LEGAL ARCHITECTURE AS A DETERMINANT OF MIGRANTS' RESILIENCE: THE CASE OF HIGHLY SKILLED RETURN MIGRANTS IN TÜRKİYE

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ABSTRACT

LEGAL ARCHITECTURE AS A DETERMINANT OF MIGRANTS' RESILIENCE: THE CASE OF HIGHLY SKILLED RETURN MIGRANTS IN TÜRKİYE

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With the increase in the number of countries competing for attracting skilled labour force and the wider acceptance of the potential diasporas have in terms of human capital, encouraging return among highly skilled emigrants has become an important policy objective for sending states. Home states' return laws and policies regard this category of emigrants as assets, focus on facilitating their return through diverse schemes such as higher salaries or lower taxes; but remain mostly silent on their re-integration. These laws and policies are built on an implicit assumption that highly skilled emigrants constitute a homogeneous group, whose members are ready to contribute to their home countries with their know-how, skills, and networks. They are resilient, self-sufficient individuals, who can adopt to changes easily, with no need for state support. This study embraces a critical stance at this assumption. Focusing on the case of highly skilled returnees in Turkey, this research aims to shed a light on the question "How do home states' legal architectures governing return migration relate

to returnees' resilience?" Through a comprehensive analysis of laws, policies, international and bilateral agreements, Türkiye's legal architecture on highly skilled return migration is presented. To uncover the relationship between legal architecture and resilience and reintegration experiences of highly skilled returnees, 45 semi-structured interviews were conducted. The findings indicate that reintegration, particularly psychological reintegration is an overlooked aspect in the legal architecture. Moreover, contrary to the widely held assumption, highly skilled migrants also have vulnerabilities, to which return laws and policies should pay attention.

Keywords: Highly Skilled Migration, Return Migration, Reintegration, Resilience, Türkiye

ÖZ

GÖÇMENLERİN PSİKOLOJİK DAYANIKLILIĞININ BİR BELİRLEYİCİSİ OLARAK YASAL YAPI: TÜRKİYE'YE DÖNEN YÜKSEK NİTELİKLİ GÖÇMENLER ÖRNEĞİ

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Nitelikli iş gücünü çekmek için yarışan ülkelerin sayısı arttıkça ve diasporaların beşeri sermaye olarak potansiyelinin kabulü yaygınlaştıkça, köken devletler için yurt dışında yaşayan yüksek nitelikli vatandaşlarının ülkeye dönmelerini teşvik etmek önemli bir politika hedefi hâline gelmiştir. Köken ülkelerin dönüş göçünü düzenleyen mevzuat ve politikaları, yurt dışında yerleşik yüksek nitelikli vatandaşları ülke için bir değer olarak görmekte ve daha yüksek maaş veya daha düşük vergi gibi çeşitli planlarla onların ülkeye dönüşlerini kolaylaştırmaya odaklanmaktadır. Ancak bu mevzuat ve politikalar, dönen yüksek nitelikli bireylerin yeniden entegrasyonlarına ilişkin hususlarda genellikle sessiz kalmaktadır. Bu yasalar ve politikalar, yüksek nitelikli göçmenlerin bilgi, deneyim ve ulusaşırı ağlarıyla ülkelerine katkıda bulunmaya hazır üyelerden oluşan homojen bir grup olduğunu varsayımı üzerine kuruludur. Yüksek nitelikli göçmenler, değişikliklere kolaylıkla uyum sağlayan, devlet desteğine ihtiyaç duymayan, psikolojik olarak dayanıklı ve kendi kendine yeter bireylerdir. Bu çalışma

bu varsayıma eleştirel bir gözle yaklaşmaktadır. Türkiye'ye dönen yüksek nitelikli göçmenler örneği üzerinden, bu araştırma "Köken devletlerin dönüş göçünü düzenleyen yasal yapısı göçmenlerin psikolojik dayanıklılığını nasıl etkiler?" sorusunu yanıtlamayı amaçlamaktadır. Yasalar, politikalar, uluslararası ve ikili anlaşmaların detaylı bir analizi üzerinden Türkiye'nin yasal yapısı ortaya konmuştur. Dönüş göçünü düzenleyen yasal yapı ile dönenlerin psikolojik dayanıklılığı ve yeniden entegrasyon deneyimleri arasındaki ilişkiyi anlamak için 45 yarı yapılandırılmış mülakat gerçekleştirilmiştir. Bulgular, yasal yapının yeniden entegrasyon, özellikle psikolojik yeniden entegrasyon konusunda sessiz kaldığını ve genel kanının aksine dönen yüksek nitelikli bireylerin mevzuat ve politikaların dikkat etmesi gereken kırılganlıklara sahip olduğunu göstermektedir.

Anahtar Kelimeler: Yüksek Nitelikli Göç, Dönüş Göçü, Yeniden Entegrasyon, Psikolojik Dayanıklılık, Türkiye

To my late mother and late father
and to their parents
All of whom paved the way for me.

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"Two roads diverged in a yellow wood,
And sorry I could not travel both.
[…]
Yet knowing how way leads on to way,
[…]
I took the one less travelled by,
And that has made all the difference."
Robert Frost, The Road Not Taken

This is indeed what happened on a chilly summer evening. I was standing at a crossroads with two diverging roads: one leading to the other side of the pond and the other, here, where I was born and grew up. The road that I did not (or was not able to) take was even more charming, yet the one that I had chosen promised another set of experiences for which I was not quite ready. It was, as Frost puts it, 'less travelled by' and 'that has made all the difference.'

Now, I am at the point where two roads initially converged, PhD title, and I know the roads, both taken and not taken, are equally compelling. Pausing for reflection, I would call my long PhD journey 'homecoming'- not because of its topic of inquiry, though. Honestly, among other questions I have delved into over the years, highly skilled return migration was the latest, however, the least contemplated, the most self- pulling, and the most intuitive. Probably, for this reason, before catching my full attention, it required me to travel around a bit and find my axis-mundi. Only towards the end of my field research did I realise that I was chasing after return and reintegration stories that resemble my own parents', the ones upon which my childhood and later, early adulthood were built. It was that sort of homecoming.

Such an adventurous journey has been safe and now ends successfully only because of the kind help offered by a number of valuable people. I would like to start expressing

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LIST OF ABBREVIATIONS

AKP: Justice and Development Party

ASEAN: Association of South East Asian Nations

AVRR: Assisted Voluntary Return and Reintegration

CBİKO: Presidency of the Republic of Türkiye Human Resources Office

CD-RISC: Connor- Davidson Resilience Scale

CFCU: Central Finance and Contracts Unit

CHP: Republican People's Party

CIS: Commonwealth of Independent States

CoE: Council of Europe

COVID-19: Coronavirus Disease of 2019

DEİK: Foreign Economic Relations Board (DEİK)

DESİYAB: Bank of National Industry and Workers

DG: Directorate General

DGMM: Directorate General for Migration Management

DP: Democrat Party

DPT: State Planning Organisation

EC: European Commission

ECHR: Convention for the Protection of Human Rights and Fundamental Freedoms

EEC: European Economic Community

EMIGPOL: Emigration Policy Regimes Project

EP: European Parliament

EU: European Union

EUROSTAT: Statistical Office of the European Union

FDI: Foreign Direct Investment

FTA: Free Trade Agreement

GATS: General Agreement on Trade in Services

GATT: General Agreement on Tariffs and Trade

GCM: Global Compact for Safe, Orderly and Regular Migration

GMG: Global Migration Group

HDP: Peoples' Democratic Party

ICCRP: International Covenant on Civil and Political Rights

ICPWW: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

ICMPD: International Centre for Migration Policy Development

IDP: Internally Displaced Person

IIBK: Turkish Employment Service

IMI: International Migration Institute

IPA: Instrument for Pre-Accession Assistance

ISA: International Studies Association

ISCED: International Standard Classification of Education

ISCO: International Standard Classification of Occupations

İŞKUR: Turkish Employment Agency

LGBTQI+: Lesbian, Gay, Bisexual, Transgender, Queer/ Questioning, and Intersex

MENA: Middle East and North Africa

MERNİS: Central Civil Registration System

METU: Middle East Technical University

MFA: Ministry of Foreign Affairs

MNE: Ministry of National Education

MLSS: Ministry of Labour and Social Security

MoIT: Ministry of Industry and Technology

NDP: National Development Plan

NELM: New Economics of Labour Migration

NGO: Non-Governmental Organisation

ICMPD: International Centre for Migration Policy Development

ILO: International Labour Organisation

IOM: International Organisation for Migration

ITA: Indicators of Talent Attractiveness

OHCHR: Office of the United Nations High Commissioner for Human Rights

OECD: Organisation for Economic Cooperation and Development

OSBÜK: Organised Industry Zones Supreme Council

PKK: Kurdistan Workers' Party

R&D: Research and Development

RQA: Return of Qualified Afghans

SGK: Social Security Institution

STEM: Science, Technology, Engineering and Mathematics

TEV: Turkish Education Foundation

TMMOB: The Union of Chambers of Turkish Engineers and Architects

TNC: Transnational corporations

TOBB: The Union of Chambers and Commodity Exchanges of Türkiye

TOKTEN: Transfer of Knowledge Through Expatriate Nationals

TÜİK: Turkish Statistical Institute

TÜBİTAK: The Scientific and Technological Research Council of Türkiye

UAE: United Arab Emirates

UN: United Nations

UNDP: United Nations Development Programme

UNESCO: United Nations Educational, Scientific and Cultural Organization

UNHCR: United Nations High Commissioner for Refugees

UN DESA: United Nations Department of Economic and Social Affairs

UK: United Kingdom

U.S.: United States

WB: World Bank

YASED: International Investors Association

YÖK: Council of Higher Education

YTB: Presidency of Turks Abroad and Related Communities

CHAPTER 1

INTRODUCTION

"As you set out for Ithaka
hope your road is a long one,
full of adventure, full of discovery.

[…]
Keep Ithaka always in your mind.
Arriving there is what you're destined for.
But don't hurry the journey at all.
Better if it lasts for years,
so, you're old by the time you reach the island,
wealthy with all you've gained on the way,
not expecting Ithaka to make you rich.

Ithaka gave you the marvellous journey.
Without her you wouldn't have set out.
She has nothing left to give you now.

And if you find her poor, Ithaka won't have fooled you.
Wise as you will have become, so full of experience,
you'll have understood by then what these Ithakas mean."

Constantin Cavafy, Ithaka[1]

[1] C. P. Cavafy, "The City" from *C.P. Cavafy: Collected Poems.* Translated by Edmund Keeley and Philip Sherrard.

Return has been an area of wonder since Greek commanders' mythical voyages homeward after the Trojan War. Among them, it was only Odysseus, the defeated Odyssean King, who made it back to Ithaka, his homeland. Consequently, among all *nostoi* (return/ homecoming) epics, Homer's Odysseus is the most well-known and frequently cited. The ten-year-long, adventurous journey includes short-term residences in different places, encounters with strangers, fights against (real or imaginary) creatures, fellowship and loneliness, the idea and the reality of homecoming and home, reacquaintance with the place and people that also have changed, de-learning and then, rebuilding life at home, last, but not least, vulnerabilities and resilience. Such a rich description probably and inevitably stipulates scholarly interest of, among many others, migration researchers. With its fantasies and actualities, Odysseus' travel back to Ithaka provides an alluring starting point and/or reference, once return and reintegration are topics of inquiry at hand.

Though equally compelling, not all returns are as triumphant as that of Odysseus (Bradley, 2013) and not all returnees[2] are welcomed back with the same warmth and excitement by their home societies. Contrary to the widely held assumption that the story ends when the traveller/ emigrant arrives back and that everything continues as if the journey had never taken place, return and reintegration are narratives in their own right. *"Return is not merely going home"* (Kuschminder, 2017, p.2) and reintegration involves new encounters and introductions rather than simply resuming where one left off. Both are processes in which, according to the limited yet growing scholarship, the structure of Ithaca act as a building block.

Despite Cavafy's words, return might remain a myth, whereas those coming back are not necessarily old, wealthy, or free of expectations from Ithaca. Some reach home needing help and some seek for support later while settling down. There is no single plot of return and reintegration that is universally repeated. *"People reintegrate differently"* and *"structural environment of the country of return plays a vital role in reintegration"* (Kuschminder, 2013, pp.2-3). A deported asylum seeker and a highly

[2] Throughout the study, the terms 'returnee' and 'return migrant' will be used interchangeably.

skilled professional follow different paths, with Ithaca creating the divergence through its desired and undesired returnee categories and implicit assumptions regarding who needs state support and who does not, who is resilient and who is vulnerable.

In our era of global competition for talent, the return of highly skilled emigrants is generally encouraged. Due to their knowledge, skills, and transnational ties, their strong agency is often taken for granted, and smooth reintegration is expected. However, little is known about the realities of their reintegration. Therefore, a curious and critical stance on return and reintegration of highly skilled returnees, as well as Ithaka's role in these processes, might present a different yet valuable interpretation. This research is intended for this end. It endeavours to offer an account of the psychological aspects of return and reintegration vis-à-vis laws and policies enacted by home states to regulate these processes. By incorporating the concepts of vulnerability and resilience into the analysis and using Turkish highly skilled returnees as a case study, it aims to uncover whether home-states' legal architecture governing return and reintegration shapes returnees' experiences.

The primary research question guiding this research is: *"How do home states' legal architectures governing return migration relate to returnees' resilience?"* Embracing a multidisciplinary approach, the research draws on the disciplines of Migration Studies, Political Science, International Relations, Law, and Psychology and especially, on the literatures on return migration, highly skilled migration, reintegration, and the concept of resilience. It is built on three turns, namely the return turn, the psychological turn, and the policy turn, all of which are currently discussed in return migration scholarship. Given that return is fundamentally an exercise of the right to return, consequently, a matter of citizenship, this research also proposes a fourth turn: the legal turn in the study of highly skilled migration. It argues that the structure (legal architecture) of home states, which consists of laws, policies, and implementing actors, plays a crucial role in defining rights, access to those rights, and institutions upon return, thereby influencing reintegration experiences and resilience of highly skilled returnees.

This chapter starts with a brief overview of the literature that forms the foundation of the study. It then details the research design, including the assumptions made, questions asked, methods used as well as the limitations. Finally, the structure of the dissertation is delineated.

1.1. Four Turns

Recent literature on international migration has identified the need for three main 'turns': the return turn, the psychological turn, and the policy turn. Each of these turns points to areas that warrant further consideration and reflection. Drawing on the existing body of scholarly work, this research proposes a fourth turn -the legal turn- to better understand the phenomena of return migration and reintegration from the perspectives of both home states and returnees.

Quoting Russell King (2000), scholars argue that "*return migration is the great unwritten chapter in the history of migration"* (p.7). Despite being relatively overlooked within the body of mainstream migration studies literature, since 1990s, a new return migration literature has been emerging: geographies, types of returnees, dimensions of return (including reintegration as well as policies) as well as methods used have diversified. Consequently, the return migration literature has experienced a significant growth, indicating, as King and Kuschminder (2022) aptly suggest, a "*return turn*" in both scholarly research and policy.

This proliferation of research has also brought the psychological consequences of return to the forefront. Empirical evidence challenges the prevailing assumption that returning to one's country of origin is a psychologically safe process (Vathi and King, 2017). Furthermore, psychological reintegration is now viewed as important as social, economic, and cultural aspects of reintegration. The 2018 Global Compact for Migration (GCM) highlights well-being both as a dimension of and a factor for reintegration. As holistic approaches gain traction, the importance of subjective perceptions of well-being is more-widely appreciated and a stronger focus is put on affect (Vathi, 2017), a "*psychological turn in the study of return and reintegration*" (King and Kuschminder, 2022, p.10) has taken place.

Today is marked, among others, with the politics and policy of different types of return, including that of highly skilled migrants. A return-development nexus has evolved around the discussions focused on the relationship between return and economic growth and development. An increasing number of countries of origin embrace a combination of policy perspectives while engaging with their highly skilled citizens, both within and outside their territories. Proactive policies aim to prevent emigration of and retain certain groups. The goals of engagement policies are to incorporate of those living abroad into a variety of domains at home and to establish economic links with them. At the target of active policies are potential returnees. Finally, reactive interventions involve measures for reintegration of returnees. Return and reintegration policies span from communication campaigns to encourage return to economic support for relocation, portability of welfare and social benefits to psychological counselling. Therefore, rooted in the increased politicisation over the past two decades, *a policy turn* in return migration has also been salient (King and Kuschminder, 2022).

Return policies are primarily an extension of the right to return, hence citizenship (Pedroza and Palop-Garcia, 2019). They drive predominantly from national legislations. States' bilateral and multilateral relations as well as participation in international legal framework are also influential (Aksel et al., 2023). However, these documents must be incorporated into the domestic legal systems with an 'act of transformation.' Consequently, it is the law that provides the foundation both for the rights that returnees can exercise and the return and reintegration policies that states can pursue.

Generally, returnees are citizens of the countries of origin they return to. They practice their right to return and upon arrival, they bear any right a non-migrant citizen holds. Citizenship is "*a field of meanings and actions through which individuals practice being members of the polity*." However, it also "*entails a modal citizen of the nation state*." Citizenship, therefore, always embeds "*ordering, prioritising, and rendering some citizens more relevant than others. Some of this differential valuing of different groups of citizens is visible in their formal/legal status*" (Koğacıoğlu, 2003, pp. 15-16). In other words, emigrants/returnees as citizens are not exempt from 'differential

inclusion' (Mezzedra and Nielson, 2013). Moreover, not all are welcomed by the home state or society. Legal frameworks shape returnees' trajectories and thus, "*the analysis should start with the law itself"* (Chauvin and Garcés-Mascareñas, 2014, p.423). On these grounds, the present study calls for a fourth turn, namely *legal turn*, in the scholarship on return migration.

1.1. Highly Skilled Migration

In accordance with existing literature, from the perspective of countries of origin, highly skilled migrants embody the characteristics closest to those of a modal citizen, particularly when development goals are taken into account. Countries of destination also view them as modal immigrants. There is, hence, a consensus regarding their desirability and a global race to attract them. Such a strong interest worldwide for their knowledge, skills, and expertise could even be referred to as "*an era of Highly Skilled Migration*" (Parsons et al., 2014, p.4).

The consensus that exists regarding their desirability by states is not present when it comes to define who qualifies as a highly skilled migrant. Who sets the boundaries (economists, policymakers, lawmakers and so forth) and for which purposes the definition is made tend to shape who are included and/ or excluded in the category of highly skilled migrants. Yet, with its monopoly over its borders, it is the state that ultimately defines highly skilled migrants (Weinar & Klekowski von Koppenfels, 2020). The majority of studies employ data-driven definitions, which refer to the level of education, occupation and/or income as the main criteria. A person with a tertiary (university-level) education or extensive/ equivalent experience in a given field and earning above a certain salary is often considered as highly skilled by international organisations, scholars as well as policymakers. (ibid.; OECD, 1998)

Since 1990s, with the increase in the number of countries competing for attracting skilled labour force and the wider acceptance of the potential diasporas have in terms of human capital, encouraging return of highly skilled emigrants has become an important policy objective for sending states. Home states, in their return policies, regard this category of emigrants as assets, focus on facilitating their return through

diverse schemes such as higher salaries or lower taxes. However, in most cases, the states remain mostly silent on their re-integration.

1.2. Reintegration

Reintegration, on the other hand, is not *"simply fitting back into your old life"* (Kuschminder, 2013, p. 1). It is a multidimensional process, encompassing various aspects such as re-entering the labour market, finding housing, accessing public services like healthcare and childcare, reconnecting with old acquaintances, and getting involved in new networks. Acceptance by the state, the private sector as well as society is essential, making it a two-way process between the returnee and the receiving society. In other words, returning to the country of origin does not necessarily entail a straightforward incorporation into 'home.'

The International Organisation for Migration (IOM) (2018) advocates for an integrated approach to reintegration, which includes interventions at individual, community and state levels and consists of measures that encourage and facilitate returnees' re-inclusion across all economic, social, and psychological spheres. Underlying this approach are the development and sustainable return concerns of states and international organisations. Moreover, there is a recognition of the role state policies, as well as economic and political structures play in enabling or hampering returnees' resource mobilisation upon return (Hagan and Wassink, 2020).

According to the emerging body of scholarship, reintegration is influenced not only time and modes of return (i.e. forced or voluntary, state- sponsored or self-funded and so forth), but also home states' structures, or to put differently, the return context. In addition to policies and institutions, citizenship crystallises return and reintegration experiences. It provides rights and entitlements, as well as opportunities for further mobility and the continuation of transnational ties. It also creates social inclusion and exclusion. Consequently, it stands in the intersection of overall experience of return and reintegration, particularly psychological well-being (Vathi, 2022).

While return and reintegration inevitably involve a certain level of agency, an important goal of reintegration is enhancing agency of returning migrants. With GCM's focus on well-being as a dimension and factor of reintegration and the newer agenda on sustainability of reintegration, agency and well-being have become more intertwined, bringing psychological dimension of reintegration to the forefront. Studies show that at least 12-month-long psychological support for returnees increases the likelihood of sustainable reintegration, i.e. prevention of re-emigration (ibid.)

Reintegration is also a function of the characteristics of returnees (Kuschminder, 2017). Home states are inclined to draft their return and reintegration policies based on the implicit assumption that highly skilled emigrants form a homogeneous group, ready to return, and contribute to their home countries with their know-how, skills, and networks. Furthermore, they often presume that in the face of any adverse situation, highly skilled returnees easily bounce back. In other words, they are resilient, self-sufficient individuals, who can adopt to changes easily, with no need for state support. Yet, empirical evidence suggests the otherwise, indicating that challenges faced are independent of the skill level of the returnees (Ammassari, 2009). Therefore, incorporating the concepts of vulnerability and resilience into the discussion at this point may shed light on how psychological and legal turns relate to each other. As Vathi (2022) puts forward *"human rights approaches would require that all returnees be regarded as vulnerable, not just those returned as a part of Assisted Voluntary Return and Reintegration (AVRR), which would make the latter serve as a legitimating instrument for returnee status and the provision of the state support"* (p. 235).

1.3. The Concept of Resilience

With 9/11, resilience has become increasingly popular, to the extent that Ganong and Coleman (2002) refer this era as the '*Age of Resilience*.' Resilience of individuals, families, communities, cities, natural, social, political, and legal systems is discussed and expected. In the migration scholarship, resilience is also a frequently visited concept, particularly in the scope of forced and, to some extent, illegalised migration and primarily within the context of immigration. Yet, resilience of highly skilled migrants, particularly upon their return to the country of origin is understudied.

Vulnerability and resilience are two well-being related concepts, often depicted as mutually exclusive, yet their meanings do not reflect such a distinction, rather imply a continuum. In their simplest definitions, vulnerability refers to being open to harm, whereas resilience is "*the ability to positively cope with adverse situations or the ability to bounce back after experiencing an adverse situation"* (Gambaro et al., 2020, p. 2). The resilience theory asks three fundamental questions: *"resilience of what? resilience to what? and resilience for what?"* (Ruhl et al., 2021). Given the selectivity in returnee categories and the silence surrounding reintegration issues embedded in home state policies on highly skilled return migration, the answers to these questions appear to be the state, global economic competition, and development, respectively. The article on the website of the U.S. State Department supports this argument:

> Resilience refers to the ability to successfully adapt to stressors, maintaining psychological well-being in the face of adversity. It's the ability to "bounce back" from difficult experiences. Resilience is not a trait that people either have or don't have. It involves behaviours, thoughts, and actions that can be learned and developed in everyone. […] Remember that resilience is a skill, like riding a bike. The more you practice, the better you'll be. If you would like to become more resilient, these tips and information can help […]
>
> - Maintain a sense of perspective;
> - Recognize that you have a choice in how you handle challenges;
> - Accept change;
> - Anticipate challenges;
> - Learn how to calm yourself;
> - Overcome your fear;
> - Let go of your anger;
> - Take action;
> - Laugh. [3]

The state puts the responsibility of being resilient on its citizens. However, resilience is a skill, and skills are dependent the opportunities and limitations created by structural factors. In other words, as human vulnerabilities, resilience is shaped by political, economic, social, and institutional context.

[3] U.S. Department of State. (n.d.). *What is resilience?* https://2009-2017.state.gov/m/med/dsmp/c44950.htm (accessed on 6 March 2024)

Very often the concepts of vulnerability and resilience are reserved for forced migrants. However, in today's world, the dichotomy between forced and voluntary is blurred, and intersectionality of age, gender, race, and class also characterises all types of migration, including that of the highly skilled. Therefore, any investigation of highly skilled migration should begin with the acknowledgement of "*the complex nature and characteristics of high-skilled migration*" (Czaika, 2018b, p.8) and the heterogeneity within this group of migrants. Both aspects necessitate disaggregated assessments. Moreover, it is essential to go beyond the traditional high-skilled migration-economic development nexus in order to understand the highly skilled return migration on its own.

1.4. Objective of the Study

Influenced by the current era of migration, highly skilled migration and resilience, the present study focuses on highly skilled return migration and reintegration, along with the legal architecture governing these processes in countries of origin. Its objective is to enhance understanding of home states' legal architecture governing return and reintegration of their highly skilled emigrants, the return and reintegration processes of highly skilled emigrants, and the relationship between these two, if any. It also questions the taken-for-granted resilience of highly skilled returnees.

This study problematises the prevailing views that

i. returning to one's country of origin is a psychologically safe process,
ii. highly skilled returnees constitute a homogeneous group,
iii. all highly skilled returnees have strong agency in their movement decisions,
iv. as a consequence of their capital (human, economic, social, cultural), these returnees are immune to challenges associated with return and reintegration,
v. highly skilled returnees are resilient individuals, who reintegrate automatically to their home countries.

It is premised on the assumption that citizenship and human rights are sources that influence the ability to bounce back, i.e. resilience, and are part of psychological well-being. In other words, legal frameworks, by defining the rights, access to and limits on these rights, shape resilience and trajectories of migrants.

This study proposes that:

i. As in the case of other migrant groups, return and reintegration are multilayered and complex processes also for highly skilled returnees;
ii. Both receiving and sending countries, with their legal, economic, social, and political structures influence the return aspirations of highly skilled individuals;
iii. Highly skilled migrants' agency (aspirations and capabilities) is dependent on the structure;
iv. Highly skilled returnees also have vulnerabilities, which are created or shaped by the political, economic, social, and institutional contexts;
v. Resilience is a skill, and skills are dependent on the opportunities and limitations created by structural factors;
vi. Thus, home states' legal architecture (which include laws, policies, and institutions) governing return migration relate to highly skilled returnees' resilience.

1.5. Methodology

1.5.1. Research Question

By suggesting a legal turn in the study of highly skilled return migration, this research aims to shed light on the question, *"How do home states' legal architectures governing return migration relate to returnees' resilience?"* and uncover whether the legal architecture, with the rights, access to rights it provides for returnees and its implementation on the ground, plays a role in returnees' trajectories.

Legal architecture is considered to consist of legal frameworks, including laws, policies, international agreements, as well as the actors responsible for their implementation. Taking the Turkish highly skilled returnees as a case, regarding the legal architecture the following sub-questions are asked:

i. How does the Turkish state define highly skilled (e)migrant?
ii. Which actors are engaged in highly skilled return migration? i.e. what is the institutional structure?
iii. With which legal framework return and reintegration of highly skilled emigrants are regulated?

Furthermore, on reintegration and resilience, two sub-questions are raised:

iv. How do highly skilled returnees define vulnerability and resilience?
v. How does the practice of rights after return relate to resilience and reintegration processes?

1.5.2. Research Design

The present study is conducted within the qualitative tradition and designed as a case study.

> Qualitative research begins with assumptions, a worldview, the possible use of a theoretical lens, and the study of research problems inquiring into the meaning individuals or groups ascribe to a social or human problem. To study this problem, qualitative researchers use an emerging qualitative approach to inquiry, the collection of data in a natural setting sensitive to the people and places under study, and data analysis that is inductive and establishes patters or themes. The final written report or presentation includes the voices of participants, the reflexivity of researcher and a complex description and interpretation of the problem, and it extends the literature or signal a call for action. (Creswell, 2007, p.37)

While pursuing qualitative study, researchers commonly employ a limited number of cases to provide an in-depth and contextual understanding of the phenomena under inquiry. They focus on how things work in certain settings (ex. return environment), at certain times (upon return) and with certain agency (ibid.).

It is the research question that determines the method (Della Porta and Keating, 2008). The scope of this study includes addressing return and reintegration experiences of highly skilled returnees. It is presumed that these experiences are influenced by the return environment, which is, in turn, dependent on the legal architecture. Therefore, the features of the relationship between legal architecture and returnees are aimed to be explored. Such an attempt requires textual criticism and content analysis rather than deployment of statistics or mathematics. Hence, qualitative research design is more appropriate for the objective of the present study.

