serbia as well as Macedonia closed their borders to migrants and formally closed the Balkan route for refugees headed for wealthier European countries[297]. Now that the Balkan route and the Mediterranean route from Turkey were both blocked, refugees started to cross the Mediterranean from the Maghreb states. In an attempt to seal that route as well and prevent refugees from reaching to Europe to begin with, German government proposed a draft law that added Morocco, Algeria, and Tunisia to the list of safe countries of origin. However, the law required the approval of the second chamber of parliament (*Bundesrat*), which rejected the proposal on 10 March 2017[298]. As a "short-term crisis management strategy," Germany struck immigration deals with each Maghreb country individually. The first deal was between the European Union and Libya. Per the deal, the EU would "support the establishment of 'safe' refugee camps within Libya as well as voluntary repatriation of refugees who [were] willing to return to their countries of origin."[299] Among other things, "Libya's UN-backed government [would] receive $215 million," including funding to train and equip its coastguard[300]. The deal also set forth deeper cooperation with neighboring countries including Algeria, Tunisia and Egypt to contain "illegal immigration."[301] Germany struck the second immigration deal with Tunisia. The template of the agreement was quite similar to the refugee

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[297] Deutsche Welle, October 7th, 2017. http://www.dw.com/en/vlaho-orepic-the-balkan-route-is-formally-closed/a-37520314

[298] Asylum Information Database, October 7th, 2017. http://www.asylumineurope.org/reports/country/germany/asylum-procedure/safe-country-concepts/safe-country-origin

[299] Michael Asiedu. 2017. "The EU-Libya Migrant Deal: A Deal of Convenience." E-International Relations, October 7th, 2017. http://www.e-ir.info/2017/04/11/the-eu-libya-migrant-deal-a-deal-of-convenience/

[300] BBC News, October 7th, 2017. http://www.bbc.com/news/world-europe-38850380

[301] Michael Asiedu. 2017. "The EU-Libya Migrant Deal: A Deal of Convenience." E-International Relations, October 7th, 2017. http://www.e-ir.info/2017/04/11/the-eu-libya-migrant-deal-a-deal-of-convenience/

agreements signed with Turkey and Libya. Accordingly, Germany would give Tunisia 250 million Euros in exchange for an expedited deportation of 1,500 rejected asylum seekers back to Tunisia[302].

At the beginning of October 2016, the European Union and the Federal Government had agreements with the Afghan government for the deportation of rejected asylum seekers from Afghanistan. As per the agreement, the European Union would support the effort to rebuild Afghanistan with $15 billion in aid over the next four years, in exchange for political reform, and human rights in Afghanistan. At the same time, the Afghan government also agreed to ''readmit any of its citizens who have not received asylum in Europe and have not agreed to go back to their country voluntarily.''[303] The first deportations from Germany to Afghanistan were in December 14, 2016. On December 19, a Tunisian asylum seeker, whose application had failed, drove a truck into a Christmas market in Berlin, and brought Merkel's refugee policy into the spotlight yet again [304]. In response, the government passed a new regulation speeding up the deportation process for asylum seekers – particularly Afghans - whose application was rejected[305]. The new regulation was in complete opposition to a 2011 European Court of Human Rights ruling, which in the case of an Afghan national against Belgium and Greece, "ruled that

[302] Deutsche Welle, October 7th, 2017. http://www.dw.com/en/new-tunisian-german-immigration-deal-trades-aid-for-speedier-deportation/a-37798162

[303] Emran feroz. 2016. "Europe's Other Refugees." The Atlantic Magazine. October 7th, 2017. https://www.theatlantic.com/international/archive/2016/10/afghanistan-eu-ghani-asylum-taliban/504902/

[304] The Guardian Newspaper, October 7th, 2017. https://www.theguardian.com/world/live/2016/dec/19/berlin-truck-crash-christmas-market-live

[305] Deutsche Welle, October 7th, 2017. http://www.dw.com/en/merkels-cabinet-approves-faster-migrant-deportations/a-37664927

asylum seekers in the EU are not allowed to return to countries where they are threatened with inhuman or degrading treatment under Article 3 of the ECHR."[306]

German authorities understood that "deportations to Afghanistan were morally dubious, laborious and costly."[307] However, they mostly had a symbolic meaning: "De Maizière [was] hoping that the news will spread around Afghanistan that the generous times have passed. The welcome mat has been rolled up."[308] To hammer the message, German government started using social media to deter the Afghans from fleeing to Germany; "large signs in Pashtu and Dari read: "Leaving Afghanistan? Have you given this careful consideration?"[309] Berlin also introduced measures that aimed at encouraging Afghan asylum seekers who were already in Germany to go back. A program called Starthilfe Plus offered 1,200 euros to migrants who would return to their country before their asylum status was decided[310].

Syrians were also not welcome anymore. In a significant change of tone from her earlier warm welcome, German Chancellor Angela Merkel announced that even genuine refugees from Syria and Iraq would have to go back to their countries of origin once "there is peace in Syria and ISIS

[306] "Escape and Asylum as a European Policy Area: Achievements and Harmonization Targets." Federal Agency for Civic Education. October 1st, 2017. http://www.bpb.de/gesellschaft/migration/kurzdossiers/207552/flucht-und-asyl-als-europaeisiertes-politikfeld?p=1

[307] Wolf Wiedmann-Schmidt, Susanne Koelbl, Christiane Hoffmann and Konstantin von Hammersten. 2016. "Rolling Up the Welcome Mat: Berlin Moves to Curb Afghan Refugee Influx." Der Spiegel, October 7th, 2017. http://www.spiegel.de/international/world/thomas-de-maiziere-faced-with-influx-of-afghan-refugees-a-1080125.html

