Chapter 24
Access to Social Protection by Immigrants, Emigrants and Resident Nationals in Turkey

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24.1 Overview of the National Social Security System and Main Migration Features in Turkey

Social security systems have undergone significant challenges through economic and social dynamics. Contemporary migration flows across countries bring new risks and opportunities for different welfare regimes. Hosting about 4.5 million immigrants and having 6 million citizens abroad, Turkey is among the countries most affected by this wave of immigration. This chapter has two objectives. First, it aims to present the general legal framework regulating the Turkish welfare regime, paying particular attention to any variances in the conditions of access to social benefits between Turkish citizens residing in Turkey and abroad and foreigners residing in Turkey. Second, it aims to discuss how these different groups of individuals access social benefits across five main social policy areas (unemployment, health care, family allowances, pensions, and guaranteed minimum income).

The chapter consists of three parts. The basic characteristics of the Turkish social security system and migration trends are discussed in this part. The second part analyses different groups' access to social benefits provided by the state. It also scrutinizes the eligibility conditions that affect access by Turkish citizens, foreigners residing in Turkey, and Turkish people residing abroad to different social benefits. The third part summarizes the main findings, assesses the recent trends and challenges to social benefits across the five social policy areas, and offers recommendations for sustainable social policies.

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24.1.1 Main Characteristics of the National Social Security System

Many researchers analyse Turkey as a Southern European or Mediterranean welfare regime because of the role of the family in welfare distribution and the country's combination of Beveridgean universal national health services with Bismarckian income transfers (Gough 1996; Bugra and Keyder 2006; Gal 2010; Aysan 2013, 2018). According to Aysan (2018; 103–106), there are four main characteristics of the Turkish welfare regime. First, similar to Southern European and Middle Eastern countries, families play a significant role in the management of social risks. Second, the state has a strategic role in welfare distribution, particularly in education, health care, and pensions, while the market has a relatively minor but increasing role in welfare distribution. Third, non-governmental organizations (particularly religious organizations and home-township networks) also play a moderate role in welfare distribution. Fourth, populism and patronage are significant political apparatuses that shape the Turkish welfare regime and they are linked to historical developments particularly related to the process of political mobilisations (Ferrera 1996).

According to a recent survey on Turkish social policies (Aysan 2018), four welfare actors –the state, the family, the market, and non-governmental organisations– have varying roles in welfare distribution in Turkey. While 93% of the participants asserted that the family is the most important welfare actor in Turkey, the state (90%), the market (60%), and non-governmental organisations (54%) are relatively less significant players in welfare distribution. Hence, according to Aysan (2018; 106), although some have argued that Turkey is a residual and weak welfare state (Bugra and Keyder 2006; Bugra and Adar 2008), the Turkish state has a substantial role in welfare distribution, particularly for health care, education, and old-age security.

Global economic developments and new social risks, such as changes in family structure, demographic ageing, and huge migration flows from the southern and eastern borders of Turkey, have caused substantial transformations in the Turkish welfare regime since the mid-2000s. While Turkey achieved rapid economic growth in the 2000s, it also had one of the highest levels of social security expenditure in Europe, which necessitated two reforms of the social security system (in 1999 and 2006, respectively). In contrast to some welfare regimes which face social security challenges due to demographic factors, the Turkish social security regime faces additional challenges stemming from different endogenous factors such as corruption, populism, and institutional problems (Aysan 2013). In light of these challenges, by the mid-2000s, it was apparent that the Turkish social security system was not sustainable and required structural reform.

The Social Security and General Health Insurance (Law no. 5510) reform implemented in 2006 had three main components. First, three different occupationally based social security institutions were merged under one single institution: the

Social Security Institution (SSI, *Sosyal Guvenlik Kurumu, SGK*).[1] The structural and economic differences among these three institutions show a fragmented structure in the social security system, one which also exists in Continental and Southern European welfare regimes. Despite the new social security reform, these occupational differences and benefits are still valid in terms of the social security premiums of employees and the pension incomes of retirees in different sectors. For instance, in contrast to the social security scheme for public employees, the scheme for independent workers provides relatively low levels of benefits such as old-age, disability, and health insurance. Second, a universal health insurance system was formed to provide equal health coverage for all Turkish citizens, foreign workers and their dependents. Third, means-tested social assistance for all citizens started to be coordinated by an overarching social assistance system. This reform was particularly vital in the transformation of the inegalitarian Turkish social security system by replacing the separate social security institutions with a single overarching institution (Aysan 2013; 155).