1.5.2.1. Case Selection

Türkiye is chosen as a case study. This country has traditionally been known as a country of emigration. According to the United Nations Department of Economic and Social Affairs (UN DESA) International Migrant Stock statistics (2020), she still ranks among the top 20 emigration countries in the world. Hence, outbound movements, which began in the mid-20th century, persist. Yet, over the decades, the profile of its emigrants has shifted from low-skilled labour to highly skilled citizens. The last decade is marked with the 2013 Gezi Protests, the 2015 breakdown of the peace process with the Kurdistan Workers' Party (PKK), the failed coup attempt of 2016, and the economic crises of 2018 and 2021. Consequently, an increasing number of highly skilled citizens have begun emigrating to escape the authoritarian rule, seek greener pastures or for other personal reasons. However, not all who move abroad stay permanently. Though less in number, some return.

The literature offers accounts of Türkiye's diaspora engagement policies and institutional structure (Aksel, 2014 &2016; Şahin Mencütek and Başer, 2018; Kolbaşı Muyan, 2023). Accounts of return policies of Türkiye are more limited in number. Accordingly, the Turkish state pursues a selective difference/ positive return policy perspective. To be competitive in the global race for talent, it is interested in the best and brightest returnees, thus, the existing few return policies target the highly skilled emigrants (Bilgili and Siegel, 2014). Yet, these policies remain silent on reintegration as does the literature on the legal architecture governing highly skilled return migration in Türkiye. A comprehensive study of the legal architecture, which encompasses laws,

policies, bilateral and multilateral agreements as well as institutions is missing. This study aims to fill this gap.

Mustafa Kemal Atatürk, in his telegraph he sent to outgoing students in 1924, wrote: *"I am sending you as a spark, come back as volcanoes!"* As this phrase indicates, since the beginning of the Republic, training the human capital required for development and modernisation, hence, creating a highly skilled intelligentsia has been a goal of the state (İçduygu and Aksel, 2015). State-sponsored programmes have been put in place to enable knowledge and skill transfer from abroad. Not all highly skilled emigrants came back. Some of those who left the country to further their studies or chase after better work opportunities stayed in their countries of destination. While the Turkish state has not always shown interest in the brain drain phenomenon, which has occurred all through the century, it had regarded (some of) its highly skilled emigrants and returnees as a valuable resource. Whenever a need arose, driven either by domestic or foreign affairs concerns, the state approached these citizens. For instance, very lately, Hafize Gaye Erkan was asked to return from the United States (U.S.), where she has been based for years and held important positions in the finance sector. She was appointed as the governor of the Turkish Central Bank in June 2023 and expected to restore the economy. The state relied on her education, experience, transnational networks as well as international credibility. Yet, in less than a year, she resigned on the grounds of character assassination and her willingness to protect her family, particularly her baby.

This example shows that experience abroad is highly valued in the eyes of the Turkish state and the society. However, welcoming reception is not always present, and reintegration is not automatic or free from hardship. Neither are highly skilled returnees resilient, expecting no state support. On the contrary, they are susceptible to harm, i.e. vulnerable and their resilience is very dependent on the structure. Türkiye is, hence, chosen as the case study to reveal how home states' legal architectures, with the rights and access to rights they provide, relate to resilience of highly skilled returnees.

1.5.2.2. Data

In the present study, there are two main data sources. For the legal architecture, the official documents (laws, policies, multilateral and bilateral agreements) drawn from the Emigration Policy Regimes (EMIGPOL) database, along with the twelve National Development Plans (NDPs), were used. Additionally, three public officers were communicated personally. Although expert interviews were planned, they did not take place due to the unavailability of the contacted experts.

Supervised by Assoc. Prof. Dr. Damla Bayraktar Aksel and funded by the Scientific and Technological Research Council of Türkiye (TÜBİTAK), EMIGPOL was initiated in April 2022. By examining top 20 emigrant sending states' policies aimed at governing non-resident citizens and their mobilities, the project explores the interplay between policies that control emigration (exit policies), facilitate/impede the return of citizens (return policies), and policies to manage the relationship between the home state and its non-resident citizens (emigrant/diaspora policies). The relationship of these policies with bilateral agreements between home and host states is also studied. EMIGPOL seeks to analyse these policies and agreements from a comparative perspective and addresses the prevailing Global-North bias in migration studies. Therefore, the study focuses on countries with the largest emigrant populations, covering countries from both Global North and Global South, to gain a thorough understanding of the relationship between these policies.

To gain insight into the implementation of the legal framework, semi-structured interviews were conducted with 45 highly skilled Turkish citizens, who have stayed abroad for more than one year, returned in the course of last 10 years, and have been residing in Türkiye for at least a year. Four sub-categories of highly skilled returnees were interviewed:

i. returning academics,
ii. returning STEM (Science, Technology, Engineering and Mathematics) professionals,
iii. returning entrepreneurs, and

iv. returning semi-citizens (holders of Blue Card (Mavi Kart)[4], who basically possess all rights of a Turkish citizen, except political rights).

The first three categories are traditionally the target groups of the return policies and programmes carried out by the state and the private sector. Hence, their return is desired and facilitated, yet not all return through such schemes. Therefore, it was aimed to reveal, if these return initiatives, which, for instance, ease access to the labour market, shape trajectories and resilience upon return. The last group is included to understand whether political rights influence resilience and reintegration experiences of returning highly skilled individuals.

During the research design, in order to decide on the threshold regarding the time spent abroad and return, five short telephone interviews were made. In line with the results, those who have returned within the last 10 years were included. Those who returned earlier had hard time remembering their return experiences. With the ethic approval from the Middle East Technical University (METU), the interviews took place between June 2023 and January 2024.

1.5.2.3. Sampling

Due to the lack of a single institution assisting all returnees and maintaining their data in Türkiye, coupled with the facts that highly skilled returnees are relatively few in number and dispersed across different clusters within the overall population, they can be regarded as a 'hard-to-reach population'- difficult to locate and have an unusual or stigmatised condition (Atkinson and Flint in Kuschminder, 2013, p.45). Consequently, snowball and purposive sampling techniques were employed for participant selection. In addition to personal contacts, a thorough search was carried out on LinkedIn. Returnees fulfilling the criteria were sent a message in which the study was explained. More than 300 individuals were contacted. Only five of them accepted the interview. In December 2023, two gatekeepers helped recruitment of interviewees. First one is a social media influencer, whom the researcher initially contacted for interview. She

[4] Mavi Kart is translated into English as Blue Card. It should not be mixed with the EU Blue Card. Throughout the text, Blue Card will be used to denote the Mavi Kart given by the Turkish State.

published a story on Instagram and those interested contacted the researcher. The second gatekeeper is a high-ranking professional working an international company. He also referred some names. The researcher made short phone calls or exchanged messages with those, who accepted to give interviews. Only those who fulfilled the participant selection criteria were interviewed.

1.5.2.4. The Interview Protocol

The interviews were planned and conducted as semi-structured. Semi-structured interviews enable a mix of standardisation and comparability while providing participants the freedom to speak from their own frame of reference (May, 2004). To test the interview protocol, five pilot interviews were conducted and based on the results, the interview protocol was revised – the number of questions were reduced, and some questions were combined. The final version of the protocol is included in the Appendix. Due to ethical considerations, all interviewees were provided with brief information on the research and asked to sign a consent form prior to the interview.

The protocol consists of four parts. To understand the dynamics leading to return, in the first part of the interview, the interviewees were asked to share their exit story and the life abroad. The second part of the interview was focused on return aspirations. The interviewees were invited to talk about their return decision and when their return took place. The third part of the interview included questions relating to reintegration processes and the role legal architectures play in reintegration, with the rights and access to rights they provide to the returnees. In the final part, the interviewees reflected on their own definitions of vulnerability and resilience, and whether they have felt vulnerable and/or resilient upon their return to Türkiye.

Three of the interviews were face-to-face, while the remainder took place online, through Zoom, Microsoft Teams or Whatsapp, depending on the preference of the interviewee. Interviews were in Turkish and lasted around an hour. Whenever interviewees agreed, the interview was recorded. Yet, in most cases, recording was not possible, hence, the researcher took notes during the interview.

Although the study's sample is not traditionally viewed as vulnerable and the interview protocol did not include sensitive questions, it is important to note that to respect the 'do no harm rule' and ensure safe and smooth flow of interviews, the researcher was trained on trauma sensitive approaches. This training equipped the researcher to navigate conversations effectively in case of unexpected outburst of difficult emotions during interviews.

For assessing resilience, during the interview, an open-ended question was raised, and interviewees were asked about their own definition of resilience and whether they define themselves as resilient. Additionally, in order to avoid any bias in interviewees' self- assessment of resilience and in the researcher's evaluation of their resilience, interviewees were also requested to fill in the Connor- Davidson Resilience Scale (CD-RISC). The scale defines resilience as i. to adapt to change, ii. to deal with what comes along, iii. to cope with stress, iv. to stay focused and think clearly, v. not to get discouraged in the face of failure, vi. to handle unpleasant feelings such as anger, pain, or sadness. There are 25 Likert-scale questions. The five point scale ranges from 'rarely true' to 'true nearly all the time.' Example items include *"I am able to adapt when changes occur"* and *"During times of stress/crisis, I know where to turn for help."* Among various resilience scales, the CD-RISC is chosen for its widespread use and validation in different cultural settings, including Türkiye. The scales were sent to the interviewees ahead of the interview through SurveyMonkey.

1.5.2.5. Data Analysis

Data collected from all sources were subjected to content analysis. Content analysis examines information, or content. *"This technique lets the researcher discover features in the content of large amounts of material that might otherwise go unnoticed"* (Neuman, 2006, p. 36). The content may include words, phrases, narratives, images, symbols, and so forth. In this research, the notes taken during interviews, as well as data drawn from the EMIGPOL database and other documents, were analysed with this technique.

Given the limited size of the sampling, the survey results were not analysed quantitatively. Instead, they were used to mitigate assessment bias, as the researcher is not primarily a mental health professional. Additionally, participants may overestimate or underestimate their levels of resilience during the course of an interview.

1.5.2.6. The Researcher

In qualitative research, the subjectivity of the researcher has an influence on the choices the researcher makes regarding the topic and design of the research as well as interpretation of the data. Therefore, researchers engaged in qualitative tradition are encouraged to reflect on the values they bring to their research (Ratner, 2002). Subjectivity relates to the reliability and validity of the research. Below, some information on the researcher's background is provided.

The researcher's parents were both highly skilled professionals who lived in Iraq for five years. They returned to Türkiye right before her birth and were in the process of reintegration during her early ages. Moreover, in the coming decades, she left Türkiye twice as an international student, first, right after completing her masters' degree, between 2010- 2011 and later, during her PhD studies, between 2018-2019. Therefore, she has been a highly skilled returnee herself and has experienced reintegration processes.

Within the context of the present study, such a background is important for two reasons. Firstly, her interpretation of the data gathered from the interviews is likely to be influenced by her personal experiences. Secondly, her background as a highly skilled returnee might have encouraged the interviewees to accept talking to her, considering her as an 'internal.' Similarly, throughout the interviews, they might have felt more comfortable while answering the questions and revealed more information regarding their experiences.

Furthermore, since 2022, she works in the EMIGPOL project as a PhD researcher. The project influenced her decision to focus on return migration in her dissertation and encouraged her to embrace a broader approach on legal frameworks - as a combination

of laws, policies and international as well as bilateral agreements, rather than just laws and/or policies. Her engagement in the project probably played a role in the way she interpreted the data interpreted in the third chapter of this dissertation.

1.5.2.7. Limitations

This study is subject to certain methodological limitations that may impact its validity and reliability. Firstly, the general literature on research methods indicates that *"qualitative research is an interpretative and subjective exercise, and the researcher is intimately involved in the process"* (Pope and Mays in Lacey and Luff, 2007, p. 6). Consequently, the findings are not value-free and are not suitable for generalisations. Secondly, the researcher's background as a highly skilled returnee in Türkiye might lead her to be 'biased' towards the data. Thirdly, the non-random, snowball sampling lacks representativeness. Finally, this research is designed as a single case study, hence, does not allow generalisation to other contexts and countries.

1.5.2.8. Contribution

This study is relevant to both academia and policy. The phenomenon of brain drain has been on the research and policy agendas for decades. With the increase in the global demand for talent since the 1990s, the repertoire of return policies has diversified. Similarly, the literature on highly skilled migration, in general, and highly skilled return migration, in particular, has begun to grow. Yet, compared to other types of international migration, highly skilled return migration is still slightly overlooked. The psychological aspect of return migration and the role of return and reintegration policies remain largely unexplored.

This study aims to contribute to the literature by

i. Proposing a need for a fourth turn, i.e. legal turn, along with the other three turns, namely return turn, psychological turn, and policy turn in the study of highly skilled migration,
ii. incorporating the concepts of resilience and vulnerability into the analysis,

iii. challenging the assumption that reintegration of highly skilled returnees is automatic and problem-free,
iv. thereby, shedding light on the psychological dimension of return and reintegration, which is often neglected by home states.

The body of scholarship lacks understanding of how highly skilled returnees reintegrate and the link between legal architecture and reintegration. Furthermore, little is known on return and reintegration policies, as well as the realities of return and reintegration in Türkiye. This study also intends to fulfil these gaps.

1.5.2.9. Structure of the Dissertation

The study consists of five chapters. In the next chapter, the literature on return migration, highly skilled migration, the aspirations- capabilities framework, the psychological turn in return migration research as well as the concepts of resilience and vulnerability, and return policies are visited. At the end, the need for a legal turn is elucidated.

The third chapter delves into the legal architecture governing return migration in Türkiye. The first part includes background information on Türkiye's emigration history. Then, the available literature on the Turkish case of highly skilled migration is presented. The second part discusses the analyses of the data on laws, policies, and international agreements, shedding light on the Turkish state's definition 'highly skilled (e)migrant' and identifying the actors involved in highly skilled (return) migration in Türkiye. The chapter concludes with an examination of Türkiye's return and reintegration policies.

The fourth chapter presents the findings derived from the data collected during interviews. Following the brief information on the profile of the interviewees, the findings regarding exit aspirations, return aspirations, reintegration processes, along with the relationship between reintegration and legal architecture are discussed. The last section aims to uncover how highly skilled return migrants define the concepts of

vulnerability and resilience and whether they consider themselves vulnerable and/or resilient.

The last chapter summarises the key findings and then, focuses on the theoretical and practical implications of the analyses on highly skilled migration in Türkiye. The chapter finally addresses the possible avenues for future research.

CHAPTER 2

LITERATURE REVIEW

2.1. Return Migration: An Overview and 'Return Turn'

Starting with the statement that 'return migration is under researched' seems to be the inclination among scholars (Bovenkerk, 1974; Gmelch, 1980; King, 2000; Bilecen, 2022). The significant growth of the literature on return migration in the last decades, however, challenges this assertation. Nevertheless, once the body of mainstream migration studies literature is considered, it remains relatively overlooked (King and Kuschminder, 2022).

Early accounts of international migration, which focus on the 19th century transatlantic migrations from Europe and Asia to North America, assumed one-way movement and expected no return (Gmelch, 1980). On the other hand, among thirty million Europeans, who migrated to the United States (U.S.) during the Age of Mass Migration (1850- 1913), one in three eventually went back to their homelands (Abramitzky et al., 2019). Similarly, immigrations within Europe in the aftermath of 1945 ended with substantial return (King, 1978). This is to say, migration was never one way stream; but the technological advancements both in sea and air transportation and the introduction of cheaper flights inevitably played an important role in facilitating returns in early and mid-20th century (Carleton, 1960; Guzzetta, 2004). In the next century, in 2000s, return rates are not much lower. As put forward by the Organisation for Economic Cooperation and Development (OECD) (2008), within five years of immigration, 20% to 50% of long-term immigrants leave, either to return home or move on to a third country. More recent findings suggest that *"roughly one of four migration events is a return to an individual's country of origin"* (Azose and Raftery, 2019, p.116). *"In many cases, out-migration rates are very high and can be up to 50 percent of an arrival cohort"* (Bijwaard and Wahba, 2022, p.1).

While return is not a rare phenomenon, it has not drawn the proportionate scholarly attention. The difficulty to track and measure return, circular migration, and the lack of quantification (i.e. reliable large-scale data) has been a major reason (Bovenkerk, 1974; Cassarino, 2004; Gmelch, 1980; Guzzetta, 2004; Oxfeld and Long, 2004), since generally, destination countries do not record departures and origin countries do not keep data on the entry of returning citizens (Bartram et al., 2014c).

Before 1960s, which is the take-off period, work on return migration was few, scattered geographically and addressed transatlantic and colonial mass migrations (King and Kuschminder, 2022). In 1960s, analyses on return migration began. Returns from the U.S. to Italy and Puerto Rico, and from Britain to the Caribbean were the main foci. With the oil crisis in 1973-1974, Western European countries, and other traditional immigration countries, particularly, West Germany and France banned migrant worker recruitment and pressures arose for return and repatriation (Callea, 1986; King, 1986b). Consequently, research focus shifted to returns to Southern Europe. In the meantime, the fear of mass returns due to discontinuation of work and residence permits and possible negative effects these returns would have on the home states' economies took up the issue to the international level. In the second half of 1970s, the OECD prepared reports as well as guidelines in the matters of return and re-integration and initiated the Co-operative Action Programme encouraging job creation projects in regions of high emigration (Kubat, 1983[5]). Therefore, 1980s had two main concentrations. The first one was the extension of the post-oil crisis research with a view to relate return with not only changes in host countries' industries and production systems, but also dynamics in home countries (including economic recession or growth) as well as personal and family considerations (King and Kuschminder, 2022). Scholars endeavoured to bring return into focus, and consequently, the first European Conference on International Return Migration was held between 10-14 November 1981 under the auspices of the Research Committee on

[5] This article was published anonymously in the International Migration Review Volume 17, Issue 1 (Supplementary) in 1983. This issue was prepared by the Organisation team of the first European Conference on International Return Migration and included F.P. Cerase, H.J. Hoffmann- Nowotny, D. Kubat, A. Richmond, G.F. Rosoli and S. Tomasi; however, according to the Preface, the main editing was carried out by Daniel Kubat. Hence, both in the text and in the bibliography, the anonymous articles published in this issue was referenced as "Kubat, 1983."

Migration of the International Sociological Association (ISA) (Cerase and Rosoli, 1983). The increasing politicisation at the inter-governmental level - through reports and conferences by the OECD and the Council of Europe (CoE) - was the second area of concentration (Kubat, 1983; CoE, 1987). Moreover, in 1970s and 1980s, seminal works, which reflected the state of the art back then and laid the foundations of theorisation and conceptualisation attempts in the coming years, were published (For instance, Bovenkerk, 1974; Callea, 1986; Cerase, 1974; Chepulis, 1983; Gmelch, 1980; King, 1986a; Richmond, 1983; Rogers, 1983; Velikonja, 1983). Discussion topics, among others, included return motivations (Rogers, 1983) and *"co-development, the voluntary repatriation of third-country nationals, the emergence and implementation of bilateral readmission agreements between sending and receiving countries and the link between international migration and economic development in migrants' origin countries"* (Cassarino, 2004, p. 254).

In the last decade of the 20th century, return became a hot topic, especially for the developed countries, which encounter a high number of asylum seekers due to the fall of the Iron Curtain, the uprootedness caused by conflicts in Africa, South America and Europe (Kuschminder, 2017) as well as the emphasis on return as one of the favourable strategies of migration management (Chimni, 2004; European Commission (EC), 2011) and the most preferred durable solution to irregularised migration (van Houte, 2019). The United Nations High Commission for Refugees (UNHCR) reported a steady increase in the number of returning refugees (Oxfeld and Long, 2004). Since then, return migration research has been expanding with the globalisation, acceleration, diversification, politicisation, and feminisation of migration. Coming to 2020s, with studies on different geographies (such as Africa and Central and East Europe), different types of returnees (refugees, labour migrants, international students, highly skilled and so forth), and different dimensions of return, including reintegration as well as policies, and with the diversification of methods used, a new return migration literature is being formed. This expansion and diversification, both being signs of increased attention, heralds what King and Kuschminder (2022) rightly suggest, a "*return turn*" in literature and policy.

2.1.1. Return Migration: Definition

Definitional wise, the concept of return migration might seem self-evident and/or self-explanatory, however, the variety of terms used in the literature to connote return is vast. Countercurrent, counterflow, counterstream, back migration, reverse migration, reflux migration, transilient migration, U-turn migration, homeward migration, homecoming, remigration, re-emigration, return movement, return flow, second-time migration and repatriation are some of them (ibid.; Bovenkerk, 1974; Coleman, 2009; Gmelch, 1980)[6]. This terminological sloppiness is accompanied with the absence of a definition, which encompasses different forms of return and types of returnees and is agreed upon by everyone. IOM, in the Glossary on International Migration, refers to return as:

> In a general sense, the act or process of going back or being taken back to the point of departure. This could be within the territorial boundaries of a country, as in the case of returning internally displaced persons (IDPs) and demobilised combatants, or between a country of destination or transit and a country of origin, as in the case of migrant workers, refugees, or asylum seekers.

and to return migration as:

> In the context of international migration, the movement of persons returning to their country of origin after having moved away from their place of habitual residence and crossed an international border.
>
> In the context of internal migration, the movement of persons returning to their place of habitual residence after having moved away from it (IOM, 2019, p.186).

These definitions outline a distinction between internal and international migration as well as types of returnees; but do no incorporate a time dimension, hence, do not differentiate between temporary visits to and longer residences back in the place of

[6] Nuances exist between some of these terms, however, meaning comparison among alternative terms is not in the scope of this study. The term "return" is used throughout the text and re-emigration is reserved to cases when the migrant moves from his/her country of origin again after his/her return. For definitions of different types of forced returns (readmission, repatriation, expulsion, removal, and the like), see Coleman, (2009, p. 9).

origin. Alternative definitions have been made in the literature. For instance, for Bovenkerk (1974), who is the first to systematically analyse return migration, the term return migration should be reserved to *"return after emigrating for the first time to their country (or region) of origin"* (p.5). Gmelch's (1980) definition, *"movement of emigrants back to their homeland to resettle"* (p.136) also regards return as the end of the migration project and expects a permanent settlement. King (1986b & 2000) states that *"return migration is when people return to their country or region of origin after a significant period abroad or in another region"* (1986b, p.4; also, 2000, p.8). Three authors cover both internal and international returns, while only King brings in the time dimension, even though the expression that "significant period" is vague and may result in different interpretations. Other examples from the key literature are as follows:

"All relocations of migrants back to the country of origin. This includes deportation, removal, and assisted return as well as return on individual's own initiative." (Carling et al., 2015, p.2)

"The return of migrants to their country of origin- sometimes as fulfilment of original intentions." (Bartram et al., 2014c, p.2)

"The movement of migrants back to a country of origin, following an absence of at least one year." (Erdal, 2017, p.104)

"A type of migration, where migrants return to their home from the countries, they had previously aspired to settle as residents." (Bilecen, 2022, p. 367)

All four definitions leave internal migration aside. Bilecen implicitly assumes a permanent immigration aspiration, whilst Erdal, with the duration of at least one year, excludes short-term migrations for work or study purposes. Here it should be noted that adoption of one year of absence as the demarcation line between permanent emigration (migrants) and temporary emigration (sojourners) has been a practice for several countries before World War I and with the initiation of the International Labour Organisation (ILO) in 1920s, it became internationalised (Gould, 1980).

When time dimension is concerned, as the samplings they employed in their case studies on return migration in Italy show, King et al. (1984, 1985 & 1986) propose a dual threshold: at least one year spent abroad and at least a year spent back in the home country, to exclude temporary returns (King and Kuschminder, 2022). Kuschminder (2017), with a view to include short-term contract migration and student migration, introduces a duration of minimum of three months. According to her work on reintegration, this length of time suffices migrants to expose to another culture and context to have an impact on their values and behaviours (p.5).

This research, in line with its scope, which covers the international return migration of the highly skilled, with few annotations, endorses the definition made by UN DESA. Accordingly, return migrants are *"persons returning to their country of citizenship after having been international migrants (whether short term or long term) in another country and who are intending to stay in the country for at least one year*." (UN DESA, 1998, p. 94)

This definition is not exempt from shortcomings either. It embodies an exclusion of internal migration, a vagueness regarding the minimum time to be spent abroad and a requirement of a citizenship bond with the place of return. While the focus on international migration befits the framework of the current study, it is still important to underline the presence and relevance of internal migration, particularly for some big countries such as Russia, China, or the U.S. (King and Kuschminder, 2022; Newbold, 2005). Secondly, the literature points out that return is a function of time (Mavroudi et al., 2017; Velikonja, 1983). Hence, the duration of stay both abroad and back at home matters. The length, however, may be purpose laden. Research on seasonal migration or student exchange programs can consider three months as sufficient, whereas those on integration and re-integration may opt for a longer period. Finally, UN DESA's preference over the term "country of citizenship" raises three issues. To start with, not all countries allow dual citizenship. In such cases, naturalisation at the host country inevitably leads to loss of citizenship of the home state. Examples include Ethiopia, which denaturalises its migrant citizens if they acquire another country's citizenship (Kuschminder, 2017) as well as some of the Turkish migrants, who had to denounce

their Turkish citizenship as their host states, for instance, Germany[7] or Austria (Jahn, 2017)[8], do not permit dual or multiple citizenship. The second issue concerns the difficulty in labelling second and later generation children's move to parental homeland for any reason (to name a few: return of parents, studies, marriage, and personal considerations). These children may be born abroad and have obtained citizenship of their host states, lack dual citizenship and/or as the transnationalism literature suggests, have multiple belongings (Röttger-Rössler, 2018). The answer to the question "Arrival in which country could be regarded as return?" might not often be that straightforward. These two issues bring to the fore an alternative term, i.e. place of origin, which also has its limitations. Given that returnees can choose not to go back to where they once hit the road and settle in another city or region, place of origin and place of return can differ (Tsuda, 2019). Therefore, as Pauli (2021) asserts "*place of origin is a rather fluid category. Depending on specific migration trajectories it can mean various things.*" (p.97).

In short, the reality of return migration can be so complex that, no definition of return is all-encompassing. Who (returnee, researcher, policymaker etc.) defines and for which purposes shape the definition to be employed. For analytical reasons, this study endorses the UN DESA's definition and to be more precise with respect to the length of stay abroad, adopts the abovementioned dual threshold proposed by King et al. (1984, 1985 & 1986), i.e. a minimum of one year of absence and since return. As for the citizenship bond, a similar line of thinking with Künüroglu et al. (2016) is followed and non-citizen children (second generation) of migrants are included.

[7] Section 12 of the German Nationality Act states that "*one aim of German nationality law is to avoid creating multiple nationality through naturalization as far as possible. However, there are exceptions for cases of special hardship*." (Federal Ministry of the Interior and Community, https://www.bmi.bund.de/SharedDocs/faqs/EN/topics/migration/staatsang/Doppelte_Staatsangehoerigkeit_Mehrstaatigkeit_en.html (accessed on 11.02.2024) However, on 19th January 2024, Germany has adopted a new citizenship law, which eases the naturalisation path for immigrants and allows dual citizenship (Escritt, 2024).

[8] "*In general, Austrian citizenship law does not permit dual or multiple citizenship. In principle, anyone who voluntarily acquires a foreign citizenship thereby loses Austrian citizenship*." (Federal Ministry Republic of Austria European and International Relations, https://www.bmeia.gv.at/en/travel-stay/living-abroad/citizenship-and-union-citizenship/dual-citizenship (accessed on 11.02.2024)

2.1.2. Types of Returnees

Migrants can return from study, training, employment abroad; after serving as international civil servants; due to repatriation (as refugees or asylum seekers) or deportation for any other reason (UN DESA, 1998). Consequently, return can be voluntary or forced. It can also be permanent or temporary. Further typologies based on, for instance, the level of development of countries involved, the motivations and circumstances of return and the skill level of the migrant can be made (King and Kuschminder, 2022). This is to say, return migrants can be classified in multiple ways and categorising them is prominent *"as [they] are a highly heterogeneous group with different aspirations, experiences and vulnerabilities* (Kuschminder, 2017, p.5)"

As an answer to the question "who returns?", a few typologies, some based on a dichotomy, have been made in the literature. Combining the dichotomy of actual return versus non-return with duration-intention, Bovenkerk (1974) suggests four types of returnees: i. intended permanent emigration without return, ii. intended permanent emigration with return, iii. intended temporary migration with return, and iv. intended temporary migration without return. Cerase (1974), in his well-known fourfold typology, moves beyond emigrants' intentions and brings in the stage of integration at the host society and the structure of the origin country, both of which impact return decision and experience. According to Cerase, those unable to integrate at the host country and go back after a short while with no tangible gains fall under the first group: *return of failure*. *Return of conservatism* occurs when return is planned prior to emigration and takes place once the intended accumulation of savings (mainly, for land purchase) that will provide the returnee with liberation from landowners and social prestige is achieved. These returnees "*remains aliens in the new society with their minds fixed on their return home*" (p.254). The third type is the *return of retirement*. As its label explains, return happens upon retirement from the job at the host country. Retired returnees consider "*return as the beginning of the last stage of their lives*" (p.257). For both second and third groups, integration at host community is, hence, very low, if any. The most integrated are returnees of innovation. Their stay abroad lasts at least ten years and come back having saved money, acquired skills and feeling ready to be a carrier of social change at home. They regard return as the

beginning of a new stage in their lives and as "*the possibility of a greater satisfaction of their needs and aspirations*" (p.251). Whether they could realise their innovative goals depends on the opposition of traditional power structures among the various classes and economy at home.

