

‘MIGRANT WORKERS’ RIGHTS: THE IMPACT OF ‘VALUES’ ON MIGRATION POLICIES

University of Lincoln’s Academic has researched into migrant workers’ statuses and rights in national, regional and international policies, identifying that ‘values’ play central role in policymaking.

Dr Sonmez Efe’s research has:

- Provided the normative and empirical study of legal statuses and rights of migrant workers, arguing that legal terminology in migration policies are value-laden that intend to ‘manage’ international labour migration.
- Unveiled the centrality of the ‘moral values’ in defining migrant workers’ statuses and rights primarily in Turkey but also in EU policies and within ILO and UN conventions concerning migrant workers.
- Developed the ‘theory of porous values’ for ethical migration policies and made recommendations for migration, economic integration and membership matters for policymakers in Turkey and Europe to have a rights-based approach to labour migration and improve the rights of migrant workers in the host countries.



The legal terminology in migration policies has been an evolving phenomenon based on the collective values of the host community which determines the statuses and rights of migrant workers in the host countries. By interviewing 24 senior officials from state institutions, international and national NGOs, Dr Sonmez Efe was able to understand the policy making procedures in Turkey and to document the degree and types of values that key policymakers adopt in influencing and shaping the legal definitions in the migration policies.

The study highlighted the impact of ‘values’ in policymaking as twofold: one approach uses ‘porous values’ that are flexible and inclusive, define migrants based on common humanity, dignity and worth; two encompasses ‘impermeable values’ that are static and restrictive, define migrants through ethnocentric and nationalistic values. At the centre of the research are recommendations for national and regional migration policy and practice in Turkey and Europe, and for transforming the legal narrative from discriminatory and inhumane terminology towards inclusive and humane one to normalise the act of migration and international labour migration as a natural aspect of ‘human lives’ in contemporary world.

THE EVOLUTION OF POLICIES

To understand the impact of 'values' on migration policies concerning migrant workers in Turkey, the study analysed all legal documents concerning migrants and interviewed 24 senior officials from state and non-state institutions in the area of (labour) migration and identified three key phases crucial on evolution of the legal terminology in Turkish legislation. The first phase (between 1920-80) is the period marked by 'nation-building process' with the dominance of ethnocentric values that aim to protect Turkish nationals in ex-Ottoman regions and Turkish migrant workers abroad. The second phase (between 1980-2000) is described by 'economic liberalisation process' leads to inclusive values after increasing migratory movements from non-Turkish and non-Muslim migrant workers where economic skills are valued and recognised in policies. The third phase (between 2000-) is defined with 'institutionalisation process' of labour migration in Turkey led to an adoption of a mixed approach including a rights-based language to status and rights of migrant workers.

There is a transformation of the status of migrant workers from the usage of a sweeping term of 'foreigners' to and inclusion of other subcategories of migrants such as 'migrant workers', 'migrants on humanitarian status', 'refugees'. The majority of the interviewees from state institutions and trade unions took a nationalistic/narrow approach to the status of migrant workers, whereas the representatives from the NGOs predominantly adopt a holistic approach include irregular migrant workers.

In Turkish legislation, there is both a continuation of the usage of ethnocentric values that is a significant marker of migrants' legal statuses and an adoption of inclusive values that grant new migrant worker statuses based on skills and *jus soli*. A lack of clear definition of legal statuses impacts migrant workers' rights and can prevent accessing to legal protection mechanisms that safeguard their rights.

MAKING A CHANGE

The research findings aim to make recommendations to make a positive change in Turkey and Europe:

- In Turkey, recommendations for migration policy and practice include the humane approach to labour migration accessing protection mechanisms for migrants on irregular statuses; more legal amnesties for irregular migrant workers in some sectors; humane labour inspections.
- In Turkey and Europe, recommendations called for an adoption of morally-just terminology and values in migration policies; long-term policy strategies for protection of migrants' exploitation, such as seasonal workers; active cooperation with NGOs in policy making.
- Overall, the study has identified the key challenges in this area and call for the need to provide much needed information and raise awareness on the issue at national, regional and international levels.

IMPACT ON POLICY

- The research has provided information to some of the major NGOs that are directly influence policymaking, provide evidence and training to state institutions in Turkey; and promoted a value-based approach to migration policies in some sectors.
- The research stimulated a debate among the practitioners, academics, and policymakers in labour migration in Turkey through informing the key stakeholders platforms with the normative and empirical findings on migrant workers' statuses and rights in Turkey and Europe.
- The rights-based language for the seasonal migrant workers' statuses and rights is promoted within Republic of Turkey Ministry of Interior Presidency of Migration Management-Journal of Migration Studies through an article that incorporated the research findings.

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