[308] Wolf Wiedmann-Schmidt, Susanne Koelbl, Christiane Hoffmann and Konstantin von Hammersten. 2016. "Rolling Up the Welcome Mat: Berlin Moves to Curb Afghan Refugee Influx." Der Spiegel, October 7th, 2017. http://www.spiegel.de/international/world/thomas-de-maiziere-faced-with-influx-of-afghan-refugees-a-1080125.html

[309] Wolf Wiedmann-Schmidt, Susanne Koelbl, Christiane Hoffmann and Konstantin von Hammersten. 2016. "Rolling Up the Welcome Mat: Berlin Moves to Curb Afghan Refugee Influx." Der Spiegel, October 7th, 2017. http://www.spiegel.de/international/world/thomas-de-maiziere-faced-with-influx-of-afghan-refugees-a-1080125.html

[310] Deutsche Welle, October 7th 2017. http://www.dw.com/en/program-paying-asylum-applicants-to-leave-germany-voluntarily-begins/a-37374656

is defeated in Iraq."[311] The road to appeal also blocked for Syrians as a German state court has ruled "Syrian refugees [were] not necessarily entitled to full asylum, and [could] be granted a lower-level "subsidiary protection."[312]

In federal elections held in September 2017, the far right AfD entered the German parliament as the third biggest political party. Its campaign was based on anti-immigrant, anti-refugee rhetoric[313].

7.4   Conclusion

The coordinated industrial relations and the prestigious vocational training system in Germany have created a labor market that is hard to penetrate, especially for immigrants. Wage protection incentivizes workers to invest in specific skills, and therefore lower the labor turnover rate and labor absorption capacity due to three factors:

- Setting a standard for the wages at the industrial or sectoral level through wage-bargaining complements other social protection systems such as employment and unemployment benefits
- Collective bargaining systems also prevent individual firms from poaching skilled workers from other firms by offering them higher wages or benefits

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[311] The Telegraph Newspaper, October 7th, 2017.
http://www.telegraph.co.uk/news/worldnews/europe/germany/12132657/Merkel-warns-asylum-seekers-that-German-refuge-is-temporary.html
[312] Deutsche Welle, October 7th, 2017. http://www.dw.com/en/german-court-approves-second-tier-asylum-for-syrian-refugees/a-36498603
[313] Kate Connolly. 2017. "German Election: Merkel Wins Fourth Term But far-Right AfD Surges to Third." The Guardian Newspaper, October 7th, 2017. https://www.theguardian.com/world/2017/sep/24/angela-merkel-fourth-term-far-right-afd-third-german-election

- Collective bargaining also empowers lower income groups and gives them a voice in not only wage bargaining, but also in other economic and political matters (Esteves-Abe, Iversen, Soskice 2001).

In addition to strong and politically relevant labor representation at the federal and firm level, Germany has a comprehensive vocational training system, both school and company based, that meets business demands for highly productive workers with specific skills. Those with a vocational training make up 64% of the German workforce. The system rests on strict training and certification standards and regulations and supported by generous welfare and industrial relations policies assuring workers they will get the highest return possible to their skill investment. However, the same factors lower the capacity of the German economy to absorb those without the specific skill set. Especially the language and the detailed and strict standardization make it very hard for asylum seekers to navigate in the system or penetrate into the labor market. The skills they attained during their vocational training make it easier for people to gain access to the labor market compared to those who lack this training (Hanushek, Woessmann, and Zhang 2011). Therefore, it is harder for the German labor market to absorb refugees without language skills and general school leaving certificates.

It is not only the low labor absorption capacity in Germany that leads to a more exclusive national asylum regime. Unlike other nation-building projects, in which the national identity is strongly tied to the political identity and the survival of the state, German national identity predated German state, and has its roots in culture, language, and ethnicity rather than political union. The Holocaust had a traumatic effect on German national memory, and led to

internationalization and Europeanization of the German identity. In the post-war framework, immigrants – particularly Muslim immigrants who were perceived to posses irreconcilable cultural differences – have become the negative other German public and political elites needed for the reconstruction of Germanness after the Second World War as well as the unification of the West and East Germanys in 1990. The xenophobic, anti-immigrant, and anti-Muslim rhetoric also included humanitarian immigration.

In theory, Germany had one of the most extensive asylum protection regimes in the world as the writers of the German Constitution after World War II ascribed a special meaning to the right of asylum. Moreover, protecting people who flee lawlessness, repression, and fear reflected light back on Germany as a country, which champions the rule of law, human rights, and the rights of minorities. Yet, German state as well as public failed to live up that ideal when they faced large numbers of asylum seekers with non-German backgrounds. Although there have been attempts to embrace the new de facto immigration country status of Germany, the political system, which mandates coordination and compromise among various actors, produced stricter asylum rules both in 1992 and 2015 asylum crisis.

In 2015, Germany failed to act in time to stop the humanitarian crisis before it snowballed, and therefore had to open its doors to prevent a humanitarian catastrophe and ruin its image as the champion of international law and human rights. The civil war in Syria intensified with the involvement of new actors and the use of chemical weapons, which led to a mass exodus of Syrians and increased the human cost as thousands had died trying to reach Europe. The media coverage and the framing of the Syrian refugee crisis as the worst humanitarian crisis after the

Second World War by international organizations created the perception that Syrians were, in fact, genuine refugees while other groups of asylum seekers were opportunists trying to tag along and abuse the generous German asylum laws. The resentment against Afghan asylum seekers grew particularly stronger because "vast sums of foreign aid had been poured into the country and the German soldiers were involved in making Afghanistan safer," (Pro-Asyl 2017, p. 29). In other words, the social distance between Afghan asylum seekers and the German society was higher compared to the social distance between Syrian asylum seekers and Germans. The rumors that refugees got involved in sexual assault and robbery cases added fuel to the flames and made far-right, xenophobic, anti-immigrant, and anti-refugee groups politically relevant again.