24.1.2 Migration History and Key Policy Developments

Turkey has experienced a series of migration flows since the mid-nineteenth century. The collapse of the Ottoman Empire and the loss of its territories in Europe led many Turks and Muslims to migrate to Anatolia (Karpat 1985). The First World War and the emergence of the Turkish Republic resulted in the population exchange of many Muslims and Greeks (Hirschon et al. 2003). Nevertheless, the first large-scale migration from Turkey to Europe started after Turkey signed its first bilateral agreement with Federal Germany in 1961, with others soon following with Austria (1964), the Netherlands (1964), Belgium (1964), France (1965), Sweden (1967), among others. Through these agreements, Turkey was able to export its labour power, decrease its unemployment rates, and develop its economy through remittances (Abadan-Unat et al. 1976).

The bilateral social security agreements signed in the 1960s were mostly for Turkish citizens working in Western Europe. Their aim was to provide social security for Turkish guest workers in their host countries and upon their return to Turkey. Hence, the agreements signed with Germany, France, and the Netherlands (the three largest destinations of Turkish citizens) mainly address such employment-related social security conditions as unemployment benefits and pensions. They do not, however, facilitate access to guaranteed minimum income. Turkish citizens working

[1] The first institution was the Social Insurance Institution (*Sosyal Sigortalar Kurumu, SSK*) established in 1946 for blue-collar employees working in public and private sectors. The second one was the Retirement Fund (*Emekli Sandigi, ES*) established in 1949 solely for white-collar public employees. Finally, social security coverage was extended by the Social Security Institution of Craftsmen, Tradesmen, and Other Self-Employed People (*Esnaf ve Sanatkarlar ve Diger Bagimsiz Calisanlar Sosyal Sigortalar Kurumu, Bag-Kur*), which was established in 1971.

abroad are obliged to adhere to the regulations of the host country. Employment status, citizenship, possession of a residence permit, and local regulations are important determinants of access to benefits in many countries. The effects of these migration outflows continue to be felt today. According to the Turkish Ministry of Foreign Affairs (2019), about 5.5 million of the 6 million Turkish people living abroad are based in Europe, while the rest are based in North America, Asia, the Middle East, and Australia. In total, the number of Turks living abroad represents about 8% of the total population of Turkey in 2018.

Turkey was one of the original signatories, with a geographical limitation, to the 1951 Refugee Convention. Under the convention, Turkey assumes full responsibility for refugees coming from countries that are members of the Council of Europe, while it may offer more limited protection to people coming from other regions. According to OECD (2010), Bulgaria, Germany, and the Former Yugoslav Republic of Macedonia (FYROM) are countries whose nationals represent the three largest groups of foreigners residing in Turkey. Nevertheless, many "foreigners" coming from these three countries are originally Turkish or Muslim, and most of them have dual citizenship. Hence, they have the same social rights as national citizens and their access to social protection schemes is different from that of the general category of foreigners living in Turkey.

At the beginning of the 2010s, this picture changed with the arrival of new immigrants from Turkey's southern and eastern borders. According to Directorate General for Migration Management (2019), there were about 4.5 million immigrants, particularly from Syria, Iraq, and Afghanistan, living in Turkey in 2018. Because of the geographical limitation to the Refugee Convention, many of these immigrants do not have official refugee status. Nevertheless, several social protection schemes are in place for their benefit, particularly in the case of Syrians living in Turkey under temporary protection status. These social protection schemes include free health care, free drug plans, free education services, and monetary support.

24.2 Migration and Social Protection in Turkey

Turkey's welfare regime is a complex one. One of the primary sources of this complexity is Turkey's rapidly changing economic and political circumstances and relations with international organizations. Another is Turkey's complex migration history, which over the years has added, especially in the case of recent immigrants from Syria, new layers of intricacy to the Turkish social protection system (Ihlamur-Oner et al. 2012).