Gmelch (1980) builds upon two dichotomies of temporary versus permanent emigration and voluntary versus forced return. Those, who initially planned to temporarily stay abroad, return, when they achieve their objectives. In the cases of permanent migration return could be forced or because of failure to adopt or homesickness. He also stresses the link between intentions to and motivations for return.

With the respect to motivations and circumstances of return, the literature offers a wide spectrum. Economic conditions and other push factors at the host country (i.e. recession or discrimination) and pull factors at home (i.e. economic growth, business or investment opportunities); strong family ties, care responsibilities (elderly parents, family business and the like), loyalty and allegiance, life-stage, (un)employment, nostalgia, expulsion, relationships with stayers (often kin) are to name a few (ibid., Akesson and Baaz, 2015; King and Kuschminder, 2022).

Another typology based on voluntary versus forced dichotomy belongs to Battistella (2018). He distinguishes four categories: *return of achievement*, *return of completion*, *return of set-back* and *return of crisis* (forced return). Only the first one is voluntary and occurs when emigrants achieve their goals abroad. In the second type, return does not need to be voluntary, rather due to termination of contract. Return of setback takes place before the end of the migration project for various reasons, including unhappiness at working conditions, family reasons, experience of abuse, or trafficking. "*It is a setback from the perspective of the original migration project*" (p.4). Finally, return of crisis (forced return) refers to forced leaves stemming from political upheaval, climate crisis or repatriation. Today, the distinction between voluntary and forced return has become blurry (Cassarino, 2019; de Bono, 2016; Erdal and Oeppen, 2018; Tsuda and Song, 2019a & 2019b).

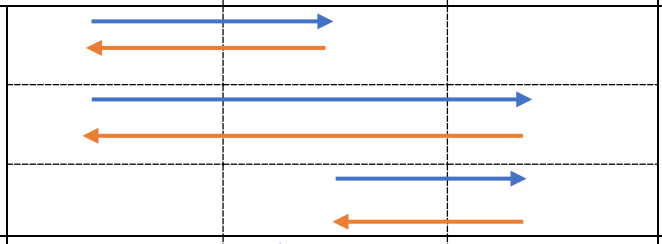
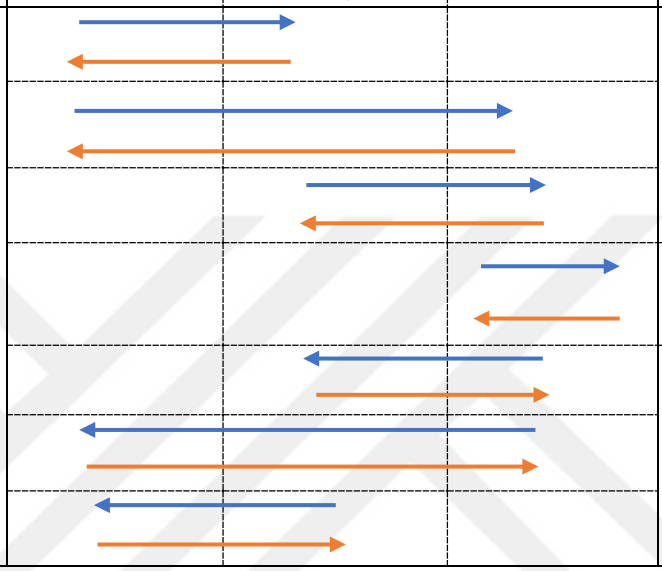
The same blurriness applies to the dichotomy between permanent and temporary return. Temporary emigration might result in permanent settlement abroad and permanent return might end with re-emigration (Kuschminder, 2017). Still, on the basis of time spent in the home country, King (2000) suggests another fourfold typology: i. occasional returns for a short-term visit, ii. seasonal returns due to seasonal work activities, iii. temporary returns- when return is for a specific period and followed by re-emigration abroad, and iv. permanent return to settle in the home country for good.

Taking the relationship between the level of development of the countries involved in migration and return as his initial point, King (2000) proposes another classification: i. return from less developed countries to highly developed countries, ii. return migration of labour migrants from the developed industrial countries to their less developed home countries, and iii. return movements between countries of broadly equal economic status.

Two decades later, King and Kuschminder (2022) extended this typology by adding the skill level of the migrant and reasons for emigration. This combination "*creates a diversified matrix of migrations and, hence, returns*" (p.4). Accordingly, there are three types of countries: low, middle, and high income and two levels of skills: high and low. As illustrated in the table below, migration of low skilled people can be from low income to middle income, from low income to high income countries, and from middle income to high income. These outbound moves are based on supporting family and accumulating savings and experience. Similar low to middle, low to high, and middle to high income paths can be followed by high-skilled migrants as a result of brain drain. A highly skilled individual from a high-income county can migrate to another high-income country for lifestyle and career and to middle- or low-income countries for expat[9] replacements. This matrix, however, remains silent on return intentions and motivations as well as on voluntariness of both the initial migration and return.

[9] Zırh (2023) offers an account of who can be called as 'expat' by visiting the etymology of the word and how the meaning has evolved over the decades through the case of Türkiye.

Table 1: Return Typology

	Level of Development of Countries Involved			Reason for Emigration
		Low Income	Middle Income	High Income	
Skill Level of the Migrant	Low Skilled				Supporting family, accumulate savings and experience
	High Skilled				Brain drain/ brain return
					For lifestyle and career
					Expat replacement

(Orange arrows stand for return direction)

Source: Author's illustration based on King and Kuschminder, 2022.

According to Kuschminder (2017), returnees can be further categorised as: voluntary highly skilled returnees, voluntary low-skilled returnees, seasonal migration returnees, student returnees (forced or voluntary), returned rejected asylum seekers, repatriated refugees, assisted voluntary returnees, forcedly deported returnees, and second-generation returnees. Having visited different typologies, one could easily infer that "*categorising return is not a straightforward exercise and that several different variables can be taken into account to inform these categories*" (ibid, p. 8). To overcome this difficulty, scholars began to develop case-specific typologies. Carling (2004)'s classification of Cape Verdean returnees as *'classical'* and *'empty-handed'* is an example. Such an approach is followed by the current study, which focuses on highly skilled returnees. In line with the selected case, i.e. Türkiye and research design, four sub-categories are formed: i. returning academics, ii. returning STEM professionals, iii. returning entrepreneurs, and iv. returning semi-citizens (holders of

Mavi Kart (Blue Card), who possess all rights of a Turkish citizen, except political rights).

2.2. Highly Skilled Migration

Along with labour migrants, asylum seekers and refugees, students and highly educated/ skilled workers have increasingly been on-the-move since the first decades of the 20th century. Examples of earlier flows include expulsion of 2000 German scholars and scientists to the United States (U.S.) and Britain in 1933 as well as the recruitment of German scientists in rocket engineering in the US or in the Soviet Union under the Soviet's missile programme in 1930s. Almost a decade later, in the post-war period, the US and the Soviet Union spearheaded foreign talent attraction in order to cover the highly qualified specialist deficit they face in the new phase of scientific and technological development (Simanovsky et al. (1996) cited in Iredale, 2001). Consequently, in addition to forced exodus and government induced cross-border staff recruitment programmes, relatively voluntary emigration of educated/ skilled workers from developing countries to developed countries, in other words, brain drain began. With its repercussions on both the countries of origin and destination and its reverse current, i.e. brain gain and more contemporary alternative, brain circulation, brain drain has been a topic of hot debates both at the international level and in academia starting from 1960s (Bartram et al., 2014b; Solimano, 2008b & 2008c).

Among professionals and students, the two traditionally accepted high-skilled groups, mobility of the latter seems to have a longer history[10] and was initially regarded as "*a positive way to transfer technology from rich to poor countries since expatriate students were expected to return home, but that later it was generally seen as a net loss for the home countries, because it was generally expected that students would not be returning*" (Gaillard and Gaillard, 1998, p.9). On the other hand, before 1960s, highly skilled migration was considered more a consequence of forced movement of

[10] Caroli (1990) notes that among Harvard's first class of nine graduates, seven of them returned to England (cited in Guzzeta, 2004). Harvard's as well as America's first commencement was in 1642 (Cipriano, 2019). Consequently, students' immigration and return migration dates to the 17th century, if not earlier.

professionals due to political conflicts (Iredale, 2001). Scholarly interest in their emigration emerged, however, when many states, including Taiwan, India, China, Philippines, Ukraine, Russia, African countries and even Britain, faced large-scale brain drain of students, engineers, and physicians (Bartram et al., 2014b; Koser and Salt, 1997).

Early accounts of highly skilled migration focus on the advantages and disadvantages of brain drain. Beyer (1972), in his selected bibliography on migration of skilled workers and high-level manpower, underlines brain drain's importance as a phenomenon for Europe and links skilled workers migration stemming from search for better training and working conditions with the process of transition caused by industrialisation and urbanisation. He, as other scholars of the time, also mentions the implications of uneven distribution of skilled workers on both sending and receiving countries. According to this "who wins/ who loses" issue, the most controversial theme in 1970s, the former loses its most educated citizens, whereas the latter gains the human capital it requires to boom its economy (Bartram et al., 2014b; Gaillard and Gaillard, 1998).

In 1980s, with three developments, the attention paid to highly skilled began to grow in the studies of international migration. Firstly, the recognition of the diversity and heterogeneity of migration gave birth to endeavours of re-conceptualisation and theorisation, which surpass the view that migration is a one-way and permanent movement. Hence, temporary migration, including short-term relocation of expatriates, was incorporated into the research agendas. The emphasis on skills and labour quality in migration policies, particularly in the New World, was the second development. The third one was the in-company, but cross-border movement of specialists, technical experts, managers facilitated by transnational corporations (TNCs) and economic globalisation (Koser and Salt, 1997).

Coming to 1990s, the total number of highly skilled migrants grew dramatically. The expansion of industries and services drew the attention to human capital highly skilled employees have and hence, led to the proliferation of policies encouraging international migration of the highly skilled on the one hand, and the increasing

mobility of organisational expatriates, on the other hand (Salt, 1997). While between 1961 and 1972, the UN estimates for highly skilled migration from South to North was 300,000, the census results showed that the U.S. alone hosted 2.5 million highly educated migrants from developing countries in 1990 (Docquier and Rapaport, 2004).

The diffusion of selective immigration policies -that favours migration of the highly skilled within the OECD area and among European Union (EU) member states- partly counts for the increase in the magnitude of brain drain over thirty years. The fall of the Iron Wall and the consecutive net flows of highly skilled scientific and technical migrants from ex-Soviet Union and East European countries was another relevant factor, even though not all these migrants were able to take positions that best fit their training. The resulting fears over 'brain waste' as well as staying behind in the global race for the best and the brightest occupied some of the debates of the time.

Other themes in the scholarly work were the impacts of highly skilled migration on the domestic skilled labour force, the changing dynamics of TNCs related international highly skilled migration (inter-company transfers rather than within company relocations), the internationalisation of higher education (including student return and non-return) and return policies targeted at skilled nationals living overseas implemented mainly by Asian countries such as India and China (Gaillard and Gaillard, 1998; Iredale,2001; Koser and Salt, 1997). For instance, in early 1990s, China adopted the Law on the Protection of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese to encourage return among Chinese diaspora by establishing a special position for returnees and providing them with certain legal and economic privileges, including university quotas. Similarly, in 1992, the Chinese Ministry of Personnel initiated a strategy to improve services for returned students through job introduction centers (EMIGPOL database). Additionally, first attempts to conceptualise highly skilled migration around skills and from the perspective of country of destination also took place in this decade (Weinar and Klekowski von Koppenfels, 2020).

Along with globalisation, economic restructuring, and the expansion of social and cultural transnational networks, the 21st century inherited a tough battle for the highly skilled migrants and/or overseas citizens.

> Attracting heterogeneous skills and diversified experience and knowledge has become a major element in the economic development process for many countries. But it is not only highly developed economies that have developed a growing appetite for skilled workers and therefore intensifying their engagement in this competition to attract internationally mobile human capital; middle income and even less-developed countries are increasingly aiming to retain talent or attract the return of some of their skilled diaspora (Czaika, 2018b, p.1).

Such a strong interest worldwide for their knowledge, skills and expertise could be referred to as "*an era of Highly Skilled Migration*" (Parsons et al., 2014, p.4).

The first quarter of the 21st century witnessed several crises[11], namely, the 2008 Financial Crisis, the 2015 Summer of Migration and recently, the COVID-19 pandemic and consecutive global recession. Despite the economic, political, social, and cultural turmoil states have gone through and the rise in the number of tertiary-educated individuals – one might expect both to reduce attractiveness of international skilled migration-, the battle for the best and the brightest has not ceased. As time passes, the playground becomes more crowded and the race for talent fiercer. Furthermore, with the evolution of information technologies (IT), new modalities of mobility such as virtual mobility and new types of migrants, for instance, digital nomads have emerged (Migration Data Portal, 2022).

Today is, therefore, marked not only by proliferation of highly skilled migration policies, but also by the differentiation of the practice of highly skilled migration in terms of its forms and the predictability of its outcomes (Cairns et al., 2017). Yet, regardless of the growing body of literature on international migration of the highly skilled individuals over the last decades, there is still room for further research, particularly concerning their return to and re-integration at the country of origin, as

[11] De Genova et al. (2016), in their work titled "Europe/Crisis: New Keywords of "the Crisis" in and of "Europe" criticise the frequent use of the crisis rhetoric in Europe and advocate for caution, as such rhetoric is likely to foreclose alternative solutions, particularly in governance.

well as agency and resilience. Any investigation, however, should start with the acknowledgement of "*the complex nature and characteristics of high-skilled migration*" (Czaika, 2018b, p.8) and the heterogeneity within this group of migrants. Both aspects necessitate disaggregated assessments. Moreover, it is essential to go beyond the traditional high-skilled migration- economic development nexus and study highly skilled migration on its own. The following discussion will focus on who qualifies as a highly skilled migrant.

2.2.1. Who is a Highly Skilled Migrant?

"*While there may be broad agreement on their desirability, there is not one agreed upon definition of the highly skilled migrant: the boundaries of the concept fluctuate depending on who is talking: economists favour a different approach than sociologists, while policymakers might have yet another view*" (Weinar and Klekowski von Koppenfels, 2020, p. 9). Hence, a plurality of definitions exists not only for the term "return migrant", but also for "highly skilled migrant." Moreover, as an extension of the preference made over what constitutes a migration and which time threshold is used in distinguishing between short and long-term movements, alternative terms are employed: *highly educated, highly skilled, priority worker, skilled international migrant, skilled international labour circulation, professional transient, skilled transient, migration of expertise, knowledge worker, brain worker, expat, expatriate, lifestyle migrant*, and so forth (ibid.; Czaika, 2018a; Iredale, 2001; Koser and Salt, 1997).

The lack of definitional and terminological consensus stems from the interplay among the multiple actors engaged in highly skilled migration, including but not limited to states, companies, academics, international organisations such as the OECD, the IOM and the ILO, and migrants themselves. Domestic and international contexts, as well as varied purposes of these actors, also matter. With its monopoly over its borders, the state is the main responsible for setting the boundaries of the definition of highly skilled migrants (Weinar and Klekowski von Koppenfels, 2020). Even when adhering to the international legal framework and standards, states retain room for manoeuvre and choose the extent to which they would allow the diffusion of international norms

(Checkel, 1997). However, the definition process may not always be straightforward, as it requires the state to balance the needs of the economy, employers, domestic labour force, and society while remaining competitive in the global race for talent. For instance, labour market entry criteria are set at the national level, but in negotiation with the corporate sector and under the shadow of global economic dynamics. Similarly, companies, in their recruitment processes, must comply with national employment and tax laws (Williams, 2007). As a result, even the notion of skill in the highly skilled migration is context-related and socially and culturally constructed (Boucher, 2020; Koser and Salt, 1997; Skeldon, 2018).

Skill as a notion is explored by different disciplines and stands at the crossroads of several policy areas such as education, employment, and migration. It is a dynamic term, what it connotes has undergone changes in line with the economic, structural, and technological developments. With the shift from traditional manufacturing to hi-tech industries and the growth of service sectors, skilled worker is not equated with manual craft worker and technologist anymore. Moreover, categories of skills have emerged over time. Today, one could discuss, on the one hand, the multiplicity of skills, such as physical, cognitive, interpersonal, basic, employability, technical, management, key, soft, generic, transferable, social, and interactional skills (Payne, 2000; Wolff, 1996), and on the other hand, the plurality of approaches in defining skill (Boucher, 2020).

Etymologically, the word 'skill' is derived from the Proto-Indo-European root 'skel' which means 'to cut.' Its meaning has evolved in time to "*power of discernment, sound judgment; that which is reasonable. The sense of 'practical knowledge and ability, cleverness' is recorded by early 13th century*."[12] Its current dictionary definition refers to "*the ability, coming from one's knowledge, practice, aptitude, etc., to do something well*."[13]

[12] Skill. *Online Etymology Dictionary*. https://www.etymonline.com/search?q=skill

[13] Skill. *Collins Dictionary*. https://www.collinsdictionary.com/dictionary/english/skill

In global debates, no single definition of skill is available (Boucher, 2020). Nevertheless, an emphasis on labour market seems to be common as indicated by the following definitions -adopted by ILO and OECD, respectively: *"the ability to carry out the tasks and duties of a given job*" (ILOSTAT, n.d.) and *"the qualifications needed to perform certain tasks in the labour market. In the most general sense, it reflects the level of human capital in the labour markets"* (Aurial and Sexton, 2001, p. 14).

In migration studies scholarship, the notion of skill, thus, the answer to the question "who is a highly skilled migrant?" are typically elucidated through definitions driven by either data or policy (Czaika and Parsons, 2018; Parsons et al., 2014). While some authors present their case-specific definitions, some refine from providing a definition altogether (Weinar and Klekowski von Koppenfels, 2020). Additionally, some authors challenge the prevailing conceptualisations (Cairns et al., 2017).

Firstly, researchers, who take statistical data as their starting point, generally use proxies based on to the level of education and define highly skilled as *"persons in adult age who have completed a formal two-year college degree or more"*, since *"it is the most readily available international statistics*" (Lowell, 2005, p.2).[14] [15] This cohort of research tend to be carried out by economists and/ or those interested in studying impacts of brain drain on the country of origin (Beine et al., 2007; Beine et

[14] It should be noted that the common usage of data-driven definitions is not immune to criticism. The lack of comparable data on highly skilled migration is indeed an issue of concern. National and international laws and policies governing human mobility and migration establish categories of citizens and aliens and determine under which conditions they can move outward or inward. These categories inform how migration, including highly skilled, is recorded by national, regional, and international statistical authorities. The migration data, hence, encapsulates the interpretation of the concept of skill by states and/or international organisations. By a thorough analysis of definitions obtained from national immigration statistics, occupational nomenclatures and immigration policies, Parsons et al. (2014) elucidate inconsistencies in data methodology and policy discourses. Accordingly, they depict three discordances: in definitions used in statistics, in occupations states consider as highly skilled and in policy. Consequently, a migrant can be considered as high-skilled in one country and not in another. See also Czaika and Parsons (2018) & OECD (1998).

[15] The Objective 1 (paragraph j) of the GCM addresses this lack and inconsistency on migration data and encourages states to *"develop and use country-specific migration profiles, which include disaggregated data on all migration relevant aspects in a national context, including … demand and availability of skills…"* (GCM, 2018, p.8)

al., 2008; Docquier and Rapoport, 2004). Scholars focusing on the country of destination perspective tend to combine educational attainment and occupation. This approach is also employed by the OECD (1998). To minimise the variance in measures of education and occupations across countries, two classifications are addressed: the International Standard Classification of Education (ISCED) by United Nations Educational, Scientific and Cultural Organisation (UNESCO) Institute of Statistics and the International Standard Classification of Occupations (ISCO) by ILO. ISCED (2013) relates to qualifications and classifies education programs according to levels and fields of education (UNESCO Institute of Statistics, 2015).[16] ISCO-08, on the other hand, allows international convergence in occupational data and arranges occupations into 10 major groups[17] according to skill level and skill specialisation (ILOSTAT, n.d.). According to this body of research, the educational attainment and occupation of a highly skilled migrant should correspond to short cycle tertiary education (Level 5) and above in ISCED, and in ISCO-08, to skill levels 3 and 4, which "*include managers as well as professionals, and are broadly employed as legislators, senior officials, managers, professionals, technicians and associate professionals"* (ILO, 2020, p. 95).

This approach, however, overlooks the skills acquired through informal training and experiences (Parsons et al., 2004). Acknowledging the importance of skills gained outside the educational institutions, the OECD and the European Commission (EC), in the 1995 Manual on Measurement of Human Resourced Devoted to Science and Technology (known as the Canberra Manual) embrace a broader definition of 'highly skilled': *"people who fulfil one or other of the following conditions- a) successfully*

[16] In ISCED 2011, there are eight levels. 0: Early childhood education, 1: Primary education, 2: Lower secondary education, 3. Upper secondary education, 4. Post-secondary non-tertiary education, 5. Short-cycle tertiary education, 6. Bachelor's or equivalent level, 7. Master's or equivalent level, 8. Doctoral or equivalent level) (UNESCO Institute of Statistics, 2012)

[17] In ISCO-08, the latest version of the classification dated 2008, the 10 major groups are as follows: 0: Armed Forces Occupations, 1. Managers, 2. Professionals, 3. Technicians and Associate Professionals, 4. Clerical Support Workers, 5. Service and Sales Workers, 6. Skilled Agricultural, Forestry and Fishery Workers, 7. Craft and Related Trades Workers, 8. Plant and Machine Operators and Assemblers, 9. Elementary Occupations. There are also 4 skill levels, each corresponding an educational level: 1. Primary, 2. Secondary, 3. University or Tertiary, 4. Graduate education.

completed education at the third level; b) not formally qualified as above, but employed in an occupation where these qualifications are normally required" (OECD/EUROSTAT, 1995, p. 16).

Another measure used by data-driven research as a proxy for skills and education is wage levels. Scholars adopting this stance argue that natives and immigrants are considered perfect substitute in the labour market of the host country and that employees with same skill and education levels would have similar earnings (Welch, 1979; Borjas, 2005). However, given the cross-sectional nature of migration, this may not hold true in many countries. Brain waste/ deskilling happens also among highly skilled migrants (Cerna, 2018; Weinar and Klekowski von Koppenfels, 2020).

The second group of researchers examine policies to uncover who qualifies as a highly skilled migrant. Both sending and receiving states implement direct and indirect policies to attract highly skilled migrants and facilitate their entry and stay in the country. Therefore, a state's actual definition of "highly skilled" is embedded in the criteria employed for evaluation in job-offers, point-based systems, labour market tests, shortage lists, income level threshold, return programmes, and so forth. *"Such an approach focuses upon those migrant characteristics actually selected by policy, rather than starting with an a priori conception of skill"* (Parsons et al., 2014, p. 13).

On the other hand, policy-based definitions also have limitations. Firstly, highly skilled migration policies are not independent of the historical and contemporary contexts they are developed in, hence, gender and race bias could be inherent (Iredale, 2001) and a person can be considered highly skilled in one place, but not in another. Secondly, they are established through multiple negotiations among the state, employers, native labour force, and other national and international counterparts, all of which have different interests. Thirdly, depending on the global and domestic dynamics, one or more of these parties might request a change in definition of highly skilled to better achieve its goals. As the inclusion of professional experience as a substitute for educational qualifications in the revised EU Blue Card Directive exemplifies (Cerna, 2018), highly skilled migrant definitions are away from being

static. Looking at such a picture, it is possible to suggest that 'highly skilled migration is what states make of it.'

In short, efforts to benchmark by employing data on educational attainment, occupation and/ or wage levels and endeavours to unveil the actual effects through policy analysis fall short in a world of global competition for highly skilled migrants. Cross-country comparisons are challenging as is devising a single definition that is not contingent on place, time, and context.

The third group of scholars take a critical stance and contest dominant conceptualisations of highly skilled migrants. For instance, Cairn et al. (2017), in their attempt to provide an evidence-based account of highly qualified circulation in the EU, include students, interns and professionals. Through their case studies, they confront the implicit assumption that highly skilled individuals' migration processes are relatively unproblematic, meritocratic, and straightforward. They shed light on the vulnerabilities that highly skilled migrants indeed face.

This study follows such an approach. With its focus on return and reintegration experiences of highly skilled migrants, it acknowledges that not all returning highly skilled individuals are automatically employed in the occupations that best fit their education or have a certain level of income. Therefore, in the framework of the current research, high-skilled is defined in terms of educational level. *Those with tertiary education who return to their countries of origin are considered as highly skilled returning migrant/ returnee*.[18]

[18] In the Glossary on Migration by the IOM (2019), **highly skilled migrant worker** refers to "a migrant worker who has earned, by higher level education or occupational experience, the level of skill or qualifications typically needed to practice a highly skilled occupation." (p.91)

There is also a cross-referenced term, which could be used in the case of return migration: **qualified national** *"In the migration context, from the perspective of the country of origin, an emigrant with specific professional skills in demand in that country."* (p. 165)

Although this study addresses the return of highly skilled emigrants, it does not delve into a review of labour market demands for specific professional skills. It focuses on experiences of returnees. Therefore, the term qualified national is not preferred.

2.2.2. Types of Highly Skilled Migrants

A similar plurality is available in the literature regarding types of highly skilled migrants. As demand for their human capital increases, so do their chances for cross-border movement, which, in turn, lead to the diversification of their mobility types. For scientists, who were expelled due to political conflicts in 1930s, the movement was probably one-way. Over the decades, however, brain drain became brain circulation and highly skilled migration expanded to cover short-term assignments, business travels, even virtual mobility. *"Inevitably, because of this breadth of expertise, skill, migration, and movement, a wide spectrum of people might conceivably be defined as highly skilled migrants"* (Koser and Salt, 1997, p. 288). Such a variety, on the other hand, makes typology construction challenging.

One of the typologies belongs to Gould (1988). His classification is based on two dimensions: whether the movement is permanent or circulatory and whether it occurs between or within the North and the South. Thus, his typology links types of movement with levels of economic development, whereas Logan (1992) puts the emphasis on the geography of migration: i.e. between or within more developed and less developed countries. Salt (1997) points out the need for a typology *"which accommodates the diversity of the group, the sub-categories of which may have very different compositions and patterns of mobility"* (p.6). Recognising the overlaps between some of them, he suggests twelve groups for temporary highly skilled migrants: i. corporate transfers, ii. technicians/ visiting firefighter, iii. professionals in education and health sectors and non-governmental organisations (NGOs), iv. project specialists, v. consultant specialists, vi. private career development and training movers, vii. clergy and missionaries, viii. entertainers, sports people, and artists, ix. businesspeople and the independently wealthy, x. academics, including researchers and students, in institutions of higher education, xi. military personnel, xii. spouses and children of the above.

Iredale (1999, 2001) proposes categorisations based on:

i. *Motivation* (forced exodus, ethical emigration, brain drain, government induced, industry led)

ii. *Nature of source and destination* (originating in less developed or more developed countries and moving to more developed or less developed destinations)
iii. *Channel or mechanism* (international labour markets of TNCs, companies with international contracts that move staff to service their offshore work; international recruitment agencies that handle large numbers of self-generated flows; the myriad of small recruitment agents or ethnic networks; recruitment by other mechanisms, such as the internet.
iv. *Length of stay* (permanent, circulatory, temporary)
v. *Mode of incorporation* (disadvantaged, neutral or advantaged reception in the destination country)
vi. *Nature of the profession* (national/ international).

Another typology is made by Mahroum (2000) in his work titled "Highly Skilled Globetrotters: Mapping the International Migration of Human Capital." Arguing in favour of the diversity of pull and push factors that drive mobility of different highly skilled groups, and highlighting temporality as a key feature of their mobility, he distinguishes between five groups: 1. Accidental tourists (managers and executives), 2. Economy class passengers (engineers and technicians), 3. Pilgrims (academics and scientists), 4. Explorers (entrepreneurs), and 5. Passengers (students).

Solimono (2008), being critical of the literature that considers an aggregate of 'human capital', offers three broad types of talent: i. directly productive talent (entrepreneurs, engineers and other technical talent, technology innovators and business creators), ii. academic talent (scientists, scholars, and international students), iii. talent in social and cultural sectors (medical doctors, nurses, and cultural workers such as writers, painters, and musicians).

Finally, Weinar and Klekowski von Koppenfels (2020) bring in contested categories by adopting a definition that is not necessarily limited to the highly skilled in the labour market: international students, skilled refugees and spouses, who enter as refugees or asylum-seekers, spouses or intended spouses (trailing spouse/ double career couple),

and those migrating from North to North, known as expatriates, life-style migrants, cosmopolitans, Euro-stars, elite migrants and knowledge migrants.

As do most of these typologies, the study at hand recognises the multiplicity of highly skilled migrant categories, the heterogeneity inherent in each category, and the diversity of pull and push factors that drive these skilled groups' cross-border movement. This research, with its focus on return migration, distinguishes between four groups of highly skilled returnees: i. academics, ii. STEM professionals, iii. entrepreneurs, iv. holders of Blue Card (Mavi Kart). The first three groups differ in terms of occupational sector; but all are citizens of the country of origin, in this case, Türkiye. The last group has all other citizenship rights, but not political ones. Such a categorisation is made for analytical purposes to explore whether the rights and access to rights have any effect on return and re-integration experiences of highly skilled migrants.