As a result, Germany provided temporary protection to Syrians until the conflict in their home country is over, but also made sure that all the routes that carry refugees to Germany were blocked. Moreover, Chancellor Angela Merkel, "the compassionate mother of Syrian refugees,[314]" turned into a pragmatic leader, who was trying to tangibly reduce the number of asylum seekers, and did not shy away from deporting Afghans back to a country where the government did not have the monopoly on the legitimate use of force, and therefore could not guarantee the personal safety of those who had to return.

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[314] https://www.theguardian.com/world/shortcuts/2015/sep/01/mama-merkel-the-compassionate-mother-of-syrian-refugees

8 CONCLUSION

What explains the variation in state responses to asylum crises? This question is important for three reasons. First, the number of people who were displaced from their homes by conflict and state persecution has grown dramatically over the last two decades and reached a record high level with the recent conflicts in Syria and Yemen as well as in Sub-Saharan Africa[315]. According to the UNHCR's 2016 annual Global Trends report, there are an unprecedented 65.6 million forcibly displaced people worldwide, which means one person is uprooted from his or her home in every three seconds[316]. 22.5 million of these forcibly displaced people are refugees, seeking protection outside of their home country, half of whom are children under the age of 18[317]. Second, existing refugee protection system is ineffective. The 84 percent of the world's refugees, around 14.5 million people, are hosted by developing regions. The poorest countries such as Uganda and Ethiopia are hosting around 1 million refugees each while 37 advanced economies that have a settlement program with the UNHCR admitted only 189,300 refugees combined for resettlement in 2016[318]. It is evident that the current burden-sharing and international refugee protection regime is far from efficiently dealing with the record numbers of refugees worldwide. Finally, specialists in the comparative and international politics believe that the existing international refugee protection regime is prone to such collective action failure because it is a global public good (Suhrke 1998, Betts 2009). That means, the advanced economies have little incentive to contribute to the refugee protection and the developing countries, which host the overwhelming majority of the refugee population, have little power to persuade them (Betts 2009). That is why the international community and human rights

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[315] UNHCR Global Trends 2016. http://www.unhcr.org/globaltrends2016/ p.3
[316] UNHCR Global Trends 2016. http://www.unhcr.org/globaltrends2016/ p.2
[317] UNHCR Global Trends 2016. http://www.unhcr.org/globaltrends2016/ p.2
[318] UNHCR Global Trends 2016. http://www.unhcr.org/globaltrends2016/ p.3

organizations call for a more sustainable, comprehensive protection system that could "fill the perennial gap in the international protection system – that of truly sharing responsibility for refugees."[319] To be able to achieve this goal, any system or solution that is offered has to do one thing that has been missing from the current refugee protection regime so far: generate political will. Existing literature teaches us that altruism does not play a role in the formulation of asylum policies in destination countries, and therefore, we need to direct our attention to different incentives and interests - be it international, domestic, or both - that might persuade a destination country to care for refugee protection (Crisp 2003, Jacobsen 1996, Lischer 2005, Loescher & Monahan 1989; Rogge 1981, Milner 2009, Neumayer 2005, Widgren 1989, Castles 2002; Freeman 1995, Kessler 1997, Loescher & Scanlan 1986, Rosenblum & Salehyan 2004, Betts 2013).

In this study, I argue that to understand the incentives and interests that generate the much needed political will to contribute to the refugee protection and responsibility sharing, we first need to understand the economic and social contexts that give rise to them in the first place. I do not suggest that the legitimacy of the asylum claim or the international humanitarian commitments of destination countries do not matter. I also do not claim that I am the first to acknowledge and highlight the impact the factors related to the destination country itself can have on its asylum policy formulation. However, I do contend that the forced migration literature has tended to emphasize the ability of state interests to shape national asylum regimes irrespective of the domestic institutional context they are generated in and the particular asylum-seeking group they are applied to. Thus, my central point is if we want to understand what kind

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[319] UN High Commissioner for Refugees Filipo Grandi http://www.unhcr.org/en-us/new-york-declaration-for-refugees-and-migrants.html

of state interests generate the political will for effective refugee protection and responsibility sharing among countries with broadly similar refugee norms, we first need to address the different economic and social contexts that put different pressures on destination country governments, creating distinctive sets of interests, which then lead to a variation in their asylum policies. In other words, I argue that the responses to the plight of an asylum-seeking group differ in a predictable and systematic way in different economic and social contexts, and that is why we need to open the black box of "nation state" and look inside. The purpose of this study has been to unpack these contexts and explain how they contribute to the economic capacity and social willingness of a destination country to provide protection for an asylum-seeking group.

Social and Economic Roots of National Asylum Regimes

I posit that the first one, economic institutional context, determines labor absorption capacity - whether the destination country has the economic capacity to utilize the incoming asylee group in the labor market. Destination countries whose labor market institutions are governed by coordination rather than market competition tend to support a generous welfare policy, strong and politically relevant labor unions, and a skill training system that produces a highly productive, specifically skilled labor force that can produce the high quality, niche product market strategy the competitive advantage of the destination country is built on. These interlocking institutions and the business elite, whose profitability depends on the survival of the system, feed off each other and put pressure on the state to adopt policies that will reproduce the existing system. In this sense, destination countries, whose labor market institutions are governed by coordination rather than market competition, will have a hard time reducing the cost of providing protection for an incoming labor pool, aka refugees, that come from a war-torn or

repressive developing country with lower levels of productivity and education levels. In other words, these countries will have lower levels of labor absorption capacity, and therefore will prefer exclusive asylum policies to avoid the cost of protecting an idle labor force that does not meet the demands of its economy.