There are four main characteristics of social protection in Turkey: (i) national health care services based on universalistic principles for all citizens; (ii) a fragmented and corporatist social security system based on employees' occupations and social security plans; (iii) means-tested income transfers for people in need; (iv) the social protection system itself has a very complex structure and it is confusing for many individuals. In light of these general characteristics, the conditions under which Turkish citizens and foreigners have access to social benefits in Turkey can be summarized as follows:

- Residence and employment status are important determinants of one's access to social protection in Turkey.
- Employment status generally determines the right of access to unemployment benefits, health care, pensions, and family benefits, while residence status is important for all social policy areas except pensions.
- The majority of social benefits provided for Turkish citizens are also available for foreigners who have legal status in Turkey through their employment status.
- Guaranteed income based on means-tested measures is mostly for residents of Turkey (nationals and foreigners).
- Family benefits may vary depending on one's occupation, residence and nationality.

Turkey is not a part of any regional integration organization working to promote intra-regional social security coordination or facilitate access to social benefits for specific migrant groups. Nevertheless, the EU accession process requires the government to pay consideration to EU regulations in the design of social policies.

24.2.1 Unemployment

Turkey has had a high and steady unemployment rate since the 2001 economic crisis mainly due to its welfare regime type and labour market characteristics (Aysan 2008). Considering the present high unemployment rates, which stood at 11% for all age groups and 20% for the 15–24 age group in 2017 (OECD 2018), unemployment benefits provide an important social safety net for unemployed persons. Both Turkish employees and employers are eligible for unemployment insurance. While foreign employees can also benefit from this insurance, Turkish citizens living abroad are not eligible, since they are not working in Turkey. Hence, the main requirement to obtain this benefit is one's working status in Turkey.

The Ministry of Family, Labour, and Social Services has a general oversight of employment and related fields. Under the supervision of the Ministry, the Turkish Employment Agency provides different services such as protecting and improving employment, addressing unemployment, and executing unemployment insurance services. Employees, employers, and the state pay an unemployment insurance premium based on employees' monthly gross income to the Unemployment Insurance Fund, with contributions of 1% from the employee, 2% from the employer, and 1% from the state.

In order to be paid unemployment benefits, the following conditions apply: (i) the worker must have been fired for reasons not his/her fault, (ii) the worker must have worked at the place of work for 120 days and paid the unemployment insurance premiums, and (iii) the worker must have paid the unemployment insurance premiums for at least 600 days in the last 3 years. In addition, foreign workers must have lived in Turkey for at least one year to be eligible. Unemployed persons can benefit from unemployment insurance for up to 10 months. Turkey does not have any specific scheme of unemployment assistance.

24.2.2 Health Care

Basic healthcare services and drug plans are provided by the state. This system depends largely on a compulsory social insurance scheme financed by both employees and employers' contributions. Spouses and dependent children of the insurant also enjoy health care benefits through the SSI. Persons who do not have health care coverage through their employment status must pay the insurance premiums themselves in order to benefit from the national health services provided by the state. If one's monthly household income is less than one-third of the gross minimum wage, the premium is paid by the state. In total, 98% of the population was covered by the national health care system in 2017 (SSI 2017).

All foreigners residing in Turkey, regardless of their employment status, are covered by the health care system if they pay the national health security premium. Foreigners benefit from the same conditions as national citizens in terms of accessing benefits in kind in case of sickness. The health care and drug expenses of Syrians and some other nationalities under temporary protection status are paid by the Turkish state. Turkish citizens living abroad are not eligible for national health insurance benefits. Nevertheless, if they show an address in Turkey and pay the general health insurance premiums, they can also receive health insurance benefits.

The cost of medical treatment in state hospitals is paid by the health care scheme provided by the SSI. In state hospitals, patients pay only a very small amount of the cost of ambulatory treatment (0.1 Euros in 2019). Although treatment costs vary, patients pay an additional 10 Euros, on average, for ambulatory treatment in private hospitals. The rest of the treatment cost is paid by the SSI, which also helps cover drug expenses. Workers and their dependents pay 20% of the drug costs, while retirees pay 10%. The regulations are the same for Turkish citizens and foreigners who have social security coverage.

Other benefits provided by the state include support for workers who are temporarily or permanently incapacitated. There is no requirement of a minimum period of contribution or residence for this benefit. Temporary incapacity is the inability of the insured to work for a short period, due to workplace accident, occupational disease, illness, or maternity. Temporary incapacity must be documented by an authorized physician or health committee. Insured foreigners benefit from the same conditions as Turkish citizens, but non-resident nationals are not eligible for temporary incapacity benefits.

Permanent incapacity, or disability, which is determined by the health committee of the SSI, is defined as losing the capacity to work in one's profession at a minimum of 60% or at a degree which prevents a worker from carrying out his/her duties because of a workplace accident or occupational disease. Disability insurance is a mandatory component of social insurance and is paid for through employee premiums. All working Turkish citizens are eligible for this benefit if they pay the social security premiums for at least 5 years. Foreigners and national citizens living abroad are not eligible for this long-term insurance.