2.2.3. Highly Skilled Migrants as Returnees

The scholarship on highly skilled migrants is relatively reticent regarding their return to their origin countries. Since the early accounts, as discussed above, the majority of research has explored the topic of highly skilled migration in relation to development. Studies embracing the country of destination standpoint highlight economic conjectures (labour shortages and the global race for building knowledge intensive industries to bolster the economy), on one hand, and political actions taken to this end (such as selective immigration policies, which simultaneously facilitate the entry of highly skilled foreigners and consider anti-immigrant sentiments in the domestic realm), on the other hand. Those focusing on the country of origin discuss the consequences of highly skilled emigration on sending economies and their level of development. The timeline of brain drain literature ((Berger, 2022), see Table 2 below) indicates a notable transition since 1990. A gradual departure from welfare topics towards macro and microeconomic impacts is evident. Additionally, there has been a movement away from the traditional perspective of brain drain and the dichotomy between winners (developed countries) and losers (developing countries). Instead, an emphasis has been placed on concepts such as brain gain and brain circulation, which

suggest a mutually beneficial scenario for sending and receiving countries and incorporate return migration in the analysis.

Table 2: Timeline of Brain Drain Literature

	Topics	**Countries Studied**	**Motivation to migrate**	**Effects on the Country of Origin**	**Potential Solutions**
1950s-1960s	Social welfare	UK, West Europe, U.S., and Canada	Political and social	Negative effect on welfare, the social structure, and the population	International organisations and institutions
1970s	Decline in welfare, taxes, and public goods	Less-developed countries and a few developed ones	Incomplete labour market information or a shortage of labour demand	Negative economic and developmental short-run effects	Coordination among countries and the implementation of a brain drain tax
1980s	Macroeconomics, education, growth, and trade	Less developed and emerging countries	Wage differentials	Negative economic and developmental effects focused on the long run	Incentives for return migration and an increase in employment opportunities
1990s-2000s	Microeconomics, innovation, technology and growth, macroeconomic impacts of brain gain	Developed and few less-developed countries	Individual motivations	Negative and positive effects	Individual incentives and the implementation of macroeconomic conditions leading to brain gain
2010s	Microeconomic impacts of brain gain, brain circulation, return migration, and education and employment trajectories	Developed and few less-developed countries	Individual motivations, differential returns to skills and amenities across countries, complete migration histories	Negative and positive effects	Individual incentives and the implementation of macro- and micro-economic conditions leading to brain gain.

Source: Adopted from Giannoccolo (2009) by Sandra Berger (2022, p. 4)

Brain gain refers to the beneficial effects of highly skilled migration both for the country of origin and the country of destination (Kone and Ozden, 2017). The latter acquires human capital through immigration of skilled workers. The former, on the other hand, can benefit from both the return of its emigrants with new skills and knowledge and positive spillover effects of emigration, which involve contribution of emigrants to the home country's economy through trade, foreign direct investment (FDI) and technology flows. Moreover, there is also the motivational effect- people invest in their education and training to increase their likelihood of emigration as a highly skilled migrant. Hence, the average level of human capital rises (ibid.; IOM, 2019; Lowell and Findlay, 2002).

IOM (2019) defines brain circulation as *"the effect of movement of skilled migrants among their countries of origin and other countries, bearing their knowledge and skills which can benefit countries of origin as well as countries of permanent or temporary destinations"* (p.22). Brain circulation may occur either through permanent or temporary return, regular or occasional visits or through transnational communication networks.

Over the last decades, attention to brain circulation has grown. It provides flexibility for both states and migrants themselves, enables and facilitates flows of skills, know-hows, and experiences. Above all, it reduces costs associated with unidirectional migration: for host countries, costs of offering permanent settlement (citizenship pathway) and for home states, costs of permanently losing the best and the brightest. Consequently, states, international organisations such as the OECD, IOM as well as the EU attribute brain circulation a central role (Blitz, 2010). For instance, the EU encourages an *"ethical recruitment standards to limit- if not ban- active recruitments by member states in developing countries already suffering from serious brain drain"* (Betts & Cerna, 2011, p. 65).

Before delving into highly skilled return migration, it should be noted that calculating the net impact of highly skilled emigration is still challenging. Countries of origin generally bear the burden of education and training and then, lose their human capital. In return, they receive remittances and other contributions from the diaspora, such as

transnational business, political and scientific networks. Moreover, some of the highly skilled emigrants return at one point with new skills, knowledge, and transnational bonds, from which origin countries benefit. Therefore, addressing these complexities requires not only harmonised and comparable data (Berger, 2022), but also interdisciplinary collaboration, which is beyond the scope of this study.

The above-mentioned timelines for return migration and highly skilled migration indicate a surge in the literature starting in the 1990s. With *"nations increasingly viewing technology transfer as primarily a people-oriented phenomenon"* (Mahroum, 2000, p. 23), alongside global economic restructuring, emerging and less-developed countries have turned to their highly skilled emigrants. In efforts to build or enhance their competitive power and reverse the negative consequences of brain drain, these countries have adopted return policies and programmes, some of which received funding from international organisations such as IOM (Blitz, 2010). Furthermore, some developed countries, like Switzerland, also initiated efforts to recall their citizens abroad (Mahroum, 2000). Consequently, scholarship focusing on the intersection of development, return and highly skilled migration has burgeoned, although it remains relatively understudied.

Among the topics this scholarship shed light on are impacts of highly skilled return migration on the country of origin, especially, on its development[19] (Azose and Raftery, 2019; Docquier and Rapaport, 2004; Ouaked, 2002), return policies and programmes (Hahn-Schaur et al., 2019; Jonkers, 2008; Kalman, 2016; Wickramasekara, 2003), return decisions (Achenbach, 2017; Hopyar, 2023b) as well as reintegration experiences (Ammassari, 2009; Babova, 2016; Künüroğlu et al., 2021). While a detailed review of developmental impacts is beyond the scope of this study, return policies will be discussed in the next section. In what to come, the literature on reasons of return will be briefly visited.

[19] This group of studies fall under what King (2022) calls "return- development nexus".

2.2.4. Why Highly Skilled Migrants Return?

"All people who migrate have the prospect of going back to where they come from sooner or later. Whether or not they do, the possibility of return sets migrants apart from those who have never left" (Carling et al., 2015, p.3).

As this quotation points out, return is an integral part of migration, and it can happen to any emigrant at any time of their migration project. Return can be forced or voluntary, permanent, or temporary, planned prior to emigration or decided over the life course at the host country, take place under the framework of special programmes or initiated by individuals, themselves. It can stay as a myth or be realised. In any scenario, several variables intertwine, and shape return decisions as well as experiences, including well-being after arrival back in the country of origin.

Early accounts of reasons for return mention alongside economic impulses (i.e. accumulation of targeted savings), family needs such as the children's studies, retirement, difficulty in working abroad, personal reasons such as nostalgia or health, positive changes in the home country and/ or negative events in the host country, lack of satisfaction in the country of residence, and better opportunities at home (Callea, 1986; Rogers, 1983). As non-pecuniary factors stimulating migration and return, DaVanzo (1981) employs the term *location-specific capital*, which refers to any factor that ties a person to a particular place such as homeownership; job-related assets such as an existing clientele, seniority in a company, occupational licenses, and friendship networks (p.47). The weaker the receiving country-specific capital or the greater the origin country-specific capital, the more is the likelihood of return. Social, political, and economic attachments are also highlighted as determinants of return in later empirical work (Carling et al., 2015; Constant and Massey, 2002).

Cassarino (2004), in his well-known article on theorising return, elucidates how five different theories consider return. Firstly, the Neo-classical Economics approach is based on wage differentials between sending and receiving states. It assumes that migrants maximise their earnings by analysing costs and benefits of migration. Return is, hence, a miscalculation, a failure, and an obligation. The second framework, New

Economics of Labour Migration (NELM) views return as a part of the migration project and a calculated strategy. Return occurs when migrants achieve their objective. In this framework, fundamental decision-making unit is family, in contrast to the individual in the neoclassical paradigm. Therefore, return is a household decision and the attachment to home and family is the driver. Structural approaches bring the dynamics of host and home states into the equation. In addition to belonging to home and the household, realities of home market and power relations motivate return. According to Transnationalism, return does not need to be permanent. Once migrants gather enough financial resources and benefits to sustain household and when social and economic conditions at home country are favourable, return takes place. Family ties and networks are prominent in the decision to return, which is, thus, generally planned. Finally, in line with the Social Network Theory, both migrants' own resources and social, economic, and institutional opportunities at home determine return, whilst cross-border social and economic networks secure and sustain it.

Recognising both the merits and constraints of each of these approaches in elucidating return, Cassarino (2004) proposes a two-state framework to account for the growing diversity of return motivations and resource mobilisation patterns. Accordingly, return preparation depends on i. a migrant's willingness and readiness to return home (*preparedness*) and ii. mobilisation of both tangible and intangible resources as well as social capital (*resource mobilisation*). Preparedness and resource mobilisation have two-way relationship and they are both linked to circumstances in host and home countries.

Carling et al. (2015), based on their cross-country empirical work, reveal the discrepancies between possibilities and realities of return migration. Their findings underscore that return intentions are influenced by diverse and at times conflicting attachments to individuals, communities, and nations. Gender and time play a pivotal role in return decisions, which are formulated within social and political frameworks, often serving as expressions of identity and allegiance while impacting the life trajectories of others. Acquiring a secure status abroad, such as citizenship, facilitates return. Equally significant is the accessibility of reliable information on the current situation in the country of origin, often provided by government, family members, and

the media. In this regard, return visits are instrumental, not only for maintaining transnational connections but also for gaining insights necessary for informed decisions.

Wahba (2022) lists the economic reasons behind return in cases of temporary migration as follows: i. Preference for consumption in the home country (i.e. consuming at home is regarded to have a higher utility), ii. High purchasing power due to lower prices in the home country, iii. Achievement of targeted savings, iv. Accumulation of skills overseas which are well rewarded at home, v. Shocks, including failure to reach targeted income and/or savings, unemployment, and uncertainty faced at the host country. Alongside these economic factors, she acknowledges the importance of social networks, family, and personal reasons. She also underlines that *"disentangling or quantifying all the competing motives for return migration is typically constrained by the availability of adequate data"* (p.27).

Ruth Achenbach (2017), in her research titled "Return Migration Decisions: A Study on Highly Skilled Chinese in Japan", offers a more specialised analysis of highly skilled migrants return decision. Drawing on migration and decision-making theories, she attempts to uncover why some highly skilled migrants return to their countries of origin, while others continue remaining in their host countries. Arguing in favour of migrants' agency, she presents a model of return migration decision making. She suggests that migrants, in their decision to return, engage in situational analysis, option evaluation and behaviour and action planning. In the first phase, migrants- in her words, the agent- assess their current situation, whether goals and satisfaction, in three spheres, namely career, family and life-style preferences, are achieved. In the second phase, migrants consider possibilities, however, "*which options are considered more in depth than others depend not only on primary goals and priorities, but also on norms and values"* (p. 69). Once the choice is made, the third phase begins. Migrants envision action plans, which may be delayed, rushed, or terminated due to intervening variables. In each phase, migrants face structural constraints such as legislation on professions, taxation policies and cultural norms on gender roles. Thus, in decision-making processes, migrants as agents are affected by the structures of both sending and receiving countries. With the relocation to the country of origin, the decision-

making process ends. Table 3 shows migrants' goals and factors that are likely to impact their decision to return or stay. She concludes that "*career, family and life-style preferences together influence migrants' well-being, but also that spheres are of varying importance over the life course* [of the migration project]" (p.277).

Table 3: Goals and Factors Influencing Return Decisions

Sphere	Individual Goals	Influential Factors
Career	High Wages	Income level differences; taxation policy/ favourable legislation
	Challenging work contents	Development of occupation (level of technology); legislation regarding profession; applicability/ transferability of skills
	Working styles/ prestige	Working styles in specific community; cultural norms about working styles
	Upward mobility	Overall state of the economy (demand, openness/ discrimination towards foreigners); Career speed
	Entrepreneurs; business expansion	Location-specific size and quality of occupational network; restrictions of labour markets
	Human capital expansion	Availability/ quality of education; job chances; quality and quantity of jobs
Life-style Preferences	Autonomy (freedom/ self-actualisation)	Legislation; culture; social norms
	Live accordance to political/ ideological/ religious convictions	Type of political regime; openness of society towards religiousness
	Life-style preferences in a narrow sense	Culture; environment; level of development
	Rewarding social life	Openness of society
Family	Be a good child (fulfil parents' wishes; send remittances; take care of elderly parents)	Cultural norm of filial piety (and gender role ideology); insufficient welfare state provisions; immigration policy
	Be a good spouse (Support spouse's career and locational preferences)	Cultural norms of gender role ideology; job chances/ discrimination in different labour markets
	Be a good parent (ensure good education; encourage identity formation; provide safe environment; spend time with children; material well-being	Quality of educational programmes; legislation concerning education; political stability; environmental/ food safety; availability of child-care services; work-family balance support (company-/ state-level); immigration policy

Source: Compiled by Achenbach, 2017

In short, regardless of the skill level of migrants, it can be deduced from the literature that return decisions are influenced by micro and macro level factors. Moving back can be an individual choice, a household strategy and/or a result of structural conditions at home or at the host country (Pedroza and Palop Garcia, 2019), or a combination of these. Therefore, return decisions depend on the relationship between migrants' agency and the structure.

Another conceptual framework, akin to the two-stage models proposed by Cassarino (2004) and Carling et al. (2015) and focused on agency, is the aspirations- capabilities model. This framework will be introduced in the subsequent section.

2.3. The Aspirations- Capabilities Framework

With the increasing recognition of the complexity and dynamism involved in migration processes among scholars of migration, there has been a move away from economic frameworks, which explain international migration with wage differential or international demand for labour and regard migrants as passive subjects (Danış, 2023a; de Haas, 2021) towards new pluralist, hybrid approaches *"that simultaneously integrate agency and structure perspectives"* (de Haas, 2010, p. 227). The functionalist approaches (neoclassical economics, NELM, structuralism) consider migrants as passive subjects and assume that their preferences are static as well as uniform across societies. Furthermore, their preferences and perceptions are driven only by utility maximisation. Such a view neglects the effects of *"culture, education, exposure to media and other sources of images, ideas and knowledge on people's preferences and notions of the 'good life' and hence, personal life aspirations as well as their knowledge, awareness, and perception of opportunities 'here' and 'there'"* (de Haas, 2021, p. 30).

The aspirations- capabilities framework, on the other hand, *"conceptualises migration as a function of aspirations and capabilities to migrate within given sets of perceived geographical opportunity structures"* (ibid). It is drawn on the ability- aspiration framework developed by Carling (2002). According to him, people's aspiration to migrate is shaped by emigration environment (i.e. social, economic, and political

context) as well as by individual- level characteristics (such as gender, age, family migration history, social status, educational attainment, and personality traits). Moreover, the extent to which individual level factors matter is dependent on the social context. The ability to migrate also has two dimensions: immigration interface (modes of migration, including labour migration, family reunification, political asylum, and illegal entry) and individual- level characteristics (the ability to overcome barriers to migration, which is also determined by age, gender, and the like).

The aspirations- capabilities framework brings in Amartya Sen's theoretical perspectives on capabilities in development theory and the distinction Isaiah Berlin made between negative and positive liberties. Hein de Haas (2021) defines aspirations as a function of people's general life aspirations and perceived geographical opportunity structures. Capabilities, on the other hand, are contingent on positive ('freedom to') and negative ('freedom from') liberties. Aspirations reflect people's general life preferences and subjective perceptions about opportunities and life elsewhere. In simpler words, aspirations represent perceptions of 'good life.' There are two dimensions of aspirations: instrumental and intrinsic. The former stand for utilitarian means to achieve improvement in living conditions such as higher income, higher social status, better health care, better education, or protection from persecution and violence. The latter, intrinsic aspirations, is related more with self-attributed meaning of migration experience, i.e. wanderlust, pleasure of discovering new horizons, social prestige obtained from having gone through the challenges of living abroad, and social status, recognition and respect received from others for the ability to provide for the family. (pp.15-21). Aspirations are not fixed. On the contrary, they are highly subject to change with social and cultural contexts as well as life stage.

De Haas borrows Sen's definition of the concept of human capability: *"the ability of human beings to lead lives they have reason to value and to enhance the substantive choices they have"* (ibid., p.20). In other words, capabilities refer to freedom to decide where to live, including the option to stay at home. Aspirations and capabilities are conceptually distinct, but interdependent and they together form migrants' agency. On the other hand, the structure determines people's access to economic (material), social (other people), cultural (ideas, knowledge, and skills) and bodily (good health,

physical condition, and habitus) resources. These resources, in turn, have impact on the ability to move (or stay), the destination choice, and the ability to obtain work, housing, education, legal status, and self-protection (ibid., p. 15). The figure below illustrates the framework.

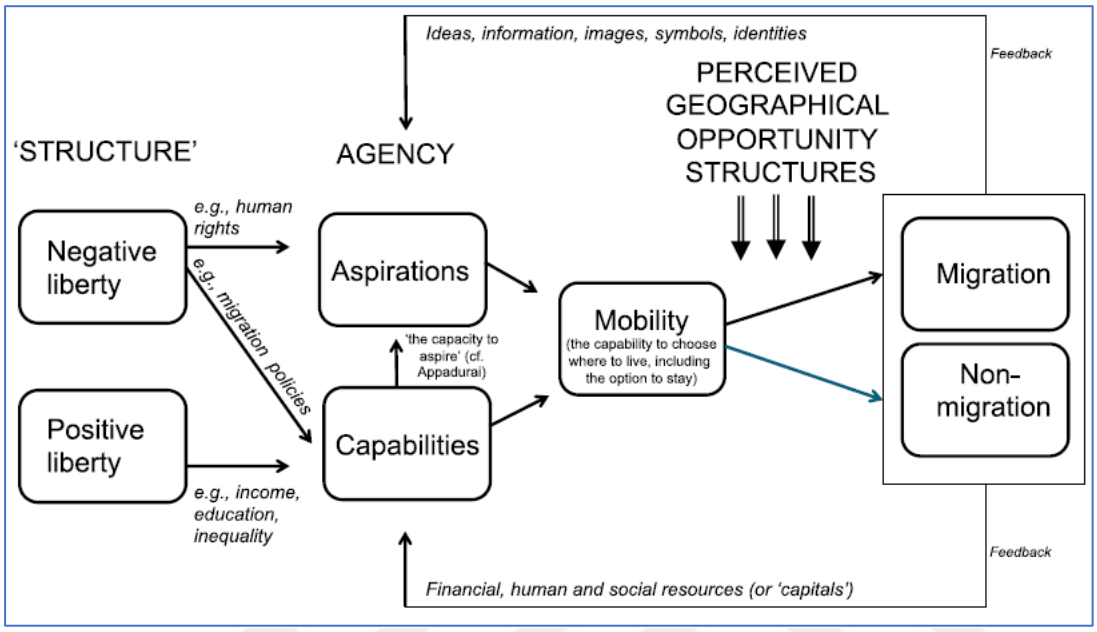


Figure 1: Expanded Aspirations- Capabilities Framework for Conceptualising Migratory Agency

Source: de Haas, 2021, p. 25

In this conceptual framework, the one-sided view of migration (moving for permanent settlement in another country) is challenged. Migration as a freedom involves possibilities of return as well as re-emigration. Once the aspirations- capabilities framework is applied to return migration, it could be argued that *"migrants must have the aspiration to return (which in forced or unplanned migration is not there); if aspiration is not translated into action, the result is a kind of 'myth' or 'fantasy' of return"* (King and Kuschminder, 2022, p. 7-8). Return aspirations can be instrumental such as better opportunities in terms of income, access to rights (education, health, non-discrimination) and upward mobility in society. They can also be intrinsic: return can be motivated by the joy of being back home, the sense of security among family members, friends and kin, or desires to contribute to the homeland with the skills acquired abroad. Capabilities stand for *"having both the ability to choose to return*

and the ability to materialise the benefits of migration, including, after return" (King, 2022, p. 315). Access to key resources for a joyful and satisfying life, hence, comprise a part of capabilities. Key resources are three-folds: economic capital (income and assets), social capital (connections to other people via friendships, relationships, and social networks) and human or cultural capital (knowledge, skills, ideas, etc.) (ibid.) The extend to which the return environment enable realisation of aspirations through mobilisation of these resources is likely to shape return experience and the decision to stay or relocate again.

The aspirations-capabilities framework aims to integrate different migration theories under one meta-conceptual umbrella. Within the scholarship on highly skilled return migration and the scope of this study, this framework is of prominence for two reasons. Firstly, it provides a better understanding of the relationship between the structure (including sending and receiving states as well as the international environment) and the migrant, giving the latter its agency back, while also bringing structural factors such as human rights frameworks and migration policies are to forefront. Secondly, it describes migration as a freedom and distinguishes between instrumental (functional/ means-to-an-end) and intrinsic dimensions of migration. The former *"reflects the role of migration as a way to achieve other personal or family goals such as increased income, education, living standards or, in the case of refugees, personal safety."* The latter, on the other hand, *"is the direct contribution of the freedom of mobility to people's well-being, irrespective of whether they move or not"* (ibid., pp. 20-21). In other words, by establishing a connection between rights/ policies and aspirations/ capabilities as well as between freedoms and well-being, the aspirations- capabilities framework opens an avenue for research aiming to integrate legal and psychological aspects of migration.

The current study, therefore, draws on this framework. It argues in favour of recognising highly skilled migrants' agency and emphasises the importance of linking the structural constraints with individual agency when examining their return and re-integration experiences. While the aspirations- capabilities framework enriches the understanding of the interplay between the return environment and migrants' return decisions, it does not provide detailed insight into what happens during reintegration,

which is a process initiated by the act of return (Kuschminder, 2017). Hence, the present study also incorporates the literature on reintegration to explore the relationship between the legal architecture governing return migration (including laws, policies, and institutions) and the resilience of highly skilled returnees. Yet, this research takes a critical stance and asserts that the belief that highly skilled migrants have high levels of agency does not always hold true. Being highly skilled do not make their lives and migration/ return experiences hardship-free nor does it guarantee automatic and easy (re)-integration. Henceforth, it is essential to closely examine the interplay between their agency and the opportunities and limitations offered by their countries of origin.

2.4. Reintegration

Contrary to the widespread view that the migration cycle ends with return, *"return is the process of returning, and reintegration is generally the story what happens next"* (Kuschminder, 2013, p.1). Like the literature on return migration, accounts of reintegration are nascent and emerging. A growing body of studies challenges the assumption that returning to the 'home' country equates to going back to one's own culture, and that re-integration is therefore a safe and straightforward process. On the contrary, reintegration involves ups and downs, *"people reintegrate differently"* and *"the structural environment of the country of return plays a vital role in reintegration"* (ibid., p.2).

Reintegration is a fluid concept with no universally agreed-upon definition. The literature suggests definitions based on returnee status, i.e. refugees, non-refugee populations and forced returnees, such as rejected asylum-seekers and deportees. However, over the decades, as the scholarship has burgeoned, more general definitions have been proposed.

According to Cassarino (2008), in the case of chosen return, reintegration refers to a *"process through which a return migrant participates in the social, cultural, economic, and political life of the country of origin"* (p.134). The social dimension involves societal acceptance, family relations and friendships, access to information

sources, and participation in organisations. The cultural dimension relates to engaging with both the norms and values, as well as cultural or religious events of the home society. Finding employment and maintaining a certain standard of living constitute the economic dimension, whereas political reintegration requires participation in the political process of the home country (Kuschminder, 2013).

Following a similar line of thinking, IOM (2019) defines reintegration as *"a process which enables individuals to re-establish the economic, social and psychosocial relationships needed to maintain life, livelihood and dignity and inclusion in civic life"* (p. 176). Reintegration is therefore threefold and closely tied to capabilities:

> *Social reintegration* implies the access to public services and infrastructures such as access to health, education, housing, justice, and social protection schemes. *Psychosocial reintegration* is the reinsertion of a returning migrant into personal support networks (friends, relatives, neighbours) and civil society structures (associations, self-help groups and other organisations). This also includes the re-engagement with the values, mores, way of living, language, moral principles, ideology, and traditions of the country of origin's society. *Economic reintegration* is the process by which a returning migrant re-enters the economic life of his or her country of origin and is able sustain a livelihood (ibid.).

Despite their breadth, these definitions fail to designate who is the responsible for the reintegration of the returnee. Therefore, Kuschminder (2017) suggests a bidirectional responsibility between the community of return and the returnee. According to her definition, which is also adopted by this study, reintegration is *"a process in which return migrants are supported in maintaining their cultural and social identities by the host society and the whole population acquires equal civil, social, political, human and cultural rights"* (p.43).

As return, reintegration is a multidimensional process that encompasses a heterogeneity of return migrants and engages different actors. Reintegration, akin to integration, can pose significant challenges, often requiring extended periods and increased effort (Carling et al., 2015). Moreover, failure to successfully reintegrate may result in marginalisation and vulnerability, presenting new obstacles to the

countries of return or possibly prompting a renewed urge to migrate (Kuschminder, 2020).

Reintegration patterns vary across different profiles of returnees and are influenced by both individual and structural factors. The former consists of sociodemographic characteristics such as age, gender, level of education, occupational (employment) and civil status, modes of return (forced or chosen, planned or unexpected), duration and type of migration, individuals' experiences, social and financial status prior to emigration in the home country and during life in the host country, the conditions leading to return, financial capital (savings accumulated abroad), and, last but not least, involvement in cross-border social networks and the maintenance of these networks upon return (Cassarino, 2008; Kuschminder, 2013).

Reintegration is also dependent on returnee populations, as exemplified by Ammassari's (2009) research on highly skilled returnees. In her book titled *"Migration and Development: Factoring Return into the Equation"*, she studies return of highly skilled Ghanaians and Ivorians. Her findings show that the assumption that highly skilled returnees reintegrate automatically and easily does not portray the reality. The obstacles to reintegrating vary among returnee categories and highly skilled returnees are not immune to reintegration challenges. She outlines four types of reintegration challenges encountered by highly skilled returnees. The first one pertains to the employment sphere, encompassing job search and entrepreneurial endeavours. The second type of challenge involves the differences in organisational culture, work attitudes and the professionalism of colleagues. The third one concerns local living conditions, including familial and social connections as well as gender dynamics. The last challenge revolves around realising aspirations, attaining satisfaction with return, and contemplating re-emigration.

Alongside the individual and group characteristics, structural conditions of the return environment, i.e., the country of origin, play a crucial role in the reintegration of returnees and their ability to mobilise their resources upon return (Cassarino, 2008). Moreover, the return environment determines whether returning migrants can reach their return aspirations, actuate their capabilities and have an impact in the origin

country. The structural conditions consist of government policies such as the rights extended to returnees in terms of citizenship, property restitution, or other privileges (Kibreab, 2003), safety and security measures (especially in the context of post-conflict societies), attitudes of the private sector and local communities towards returnees, as well as dynamics between different returnee groups (Kuschminder, 2013). In short, similar to the return process, the economic, social, political, and cultural structures of the home country are integral to the agency and reintegration experiences of returnees. Table 4 illustrates the structural and cultural environment for return.

Table 4: Structural and cultural environment for return

	Favourable	**Adverse**	**Neutral**
Government	encourages return migration; implements policies to support returnees' reintegration/ participation	discourages return migration; no policies to support returnees	ambivalent towards returnees
Local population	inclusive attitude towards returnees; open to cultural diversity	exclusive attitude towards returnees; closed towards cultural diversity	ambivalent towards returnees
Private sector	inclusive attitude towards returnees	exclusive attitude towards returnees	ambivalent towards returnees
Return migrant flows	medium flow of return migrants	flow is too large and overwhelms local population; flow too small to be noticed	small to medium flow of returnees (does not affect local population's daily life)

Source: Kuschminder, 2017, p. 45

At the crossroads of individual, group and structural characteristics lie social networks. As Transnationalism and the Social Network Theory underscore, these networks can significantly influence return and reintegration processes by establishing and maintaining cross-border connections, as well as providing access to resources and capital. Resources are either attached to individuals or positions and their acquisition is regulated by social structures, which embody power relations, hierarchy, authority, as well as rules. Individuals rely on their social capital to increase their access to

resources. From a network perspective, social capital is *"the resources accessible and embedded through social connections or social networks"* (Kuschminder, 2013, p. 25). Within the migration scholarship it refers "*social relationships and family connections helping migrant to achieve their goals*" (Cassarino, 2008; p. 135 - derived from Coleman, 1988[20]). The three key concepts of social networks -i.e. resources, social structure and social capital- are, hence, intertwined.