In contrast, destination countries, whose comparative advantage lies in the mass production or the service sector, support the kind of labor market institutions that sharpen the market competition. In these countries, reducing the labor cost is the primary objective, and therefore we see a thin social security net, weak organized labor, and general education rather than vocational training – an interlocking system that creates a labor force with general, portable skills suited for the product market strategy and innovative spirit these countries rely on. That is why it is easier to utilize a fresh pool of generally skilled labor force in these destination countries, which tend to fall more towards liberal market economies regarding their labor market institutions. The refugee labor pool provides the skills the economy demands while reducing the costs for the employers. In short, these destination countries have higher levels of labor absorption capacity for utilizing the refugees with more general, portable skills and therefore prefer more inclusive asylum policies.

The second context we need to take into account is the social one, which defines the relationship between a host community and an asylum-seeking group, and determines the host community's willingness to provide protection for that particular asylee group. The national identity of the host community, its self-image, and the meaning it ascribes to those fleeing political persecution, as well as its social distance to an asylum seeking group, all contribute to this will. In electoral

democracies where governments do care about winning elections or sustaining social stability, the willingness factors in the asylum policy formulation. Therefore, in destination countries where there is high social willingness to host a particular asylee group, and there are higher levels of political pressure to adopt more inclusive asylum policies. However, when the host community's identity is completely closed to foreigners or has a problematic relationship with the identity of a particular asylum-seeking group, then there is a low level of social willingness to host them, and this unwillingness will put more political pressure to adopt exclusive asylum policies.

Findings:

In the course of testing these hypotheses, I resort to detailed data and diverse approaches. First, to establish a correlation between the labor absorption capacity and social willingness of destination countries and their asylum policy choice, I relied on a large-N quantitative analysis in Chapter IV. For my empirical analysis, I gathered a wide range of information about countries that receive refugees as well as those that produce them. I then assembled this information in a novel dataset consisting of 30 destination countries[320], which are also members of the OECD, and 2002 destination country-asylum group duos between 2000 and 2014. The OECD countries provided the variation in both my dependent and the independent variables. These are countries with varying degrees of labor absorption capacity and social willingness due to their diverse labor market institutions and ethnic, religious, and linguistic identities. They were all party to the 1951 Refugee Convention and 1967 Protocol, had relatively higher levels of state capacity (autonomy), and yet adopted diverse responses to various episodes of asylum crises.

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[320] Australia, Austria, Belgium, Canada, Chile, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, Turkey, United Kingdom, and United States.

What did I discover? I can start my summary with depressing news for asylum seekers who flee their country of origin due to political persecution, grave human rights violations, or intense armed conflict and are in desperate need of protection. Having a legitimate claim to asylum is necessary but not sufficient for "earning" protection from destination countries. The labor absorption capacity and social willingness of a destination country have statistically and substantively significant positive effects on its recognition rates – even when the government has a contradictory immigration and refugee policy. That means when the labor absorption capacity or the social willingness in a destination country goes up, so does its refugee recognition rate. Interestingly, my findings indicate that the number of total asylum applications or the number of asylum applications from a specific country of origin does not play a significant role in asylum policy formulation. In other words, it is the economic and social context in a destination country that matters for asylum policy formulation not how many people have applied for asylum.

Moreover, the labor absorption capacity has a bigger impact than social willingness – namely religion, ethnicity and language in my model. This implies that it is possible to increase refugee recognition and integration by upgrading the skill levels and productivity of asylum seekers or establishing a system that matches the skill set with the labor market that demands that skill set. Albeit much smaller, increasing social willingness is also another way to increase the refugee recognition rates in destination countries. Therefore, how the political elites and the media frame an asylum crisis or an asylum-seeking group might have a considerable impact on how the host community feels towards providing protection for them. I believe the securitization and dehumanization of asylum create additional barriers between the host community and the asylum-seeking group. As a result, the willingness to open up the borders of their "nation" to

these foreigners goes down. The majority of people are ready to welcome and protect refugees when they think the asylum claim is genuine[321].

To shed light on the causal mechanism behind the correlation, I established in my empirical analysis, in Chapters V and VI, I presented detailed analyses of Turkish and German national asylum regimes and the responses of these destination countries to different asylum-seeking groups. What made this comparison so striking for the purpose of this study, aside from the contrasts in their economic institutional setting and national identity, was their "exceptionally humane" response to the most devastating humanitarian crisis the world has experienced since the World War II. In an era where nationalism and xenophobia have been on the rise globally, both Turkey and Germany opened up their borders to millions of Syrian refugees and have received praise from the international community for their handling the crisis generously. Was it indeed the case? Were Turkey and Germany islands of compassion in the middle of an ocean of self-centered nation-states that turn their back to the plight of refugees? My analyses of the Turkish and German cases revealed that contrary to the common perception, it was not compassion or generosity but the labor absorption capacity and social willingness in these countries that drove their asylum policies.