24.2.3 Pensions

Old-age security and pension systems are key elements in discussions of state welfare reform (Myles and Pierson 2001; Myles 2002). Pension systems based on Pay-as-you-go (PAYG) schemes are under debate, particularly in ageing countries. According to the World Bank (1994), the financial security of seniors would be better served if old-age security had three components: a publicly managed mandatory pension system, a privately managed mandatory savings system, and a defined contribution voluntary savings system. Because of Turkey's long ties and stand-by agreements with the World Bank and IMF, the pension reform proposals raised by these institutions were more than a policy recommendation for Turkish policymakers.

Despite Turkey's relatively young population, the share of public old-age expenditure in total government expenditure is higher in Turkey (16.3%) than in Norway (10.3%) or Canada (9.1%) in 2010 (OECD 2018). In Turkey, the retirement age is 58 for women and 60 for men, while life expectancy at birth is 76 for men and 80 for women, as of 2018. Hence, the pension system and the retirement age are always at the centre of debates on social security reform. The pension system, which aims to achieve income maintenance through contributions of both employees and employers, experienced two major reforms in 1999 and 2006, and another revision in 2016. The 2006 reform increased the average pension contribution period from 7000 to 9000 days for both sexes. Furthermore, the reform implemented a gradual increase in the minimum official retirement age from 58 to 65 for women and from 60 to 65 for men. Nevertheless, the minimum retirement age will be only 65 by 2036, and it will be gradually equalized at 65 by 2048 (Aysan 2013).

The Turkish pension system provides different options for different retirees and is therefore very fragmented. When citizenship is considered, the system is even more complicated. As of 2018, Turkey uses a multi-pillar old-age security system proposed by the World Bank. The first tier comprises programmes designed to provide pensioners a minimum standard of living. The second tier is an earnings-related component designed to provide some standard of living in retirement. The third tier comprises voluntary savings contributed by employers or individuals.

Social assistance for the elderly forms the first tier of the system. It is a means-tested pension income funded by the state for Turkish citizens over the age of 65 who earn less than one-third of the minimum wage. Hence, it can be considered as a guaranteed minimum income for the poor elderly. Turkish citizens living abroad and foreigners are not eligible for this support.

The second tier is contributory pension income provided by the state for those who have paid old-age pension premiums. Pension benefits are central instruments that help the state distribute social welfare. This public contributory pension is available not only to working citizens but also to foreigners employed in Turkey. There is a compulsory social security deduction from workers' monthly income based on their salary, but homemakers and independently employed people can contribute voluntarily to secure a pension income when they get old. Non-resident citizens are also entitled to retirement benefits if they pay pension premiums in Turkey on a voluntary basis. Contributions made by Turkish workers to state pension programs in countries with which Turkey has a bilateral social security agreement are aggregated to determine their entitlement to a public contributory pension. Workers must pay the calculated premium cost for the period worked abroad to the SSI. Another part of the second tier, a privately defined savings scheme, was included in the system in 2017. According to Law no. 4632, employers are obliged to transfer at least 3% of the basic earnings of their employees to a private pension plan. Employees have the right to stay in this system for as long as they wish. Employees who are automatically included in this system receive additional pension premium support from the state if they stay in the system. Foreign employees are not eligible for this new system.

The third tier is a defined contribution voluntary savings system available for working and non-working groups, including foreigners. There is no residence or citizenship requirement to buy individual pension insurance.

24.2.4 Family Benefits

While there is no parental benefit in Turkey, there are maternity and paternity benefits for different occupational groups regardless of their nationality. The conditions of access to maternity and paternity benefits are the same for national and foreign residents, although birth grants are exclusively reserved for resident nationals.

One's occupation is the main determinant for accessing these family benefits. Turkish citizens living abroad are not eligible to apply. In order to receive maternity benefits, a mother must have worked at least 90 days in the year before giving birth. As part of these benefits, 66.7% of an insured worker's gross income, which is close to her net earnings, is paid for 8 weeks before the expected date of childbirth and 8 weeks after the birth. Mothers can take up to 24 weeks of additional unpaid maternity leave after the paid leave. For public employees, unpaid leave may be extended to 108 weeks (2 years). Mothers can also work part-time with a full income 2 months after the birth of their first child, 4 months after their second child, and 6 months after their third child. Fathers working in the private sector can take 5 days of paternity leave, while public employees can take 10 days. There is no unpaid paternity leave in Turkey.