According to the return migration literature, returnees accumulate social capital while abroad, which can be transferred to their countries of origin upon return. They can also keep their cross-border ties. The vitality of social networks during and after return is related to return preparedness and resource mobilisation. These networks facilitate regular contact with the home society, enable the exchange of reliable information regarding the situation back at home, and provide access to valuable resources such as housing, employment, and business opportunities. Moreover, social networks and capital can support social interactions, mental health and life satisfaction during reintegration (Cassarino, 2004; Kuschminder, 2013; Liu, 2010, Lin, 2001).

In her attempt to explore how different groups of people reintegrate, Kuschminder (2022) proposes the term 'reintegration strategies.' Like IOM, she distinguishes between dimensions of reintegration, but also introduces cultural and subjectivity aspects. The first dimension, *cultural maintenance*, pertains to returnees' value system and orientations towards values of both origin and host countries. *Social networks* describe the composition of returnees' networks, whether they encompass other returnees, locals, cross-border networks, or a combination of these. These networks determine returnees' access to resources and the social capital available to them. *Self-identification* reflects returnees' subjectivities and attachments -i.e. unidirectional belonging towards either origin or host country or transnational belonging. Lastly, *access to rights, institutions, and the labour market* mirrors social and economic

[20] According to Coleman (1988), social capital "constitutes a particular kind of resource available to a social actor. Social capital is defined by its function. It is not a single entity but a variety of different entities, with two elements in common: they all consist of some aspect of social structures, and they facilitate certain actions of actors-whether persons or corporate actors-within the structure. Like other forms of capital, social capital is productive, making possible the achievement of certain ends that in its absence would not be possible (p.98)"

reintegration in IOM's definition and involves the position and statuses attainable by the returnee in various institutions such as the labour market, citizenship rights, political institutions, and housing rights and within the education system (p.202). In line with these four dimensions, she proposes a reintegration framework consisting of four reintegration strategies: *reintegrated, enclaves, traditionalists, vulnerable* (Table 5).

Her findings on female return migration and reintegration strategies in Ethiopia indicate that not only do different categories (in her case, professionals, students and domestic workers primarily from lower class families) have different reintegration strategies, but individuals within the same category do, as well. These strategies are determined by the returnees' agency and the life cycle. Moreover, they are dynamic and may change over time as returnees can move between them. Social networks and labour market opportunities are influential in strategy shifts, whilst social networks can also affect cultural orientation and self-identification (ibid).

A tendency present in the reintegration literature is to reserve the concept of vulnerability and the need for support, particularly in accessing basic needs and rights, for refugees and forced returnees. Yet, burgeoning empirical evidence suggests that non-refugee populations also require support to meet their basic needs and gain equal access to rights. Ammassari (2009), based on her empirical work, proposes that return environment is an important factor in shaping experiences of highly skilled (élite) returnees. Reintegration into their home context is not easy. It is indeed difficult, especially for women. Moreover, *"returning migrants need time to overcome initial hurdles and get settled before they can start to make any meaningful contribution."* Therefore, resilience should be considered as integral to the highly skilled returnees' reintegration and incorporated into legal frameworks aimed at creating a conducive environment for highly skilled return migration.

Over the last decade, the emphasis on psychosocial dimension of reintegration has grown. With the GCM's focus on well-being as a dimension and factor of reintegration, agency and well-being have become more intertwined, leading to a

psychological turn in the study of return migration. In the next sub-section, this psychological turn and the concepts of resilience and vulnerability will be explored.

Table 5: Reintegration Strategies

	Reintegrated	**Enclaves**	**Traditionalists**	**Vulnerable**
Return migrant	abroad for longer duration voluntary return high return preparedness economic success	abroad for longer duration voluntary return high return preparedness economic success	abroad for longer duration voluntary return medium preparedness economic stability	abroad for shorter duration forced return no return preparedness economically vulnerable
Cultural orientation	value the culture of both the country of migration and the country of origin/ return	value the culture of the country of migration	value the culture of the country of origin/return	rejection of the culture of the country of migration & rejection from dominant society in country of origin/return
Social network	locals, returnees, and cross-border ties	returnees and cross-border ties	Locals	ties to kin and other vulnerable groups
Self-identification	transnational	transnational	Unidirectional	Unidirectional
Access to rights and institutions	limited or full access to rights in country of return (depends on citizenship choices) & limited access to key institutions in country of return	limited access to rights in country of return & limited access to key institutions in country of return	full access to rights in country of return & full access to key institutions in country of return	full access to rights in country of return & limited access to institutions in country of return

Source: Kuschminder, 2017, p. 155

2.5. Psychological Turn and The Concept of Resilience

2.5.1. Psychological Turn

In migration studies literature, the concepts of precarity and vulnerability are typically applied to refugees, asylum-seekers, and irregular migrants, except for highly skilled individuals. Highly skilled migrants are typically perceived as and expected to embody independence, economic viability, self-sufficiency, resiliency, and readiness to contribute to the development of their countries. However, recent research shows that their perceived privilege may obscure their precarity (Botterill, 2016; Cairns et al., 2017; Weinar and Klekowski von Koppenfels, 2020) and result in a difficult re-integration process (Walsh, 2022). Therefore, having aspiration and the right/ freedom to return can lead to an actual return; but realities of this return may present highly skilled returnees with a variety of obstacles that hinder the full materialisation of migration benefits upon return. These obstacles may impede the well-being-enhancing (intrinsic) dimension of return migration.

With the general turn towards holistic approaches, the appreciation of the importance of subjective perceptions of well-being and stronger focus on affect (Vathi, 2017), there has been a *"psychological turn in the study of return and reintegration"* (King and Kuschminder, 2022, p.10). A growing number of researchers began drawing attention to psychological consequences of return (Gmelch & Gmelch, 1995; Künüroğlu, 2015; Vathi and King, 2017). Problematising "*the widely held assumption that return to the country of origin is a psychologically safe process*" (Vathi and King, 2017, p. xvii), these scholars underline that the return journey carries emotional complexities, and a 'welcoming embrace' might not be always present (Vathi, 2017). Return embodies uncertainties and distrust and re-integration to the country of origin can be as challenging as integration to the host country (Carling et al., 2015). In some cases, migrants even face reverse culture shock, which is *"a new incarnation of social marginalisation at 'home' and a myriad of practical and psychological problems"* (Stefansson, 2004, p.56).

The literature on migration studies, in general and return migration, in particular has been reticent regarding well-being, and as a part of it, resilience of migrants. The social processes, which enable (or disable) resource accumulation and mobilisation have stayed in dark, despite the strong focus on resources (Hagan and Wassink, 2020). The psychological turn in the society of return migration directs attention to these processes and emphasises that a more comprehensive approach to return necessitates the inclusion of well-being related resources among those deemed crucial for the process of return, adaptation, and reintegration (Vathi, 2017; 2022).

2.5.2. The Concept of Resilience

Across the spheres of academia, policymaking, and service provision, two concepts stand out in discussions concerning well-being: vulnerability and resilience. While not mutually exclusive, they are often depicted as distinct, if not opposing, concepts. Furthermore, in most cases, these concepts are applied to different migrant groups, which may lead to unintended consequences in trajectories of these groups. Neither of these concepts has an all-encompassing definition. Both terms are context and actor dependent. Vulnerability can be physical, economic, or pertaining to consumption. Sabates- Wheeler and Waite (2003) underscore that there are spatial/ environmental, socio-political, and socio-cultural determinants of migration- specific vulnerabilities. Gilodi et al. (2022) distinguish between innate (the product of natural characteristics), situational (the product of past, present or future situations and experiences), and structural (the product of structural characteristics and dynamics) vulnerabilities. In essence, vulnerability is "openness or susceptibility to attack or harm."[21]

The Office of the United Nations High Commissioner for Human Rights (OHCHR) and Global Migration Group (GMG) (2017) define this term in relation to human rights and the need for care: vulnerable migrants are "*unable effectively to enjoy their human rights, are at increased risk of violations and abuse, and who, accordingly, are entitled to call on a duty bearer's heightened duty of care"* (p.5). IOM (2019) accentuates the

[21] https://www.dictionary.com/browse/vulnerability

limited capacity: "*limited capacity to avoid, resist, cope with and recover from harm. This limited capacity is the result of the unique interaction of individual, household, community and structural characteristics and conditions*" (p.229).

Resilience, on the other hand, pertains more to "*the ability to positively cope with adverse situations or the ability to bounce back after experiencing an adverse situation"* (Gambaro et al., 2020, p. 2). It incorporates the ability i. to adapt to change, ii. to deal with what comes along, iii. to cope with stress, iv. to stay focused and think clearly, v. not to get discouraged in the face of failure, vi. to handle unpleasant feelings such as anger, pain, or sadness (Connor and Davidson, 2003). Henceforth, it is more beneficial to view vulnerability and resilience as existing along a continuum.[22]

Since 9/11, the interest in the concept of resilience has dramatically accelerated. Having its origins in the disciplines of materials science and environmental studies (McAslan, 2010), resilience has become increasingly popular, to the extent that Ganong and Coleman (2002) refer this era as the 'Age of Resilience.' Resilience of individuals, families, communities, cities, natural, social, political, and legal systems is discussed and expected. Resilience involves a dynamic process. It is a skill which can be strengthened (Leys et al., 2018) and a part of the individual's well-being (Meadows et al., 2015). At systems level, it indicates "*the capacity to experience shocks, while retaining essentially the same function, structure, feedback, therefore identity*" (Walker et al., 2004, p. 14).

The concept of resilience is also capturing burgeoning attention within the realm of migration studies. Scholars and policymakers alike are delving into discussions

[22] Walker et al. (2004) list four crucial aspect for resilience: latitude, resistance, precariousness, panarchy. Precariousness describes "*how close the current state of the system is to a limit or "threshold"* (p.3). Thus, it refers to the point, where a breakdown will take place and the distance of the current state to this point. It implies an openness to harm, i.e. vulnerability. In this respect, one could conclude that resilience implicitly involves vulnerability.

A distinction should also be made between vulnerability and precarity. The latter is defined as: "Precariousness or instability; especially a state of persistent uncertainty or insecurity with regard to employment, income, and living standards" (Oxford English Dictionary). Precarity incorporates susceptibility to harm as well; but more in economic terms. Vulnerability is, hence, a broader concept.

surrounding the vulnerabilities and resilience (Siriwardhana et al., n.d.). The scope of these debates is often constrained to those impacted by forced and, to some extent, illegalised migration and primarily within the context of immigration.[23] Resilience of skilled migrants, particularly upon their return to the country of origin is understudied. Vathi (2017) cautions against both delineating between forced and voluntary migration and exclusively attributing psychological challenges, including loss of resilience, to the former. She asserts that *"This distinction conceptualises force and volition with a strong reference to states' action and macro-level factors, consequently leaving 'voluntary' migrants out of the policy-making focus, and, at the same time, 'relieving' the countries of origin that receive returning migrants from responsibility for their well-being"* (p.3).

When return migration is considered, returnees are not perceived as 'susceptible to social exclusion or structural discrimination' (Vathi, 2022, p. 227). Yet, there is growing evidence that reintegration is not automatic nor hardship-free for returnees, including students, life-style migrants, and professionals (Bobova, 2016; Furukawa, 1997; Okoroafor, 2023; Walsh, 2022). Within voluntary migrant categories, highly skilled are the most desirable by both sending and receiving states. However, they often find themselves at the bottom of the list when it comes to receiving reintegration support from the states. The conventional view presumes that as high-earners and skill-owners, they (re)-integrate easily (Weinar and Klekowski von Koppenfels, 2020). Even in official discourses, highly skilled mobility is portrayed as relatively unproblematic, meritocratic, and easy to access, regardless of place of residence or socio-demographic background (Cairns et al., 2017). However, their instrumental aspirations to improve their living conditions through either emigration or return may not be accompanied by capabilities. Furthermore, their movement can be *"for economically illogical reasons, at high cost to themselves and their families, without*

[23] In July 2019, Migration Letters published a special issue titled "Resilience and Wellbeing in Forced Migration."

On 5-6 May 2023, the Istanbul Policy Center organised a workshop titled "Exploring Vulnerability(ies) and Resilience: Learning from Populations on the Move." The focus of the presentations was primarily on vulnerabilities and resilience of immigrants and refugees.

guarantee of success in terms of financial remuneration." (ibid., p.18)[24] Hence, the implicit assumptions that they have high level of agency, numerous opportunities, and all resources required for a successful migration project, and that they are self-sufficient and resilient should be approached with caution.

Migration (and return) itself as a process encompasses a variety of challenging and stressful experiences such as changes in government policy, difficulties in accessing education or employment, financial hardship or trying to meet cultural expectations (Gambaro et al., 2020; Lewis and Rödlach, 2019). Consequently, migrants, regardless of their skill level, face certain adversities. Moreover, highly skilled migrants do not constitute a homogeneous group. The intersectionality of age, gender, race, and class also characterises highly skilled (return) migration (Vathi, 2022; Weinar and Klekowski von Koppenfels, 2020). In other words, *"the contextual and individual heterogeneity inherent to return migration and resource mobilisation"* (Hagan and Wassink, 2020, p. 15) also applies to highly skilled migration. Neither their return nor reintegration is straightforward and smooth. Highly skilled emigrants do not necessarily arrive back, being ready to contribute to their country of origin with all they have gained abroad, which is typically what home states expect from them.

As it will be elaborated upon later, countries of origin have been formulating policies and programmes to encourage return of their highly skilled members from abroad. These initiatives are often part of the states' development agenda. They target specific individuals or groups, which would bring their skills, knowledge as well as networks and help the growth of the economy. These policies and programmes are not all-encompassing since they remain silent on other potential highly skilled returnee categories. Furthermore, these policies generally incorporate provisions regarding employment opportunities upon returning home; however, they tend to overlook aspects of reintegration, including psychological well-being (hence, resilience).

[24] In direct contrast to the idea of remittances prevalent in neoclassical approach, contemporary highly skilled migration (particularly international students' migration) is marked with financial transfers being made in the opposite direction- from the family to the migrant. "*This implies that a certain level of home-based hardship may be taking place, as well as supporting various forms of economic and emotional dependency that may limit the development of personal and professional independence*." (Cairns et al., 2017, p. 8)

Consequently, in the eyes of home states, highly skilled migrants are desired and deserving to return home; but undeserving to receive reintegration support, which is of importance, particularly if sustainable return and sustainable integration are sought. In this respect, the selectivity in returnee categories and the silence surrounding reintegration issues embedded in home state policies on highly skilled return migration suggest that answers to the three fundamental questions of resilience theory – "resilience of what? resilience to what? and resilience for what?" (Ruhl et al., 2021) appear to be the state, global economic competition, and development, respectively.

Factors that provide resilience a foundation, in other words, *resilience resources* (Meadows et al., 2015), consist of not only individual attributes, characteristics, qualities; but also, social networks and resources/ capabilities provided by legal, social, cultural, and political structures (i.e. the returning environment) (Moya and Goenechea, 2022; Ungar, 2013). In simpler words, resilience is both influenced by structure and integral to agency and well-being. Henceforth, state-centric approaches that countries of origin embrace while developing the legal framework (laws, policies, programmes) governing highly skilled return migration shape returnees' agency, resilience, and trajectories.

At this point, a vicious cycle begins. To cope with difficulties, overcome structural barriers and fuel development, i.e. to be resilient, returning migrants need to mobilise the human, social and financial capitals they have accumulated abroad. Yet resource mobilisation is bound with legal, political, economic, social, and cultural opportunity structures at home and host countries. Additionally, the successful reintegration of migrants is influenced not just by their ability to adapt their material, emotional, and logistical resource mobilisation strategies in response to challenges, but by the specific characteristics of the contexts they return to (Hagan and Wassink, 2020; Kuschminder, 2017).

In short, states must acknowledge that all categories of returnees are vulnerable. Secondly, associating vulnerability and resilience with forced returnees is problematic in a reality, where forced-voluntary dichotomy is blurred. Such an approach legitimises returnee status-based state support provision, which is an exclusivist/

discriminatory practice and may lead to unforeseen consequences, given the intersectionality embedded in migration processes. Thirdly, agency (aspirations and capabilities), resilience and well-being are interconnected and structure dependent. Resilience is a skill, and skills can be understood in relation to the opportunities and limitations created by structural factors in which migrants live (Danış, 2023a). Fourthly, access to rights and reintegration support are factors of agency, resilience, and well-being in general. Finally, the integration of psychological well-being into policymaking agendas and the adoption of *"migrant-centred approaches underpinned by human rights considerations are key to enhancing migrants' agency and the deployment of their resourcefulness in the countries of origin post-return"* (Vathi, 2022, pp. 234-236).

In the next section, legal frameworks adopted by countries of origin for fostering return among their highly skilled members abroad will be discussed. Such policy and legal turns are necessary since return and reintegration experiences are a function of citizenship. Citizenship provides rights and entitlements, as well as opportunities for further mobility and the continuation of transnational ties. It also creates social inclusion and exclusion. Consequently, it stands in the intersection of overall experience of return and reintegration, particularly psychological well-being (Vathi, 2022).

2.6. Policy and Legal Turn

2.6.1. Return Policies

As mentioned earlier in this chapter, return migration has been a subject of intense debates in the political sphere over the past few decades. In the words of King and Kuschminder (2022), a policy turn has taken place. The focus on repatriation as a durable solution for refugees, and to this end, instrumentalisation of assisted voluntary return and reintegration programmes, alongside concerns over increasing deportations partly account for the politicisation of return. The global economic restructuring and the emergence of the return-development nexus served as further factors in this regard.

Consequently, today is marked with the politics and policy of different types of return, including that of highly skilled migrants.

To promote economic growth and development at home, an increasing number of home states have begun engaging with their members abroad (Delano and Gamlen, 2014). These states combine policies directed towards emigrants to incorporate them in a variety of domains, including but not limited to citizenship and diplomatic service (Ragazzi, 2014) and to establish economic links with them, spanning from remittances to facilitating their return (Pedroza & Palop Garcia, 2019). In addition to proactive (retention) policies to prevent emigration of certain groups, home states implement active and reactive interventions aimed at promotion of return and reintegration, respectively (Kalman, 2016). Consequently, exit, emigration/ diaspora and return policies coalesce into a cohesive framework (Aksel et al., 2023).

As will be elaborated later, return policies are primarily an extension of the right to return, hence citizenship (Pedroza and Palop-Garcia, 2019). They drive mainly from national legislations. Yet, states' bilateral and multilateral relations as well as participation in international legal framework are also influential (Aksel et al., 2023). In other words, return policies mirror home states' priorities in domestic politics and foreign affairs (Tsourapas, 2015). Moreover, they are shaped by various negotiations taking place between different actors, including origin states, host states, inter-governmental and international organisations such as the UN, IOM and the EU, private sector, and civil society (NGOs).

Through return policies, home states support their emigrants who are in distressed situations abroad and draw the landscape awaiting returning migrants at home. However, in most cases, they lack a comprehensive, standalone return policy specifically designed to address all returnee groups and aspects of the return process-namely, encouraging return, facilitating reintegration at home, and deterring re-emigration, at least in the short term. Generally, return policies are formulated as elements of migration, emigrant/diaspora and/or development policies (Hahn-Schaur et al., 2019). Also, they very often embed the forced-voluntary dichotomy. The expulsion of irregular migrants and the repatriation of refugees through AVRR

programs are regulated by different sets of rules (i.e., laws on expulsion, readmission agreements, and international standards) (ICMPD, 2021) and remain outside the scope of this study.

Leaving policies on forced returns aside, there is often complexity and selectivity inherent to return policies. Like all state policies, return policies are tailored to achieve particular objectives and address specific returnee groups. Although some policies might be universal, for all types of returnees, most of them are selective, favouring one or more returnee categories (Aksel et al., 2023; Hahn-Schaur et al., 2019; Pedroza and Palop-Garcia, 2019). This policy differentiation and/or 'differential inclusion' (Mezzedra and Nielson, 2013) of returnee groups often arises from the view that the return of emigrants is a substitute of remittances. Tsourapas (2015) proposes that states of origin assess the utility of groups- whether their utility is higher while abroad or upon returning to the country. This utility is a factor of both home states' domestic political economy priorities and foreign policy objectives. Accordingly, "*states frequently develop multi-tiered policies that favour specific emigrant communities over others […] If a group's perceived utility abroad is negative, the sending state creates a policy that actively aims to foster ties with the group, to encourage its return and to minimise its time abroad"* (p. 2193). In case of a positive perceived utility, continuation of residence abroad is supported, and return is discouraged.

Policies on voluntary return are aimed at *"assisting the decision to return (be it temporary or permanent) and facilitating the preparation of the return and the subsequent adaptation (logistically, psychologically, financially, or materially)"* (Parella Rubio et al., 2014, p. 174). According to Frelak and Hahn-Schaur (2019), return policies fall into three categories: attraction policies, facilitation policies, and reintegration policies, in line with their objectives. Attraction policies seek to persuade citizens residing and working overseas to come back to their home country, thereby encouraging return migration. Engagement and information strategies, financial incentives and educational instruments are key components of these policies. Once the decision to return is taken by emigrants, facilitation policies come in to increase return preparedness. Examples include information and communication activities (websites, hotlines, etc.) and career services (jobseeker platforms, job fairs and diaspora skills

databases). Finally, reintegration policies encompass a wide range of assistance provided to emigrants upon their return to their home country- for instance, counselling, tailored advice, and assistance related to employment, housing, education, welfare and generally adjusting to return (pp. 3-7). These three return policy categories are not separate, as illustrated in the figure below, return measures can overlap. (Figure 2)

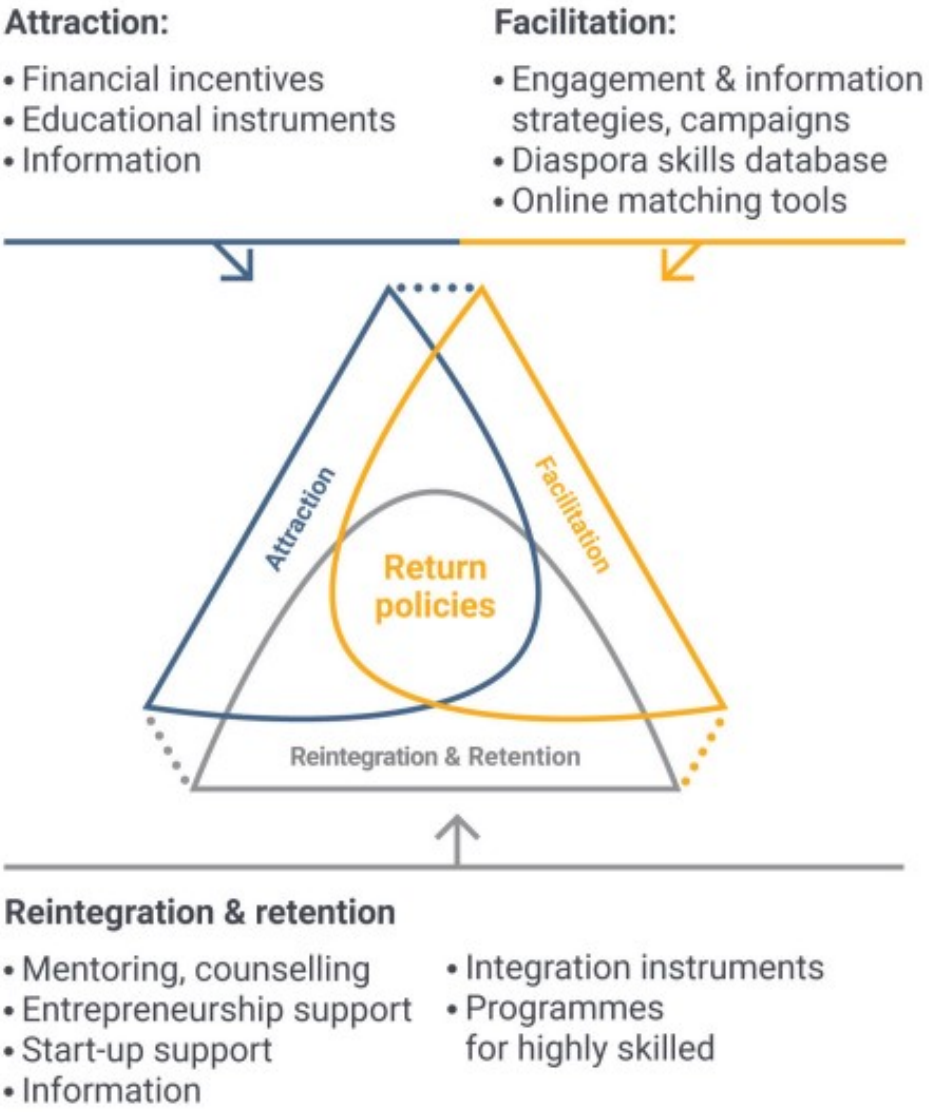


Figure 2: Types of Return Policies

Source: Frelak and Hahn-Schaur, 2019, p. 3

Return policies do not necessarily be encouraging/ supportive. In some scenarios, countries of origin may implement discouraging or restrictive measures, making it challenging or even impossible for certain emigrants to return. These measures might include denying citizenship, imposing travel restrictions, or otherwise curtailing their rights (Aksel et al., 2023).

Another classification can be made based on target groups. As mentioned earlier, home states usually prioritise certain types of returnees over others. This preference is guided by political, economic, and social considerations. For instance, during regime transitions to democracy, some political exiles may be invited to participate in the process, meanwhile, economic recovery and development initiatives typically target individuals with high skill level. Evidence obtained from cross-country comparison suggest that those missed the most by home states and desired to return are young, internationally educated and highly skilled. They are able to move back and forth between their former host and home country, thereby, capitalising on the social capital they build up during their time abroad and contributing to their home country's rehabilitation and growth (Jonkers, 2008; Pedroza and Palop Garcia, 2019; Weinar and Klekowski von Koppenfels, 2020).

Although in 1960s and 1970s, few countries, such as the 'little dragons' of Southeast Asia established policies to reintegrate nationals who were trained abroad, it was not until the 1980s that these policies began to yield significant results. During that decade, large numbers of scientists and engineers returned from the U.S. to South Korea (Gaillard and Gaillard, 1998). Since 1990s, with the global economic restructuring towards knowledge-intensive industries and the global competition for highly skilled migrants, countries of origin have shown increasing interest in their scientific, technical, professional as well as capital-owning members residing abroad and use return as a development tool (Hercog and Siegel, 2011; Jonkers, 2008; Lowell and Findlay, 2001). They have been actively engaged in attracting these members back and/or connect them with the relevant communities at home. Examples include but are not limited to Argentina, China, Chile, Colombia, Ethiopia, Eritrea, India, Israel, Italy, Mexico, Romania, Singapore, South Korea, Taiwan, and Venezuela (Gaillard and Gaillard, 1998; Hercog and Siegel, 2011; Jonkers, 2008).

Table 6: Return Policies Targeting Highly Skilled Emigrants

Policy Instrument/ Area	Example
Engagement & Information Strategies	Communication campaigns to encourage return and inform potential returnees about opportunities at home
Education Related Instruments	Recognition of academic and professional qualifications obtained abroad
	Provision of study-abroad scholarships with return obligation and/or work commitment upon return (recipients are required to work in the home country for a duration equivalent to the scholarship period.)
Financial Incentives	Economic support to employers and returnees such as salary top-ups and temporal income tax exemptions
	Tax exemption on imported goods
	Duty-free purchases
	Relocation benefits
	Subsidized mortgages
	Cheap or free office space in science parks / higher education institutions/special economic zones etc.
	Favourable tax regimes for business set-up
	Competitive funding for research
	Improvement of banking channels (exchange rates/ transaction costs) for transfer of financial resources
	Other trade and investment facilitating measures such as interest free loans or grants for innovative projects
Labour market access	Job fairs and online matching tools where potential returnees and employers meet
	Mentoring and individualised career counselling
	Entrepreneurship support (information on and access to networks & local markets; training on the legal, accounting and tax systems)
	Human resources policies that shorten job search duration, ensures transparent and merit-based recruitment as well as competitive salary scale
Business/ Work Environment & Culture	Investment in technological infrastructure
	Promotion of an organisational culture which allows easy mobilisation of human and social capital gained abroad
Transnational networks	Facilitation of transnational ties and transfer of knowledge and technology through a wide range of activities (online and on-site)
Citizenship	Allowance of Dual/ multiple citizenship
	Reacquisition of citizenship upon return, if previously denationalised
	Extension of citizenship for 2nd and further generations
	Provision of special status for those who did not retain the nationality of the home country due to the host state regulations
Welfare and Social Benefits	Ensuring portability of social security entitlements, pensions, and other welfare rights.
Reintegration	Assistance with relocation (housing, schooling of children)
	Assistance with accessing local networks (organisation of networking events)
	Psychological counselling
	Assistance with integration of family members such as easier work permit process for non-national spouses, language education, social integration programmes, particularly for children

Source: Compiled by the author based on Aksel et al. 2023; Frelak and Hahn-Schaur, 2019; Hahn-Schaur et al., 2019; Hercog and Siegel, 2011; Jonkers, 2008; Pedroza and Palop- Garcia, 2019.