Through my analysis of the Turkish case, I find that Turkey embraced the Muslim Turks fleeing Bulgaria in 1989 as kin and granted them full citizenship rights. Coming from a communist country that had a more advanced economy and higher education levels than Turkey at that time, Bulgarian Turks provided the much-needed skill set and boosted the Turkish economy, which

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[321] Amnesty International. 2016. Refugees Welcome Survey.
https://www.amnesty.org/en/latest/news/2016/05/refugees-welcome-survey-results-2016/

was going through a transition from import substitution industrialization to a more liberal, market-oriented one. On the other hand, the Turkish hospitality did not extend to the Kurds fleeing from ethnic cleansing under Saddam Regime. When its efforts to repel thousands of Kurdish asylum seekers piling up on the border failed due to international pressure, Turkey chose to label these people as "guests" and host them in temporary refugee camps without any access to education, labor market, or even comprehensive healthcare. It was not only their education or skill levels that did not match with the demands of the labor market. Maybe more than the economic compatibility, it was the identity of the Kurdish asylees that contradicted with the Turkish national identity and historical narrative. Moreover, the intense domestic conflict between the Turkish state and the separatist Kurdish guerrilla group PKK was at its peak when the Turkish community was asked to break bread with the Iraqi Kurds. Turkey used the geographical limitation it put on the 1951 Refugee Convention rather than the social distance between the two ethnicities for its exclusive asylum policy towards the Kurds. Accordingly, Turkey made it clear that only people fleeing a European country could apply for asylum and refugee status in Turkey. However, the same geographical limitation did not stop Turkey from opening its doors to around three million Syrians fleeing Syrian civil war since 2011. Furthermore, unlike their Kurdish counterparts who were also coming from a Middle Eastern country and therefore did not qualify for asylum in Turkey, Syrians were fully integrated into the informal labor market seeking generally skilled workers that could sharpen the market competition. Syrians also had full access to education and healthcare. The data I gathered from public polls and the statements of the government and opposition representatives show that there is a smaller social distance between the conservative Turkish society and the Sunni Arabs than there is between the secular Turkish society and the Kurds in the 1990s.

A final chapter on the German asylum regime shows the gap between de facto and de jure asylum policies of the German state and the economic and social context that gives birth to this discrepancy. As a textbook example of a coordinated market economy, German economic institutional context is characterized by:

- Firm and industry level wage bargaining,

- Strong labor unions that can push for the best deal for their members during the bargaining process, and convince their members of the merit of the deal they get,

- A generous welfare system with unemployment benefits

- A skill training system that works in coordination with other stakeholders in the economy and provides the secondary and upper secondary education that produces the specifically-skilled labor force the economy demands.

This economic institutional structure works fine for young Germans who start early to acquire the industry-specific skills they need in order to lend into a well-paid job with generous social benefits. However, the same institutions make penetrating into the system extremely difficult for outsiders.

The low labor absorption of capacity has not been the only obstacle in the way of more refugee integration in Germany. The historical evolution of the German national identity and its relationship with the outsiders also played an important role in creating the gap between inclusive asylum laws and exclusive asylum policies. German citizenship has been historically defined by descent, culture, and language rather than allegiance to the state. Therefore, those who do not come from German heritage or at least do not share the culture or the language have not qualified for "Germanness." These outsiders – be it the French in the 19th century, Jews in

the interwar period, or Muslim immigrants especially after the unification of Germany in 1990 – have been instrumental in the reconstruction of the German identity at critical historical junctures through creating a stark contrast between "Germans" and "others." Having said that, humanitarian immigration had a unique role in German national identity construction due to the trauma created by the Holocaust, and that is why refugee protection is deeply embedded in the German Constitution. Positioning itself as the complete opposite of the country of origins, which are marred by repression, lawlessness and armed conflict, Germany has been shining as the epitome of human rights, the rule of law, and security. This identity construction has also fallen in line with the German efforts to define Germanness in a more Europeanized and post-national manner.

Nonetheless, the application of these statutory principles reflected the anti-immigrant sentiment in the country, which seemed to include humanitarian migration as well, especially when the asylee group consists of non-German speaking Muslim asylum seekers. The response of the German state to the 2014-2016 asylum crisis was more exclusive than commonly perceived. First of all, to be able to reduce the number of asylum applications, the country drew a line between "genuine refugees" and "bogus asylum seekers" – closing its door for certain groups of asylum seekers who were not under the spotlight. For example, Germany declared Albania, Kosovo, and Montenegro safe country of origins, completely undermining the foundations of the asylum claim from individuals fleeing these countries. Moreover, the government announced that the majority of the Afghan asylum seekers would be deported back to the safe areas of Afghanistan, where they had originally come from, because they were bogus asylum seekers looking for jobs in Germany. The German army had been in Afghanistan for over a decade trying to make the

country a safer place for them, and here they were in Germany seeking a better life rather than building up their home country.

But at least Germany was willing to provide protection for Syrians, right? Not really. It is true that at the height of the asylum crisis in 2015, Germany put Dublin Protocol on hold and opened its doors to a million Syrian refugees. However, it was more of an unpleasant necessity as millions of refugees were chanting "Germany" in the middle of Europe in front of cameras. Moreover, the tragic death of a child refugee, Aylan Kurdi, on a human smuggling boat to Europe put a face and a human story on the Syrian refugee crisis and forced Germany to respond to the humanitarian catastrophe unfolding before its eyes. It was not politically correct for Germany to turn its back to refugees once they reached its borders. However, the labor absorption capacity and the social unwillingness pushed for more exclusive asylum policies. This dilemma forced the German government to adopt a two-faceted approach. On the one hand, the protection extended to the Syrian refugees was kept temporary and limited. On the other hand, a series of migrant agreements were signed with "safe third countries' that could prevent more asylum seekers from reaching Europe.

An Agenda for Future Research

 This study provides several avenues for future research that can build on the findings presented here. An area that calls for further research is the role of state autonomy in the asylum policy formulation in destination countries with various institutional settings. My analysis is based on the assumption that the countries analyzed in here have relatively high state autonomy and can

implement their policy choice on the ground. Future work may want to question this assumption and explore the role of state and government autonomy in the asylum policy formulation.

