Chapter 13
Legal Challenges on Developing Education Policy for Immigrants in Turkey

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ABSTRACT

The aim of this study is to present one of conceptual issues in the context of legal challenges on comprehensive and accurate policies for education vital to be developed and executed ensuring that immigrants in Turkey can be trained and educated very efficiently, in other word, it aims to emphasize main legal basis of immigrants in Turkey and education or training references in those legal documents. Firstly, introduction part provides an overview of concept of main themes from different holistic perspectives systematically referring to literature. Furthermore, problem statement of current study is emphasized subsequently. In main part, firstly, main outline of special national and international laws, regulations, signed action plans, protocols and other policies concerning just directly refugees and immigrants after the establishment of Republic of Turkey will be put forwarded and secondly they will be analyzed and discussed in terms of themes referring to education and training of immigrants.

LEGAL BASIS ON EDUCATION OF IMMIGRANT IN TURKEY

Introduction

Turkey geographically located as a crossway between Asia and Europe, immigrants have factually been choosing Turkey as transit and destination country. Hosting one of the most crowded immigrants and refugees, Turkey has becoming a main destination and transit country because of current regional events. At the end of 2015, over 2.5 million displaced persons- mainly Syrians, Iraqis, and Afghanis- searched for temporary protection or asylum within Turkey (IOM, 2016). For the second half of 2016, over 3.1
million refugees including Syrian, Iraqi and other nationalities have been registered in Turkey. It is unclear how many refugees will come to Turkey in the next years due to the continual acceleration of violence in the neighbor countries (EC, 2016b).

The integrating immigrants into the labor market and host society wholly is crucial not only for advancing social cohesion and economic development and ability of immigrants to become self-sufficient and productive residents, but also for a frequent requirement for the host inhabitants’ acceptance of further immigration (OECD/European Union, 2015). Nowadays, it has been one of the main agenda and there have been going on many discussions about how to deal with managing such big mass immigrants in Turkey since the beginning of mass influx of immigrants. Integrating them into Turkish society could be mostly appreciated as a possible rational solution. The well integration of immigrants into the norms of any society and geography of a country means permanent changes in the attitudes and behavior of immigrants. These permanent changes requires immigrants to participate actively in host community’s education programs. In short, education is the basic institution that allows immigrants to acquire the skills necessary for integration host community.

It is well known fact that the stipulations referring training and education for immigrants in immigrant and educational regulations in a country will be a legal road map and foundation to set up further identification and implementation for immigration integration policies such as education. In a similar vein, for example, Durnalı’s (2016) emphasis can help it to clarify that guarantees in the constitution are a kind of road map for the legislature, the executive, the judiciary and other related bodies of a country. Regarding education, educational principles in the constitution regulate limitations on whatever the government, organizations, individuals or other legitimate bodies in a country can do. At this point, as cited in (Güner, 2007), while Turkey’s geographical position plays a key role in asylum and immigrant movements, it does also lead to some problems. The social, economic and cultural problems caused by the entrance of a large population of people into Turkey will be kind of ground for the existence of serious difficulties. Turkey, which has faced such a large scale with the asylum issue, has put in place various international agreements and documents to minimize these problems caused by the asylum movements.

These relevant legal regulations regarding immigrants in Turkey are one of the facts behind the main context of this study. It is important to be able to grasp and understand the real, systematic, holistic and diverse aspects of the truth lies behind legal, effective and accurate educational policies that needed to be developed and implemented in order to address the educational needs of immigrants in Turkey. To do so, in this study; the national and international laws, regulations, action plans, protocols and other policies dealing with immigrants in Turkey, which were first drafted and signed after the establishment of the Republic of Turkey, will be outlined. Afterwards, these regulations will be discussed in terms of the immigrants’ education and training. This study will provide a holistic set of knowledge for whom wish to develop policies on the education of migrants and who are curious about the legal basis of existing policies, including all kinds of national or international states, foundations, associations, non-governmental organizations, academicians and scientists.

Since the collapse of the Ottoman Empire and the emergence of the modern Turkish state, both emigration and immigration have become integral parts of deep-rooted state policies concerning the nation-building process and national integrity (İçduygu & Aksel, 2013). In the history of Republic of Turkey, the main laws policies and regulation concerning immigration and asylum are the Law on Settlement (2510) (Resmi Gazete, 1934) enacted in June 1934, the 1951 Genova Convention and the 1967 Protocol, the November 1994 Regulation on Asylum and 2006 Amendment, the Law on Settlement (5543), repealed the Law on Settlement (2510) and enacted a new law. The last law adopted is