Han et al. (2015) offer an account of programmes carried out by home states to promote return of STEM talent back to the country. Accordingly, Argentina recalls its researchers abroad through the R@ICES Programme. Since 2012, the Bavarian Ministry of Economics and Media, Energy and Technology has been inviting Bavarian and German professionals to return to Bavaria. Jovens Talentos (Science Without Borders Young Talent Program) is designed by Brazil to attract talented young Brazilian researchers back. Moldova carries out Gsorm Gala Studenilor (Academic Excellence Moldova) programme, while Russia provides mega grants – up to 5 million USD- to encourage return among their students and scientists abroad. Thailand is an early comer and has been running the Reverse Brain Drain programme starting from 1990. A decade later, Sub-saharan Africa began the 'Homecoming Revolution' to bring highly skilled Africans back to their homelands.

Over the last three decades, the growing dependence on highly skilled migration has fuelled an escalation in the global competition to attract and retain these individuals. Simultaneously, there has been a shift from the traditional model of permanent settlement to one characterized by temporary and circular migration (Hercog and Siegel, 2011). Consequently, home states have been compelled to enhance capacity and flexibility of their institutions and diversify their policies targeting their highly skilled emigrants abroad. Table 6 summarises examples of home state policies targeting highly skilled returnees.

In addition to home state policies, there have been initiatives carried out by international organisations. An early example is the Transfer of Knowledge Through Expatriate Nationals (TOKTEN) programme carried out by the UNDP since 1977. It is a technical support modality aimed at mitigating the negative impacts of brain drain by facilitating the reverse transfer of technology in many developing countries (Muneer, 2011). In 1995, the IOM started a five-year-long programme which involved 11 African countries (Angola, Cape Verde, Ethiopia, Ghana, Guinea Bissau, Kenya, Mozambique, Sierra Leone, Uganda, Zambia, and Zimbabwe) and sought to return and place 631 qualified African nationals in priority public and economic sectors (Blitz, 2010). Another notable initiative by IOM was the Return of Qualified Afghans Program (RQA), which enabled the return of 1300 qualified Afghans between 1999

and 2010.[25] Among these three programmes, TOKTEN involves transfer of technical expertise of expatriates through short- term consultancies. On the other hand, the latter two were primarily designed for the repatriation of highly skilled refugees, and their impact has been limited to hundreds of returnees due to the discontinuation of sponsorship after a relatively short period of time (Blitz, 2010).

2.6.2. Legal Turn

As previously discussed, the literature on highly skilled migration delineates three significant turns: the return turn, psychological turn, and policy turn. This research contributes by introducing a new dimension focused on the legal framework. Compared to other types of migration, the movement of highly skilled individuals is primarily regulated unilaterally, with some bilateral agreements in place, and to a lesser extent, multilaterally (Betts and Cerna, 2011). A global governance regime and an institutional architecture are lacking. Yet, it does not imply a scarcity of international attention on the matter. For example, through the General Agreement on Trade in Services (GATS) Mode 4 (Movement of Natural Persons), the World Trade Organisation (WTO), through the Indicators of Talent Attractiveness (ITA), the OECD, through return programmes for qualified nationals, the IOM and through TOKTEN, the UNDP are involved in highly skilled migration governance. Still, the ownership remains vested with the state, primarily because the right to return is tied to citizenship (Pedroza and Palop- Garcia, 2019). Even in the presence of bilateral and multilateral legal apparatuses, states retain the authority to determine whether and to what extent they adhere to these documents.

In addition to governing the right to return, states, through laws and regulations, make distinctions not only among migrant groups but also among (returning) citizens, thereby assigning them specific rights and identities. For instance, the Egyptian state

[25] IOM Afghanistan. (n.d.). Return of Qualified Afghans Programme. https://www.iom.int/sites/g/files/tmzbdl486/files/jahia/webdav/shared/shared/mainsite/activities/countries/docs/afghanistan/IOM-Afghanistan-RQA-Factsheet-January-2012.pdf

with the Article 52 of the 1971 Permanent Constitution, differentiated between permanent and temporary emigrants. Permanent emigrants are those living abroad for more than ten years and holding permanent residency in or citizenship of the host country. Temporary emigrants exclude students and seconded workers and encompass individuals working abroad for twelve consecutive months. This legal distinction, as argued by Tsourapas (2015), resulted in two-tiered emigrant policy, with permanent emigrants "*enjoying heightened attention of the executive and state agencies abroad: those studying in Europe and North America would receive financial support from the Egyptian President on ad hoc basis"* (p.2199). In contrast, temporary emigrants in neighbouring Arab world did not receive such privileges because they were not considered migrants and their return was anticipated. Such a distinction inevitably leads to different trajectories for migrants, both during their stay abroad and upon their return. Therefore, as the scholarship on the concept of deservingness suggest, "*the analysis should start with the law itself"* (Chauvin and Garcés-Mascareñas, 2014, p.423).

Despite the peculiarities in individual country settings, legal systems often establish a hierarchy of norms based on the particular source from which the norms derive. In national legal systems, it is generally the constitution that reflects fundamental values of society and hence, given precedence in the event of a conflict with norms enacted by legislation or adopted by administrative regulation. Written law prevails over unwritten law, administrative rules are below legislative mandates and legal norms take precedence over nonlegal (political or moral) rules. When norms hold equal status, efforts are made to balance and reconcile them as much as possible (Shelton, 2006, p.1).

International legal texts (bilateral and multilateral) derive from the will of the states, yet, as far as topic of migration is concerned, the proliferation of such texts is not paralleled with their ratification (Garnier, 2012). Ratification itself as a process has two dimensions. Firstly, according to the 1969 Vienna Convention on the Law of Treaties Article 2 (1) (b), ratification "*is the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty*". In the domestic sphere, ratification "*denotes the process whereby a State puts itself in a*

position to indicate its acceptance of the obligations contained in a treaty" (Grant and Barker, 2009, p.499). The procedures for accepting a treaty as binding are generally outlined in the constitutions of states. Brownlie (2003) refers to this process as *'ratification in the constitutional sense*.' In other words, international agreements are incorporated into the domestic legal systems through '*act of transformation/ reception/ adoption'* (Jackson, 1992), whose ownership again remains with the state.

While the right to leave and the right to return are fundamentally principles linked to citizenship and integral to domestic legal systems of home states, they are also recognised in international conventions as a basic human right of migrants (Wickramasekara, 2003). Examples of provisions protecting the right to return involve the 1948 Universal Declaration of Human Rights (Article 13), the 1963 Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (Article 3), the 1966 International Covenant on Civil and Political Rights (ICCPR) (Article 12 (4)) and the 1981 African Charter on Human and Peoples' Rights (Article 12) (EMIGPOL database; Aksel et al., 2023). More recently, the UN 2030 Agenda for Sustainable Development and the 2018 Global Compact for Safe, Orderly and Regular Migration (2018), which is the leading text of global governance of migration (Betts and Kainz, 2017), highlight the importance of safe, dignified, and sustainable return and reintegration, alongside the responsibility of home states to this end.

The international legal framework addresses not only the right to leave and return; but also, other human rights of migrant workers such as social security, equal treatment and so forth. The 1949 ILO Conventions Concerning Migration for Employment, the 1962 Equality of Treatment (Social Security) Convention, the 1982 Maintenance of Social Security Rights Convention, the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICPWW), the 2006 ILO Multilateral Framework on Labour Migration and again the GCM encompass provisions on employment and social security (Aksel et al., 2023; Hirose et al., 2011).

With respect to the highly skilled labour migration, the GATS Mode 4 is the first multilateral and legally binding agreement on the international trade in services. It aims the progressive liberalisation of trade in services (Wickramasekara, 2003). The first three modes focus on cross-border supply, consumption abroad, foreign direct investment/commercial presence, respectively. Mode 4, on the other hand, regulates temporary movement of natural persons, i.e. services provided abroad by individuals such as consultants (Betts and Cerna, 2011). This agreement is primarily designed for the employment of highly skilled individuals from developing states in developed states under favourable conditions. It serves as an important initiative for the immigration of highly skilled individuals, despite the limitations faced in practice - such as the restrictive immigration policies pursued by developed states. Yet, it does not concern the return to the country of origin.

The recognition of foreign credentials is another area in which states are increasingly engaged in international cooperation. Until 2019, a global convention on this topic was absent, yet regional conventions predate this period. The 1983 Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific was revised and signed in 2011. The Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education (Tokyo Convention) entered into force in 2018. The key legal instrument for recognition of qualifications across Europe was developed by the CoE in cooperation with UNESCO. The Convention on the recognition of Qualifications concerning Higher Education in the European Region, (Lisbon Recognition Convention) was signed in Lisbon on 11 April 1997. It promotes fair recognition of academic qualifications and is ratified by more than 50 states. The Revised Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and Other Academic Qualifications in Higher Education in African States, the Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Latin America and the Caribbean (2019 Buenos Aires Convention) and the Revised Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab States were signed in 2014, 2019 and 2022, respectively. Furthermore, in November 2019, the Global Convention on the Recognition of Qualifications Concerning Higher Education was adopted. It is the first

UN treaty on higher education with a global scope. Entering into force in March 2023, the Convention has been ratified by 24 states as of March 2024.

As stated above, multilateral legal apparatuses are fewer in number compared to the bilateral agreements made between sending and receiving countries to regulate highly skilled migration. In the realm of emigration, states' bilateralism encompasses a wide range of areas of cooperation (Aksel & Şenel, 2024), yet, within the literature on highly skilled migration, three types of bilateral agreements are emphasised: social security, double taxation (and tax evasion), recognition of diplomas. The first type concerns *"the equality in treatment between signatories regarding payments abroad, including old age pension, pension portability, disability support, parenting payment for widowed persons and unemployment benefits"* (Czaika and Parsons, 2017, p. 611). The second type of agreements aim to prevent the double taxation of income, capital, and inheritances, and to reduce fiscal evasion. Lastly, the credential recognition agreements ensure acknowledgement and transfer of qualifications migrants obtained abroad.

The impact of these bilateral and multilateral legal frameworks on highly skilled return migration is understudied. The literature generally stresses the primacy of the home state in creating conditions conducive to return and reintegrate. Home states, through laws, policies, bilateral and/or multilateral agreements, increasingly aim to foster return among their highly skilled members abroad. Yet, an implicit assumption seems to underpin these return instruments: highly skilled returnees do not need any state support to reintegrate in the social, economic, cultural, and political spheres in their countries of origin. Their reintegration is automatic and hardship free. On the other hand, *"there is no return to the situation as it once was: the place has changed, along with the people who live there; and so, have the migrants themselves"* (King and Kuschminder, 2022, p.16). Therefore, to better understand the dynamics of highly skilled return migration, return and policy turns should be accompanied with psychological and legal turns. Only with such an approach, the interplay between the structure and returnees' agency (aspirations and capabilities) can be revealed.

Table 7: List of Multilateral Conventions Related to Highly Skilled Migration

Year	Name of the Convention	International Organisation
1948	Universal Declaration of Human Rights (Article 13)	UN
1949	ILO Conventions Concerning Migration for Employment	ILO
1962	The Equality of Treatment (Social Security) Convention	ILO
1963	Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (Article 3)	CoE
1966	International Covenant on Civil and Political Rights (ICCPR) (Article 12 (4)	UN
1981	African Charter on Human and Peoples' Rights (Article 12)	African Union
1982	The Maintenance of Social Security Rights Convention	ILO
1983	Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific (revised in 2011)	ASEAN
1990	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICPWW)	UN
1995	General Agreement on Trade in Services (GATS) (Mode 4: Movement of Natural Persons)	WTO
1997	Convention on the recognition of Qualifications concerning Higher Education in the European Region (Lisbon Recognition Convention)	CoE
2006	ILO Multilateral Framework on Labour Migration	ILO
2014	Revised Convention on the Recognition of Studies, Certificates, Diplomas, Degrees, and Other Academic Qualifications in Higher Education in African States	UNESCO
2015	UN 2030 Agenda for Sustainable Development	UN
2018	Global Compact for Safe, Orderly and Regular Migration	UN
2019	Global Convention on the Recognition of Qualifications Concerning Higher Education	UNESCO
2019	Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Latin America and the Caribbean (2019 Buenos Aires Convention)	UNESCO
2022	Revised Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab States	UNESCO

Source: Author's compilation from EMIGPOL database

CHAPTER 3

LEGAL ARCHITECTURE GOVERNING RETURN MIGRATION IN TÜRKİYE

Historically, Türkiye has experienced large flows of people in and out of the country. While over the decades she has become a country of transition, a country of destination, and more recently, a country of refuge, traditionally she has been known as a country of emigration (İçduygu and Kirişçi, 2009). Outbound movements, which began in the mid-20th century, persist. According to the UN DESA International Migrant Stock statistics (2020), Türkiye ranks among the top 20 emigration countries in the world. Between 1990 and 2020, over three decades, Türkiye's international emigrant stock increased by 35%, from 2.5 million to 3.4 million. The Turkish Statistical Institute (TÜİK) has announced that in 2022, 139,531 citizens left the country and 94,409 returned (TÜİK, 2023). The Turkish Ministry of Foreign Affairs (MFA) states that as of March 2024, Türkiye has 6.5 million citizens living abroad, corresponding to 7.6% of the homeland population. Approximately 3 million citizens have returned permanently. All these figures indicate a net outflow.

This chapter includes an analysis of and a discussion on Türkiye's legal architecture governing return of its highly skilled emigrants. After a brief history of the country's migration patterns, current emigration and return figures will be presented. Then, drawing on the EMIGPOL database as well as secondary resources, the Turkish state's return, and reintegration framework as well as definition of highly skilled migrant will be analysed.

3.1. Brief History of Emigration from and Return to Türkiye

The migration patterns in Türkiye could be examined across four distinct periods: i. early period of modern Turkey (1923-1950), ii. the period spanning from 1950 and

1980, iii. the era from 1980s to 2000s and finally, iv. the last two decades of new governance since 2000 (İçduygu and Aksel, 2013).

3.1.1. First Period Between 1923- 1950

In the first period following the foundation of the Turkish Republic, the state pursued the aim of creating a homogenous, Turkified, and Islamised society. To this end, it encouraged both *"the emigration of non- Muslim populations, mainly Armenians and Greeks, from Anatolia, and ii. the immigration of Turkish Muslim populations, especially from the Balkan countries."* (ibid., p. 170). Although the mass emigration of the country's non-Muslim minority populations traces back to the final years of the Ottoman Empire (İçduygu and Kirişçi, 2009), it intensified under the Republic. Some of these mass emigrations were even facilitated through reciprocal population exchange agreements, such as those with Greece in 1923 and with Bulgaria in 1925 (İçduygu, 2014).

The forced emigration of non-Muslims served two goals: i. the creation of a national society comprised of individuals of Turkish descent and Muslim faith (Kirişci, 2000), ii. the establishment of a Muslim bourgeoisie to assist the state elite with the post-war recovery and the rapid economic growth of the country (Keyder in İçduygu, 2014). Driven by nationalist ideology, the Turkish state displayed no intention to maintain ties with those non-Muslim emigrants or support their return.

Another group subject to state-led emigration was students (Aksel, 2016). The tradition of sending students abroad, to Europe, the Middle East and Asia for academic and military training, also has its roots in the late 18th century, during the Ottoman period (Öztürk, 2001). Ishak Bey was the first student sent by the Ottoman government (under the reign of Sultan Selim III) to France for the purpose of studying French (Özodaşık, 1997). In 1800s, a growing number of students attended European institutions, particularly in Italy and France. Upon their return, they joined state offices, and over time, some advanced to high-ranking positions such as pasha, minister (nazır), grand vizier, governor, and ambassador (ibid.; Ulu, 2014).

After the foundation of the Republic, the mission of education was defined as training the human capital required for development. Consequently, study abroad programs were continued both with a view to foster economic growth and support the modernisation process by creating a Turkish intelligentsia (İçduygu and Aksel, 2015). Between 1923 and 1929, student selection and placements were made on ad hoc basis by the Ministry of Education (MNE), other state institutions, and municipalities. A total of 700 students were sent to Europe during these six years (Ulu, 2014). On 8th April 1929, with the aim of setting standards and improving efficiency, the Law No. 1416 on Students to Be Sent Abroad was adopted by the Turkish National Assembly. The law outlines student selection criteria, as well as other principles and procedures to be followed before departure and upon arrival. According to this law, return is obligatory, and recipients of the scholarship are required to work in assigned states offices for a certain duration, depending on the amount of scholarship they have received. Provisions were included also for students studying abroad using their family resources. Families are allowed to request MNE inspectors to monitor their children, and in case of financial hardship, they can apply for state sponsorship (ibid.). The Law No. 1416, which remains in effect, can be considered the foundation of modern Türkiye's highly skilled emigration, and return policies.

3.1.2. Second Period between 1950- 1980

The emigration of Turkish citizens in the later periods occurred in different domestic and international settings, leading to different state reactions and policies. By 1950s, Türkiye had achieved a less-ethnically diverse society, with minority groups constituting around 1% of the total population (İçduygu, 2014). Yet, the economy was in recession. From 1923 to 1950, for the Republican People's Party (CHP), the bitter experiences of the consequences of the Ottoman capitulations and war debts were still fresh. Ensuring a balance between government revenues and expenditures was a primary objective of their economic development programme (Kepenek and Yentürk, 2005). Although this cautious fiscal approach may have contributed to the CHP's defeat in the 1950 elections, it also provided the winner of the elections, the Democrat Party (DP), with room to pursue expansionary policies. The DP endeavoured to liberalise the economy and sought new alliances in foreign affairs, particularly with

the U.S. Once the Marshall Plan Aids were over, the increased the public spending (for instance, agricultural incentives given for machinery) and the deterioration in trade balance necessitated external borrowing (ibid.). Serious economic challenges, including devaluation of the Turkish Lira and high unemployment rates, as well as political upheaval and loss of international support culminated in the end of the DP's rule with a military coup in 1960.

While such turmoil was unfolding in Türkiye, the post-Second World War period brought about economic, social, and political transformations worldwide. This era introduced economic dynamism, increased industrial production, and enhanced social and geographical mobility. Faced with domestic socio-economic pressures created by high unemployment rates and foreign currency shortages, Türkiye found itself compelled to integrate both economically and politically into the global capitalist system. Consequently, the Turkish state left its *"nationalism-centred paradigm'* and embraced *'a more developmentalism-originated liberal paradigm"* (İçduygu, 2014, p. 4).

In the second period between 1950 to 1980, therefore, the *'two-way emigration and migration circulation'* of early Republic years was replaced with a *'state- sponsored labour emigration'* (İçduygu and Aksel, 2013). Despite the continued immigration of Turkish Muslims during this period, economic and political crises dampened the Turkish state's eagerness to welcome co-ethnics from former Ottoman territories (Aksel, 2014). Conversely, exporting labour surplus emerged as a favoured strategy to stimulate economic growth. Türkiye signed labour agreements with industrialised states, primarily in Europe, with the expectation of reducing unemployment and fostering development by mobilising economic (remittances) and social (know-how) capital of its emigrants (İçduygu, 2014; İçduygu and Kirişçi, 2009). As a result of the economic rationale behind this strategy, the State Planning Organisation (DPT) and the Turkish Employment Service (IIBK) were initially entrusted with coordinating emigration flows (İçduygu and Aksel, 2013). By the end of 1973, the IIBK had sent more than 780,000 workers to Western Europe (Bilgili and Siegel,2014).

The first labour agreement was with the West German government and in 1961. Subsequently, until 1980, Türkiye concluded eleven labour agreements with other European countries including the United Kingdom (UK), Austria, Belgium, the Netherlands, France, Sweden, Switzerland, Denmark, as well as Australia and Libya (EMIGPOL database). The diversification of geographies reflected the Turkish state's emigration strategy of *"falling back on another country if one showed signs of saturation and diminished absorption ability"* (Bahadır in İçduygu and Kirişçi, 2009, p. 5). Yet these agreements were not based on the principle of reciprocity. Aimed at addressing the labour shortages in industrialised economies, these agreements envisioned one way and temporary migration of low-skilled labour force (Kirişçi, 2007). Hence, return of 'guest workers' was anticipated by both sides; however, contrary to expectations, many migrants settled down in their receiving countries as from their point of view, the conditions at home were not ideal for returning (Bilgili and Siegel, 2013).

Permanent settlements in Europe and emigration for family formation and reunification began in early 1970s, while Türkiye was still facing economic and political challenges domestically. Due to its development-oriented approach, the Turkish state preferred remittances from emigrants over their return. However, it had no concrete diaspora policy in place, except for a few ad hoc arrangements aimed at facilitating the transfer of remittances (Şahin Mencütek and Başer, 2018). In 1971, the Presidency of Religious Affairs (Diyanet) initiated the deployment of imams to European host countries with the purpose of preserving the cultural identity of Turkish emigrants and mitigating the risk of assimilation (Aksel, 2014). Until 1980s, Türkiye engaged with its emigrants through a fragmented institutional structure, comprising seven ministries, three permanent under-secretaries and numerous other state office, with the primary actors being the Ministry of Foreign Affairs and its consulates. Yet none of these institutions were effective in meeting emigrants' needs (Şahin Mencütek and Başer, 2018, p.91).

Emigration in the second period was not limited to marriage migration and family reunification. The oil crisis in 1973 brought economic recession to Turkey's west and expansion to its east. Consequently, as European countries ceased recruiting Turkish

labour, the state directed Turkish workers to the Middle Eastern countries such as Libya, Saudi Arabia, and Iraq, where Turkish companies had secured contracts for major infrastructural construction projects. Flows to this region continued until the Gulf War I in 1991; but were never accompanied with family reunification nor permanent (İçduygu, 2009; İçduygu and Kirişçi, 2009; Kirişci, 2007).

In addition to traditionally regulated labour migration and family reunification, the period spanning from 1950 to 1980 also witness the emigration of highly skilled professional, encompassing doctors, engineers, academics, scientists, and students, to industrialised countries in Western Europe and North American destinations such as the U.S. and Canada (Akçapar, 2006; Aksel, 2016; Elveren, 2018). State-sponsored study abroad programmes persisted during this time, with the Ministry of Education concluding bilateral agreements on educational and cultural cooperation. These agreements facilitated the launch of scholarships like the U.S.' Fulbright Programme (Aksel, 2016). Moreover, the State Planning Organisation (1967) disclosed that 37% of the emigrants were skilled workers. *"By 1970, 7% of architects, 5.3% of mechanical engineers, 8.2% of specialist, and 21.4% of general practitioners moved abroad for work"* (DPT, 1972, p.81) Hence, the second period marks the onset of the 'brain drain' phenomenon, prompting concern within the Turkish state regarding the loss of its skilled labour force.

Substantive data on the Turkish citizens' return migration is absent. However, given that emigration from Türkiye during this period occurred under guest-worker and contract labour schemes, for many emigrants, returning home was the "*natural completion of the migration cycle*" (Gmelch, 1992). With the 1973 oil-crisis, many European countries stopped recruiting Turkish workers and those, who were not granted permanent settlement, returned from Europe. It is estimated that approximately 300,000 emigrants came back between 1974 and 1983 (Gitmez in İçduygu, 2009). Furthermore, since emigration to Middle East and North Africa (MENA) countries were based exclusively on fixed term (with a maximum duration of 2 years) contracts, return was inevitable for emigrant workers in this region (İçduygu, 2009). Likewise, within the cohort of highly skilled emigrants, as recipients of state scholarships are obligated to return, it can be inferred that some individuals

had to do so. In summary, during the second period spanning from 1950 to 1980, Türkiye experienced emigration patterns involving low-skilled workers, highly skilled professionals, and students, with relatively low rates of return.

3.1.3. Third Period Between 1980- 2000

The characteristics of emigration underwent significant changes after 1980s as Türkiye faced drastic changes in its political, social, cultural, and economic environment (Kirişci, 2007). In the third period between 1980 and 2000, new migration patterns were observed. On the one hand, an increasing number of immigrants from neighbouring countries and the EU member states as well as transit illegal migrants entered the country. On the other hand, family reunification and seeking political protection became the main reasons of emigration (İçduygu and Kirişçi, 2009).

By the end of 1970s, the phenomenon of illegal entries and overstays began to interweave with regulated labour emigration and family reunification (Şahin Mencütek and Başer, 2018). In early 1980, the political landscape was characterised by violent confrontations between left-wing and right-wing groups. On 12th September 1980, coup d'etat took place. The two-year-long military rule severely undermined democracy. In 1982, the new constitution was adopted, which, in comparison to the 1961 Constitution, exhibited less plural and more authoritarian stance. Numerous fundamental rights and freedoms such as the freedom of association were curtailed.

In 1983, Turgut Özal, who would later become the President in 1989, won the elections. Özal embraced a liberal stance in economy (Kepenek and Yentürk, 2005) and relatively conservative approach in domestic politics. The former opened up the Turkish economy to the world, facilitated influx of foreign direct investments and diminished the significance of remittances. However, the latter brought identity questions to the surface.

The military intervention in the civilian politics, the increase in the violence to suppress the Kurdistan Workers' Party (PKK) (İçduygu and Kirişçi, 2009) and the subsequent Özal era in the domestic sphere, therefore, changed the push factors for emigration. In this third period, Türkiye experienced asylum flows from communists,

Islamists, Kurds, and Alevis (Aksel, 2014). *"According to United Nations High Commissioner for Refugees (UNHCR) statistics, between 1980 and 2010, almost one million Turkish citizens applied for asylum in various European countries"* (Fassmann and İçduygu, 2013, p. 352).

The 1990s marked a pivotal period of global change. The Cold War ended, the Soviet Union was dissolved, and the Gulf War took place. Moreover, with globalisation, an increasing number of countries underwent economic and political liberalisation. Consequently, emigration patterns of Turkish citizens were altered (İçduygu, 2014). The Turkish companies left Iraq. Turkish workers, engineers, and managers as well as small business owners moved to the Russian Federation and other parts of the Commonwealth of Independent States (CIS). Furthermore, the confrontation between the armed forces and PKK led to more asylum applications from Turkish citizens of Kurdish ethnicity. As a result of the gradual introduction of political reforms in Türkiye and the tightening of the European asylum regime, the number of applications decreased after 1995 (İçduygu and Kirişçi, 2009). On the other hand, irregular migrants of Turkish citizenship continued entering Europe illegally (Kirişci, 2007).

Emigration of highly skilled professionals and students from Türkiye persisted during the third phase. As explained earlier, the global restructuring and shift towards knowledge intensive economies paved the way for competition for talent. Developed countries have adopted selective immigration policies, which facilitated highly skilled migration. Moreover, in 1995, General Agreement in Trade Services (GATS) Mode 4, which refers to the temporary movement of natural persons among WTO member states, was signed. Although the agreement encompasses all skill levels, in practice, commitments to date made by receiving states are limited to highly skilled professionals and business visitors (intro-corporate transferees and contractual service providers) (Nielson and Taglioni, 2003). Consequently, in addition to labour migrants, asylum-seekers and illegal entries, highly skilled individuals left Türkiye between 1980 and 2000s. Since 1980s, the number of skilled Turkish immigrants in traditional migrant receiving countries such as the U.S., Canada, and Australia has increased (Akçapar, 2009).

With respect to student emigration, several new initiatives were launched. For instance, the government of the UK introduced and included Türkiye in its global scholarship programme, namely, the Chevening Scholarship, in 1983.[26] Additionally, following the agreement between the EC and Türkiye in 1989, Jean Monnet Scholarship began. It offers Turkish students the opportunity to pursue post-graduate education in European countries since 1990.[27] In other words, channels for student emigration diversified during the third period. Taking into account the fact that the majority of political emigrants were highly skilled individuals (Elveren, 2018), this period could be also characterised by brain drain.

While in the 1980s a shift occurred from temporary stay to permanent settlement, return was part of the migratory movements during the third period. Host countries such as Germany and the Netherlands introduced 'Return Acts and Bonuses', providing financial support to Turkish emigrants who agreed to return with their families. From 1983 to 1990, approximately 360,000 emigrants turned back to Türkiye through these schemes (İçduygu, 2009).

The return migration of 1970s and 1980s differs from that of the 1990s and 2000s. İçduygu (2009) argues that the latter exhibits a more circular and transnational nature. For instance, many retirees spent of half of the year in Europe and the remainder in Türkiye. They used the health services and pension systems of their receiving states whilst maintaining their ties with their homeland. Another returnee group was the second generation (i.e. migrants' children who grew up in Europe). They returned either to reconnect with their roots or because their foreign education was greater valued in the Turkish labour market (Bilgili and Siegel, 2014, p. 221). Yet due to the mismatch between the skills and experiences of returnees and the demands of the Turkish employers, most of the returned workers ended up purchasing a taxi or a delivery truck, constructing rental housing, or establishing a small business, thus becoming part of the service economy (İçduygu, 2009). Additionally, the emergence

[26] https://www.chevening.org/about/

[27] https://jeanmonnet.org.tr/en/about-scholarship-programme/

of private universities starting from mid-1980s has influenced the return decisions of many Turkish scholars, scientists, and university graduates as these universities offered competitive facilities for highly skilled emigrants (ibid.).