Researchers may also want to find better ways to capture the socially constructed character of the social willingness variable. The ideal way to measure social willingness (i.e., capture their perceptions and openness towards an asylee group) in a destination country would be to use surveys in each destination country, and ask the citizens of that country what they think of a particular asylee group. However, this approach is hardly viable due to time and financial constraints. One alternative way to measure social willingness might be through a discourse analysis on social media before and after a tragic event related to a particular asylee group. People might be more willing to accept an asylee group when they are reminded of the atrocities or tragedies from which they are fleeing. On the flip side, negative social willingness might also be measured through discourse analysis before/after a negative event or crime committed or reportedly committed or associated with a particular asylee group. People might be less willing to accept an asylee group when some of the members of that group are associated with a terror attack or sexual assault and robbery.

In this study, I do not delve into the mechanisms through which destination country governments can manipulate and change the public perception towards an asylum-seeking group. I hope there will be more studies that explore the factors contributing or hindering the social willingness of a host community to provide protection for an asylee group. Researchers might want to study the role of mass media and NGOs in helping the government to manipulate the social distance between the host community and an asylum-seeking group through framing and priming.

Furthermore, there is a need to extend my analysis in this study beyond the liberal OECD countries I have worked with. My primary effort has been to understand how the economic and social contexts in a destination country shape its interests in refugee protection, and those interests manifest themselves in the form of policy responses to various asylum crises. Taking the political context into account might lead to valuable insights regarding the factors that contribute to the political will to provide protection for world's refugees. For example, which political institutions support more inclusive asylum policies? To what extent do they limit the autonomy of a government to adopt policies reflecting the economic and social pressures they are subjected?

Mass exoduses from countries with extremely repressive regimes or countries that are torn apart by civil wars have become a common phenomenon. Most of the time, the suffering of these vulnerable people continue as they spend years in detention centers in bad conditions while waiting to be accepted in a foreign country, or live their whole lives in refugee camps without any access to work, education or healthcare. The international community in vain pressures states to accept more and more people into their countries by appealing to their moral duties under the international law. History and a considerable amount of political science research have shown that altruism hardly plays a role when it comes to states' asylum policies. That is why, I think, it is vital to understand state interests and the mechanisms creating those interests that might provide the necessary incentives to elevate the suffering of asylum seekers. I believe this study is a humble step towards that direction.

APPENDICES

Appendix A Summary Statistics

Variable	Observations	Mean	Standard Deviation	Min	Max
Variables Related to the Destination Country					
Refugee Recognition Rate	2978	16.84	20.78	0.00	99.99
Total Recognition Rate	2978	24.76	24.70	0.00	100.00
Social Willingness	2997	0.52	0.50	0.00	1.00
Labor Absorption Capacity	2330	0.00	0.81	-2.09	1.79
Far-right Vote Share	2997	8.08	8.33	0.00	46.50
GNI per capita (log) (Destination Country)	2997	10.48	0.51	8.15	11.55
Number of Total Asylum Applications	2994	1175.64	1183.22	5.20	8237.20
Number of Asylum Applications From a Specific Country of Origin	2997	96.39	176.83	1.59	3242.04
Incumbent Ideology	2997	1.82	0.97	1.00	3.00
Variables Related to the Country of Origin					
Genocide/Politicide	2997.00	0.04	0.31	0.00	4.50
GNI per capita (log) (Country of Origin)	2636.00	7.34	1.11	4.38	10.81
Human Rights Violations	2922.00	3.64	0.97	1.00	5.00
The Intensity of Civil War/ State Failure	2501.00	1.33	2.20	0.00	9.00
Former Colony	2997.00	0.10	0.31	0.00	1.00
Autocracy	2997.00	9.67	3.02	2.00	14.00
The Intensity of External Armed Conflict	2501.00	0.39	1.26	0.00	6.00

Appendix B Robustness Checks

I have run a series of different models with various alternative indicators for robustness check. First, I created an interaction term composed of these two of my independent variable measures to see whether there is an interactive effect between the labor absorption capacity and social willingness. The higher levels of the interaction term indicate higher local capacity (economic and social) while lower levels indicate lower local capacity in destination countries. The results are presented at Appendix B.1. The interaction between labor absorption capacity and social willingness does not have a statistically significant impact on destination country recognition rates.

Second, I unpacked the labor absorption capacity and social willingness measures and run a model with the component terms (Appendix B.2).

My dependent variable for my third and fourth robustness checks is a three-point ordinal scale reflecting three possible treatments of asylum seekers by destination countries. I create a destination country-asylee group dyad for each year between 2000 and 2014. Among asylum seekers from the same country of origin in a given year, I assess the level of openness and integration by comparing those who received full refugee status vs. those who received temporary protection vs. those whose asylum application is rejected by the destination country. The dependent variable is coded based on the mode of the decision in a destination country-asylee group dyad.

Therefore:

"1. Recognized" if, during an asylum crisis in a given year, the number of asylum seekers destination country grants full refugee status is greater than those who are granted temporary protection, or whose applications are rejected.

"2. Temporary Protection" if during an asylum crisis in a given year, the number of asylum seekers destination country grants some sort of protection that falls short of the Convention refugee status is greater than those who are granted full refugee status, or whose applications are rejected. Temporary protection is any form of protection that does not amount to full recognition including various national arrangements for complementary forms of protection granted during the period[322].

"3. Rejected" if during an asylum crisis in a given year, the number of applications the destination country rejects on the basis of substantive considerations is greater than those who are granted temporary protection or full refugee status.