While there are some small lump-sum payments for public employees' children for specific conditions, there is no systematic child benefit in Turkey. Nevertheless, resident Turkish mothers receive a birth grant in the form of cash support for a newborn baby. Regardless of their employment status, mothers receive a lump-sum payment of 50 Euros for their first child, 60 Euros for their second child, and 100 Euros for their third child in 2019.

In addition, the number of children a family has affects the rate of its minimum living allowance (*asgari gecim indirimi*), which is deducted from one's monthly income tax and available for Turkish citizens as well as foreign employees and their dependents living more than 6 months a year in Turkey. This benefit, nevertheless, is very small: 25 Euros for a single person and 40 Euros for a married person with two children in 2019. There are also indirect benefits for children and students. For example, conditional cash transfers for the poorest households are paid for children who attend school. Immigrants who have temporary protection status, particularly Syrians, also get this monthly conditional cash transfer, although other migrants such as Afghans and Uzbeks are not eligible.

24.2.5 Guaranteed Minimum Resources

The guaranteed minimum resource scheme aimed to help citizens and foreigners in need is organized by the Social Assistance and Solidarity Fund. The Fund is overseen by the Ministry of Family, Labour, and Social Service, but its social assistance services are managed by governors and other local authorities. There are different schemes for individuals who have lower income and lack social security coverage. The poor including widowed women, the elderly, the disabled, foreigners who have temporary protection status can receive varying amounts of guaranteed minimum income. There is no minimum period of residence in Turkey that Turkish citizens or foreigners have to prove to become eligible for the benefit. However, non-resident citizens are not considered as eligible claimants.

Turkey's public social assistance as a percentage of GDP was 1.5% in 2017 (Ministry of Family, Labour, and Social Services 2018). The share of support provided for refugees has increased significantly since the beginning of the war in Syria. As of October 2018, about 1.5 million foreign beneficiaries (a quarter-million households), mostly Syrians, received direct support through Turkish Red Crescent debit cards in the context of the organization's Social Harmonization Program (Turkish Red Crescent 2018).

24.3 Conclusions

The Turkish welfare regime has undergone substantial transformations through the impact of internal and external dynamics (Aysan 2018). While an ageing population, increasing living standards, and high migration flows from the south and east have led the state to play a more active role in the welfare of both citizens and immigrants, its increasing social expenditures have forced the state to develop new strategies for the increasing social protection needs of various groups.

The Turkish social protection system has a very complex and bureaucratic structure administered by many different institutions. Ongoing policy reforms, new regulations, and populist policies make the system more complex even for social security experts. Employment status affects not only one's income and pension benefits, but also health care and family benefits. The general characteristics of social benefits for Turkish citizens living in Turkey and abroad and foreign residents can be summarized as: (i) residence and employment status are important determinants of one's access to social protection in Turkey; (ii) employment status generally determines the right of access to unemployment benefits, health care, pensions, and family benefits, while residence status is important for all social policy areas except pensions; (iii) most social benefits provided for Turkish citizens are also available for foreigners who have legal status in Turkey through their employment status; (iv) guaranteed income based on means-tested measures is mostly for national and non-national residents of Turkey; (v) family benefits may vary depending on one's occupation, residence, and nationality.

The Turkish system of social protection is a fragmented one, with divisions based on occupational differences, residence, income level, and citizenship, much like the welfare regimes of Continental and Southern Europe. Nevertheless, the residence and employment status are the key determinants for accessing social benefits. Turkey, which was traditionally a source country for Europe and a transit country for many neighbours, has become a destination country particularly since the early 2010s. Regional conflicts and better economic opportunities in Turkey attract increasing number of legal and illegal immigrants to Turkey. Relatively generous social benefits for immigrants who have legal status and other migrants under temporary protection status might be related with the old social protection system designed for Turkish citizens living in Turkey. In addition, the social protection benefits of increasing number of Turkish citizens living abroad and their increasing burden to social security system were not re-evaluated by the recent governments. Hence, the Turkish social protection system is not designed for these new migration waves. This fragmented nature as well as regional and global socio-economic risks, which make structural social security reforms inevitable, bring new challenges to the Turkish welfare regime.

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