3.1.4. Fourth Period: 2000 and onwards

Finally, the fourth period, starting from 2000s up to the present day, is characterised by new types of mobilities and governance of migration. On the one hand, Türkiye has been witnessing a significant influx of refugees and asylum seekers from its neighbouring countries, thus becoming a country of refuge. On the other hand, emigration persists with different aspirations. Departures through family reunification, asylum-seeking and irregular flows continue. While labour migration has declined drastically, that of highly skilled professionals and students has grown substantially. Today, Türkiye's emigration profile consists of family reunion, asylum-seeking, irregular (undocumented or clandestine) labour, contract-based labour, highly skilled professionals, as well as students (Kirişçi, 2007; İçduygu, 2013). In the first decade of the 21st century, the annual number of new arrivals to Europe from Turkey was between 15.000 - 20.000 and the majority (30%) of them being highly skilled professionals and students (İçduygu, 2014).

In terms of geography, Europe, the U.S., and Canada are the most preferred destinations, particularly by highly skilled Turkish emigrants. Yet, given the more circular and transnational nature of international migration in the new millennium, alternative host lands have emerged. Over the two decades, Turkish individuals and companies have obtained contracts all over the world, including but not limited to the MENA region, Central Asia, Russia, and Balkans.

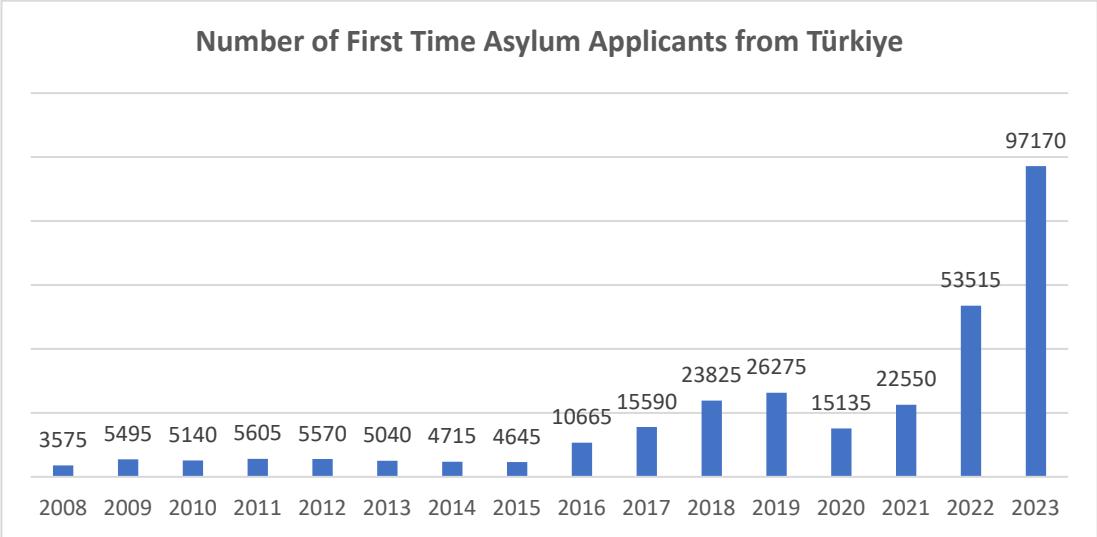
During this period, Türkiye has undergone important political, economic, and social changes. It began the new century with the prospect of EU membership, which facilitated a decade marked by political reform and increasing prosperity (Kirişçi, 2023). Under the rule of the Justice and Development Party (AKP), it has liberalised its policies, adopted laws, and established new institutions for governing immigration, while also strengthening its relations with its non-resident citizens all around the

world. This positive atmosphere attracted foreign direct investments, fostered immigration of retirees, highly skilled professionals as well as second and third generation Turks from Europe (Sanchez et al., 2018). The number of asylum-seeking Turkish citizens diminished, whereas Turkey itself became a country of asylum for those fleeing from war in neighbouring countries (Kirişçi, 2023).

During the second decade, the dynamics began to change as the state consolidated more power and Recep Tayyip Erdoğan, the former Prime Minister and current President, became increasingly authoritarian. The rise of authoritarianism, intolerance towards diversity, and the imposition of a conservative religious lifestyle on the more liberal and secular sectors of society fuelled social unrest. In the summer of 2013, the Gezi Park protests emerged as a manifestation of this discontent. However, these protests were met with violent suppression. In 2015, the peace process broke down, triggering a wave of repression against politically active Kurds, including the elected local government officials from the pro-Kurdish Peoples' Democratic Party (HDP). Moreover, scholars, who criticised the government, namely, 'Academics for Peace,' were criminally charged and dismissed from their positions. Following the failed coup attempt in July 2016, the repressive climate escalated. A state of emergency was imposed, resulting in mass detentions, dismissals, and prosecutions of alleged coup plotters, including academics, judges, prosecutors, and public servants, often with little regard for legal due process. In 2017, a controversial constitutional referendum was held. The parliamentary system was transformed into a highly centralized presidential one, devoid of effective checks and balances on Erdoğan's power (ibid.; Öztürk and Taş, 2022).

Under this political landscape, the economic situation also started to deteriorate. The more power he consolidated the more dependent regulatory bodies became. This lack of independency and misconduct, combined with excessive government spending, laid the ground for the economic crisis, which began in 2018 and worsened in December 2021 with the introduction of the unorthodox monetary policy. The Turkish lira devaluated, whereas the inflation surged. Consequently, life-quality declined, and emigration tendencies arose, particularly, among young, educated, secular and urban people (Öztürk and Taş, 2022).

The emigration profile in the second decade encompasses asylum-seekers, irregular migrants, non-Muslims, and highly skilled professionals such as doctors, engineers, academics, and students. Despite the absence of data on the skill level of asylum-seekers, irregular migrants, and non-Muslims, given the mentioned domestic atmosphere, it is possible to infer that the majority among these groups are also highly skilled. The group of asylum-seekers consists of Gezi protesters, Gülenists, journalists, Kurds and more recently, especially LGBTQI+ individuals. As illustrated in the graph below, from 2013 to 2023, the number of first-time asylum applicants to EU member states as well as Liechtenstein, Norway, Switzerland, and the UK arose from 5,040 to 97,170, hence, by 1,827%. Since 2016, only decline was in 2020, which could be explained by the COVID-19 pandemic.



Graph 1: The Annual Influx of First-Time Asylum Seekers from Türkiye to Europe (EU Countries, Liechtenstein, Norway, Switzerland, and the UK)

Source: Author's illustration (Eurostat 2024)

While tracking irregular migration is more difficult, an increase is also apparent in the illegal entries to the EU countries and the U.S. Between 2020-2023 more than 32,000 Turkish citizens entered the U.S. from Mexico and applied for asylum on the grounds of political reasons, sexual orientation and faith-based discrimination (Euronews). Germany also reported a similar rise in the number of Turkish nationals, including those with government-service passports, attempting to enter the country irregularly (Topçu, 2022).

Öztürk and Taş (2022) add non-Muslim minorities to the list of emigrants in the fourth period. In 2016, then-deputy prime minister Numan Kurtulmus said "*For us, independence is being able to call infidels 'gavur.*'" Moreover, American pastor Andrew Brunson was arrested and accused of military espionage, terrorism, and coup plotting. These incidents raised fears of deportation among the Christian and Jewish minorities. Many Sephardic Jews applied for a second passport in Portugal, Spain, or Israel and probably some has left.

In addition to these groups, a growing number of highly skilled individuals has been leaving Türkiye through regular migration channels in the last decade. Several factors contribute to their emigration. One notable factor is the rise in job opportunities abroad for highly skilled individuals, including STEM professionals, health professionals, and managers. This trend stems from the global competition for talent, the mobilities facilitated by transnational companies, and the internationalisation of professions (Iredale, 2001).

Likewise, a wider range of financial support has become available for student mobility. The geographies of state-sponsored study abroad programmes carried out under the Law No. 1416 extended beyond the U.S., the UK and Europe through the bilateral cultural and educational cooperation agreements with countries worldwide.[28] Between 2002 and 2022, a total of 11,943 students were sent abroad (MNE, 2023). The Fulbright, Chevening and Jean Monnet scholarships persisted, whereas new exchange programmes as well as business and civil society-sponsored scholarships were launched in this fourth period. For instance, in 2004, Türkiye joined the Erasmus programme, which offers short- term (few days) to longer term (up to 12 months) mobility opportunities in higher education, vocational education and training, school education, adult education, youth, and sports. According to the Turkish National Agency (2024), around 475,000 individuals from Türkiye have benefited from the

[28] The number of destination countries increased to 48 by 2017. The most preferred destinations are Germany, the U.S. and the UK. Other countries include Algeria, Argentina, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, China, Colombia, Croatia, Czechia, Denmark, Ethiopia, Finland, France, Georgia, Greece, Hungary, India, Iran, Israel, Italy, Japan, Kyrgyzstan, Lebanon, Malaysia, Morocco, Netherlands, New Zealand, Norway, Poland, Portugal, Qatar, Romania, Russia, Serbia, South Africa, South Korea, Spain, Sweden, Switzerland, Tunisia. (Sönmez Çalış, 2019, p.120)

Erasmus mobility schemes in the last 20 years.[29] Moreover, as part of the internationalisation of higher education agenda, in 2011, the Council of Higher Education (YÖK) established the Mevlana Exchange Programme, which aims the exchange of students and academic staff between Turkish and foreign higher education institutions. As evidence suggests, upon completion of their studies, some of the students establish their lives in their countries of residence, thus, settle permanently (Akçapar, 2009).

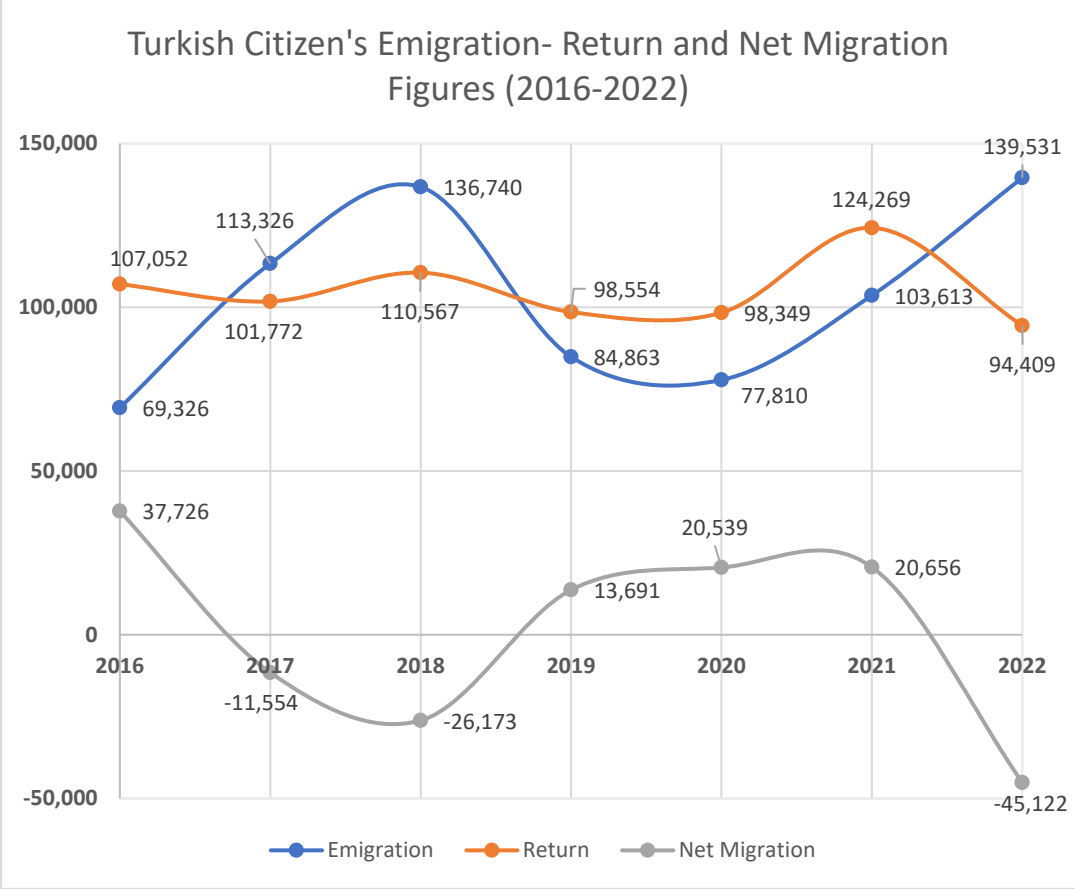
Thirdly, as previously mentioned, the deterioration of the political and economic climate in Turkey has heightened concerns regarding freedoms, rights, and security, thereby undermining trust in the law, the state, and within different segments of the society. Consequently, alongside those academics, journalist and other professionals who had to leave because of political repression, many highly skilled citizens began looking for greener pastures, hence, engaged in what Orhan (2023) refer to as 'unrest migration.'

In summary, the fourth period, especially following the events of 2013, is primarily characterised by 'brain drain'—the departure of academics, doctors, medical staff, IT specialists, artists, businesspeople, engineers, sales experts, and students. With regards to return, the last decade differs from the first 15 years. As a result of the positive economic and political climate as well as state programs aimed at reversing brain drain, both highly skilled citizens and second and third generation migrants from Türkiye living in Europe returned. Even *"from 2006 until about 2015, immigration from Germany to Türkiye outpaced emigration from Türkiye to Germany.*" (Kirişçi, 2023, p.2). However, with the rise of authoritarianism and deterioration of the economy, return rates declined.

The graph below illustrates the emigration, return and net migration figures based on the International Migration Statistics provided by TÜİK since 2016. Accordingly, in

[29] As Erasmus grants considers country of residence, not country of citizenship, any immigrant fulfilling the eligibility criteria and residing in a programme country can apply. Hence, this figure is likely to include non-Turkish citizens, while excluding Turkish citizens, who live abroad and have received Erasmus grant from their institution.

2017, 2018 and 2022, return numbers remained below outbound migration, hence, the net migration was negative. The COVID-19 pandemic was an explanatory factor in returns between 2019 and 2021.



Graph 2: Emigration, Return and Net Migration Figures (2016-2022) for Türkiye
Source: Author's illustration based on statistics taken from TÜİK

The brief history of emigration and return from Türkiye shows that over time there has been substantial increase in the number, variations in the aspirations for emigration as well as a diversification in destination. In line with these changes, the Turkish state also altered its strategies and policies to engage its more than 6 million citizens abroad (Bilgili and Siegel, 2013; Aksel, 2014; Şahin Mencütek and Başer, 2018). On the other hand, return has been a natural component of migration projects but has occurred less frequently. Moreover, as discussed below, it has been managed within less developed legal, institutional, and political frameworks.

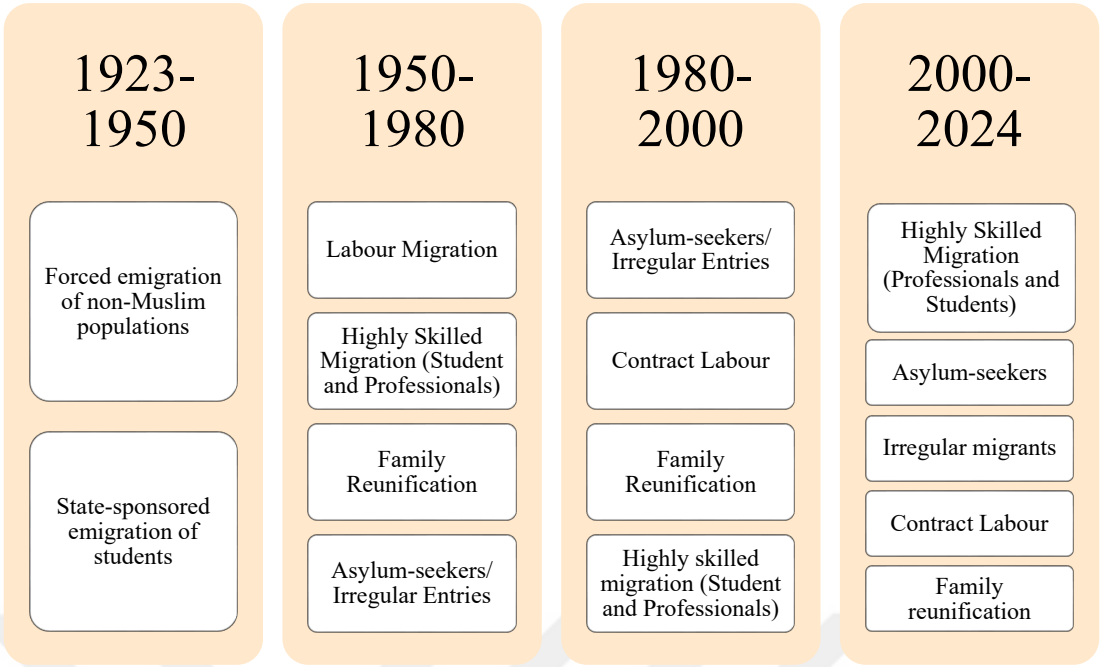


Figure 3: Emigration Waves from Türkiye
Source: Author's illustration

3.2. Highly Skilled Migration: The Turkish Case

As outlined above, brain drain, or in other words, emigration of highly skilled citizens, has been a phenomenon for Türkiye since the foundation of the Republic. However, both political and scholarly attention to the topic did not begin before late 1960s and remained limited until the economic crisis in 2001. Over the last decade, with Türkiye aiming to become '*global talent hub for worldwide talents*'[30], the emphasis on reversing brain-drain, and developing selective immigration policies as well as return incentives for non-resident Turkish citizens has grown.

Taking stock of the brain drain literature in Türkiye, Elveren and Toksöz (2018) show that until 2000s, the impact of brain-drain on development and emigration aspirations occupied the scholarly research, which was limited in number. In the last twenty years, the disciplines engaged in the inquiry of highly skilled migration, research topics as

[30] Presidency of the Republic of Türkiye Human Resources Office (CBİKO). (n.d.). *TalenforBİZ*. (https://www.cbiko.gov.tr/en/projects/talentforbiz (accessed on 01.03.2024)

well as methodologies used have diversified. Moreover, migration of highly skilled citizens has become politicised. On March 8, 2022, Erdoğan, addressing doctors' demand for improvement in their working conditions, said "*If they are leaving, let them leave. Don't worry, these places won't remain empty. We will employ our newly graduated doctors*."[31] A year later, during the election campaigns, the opposition leader Kemal Kılıçdaroğlu called on young people living abroad to come back. As a response, young university graduates residing in various countries worldwide initiated the movement '*You Wish, We Return (Siz isteyin, Biz Döneriz)*'. Kılıçdaroğlu, quoting the video in which these young individuals shared their messages, replied "*Come, my children, return, young people. This country needs you. Your dreams are my goal*."[32] Later in May 2023, in a public service ad, Erdoğan took a step back:

> "Dear brother, I invite you to return to your homeland, your country within the framework of the 'International Fellowship for Outstanding Researchers' programme. All necessary resources for your scientific research will be provided by our state. […] This country has lost many of its brains due to lack of opportunities. Now, it is time to end this and accomplish our unfinished dreams." (Author's translation)

The official emigration figures published by TÜİK do not include education level, yet research indicates the increasing tendency of young, educated people to emigrate (Çakır, 2023).

Since 1960s, the aspirations have diversified. Empirical studies suggest that during 1960s and 1970s, brain drain mainly stemmed from economic and professional reasons such as wage differentials (low wages in Türkiye), lack of career advancement opportunities. The hierarchical administration, political pressures were also relevant, as do eagerness to learn languages and see foreign countries, but to a lesser extent (Elveren and Toksöz, 2018). In the last two decades, however, brain drain takes place with different aspirations. While economic hardship (low wages) and poor career opportunities are still important, main drivers are more related to the limitations on

[31] https://www.sozcu.com.tr/doktorlara-gidiyorlarsa-gitsinler-diyen-erdogandan-donun-videosu-wp7670728

[32] https://www.sozcu.com.tr/kilicdaroglu-donun-gencler-ulkenin-size-ihtiyaci-var-wp7679069

rights and freedoms, the absence of the rule of law, the deterioration of meritocracy/ lack of merit-based appreciation mechanisms, political and economic instability, insecurity as well as uncertainty, poor working conditions as well as technological infrastructure and other research facilities. Recent findings also highlight the women's increasing tendency to leave and not return because of the worsening situation of women's rights. Moreover, in shaping aspirations, alongside the legal, economic, political, and social dynamics of Türkiye, the opportunity windows created by immigration policies of destination countries as well as transnational networks, are found to play a significant role (Aktaş- Çelik, 2023; Elveren and Toksöz, 2018; Elveren et al., 2023; Orhan, 2023; Yanaşmayan, 2023). In summary, aspirations and capabilities depend on the structures offered by both Türkiye and countries of destination.

The return of highly skilled emigrants has been less frequently studied compared to brain drain. One of the early works on this topic is by Nermin Abadan-Unat (1972); however, her focus was on the return inclinations of guest workers rather than highly skilled emigrants. Başaran (1972), in her article titled "Brain Drain Problem in Türkiye" offers a review of empirical work on emigration of doctors, engineers and scientists. Drawing upon surveys conducted for TÜBİTAK by Turhan Oğuzkan and Şefik Uysal during the late 1960s to early 1970s, she underscores that a significant portion of participating highly skilled emigrants expressed their intention to return to Turkey. This inclination is primarily driven by their imperative and eagerness to remain abreast of scientific advancements within the country. Moreover, their return decisions depended on increased salaries, enhanced research environments, employment policies specifically tailored to scientists, structural reforms within the higher education system, alongside the prioritisation of scientific research.

In another study, Uysal conducted a survey among recipients of state scholarships provided under the Law No. 1416. The revealed that 80% of the respondents returned and began working in designated positions. However, nearly 40% of them subsequently quitted their roles, citing inadequate salary, insufficient recognition of their specialisation, and assignment to project unrelated to their field of expertise as primary reasons (Uysal in Başaran, 1972). This study suggests that in 1970s, the

mismatch between the return environment and skills acquired abroad was disregarded in the enforcement of mandatory return and work commitments within the context of state-sponsored study abroad programs. Hence, the state-sponsored study abroad programmes fell short of achieving the intended impact.

The literature on return migration to Türkiye predominantly focused on the return and readaptation challenges of labour migrants until the 2000s (Hopyar, 2023a). In 2006, Akçapar examined highly skilled migration from Türkiye to the U.S. Her findings suggest that emigrants left Türkiye for pursue further education abroad and seek employment upon graduation. Regarding future intentions, 42% of the respondents expressed a willingness to return after completing their studies, with their main aspiration being to contribute to the country. While 16% planned to stay in the U.S., 42% remained undecided. Furthermore, when asked whether Türkiye's success to create favourable economic conditions in line with the harmonisation process with the EU would influence their return decisions, 62% responded positively. This finding indicates the importance of the return environment for highly skilled emigrants.

Over the last two decades, the literature on highly skilled return migration to Türkiye expanded. A cohort of studies focus on return aspirations. Accordingly, return decision-making is a complex process in which a combination of economic and non-economic factors plays a role. These aspirations encompass personal and professional choices, perceived or experienced discrimination, poor social life in host societies, political, economic and social opportunities and dynamics in both countries, entrepreneurial and business- related goals, sense of belonging/ commitment to homeland, nostalgia, social networks, family ties, friendships and concerns over children's education (Akçapar, 2009; Elveren and Toksöz, 2018; Esen, 2014; Hopyar, 2023b; Kılınç, 2023; Künüroğlu, 2023; Sönmez Çalış, 2019; Sunata, 2014; Yılmaz-Şener, 2023; Yılmaz- Şener and Türgen, 2018).

Another topic of inquiry in relation to return of highly skilled migration is their readjustment/ reintegration into their countries of origin. Evidence suggests against the assumption of automatic and trouble-free reintegration for highly skilled returnees. On the contrary, upon their return, highly skilled Turkish citizens face several challenges,

including identity problems, cultural distance with non-migrant citizens, and school adaptation of children, language-based communication issues, differences in time management and professional values, the failure or delay in recognition of qualifications and skills acquired abroad, difficulties in finding a suitable job, bureaucracy, and nepotism (Elveren, 2018; Kayıhan, 2011; Kılınç, 2023; Küçük and Keskin, 2022; Künüroğlu, 2023; Künüroğlu et al., 2018). Studies also show that the maintenance of transnational ties through short-term visits while living abroad as well as the presence of social networks in Türkiye upon arrival facilitate reintegration of highly skilled returnees (Sunata, 2014; Yılmaz- Türgen, 2018). Moreover, factors such as the marital status, time spent abroad, cultural orientation (self-identification with Türkiye or destination country), gender, and generation influence the duration and process of reintegration as well as remigration intentions (Akçapar, 2009; Hopyar, 2023; Kılınç, 2023; Künüroğlu, 2021).

While "*reintegration must be viewed as a bidirectional responsibility between the community of return and the return migrant*" (Kuschminder, 2022, p.201), returnees are not always welcomed by society; they face stigmatisation in Türkiye (Künüroğlu et al., 2021). Their experiences of personal, emotional, and social acculturation difficulties mirror those encountered during their initial migration abroad; hence, re-acculturation takes place, again as a multilayered and often lengthy process (Künüroğlu et al. 2016; Künüroğlu, 2023). Consequently, returnees become open to harm, in other words, vulnerable. In terms of resilience, empirical evidence suggests that general well-being of returning Turkish emigrants is dependent on their psychological adaptation, which, in turn, is determined by their sociocultural adaptation (Künüroğlu, 2021). Based on these findings, it is possible to argue that the structure of Türkiye shapes return and reintegration experiences, as well as agency and resilience of returnees.

The policy perspectives of Türkiye towards return migration is understudied. The first attempt belongs to Bilgili and Siegel (2014). Based on an analysis of official documents and a series of expert interviews, they propose that Türkiye adopts two approaches in its return policy perspectives based on returnee groups. In relation to highly skilled returnees, it pursues a selective difference/ positive perspective. To be

competitive in the global race for talent, the Turkish state is interested in the best and brightest returnees. On the other hand, for other returnee categories, the state embraces a permissive indifference/ negative approach on the grounds that i. the labour market cannot absorb large numbers of returnees, ii. Türkiye is already an economically developed country, hence, does not rely on remittances or return anymore, and iii. temporary, and circular migration programmes may result in fewer rights in the host country than the status quo. In other words, while diaspora members are free to return, in line with the domestic and foreign affairs priorities, the country encourages more engagement from abroad. Extension of additional rights to non-resident citizens or non-citizen emigrants through regulations like Blue Card indicate that "*return migration is left to the decision of individuals rather than being an objective of the state*." (p.225)

Return policies targeting highly skilled migration are also covered by Sönmez Çalış (2019), and Elveren (2018). Both authors focus on the issue of brain drain in the National Development Plans (NDPs), as well as return programmes carried out by TÜBİTAK. Sönmez Çalış also provides information on brain gain projects by private companies.

In the next section, the findings derived from the legal framework will be discussed. The analysed data was drawn from the EMIGPOL Project database, which encompasses exit, emigrant/ diaspora engagement and return related national policies and bilateral agreements of countries of origin. Furthermore, NDPs and sectoral programmes were analysed. Lastly, alongside the official documents, personal communications with government officials were used to elucidate the Turkish state's definition of highly skilled (e)migrant.

3.3. Legal Architecture Governing Highly Skilled Return Migration in Türkiye

The literature offers accounts of Türkiye's diaspora engagement policies and institutional architecture (Aksel, 2014 & 2016; Kolbaşı- Muyan, 2023; Şahin Mencütek and Başer, 2018). However, as mentioned earlier, such detailed analyses of

the legal architecture governing return migration are limited, if not absent. The present study aims to fill this gap. Drawing on the official documents (laws, policies, multilateral and bilateral agreements) and personal communications with the state officials, it attempts to reveal:

i. How does the Turkish state define highly skilled (e)migrant?
ii. Which actors are engaged in highly skilled return migration? i.e. what is the institutional structure?
iii. With which legal framework return and reintegration of highly skilled emigrants are regulated?

3.3.1. Definition of Highly Skilled (E)migrant

By our present day, a cohesive legal framework on highly skilled (e)migration, in which the Turkish state explicitly defined the term 'highly skilled', is absent. Yet, such a definition could be deducted from policy documents, drafted by different public institutions, particularly those in charge of education, vocational training, employment and labour force, NDPs, a few legal texts as well as through reverse reading of the immigration laws and policies.

As mentioned earlier, the Law No. 1416 on Students to Be Sent Abroad, adopted in April 1929 and is still in effect, despite subsequent changes, sets the ground for modern Türkiye's highly skilled emigration and return policies. Article 2 includes the word '*evsaf* (qualification/qualities)', which denotes the 'eligibility criteria' sought for the students to be abroad.[33] In Article 3, the Turkish word for skill, "beceri", is used to

[33] Article 2 of the Law 1416: "Students to be sent to abroad by the authorities listed in the first article shall be selected by the Ministry of Education through written and oral examinations.

By the end of April each year, these authorities shall determine and inform the Ministry of Education regarding the number and the fields of specialisation of students they wish to send, the qualifications they are looking for in these students, the countries where they want the students to study, and the main aspect of the education plans they wish the students to follow.

The Ministry of Education, in turn, notifies the relevant educational institutions and announces in newspapers the qualifications and educational conditions of the students to be sent abroad that year. (Author's translation)

specify one of the assessment criteria in oral exams, i.e. 'communication skills (iletişim becerileri).' While the law lacks further elaboration on definitions of 'skill' or 'qualification', its objectives of creating a Turkish intelligentsia and training the human capital required for development imply that, since the establishment of the Republic, the Turkish state has considered individuals with at least a university (bachelor's) degree as 'highly skilled.'