The data for the dependent variable comes from UNHCR's Population Statistics Database[323]

Appendix B.3 shows the Multinomial Logit Regression Results while Appendix B.4 presents the results for Ordered Logit Regression Analysi
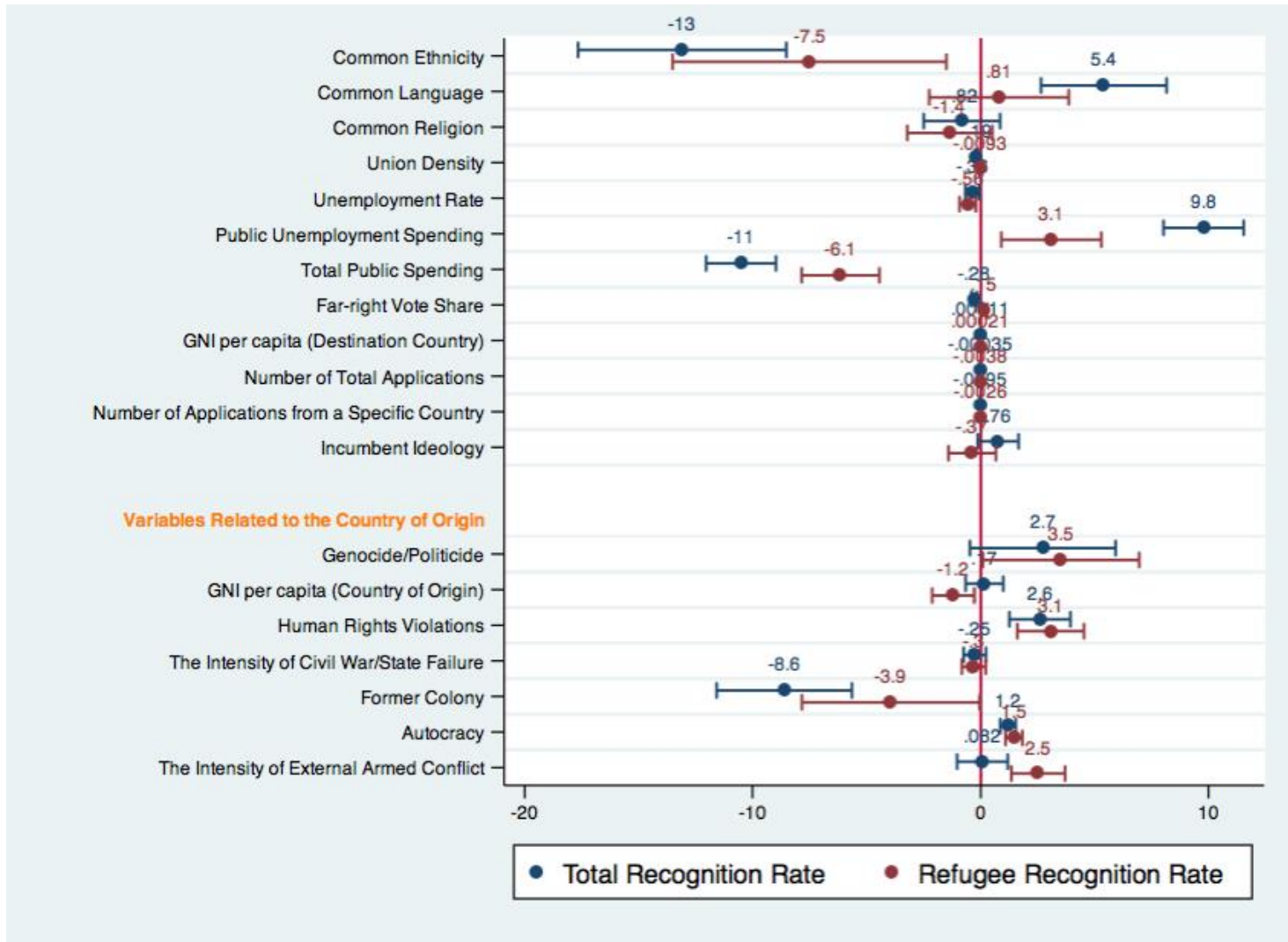
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[322] UHCR | Ruma Mandal (2005) Protection Mechanisms Outside of the 1951 Convention ("Complementary Protection") http://www.unhcr.org/protect/PROTECTION/435df0aa2.pdf
[323] UNHCR Statistics (2017) Asylum Seekers (Refugee Status determination) http://popstats.unhcr.org/en/overview

Appendix B.1 Linear Regression Analyses Results for the Interaction Between Social Willingness and Labor Absorption Capacity
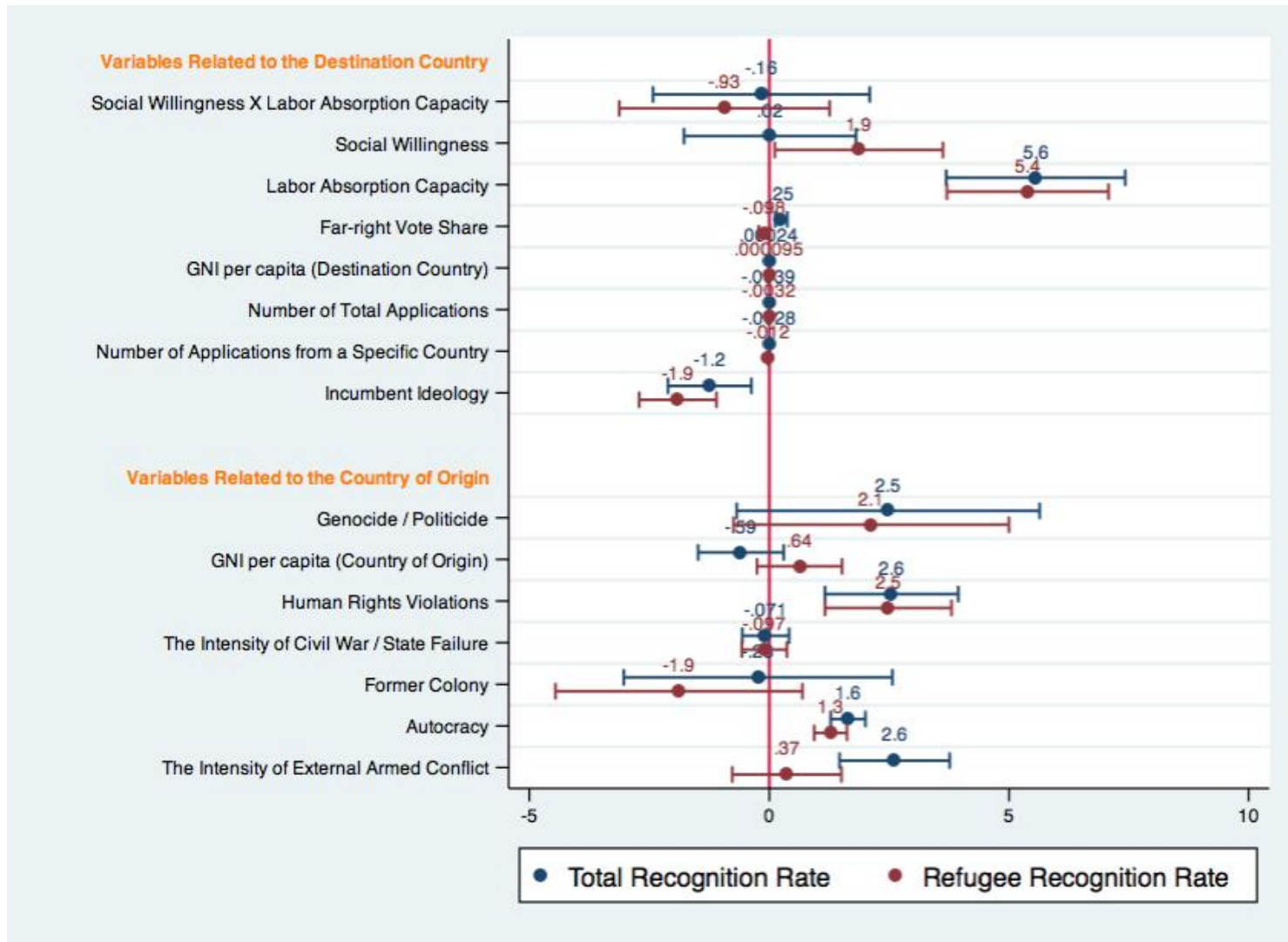
Appendix B.2 Linear Regression Analyses Results for Separate Economic and Social Indicators

Appendix B.3 Multinomial Logistic Regression Results

	Full Recognition vs. Rejection	Temporary Protection vs. Rejection
Variables Related to the Destination Country		
Social Willingness	0.379*	-0.391
	(-0.172)	(-0.283)
Labor Absorption Capacity	1.021***	0.451**
	(-0.12)	(-0.148)
Far-right Vote Share	0.00411	0.0777***
	(-0.00954)	(-0.0129)
GNI per capita (Destination Country)	0.488***	0.585*
	(-0.145)	(-0.228)
Number of Total Applications	-0.000612***	-0.000221
	(-0.000151)	(-0.000172)
Number of Applications from a Specific Country	-0.000531	0.00127*
	(-0.00088)	(-0.000572)
Incumbent Ideology	0.0633	0.00494
	(-0.0785)	(-0.123)
Variables Related to the Country of Origin		
Genocide / Politicide	-0.0373	-0.382
	(-0.174)	(-0.353)
GNI per capita (Country of Origin)	0.135	-0.22
	(-0.0692)	(-0.114)
Human Rights Violations	0.498***	-0.019
	(-0.136)	(-0.209)
The Intensity of Civil War/State Failure	-0.0267	0.121
	(-0.0441)	(-0.0822)
Former Colony	-1.133***	0.23
	(-0.299)	(-0.352)

Autocracy	0.195***	0.283***
	(-0.0322)	(-0.0636)
The Intensity of External Armed Conflict	0.107	0.304***
	(-0.0647)	(-0.0896)
Intercept	-11.60***	-11.10***
	(-1.667)	(-2.479)

N=1999 Log Likelihood= -915.72627 Standard errors in parentheses

* p<0.05   ** p< 0.01   *** p< 0.001

Appendix B.4 Ordered Logistic Regression Results

	Coefficient	Standard Error	P Value	Confidence Interval	
Social Willingness	-0.30	0.15	0.05	-0.60	0.00
Labor Absorption Capacity	-0.91	0.10	0.00	-1.10	-0.72
Far-right Vote Share	-0.01	0.01	0.12	-0.02	0.00
GNI per capita (Destination Country)	-0.53	0.13	0.00	-0.77	-0.28
Number of Total Applications	0.00	0.00	0.00	0.00	0.00
Number of Applications from a Specific Country	0.00	0.00	0.44	0.00	0.00
Incumbent Ideology	-0.02	0.07	0.73	-0.16	0.11
Genocide/Politicide	0.11	0.16	0.50	-0.20	0.41
GNI per capita (Country of Origin)	-0.07	0.06	0.29	-0.19	0.06
Human Rights Violations	-0.43	0.12	0.00	-0.68	-0.19
The Intensity of Civil War/State Failure	0.02	0.04	0.68	-0.06	0.09
Former Colony	0.77	0.24	0.00	0.31	1.24
Autocracy	-0.20	0.03	0.00	-0.26	-0.15
The Intensity of External Armed Conflict	-0.11	0.05	0.04	-0.21	0.00
/cut1	-11.47	1.45		-14.31	-8.63
/cut2	-11.06	1.45		-13.89	-8.22

N= 19999   Log Likelihood= --973.25193

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