The data derived from the twelve NDPs and National Employment Strategy documents of Türkiye suggests that this understanding continued over the century and is still valid. The Turkish state often refers to vocational schools' graduates as skilled and graduates of university degree and above as 'high-skilled', whereas sometimes skilled and highly skilled are used interchangeably. For instance, the Investment Office under the Presidency of the Turkish Republic highlights university graduates as the 'skilled and competitive labour force' of Türkiye, when explaining reasons to invest in the country: "*A rapid expansion in the number of universities has allowed Türkiye to have more university graduates, enabling Türkiye to transform its young population and large labour force into a skilled workforce.*"[34]

The definition of skill has undergone changes in line with the developments in the job market. In the last (12th) development plan, it is stressed that:

> […] instead of focusing on teaching specific knowledge and skills in education, teaching the skills to obtain information from the right place will come to the fore. It is predicted that acquiring skills such as analytical, systematic, critical thinking, decision-making, problem solving, effective communication, ability to adapt to the environment and leadership will become more important in the future. (12th NDP, 2023, p. 44)[35] (Author's translation)

[34] https://www.invest.gov.tr/en/whyturkey/top-reasons-to-invest-in-turkey/pages/skilled-and-competitive-labor-force.aspx

[35] From 1963 till 2006, National Development Plans (Kalkınma Planı- NDPs) were published by the State Planning Organisation (DPT). The 10th NDP was published by the Ministry of Development (Kalkınma Bakanlığı) in 2013, whilst the last two plans were published by the Presidency of Strategy and Budget (Strateji ve Bütçe Başkanlığı (SBB). In the bibliography, the plans are listed according to the publishing public institutions' name. Yet, within the Chapter 3, 4 and 5, citations are based on the number of the NDPs.

Hence, the Turkish state, while aiming to increase the education level of its human capital and the number of PhD graduates in society by the end of 2028, also acknowledges the dynamism involved in knowledge and skills required.

Once the immigration policies of Türkiye are considered, three categories are mentioned as highly skilled: students, professionals, and businesspeople. The Law No. 6735 on the International Work Force dated 2016, in Article 11, introduced Turquoise Card as a special permit for highly skilled workers. In the 5th paragraph of the article, the Turkish state offers an account of who qualifies as highly- skilled. Accordingly,

> Article 11- (5) In the application of Turquoise Card; those who have internationally recognised studies in the academic area, and those distinguished in science, industry and technology, areas of which deemed strategic from the point of our country, or those whose export, employment or investment capacity make significant contribution to national economy or expected to make such contributions shall be assessed as qualified foreigners.

Article 16 of the same law also defines 'qualified workforce' and qualified investor. It specifies in which cases exemptions can be granted from certain requirements and/ or procedures for work permit applications.

> Article 16 - (1) In line with the international workforce policy determined by Ministry, the foreigners that may be exempted from the implementation of Article 7, 9, and 10 are those; a) assessed as qualified workforce due to their educational level, wage, professional experience, contribution to science and technology and such like qualifications, b) assessed as qualified investor due to their contribution to science and technology, their level of investment or export value, volume of employment they provide and such like qualifications.

The level of education sought from 'qualified' workforce or investors is not clear in the law. On the other hand, the law indicates that in addition to education level, other characteristics are taken into account by the Turkish state: wage, professional experience, contribution to the society, and level of investment.

Taking a step further and looking at the practice may reveal the Turkish state's definition of highly skilled. The Talent Transfer (Yetenek Transfer) Programme was initiated in 2022 as a collaboration between the Ministry of Labour and Social Security

(MLSS) and the Ministry of Industry and Technology (MoIT). It is designed as a programme to attract international talents to Türkiye, including an accelerated and simplified work permit application process for foreign technology experts. Companies that carry out Research & Development (R&D) and innovation-based activities in Türkiye can recruit through this programme. Publicly available information on the programme is very limited, with no mention on the level of education. However, during a personal communication with a Human Resources Manager of an IT company, she pointed out that:

> There is a list of occupations in which you can recruit. Generally, university diploma [bachelor's degree] is required, but sometimes international certifications and years of experience are counted towards education requirement. It is the Ministry that decides.

This quotation implies that in the eyes of the Turkish state, with the rapid growth in information technologies, professional training has become equally important and a substitute for a bachelor's degree, at least in some sectors.

The level of investment an investor requires to be considered as 'qualified' is not stated in the law. The Citizenship Law was revised in 2016 and exceptional acquisition of citizenship has become possible through investment. Accordingly, those investing in real estate (USD 400,000 and above), those making an investment of USD 500,000 in certain areas and those creating jobs for at least 50 people may be eligible for Turkish citizenship, subject to the decision of the President of Türkiye. From this practice on citizenship acquisition through investment, it could be inferred that a qualified investor shall bear such an investment potential.

Finally, Türkiye has been engaged in internationalisation of its higher education and as stated in the 11th NDP, it aims to attract not only qualified international scholars, but also international students and it sees them as a part of qualified workforce: *"A special program will be developed under Turkey Scholarships, qualified workforce will be identified and obtaining work permit in Turkey will be facilitated for selected students"* (11th NDP, p.189).

In the light of these documents and practices, it is possible to argue that the Turkish state's definition of 'highly skilled' involves three categories: university students, professionals with at least a university degree or, in the absence of such a degree, international certifications with a certain number of years of experience, and investors meeting specific criteria (level of investment, contribution to industry, technology, employment etc.)

3.3.2. Actors Engaged in Highly Skilled (E)migration in Türkiye

The data analysis shows that various actors are engaged in highly skilled migration in Türkiye, both inbound and outbound. In the public sector, the Ministry of Foreign Affairs, through the Directorate General (DG) of Consular Affairs and missions abroad, plays a role in communication campaigns. The Investment Office assists highly skilled/ qualified Turkish investors living abroad to invest in Türkiye. The Human Resources Office (CBİKO) coordinates the human resources policies of the country and carries out several projects that concern highly skilled Turkish citizens, both resident and non-resident. Under the TalentforBIZ programme, it organises career fairs abroad, in which Turkish and non-Turkish students meet international brands of Türkiye.

The Ministry of Labour and Social Security oversees employment and social security rights, both during emigration and upon return. The Ministry of Industry and Technology, through different directorate generals such as TÜBİTAK, DG of Incentive Implementation and Foreign Capital, and DG of Industrial Zones, provides incentives to promote return among highly skilled Turkish professionals, including researchers, scientists, business owners and entrepreneurs, and to channel investments of the last two groups into high-tech and/or prioritised industries. The Ministry of Commerce DG of Free Trade Zones gets involved only if a Turkish highly skilled investor runs a company in a free trade zone.

The Ministry of Education implements the state-sponsored study abroad programmes. YÖK is responsible for the recognition of foreign credentials as well as mobility/ exchange programmes for students and academic personnel. Similarly, the Directorate

for Turks and Relative Communities Living Abroad (YTB) offers mobility and exchange programmes, which are not only part of emigrant/ diaspora policies, but also opportunities for temporary return and brain circulation. The EU funded Erasmus Programme falls under the authority of the Turkish National Agency, whilst the Jean Monnet Programme is executed by the MFA Directorate for EU Affairs. In addition to these two programmes, the EU provides technical aids, which enable expert exchange, within the framework of the Instrument for Pre-accession Assistance (IPA). In cooperation with the Delegation of the EU to Türkiye, the Central Finance and Contracts Unit (CFCU) under the Ministry of Treasury and Finance supervises these programmes. On the other hand, higher education institutions raise the highly skilled human capital the country needs, while contributing to the knowledge and technology production.

The private sector, as will be exemplified later, runs reverse drain programmes. Transnational cooperations facilitate the circulation of highly skilled professionals with their branches in other countries. Companies operating free trade zones and technoparks are important in attracting investments of Turkish citizens abroad. Finally, relocation and immigration consultancy companies play a role in relocation of returnees and their families by assisting with housing, schooling for children and so forth.

Civil society and NGOs provide professional and social networks for highly skilled returnees. Moreover, organisations like the Turkish Education Foundation (TEV) cooperate with international organisations or foreign missions in Türkiye and act as intermediaries for exchange programmes or study-abroad scholarships such as Chevening. Alongside the cultural and/or education departments of foreign missions and the Turkish Fulbright Commission, international organisations are prominent as they may collaborate with the Turkish state to run return programmes and set international standards that guide member states in their endeavour to increase their share of highly skilled human capital. The OECD's Indicators of Talent Attractiveness could be highlighted in this context. It is a tool to capture the strengths and weakness of the OECD countries regarding their capacity to attract and retain different types of talented migrants (highly educated workers, foreign entrepreneurs, university students

and start-up founders). The indicators encompass seven dimensions: quality of opportunities, income and tax, future prospects (including professional opportunities and naturalisation), family environment, skills environment, inclusiveness and quality of life. Since the COVID-19, health opportunities have also been considered as a dimension. According to the 2023 indicators, for highly educated workers, Türkiye ranks among the last three countries, along with Costa Rica and Mexico, while New Zealand, Sweden and Australia are in the top three.

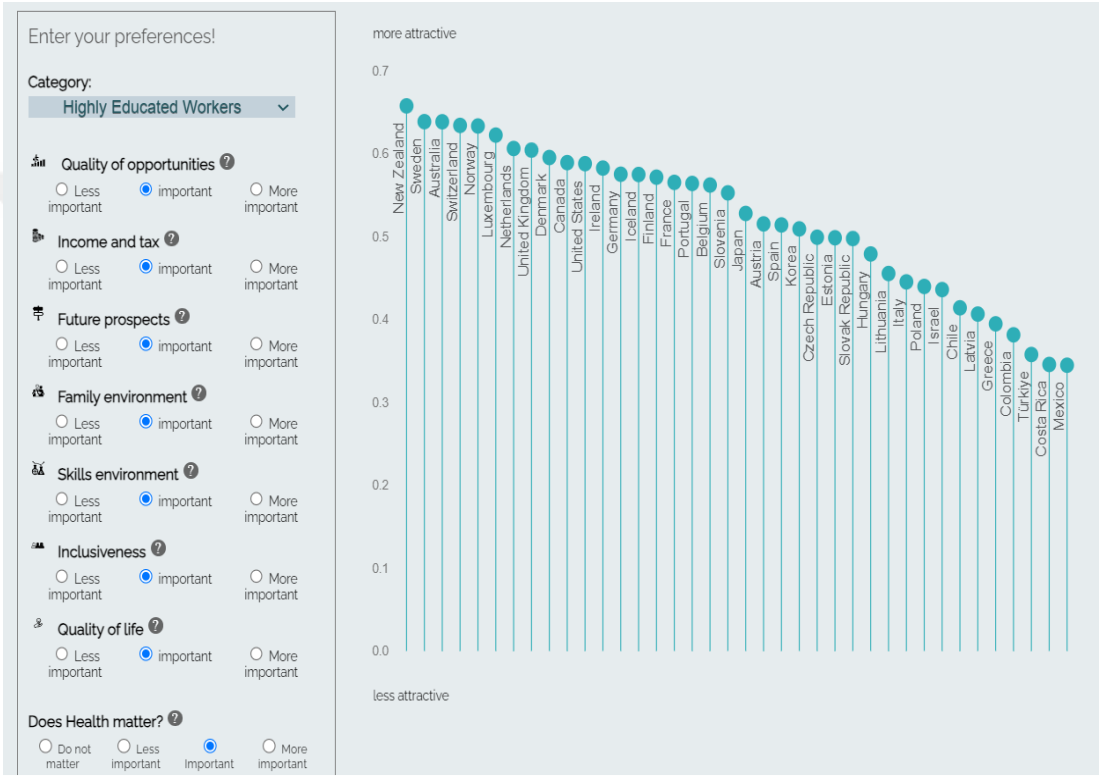


Figure 4: Talent Attractiveness 2023 (Highly Educated Workers)
Source: OECD Indicators of Talent Attractiveness 2023

As Figure 5 shows, for entrepreneurs, Iceland is the most attractive, followed by Sweden and Switzerland. Türkiye, however, ranks near the bottom of the list, just above Mexico. Once university students are concerned, Türkiye performs better compared to the other two categories. Yet, it is still among the last five. The top three most attractive countries for university students are the U.S., Norway, and Germany (Figure 6).

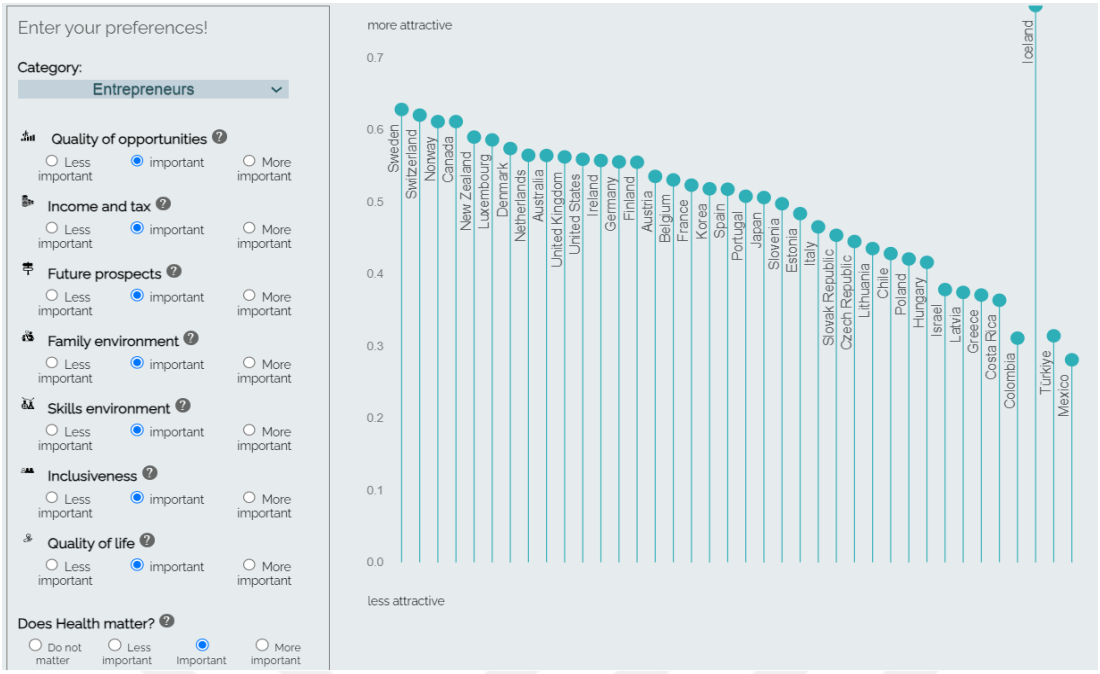


Figure 5: Talent Attractiveness 2023 (Entrepreneurs)
Source: OECD Indicators of Talent Attractiveness 2023

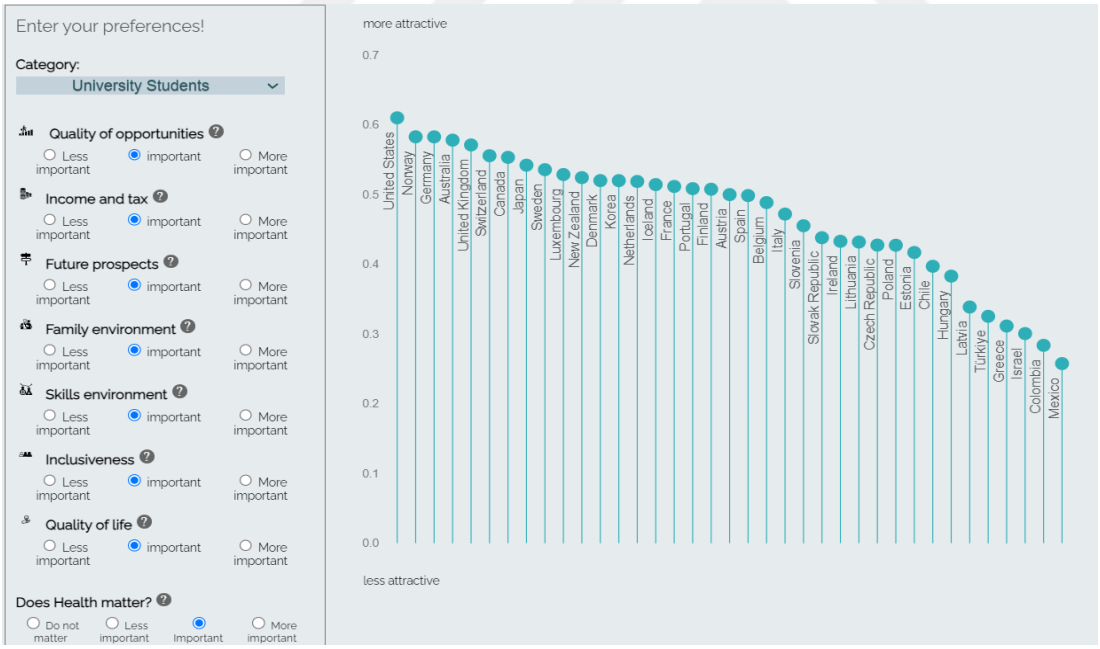


Figure 6: Talent Attractiveness 2023 (University Students)
Source: OECD Indicators of Talent Attractiveness 2023

Actors taking part in Türkiye's highly skilled return policies could be illustrated as in the Figure 7. In the next section, the data on the legal framework governing return migration will be analysed.

Public Sector	Private Sector	Civil Society	International

• MFA
  • Missions abroad
  • DG for Consular Affairs
  • Directorate for EU Affairs
• Presidency of the Republic of Türkiye
  • Investment Office
  • Human Resources Office
• MLSS
  • Qualified Labour Force and Investment Office
  • Legislation and International Agreements Office
  • SGK
  • İŞKUR
• Ministry of Interior
  • DGMM
  • General Directorate of Security
• MoIT
  • DG of Incentive Implementation and Foreign Capital
  • DG of R&D Incentives
  • TÜBİTAK
  • DG of Industrial Zones
  • Organised Industrial Zones
  • DG of Development Agencies
  • Development Agencies
  • Talent Transfer Program
• Ministry of Commerce
  • DG of Free Trade Zones
  • Free Trade Zone Administration
• Ministry of Treasury and Finance
  • CFCU
• Ministry of Education
• YÖK
  • Universities
  • Technoparks
• YTB
• Turkish National Agency
	• Transnational Corporations
	• Companies in charge of developing and operating Free Trade Zone
	• Companies Operating Technoparks
	• Start-ups in Technoparks
	• Foreign Direct Investment Companies
	• Relocation and Immigration Consultancy Companies
		• The Union of Chambers and Commodity Exchanges of Türkiye (TOBB)
		  • Sectoral Councils
		• The Union of Chambers of Turkish Engineers and Architects (TMMOB)
		• International Investors Association (YASED)
		• Free Zones Associations Platform
		• Organised Industry Zones Supreme Council (OSBÜK)
		• Foreign Economic Relations Board (DEİK)
		• Chambers of Industry
		• Chambers of Commerce
		• Turkish Education Foundation (TEV)
			• OECD
			• IOM
			• ILO
			• UNDP
			• ICMPD
			• The Turkish Fulbright Commission
			• Cultural/ Educational Departments of Foreign Missions in Türkiye

Figure 7: Actors Engaged in Highly Skilled Return Migration in Türkiye
Source: Author's illustration

3.3.3. Legal Framework Governing Return and Reintegration

The data analysed in this sub-section is derived from i. National Development Plans (NDPs), from the first one in 1960s to the one in force (12th Plan), ii. EMIGPOL database, iii. official documents from several ministries such as the Ministry of Education, the Ministry of Labour and Social Security and the Presidential Office, as well as iv. secondary literature, whenever possible.

The legal framework governing return and reintegration is a combination of international conventions and treaties, which have provisions on the right to return and rights and freedoms relating to highly skilled migration, bilateral agreements that Türkiye signed in this respect, and its national laws and policies.

3.3.3.1. International Conventions

Among the international conventions Türkiye has signed, the following relate to highly skilled migration through their provisions on the right to return, the right to work, free movement and recognition of foreign credentials.

Table 8: International Conventions with Provisions on Highly Skilled Return Migration That Türkiye Signed and Ratified

Year	Name of the Convention
1948	Universal Declaration of Human Rights (Article 13)
1962	The Equality of Treatment (Social Security) Convention
1963	Ankara Agreement Between Türkiye and the EEC
1966	International Covenant on Civil and Political Rights (ICCPR) (Article 12 (4)
1977	Additional Protocol between Türkiye and EEC
1990	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICPWW)
1995	General Agreement on Trade in Services (GATS) (Mode 4: Movement of Natural Persons)
1997	Convention on the recognition of Qualifications concerning Higher Education in the European Region (Lisbon Recognition Convention)
2006	ILO Multilateral Framework on Labour Migration
2015	UN 2030 Agenda for Sustainable Development
2018	Global Compact for Safe, Orderly and Regular Migration

Source: Author's compilation from EMIGPOL database

3.3.3.2. Bilateral Agreements

In addition to international and regional legal apparatuses, Türkiye has concluded different types of bilateral agreements related to highly skilled migration. Three types of bilateral agreements are studied in the literature: social security, double taxation, and diploma recognition (Czaika and Parsons, 2016). Yet, the term 'highly skilled' generally covers both students and graduates with a minimum of bachelor's degree. The latter not only includes professionals, but also investors and entrepreneurs. Therefore, the collected data indicates that agreements on cultural cooperation, technical cooperation, reciprocal promotion and protection of investments, and to a certain extent, free trade agreements are relevant to highly skilled migration. While cultural and technical cooperation agreements form the basis for student and staff exchange and mobility programmes, agreements on reciprocal promotion and protection of investments facilitate foreign direct investments and transnational businesses. With such agreements in place, emigrants and returnees may maintain their investments in both countries of residence and origin. As a consequence of the WTO's failure to deliver further liberalisation, bilateral free trade agreements (FTA) have been signed. According to the Ministry of Commerce, Türkiye has 23 FTAs in force, and is in the process of concluding few more.[36] However, these agreements concern the movement of natural persons, only if they include clauses on trade in services.

According to the EMIGPOL database, Türkiye has 17 bilateral labour agreements ; UK, 1961; Germany, 1961; Austria, 1964; Netherlands, 1964; Belgium, 1964; France, 1965; Sweden, 1967; Australia, 1967; Switzerland, 1971; Denmark, 1973; Libya, 1975; Norway, 1981; Jordan, 1982; Qatar, 1986; Turkish Republic of Northern Cyprus, 1987; Kuwait, 2008 and Indonesia, 2010. In the field of social security, it has 35 agreements in force: Germany, 1964; Albania, 1998; Austria, 1966; Azerbaijan, 1998; Belgium, 1966; Bosnia- Herzegovina, 2003; Bulgaria, 1998; Croatia, 2006; Czechia, 2003; Denmark, 1999; France, 1972, Korea, 2012; Georgia, 1998; Netherlands, 1966; UK; 1959; Iran, 2016; Sweden, 1978; Switzerland, 1969; Italy,

[36] Ministry of Commerce website: https://www.trade.gov.tr/free-trade-agreements (accessed on 30.04.2024)

2012; Canada, 1998; Quebec, 2000; Montenegro, 2012; Kyrgyzstan, 2018; Turkish Republic of Northern Cyprus, 2017; Libya, 1984; Luxembourg, 2003; Hungary, 2015; North Macedonia, 1998; Mongolia, 2018; Moldova, 2017; Norway, 1978; Poland, 2017; Romania, 1999; Serbia, 2009; Slovakia, 2007; and Tunisia, 2013. [37]

The number of agreements on the avoidance of double taxation and the reciprocal promotion and protection of investments is higher. According to the Turkish Revenue Administration's website, as of 11.01.2024, Türkiye has concluded agreements on the avoidance of double taxation and fiscal evasion with 90 countries worldwide.[38] Similarly, she has signed bilateral agreements on the reciprocal promotion and protection of investments with 89 countries.[39] The number of countries with which the Turkish state has cultural and educational agreements is even higher, around 135 (EMIGPOL database).

On the topic of recognition of foreign credentials, Türkiye has only one bilateral agreement, with the Turkish Republic of Northern Cyprus, because the country is a member of the ERIC-NARIC network and handles diploma equivalency and recognition applications according to the Lisbon Recognition Convention.[40] [41] Finally, collecting data on the technical cooperation agreements with staff exchange provisions is a challenge, since countries draft such agreements in various policy fields, and the

[37] Ministry of Labour and Social Security website: https://www.csgb.gov.tr/digm/contents/dis-iliskiler/ikili-anlasmalar/sosyalguvenlikanlasmalari/ (accessed on 30.04.2024)

[38] Turkish Revenue Administration website: https://www.gib.gov.tr/sites/default/files/uluslararasimevzuat/Turkiyenin_Sonuclandirdigi_Vergi_Anlasmalari_Listesi.pdf (accessed on 30.04.2024)

[39] Ministry of Industry and Technology website: https://www.sanayi.gov.tr/anlasmalar/yktk/a11602 (accessed on 30.04.2024)

[40] Council of Higher Education, https://denklik.yok.gov.tr/enic-naric-tr-tanima-ofisi (accessed on 30.04.2024)

[41] ERIC-NARIC website, Recognition Conventions, https://enic-naric.net/page-recognition-conventions (accessed on 30.04.2024)

majority are limited to the timeframe of the technical aid. Hence, an accurate number cannot be provided here.

3.3.3.3. National Legislation and Policies

Multilateral and bilateral agreements are of prominence because they reflect Türkiye's international commitments. On the other hand, national legislations and policies have a more central role in the legal framework governing return migration. While previous studies have examined the NDPs with a view to provide insight into the Turkish state's approach to the brain drain phenomenon (Sönmez Çalış, 2019; Elveren, 2018), the context in which the state has positioned its brain drain and return policies remain understudied. The present research also aims to contextualise the Turkish state's perspective on highly skilled (e)migration. Therefore, several keywords have been chosen and searched for in each NDP (in the Turkish text).

Table 9: Keywords Searched in the National Development Plans

Skill	**Skilled/ Highly Skilled**	**Brain drain**	**Migration**	**Foreign**	**Return**	**Competence/ Qualifying**	**Degree**	**Free mobility**
Vasıf Beceri Kabiliyet Yetenek Nitelik İstidat Evsaf	Nitelikli Yüksek nitelikli	Beyin Göçü	Göç	Yabancı Yurt dışı	Geri dönüş Geri gelme Gelen Dönen	Yeterlilik Yeterlik	Derece Doktora Yüksek Lisans	Serbest Dolaşım

During data collection, a change in the language was depicted. For instance, in the first plan, the terms 'vasıf' or 'istidat' were more commonly used as equivalents for the term 'skill.' By the 12th Plan, 'nitelikli (skilled)' had become the jargon.[42] This shift partly mirrors the language revolution aimed at replacing foreign, mostly of Arabic and Persian origin, words with Turkish words. However, the conjecture in which the NDPs were drafted has been more prominent. Over the decades, with globalisation, internationalisation, and diversification of mobility and migration types, as well as Türkiye's foreign outreach, new concepts such as 'free mobility of individuals/ labour

[42] 1st NDP (1963- 1967), 2nd NDP (1968 – 1973), 3rd NDP (1973- 1978), 4th NDP (1979- 1983), 5th NDP (1985- 1989), 6th NDP (1990- 1994), 7th NDP (1996- 2000), 8th NDP (2001- 2005), 9th NDP (2007- 2013), 10th NDP (2014- 2018), 11th NDP (2018- 2023), 12th NDP (2024- 2028)

force/ services' have come to the forefront. Consequently, the initially chosen keywords were expanded to cover these new dynamics. The final list of searched keywords and their English translations are summarised in Table 9.

A list of relevant articles was prepared and then subject to content analysis. As an overarching theme, it could be inferred that the Turkish state has been regarding its highly skilled labour force as an important resource / tool for its development. Here, a limitation arises since the documents under focus are 'Development Plans', thus, such a highly skilled- development nexus is partly unavoidable. However, according to the Turkish state, Development Plans are the basic texts on which all other public policies should be based. They are drafted to serve as guidelines, set the priorities to be embraced and determine the direction of actions to be followed. Moreover, when analysed in combination with other legal texts (laws) and international agreements, this conclusion still holds true. In other words, from the Turkish state's perspective, highly skilled emigration means a loss of a scarce resource required for development and therefore, the retention or return of highly skilled citizens are favoured, although concrete measures have not always been present. Having said this at the outset, the findings will be presented below.

3.3.3.3.1. First Period (1923- 1950)

As explained earlier, after the Independence War, Türkiye underwent a process of population homogenisation and state-sponsored student emigration. While the emigration of non-Muslims and the immigration of Muslims took place under the framework of bilateral agreements on population exchange, student emigration and return were regulated by the 1929 Law No. 1416 on Students to Be Sent Abroad. This law, which is still in force despite some changes over years, specifies the terms under which student selection should be made. Scholarship recipients are required to return and serve in Türkiye. Thus, this law could be regarded as the foundation of modern Türkiye's return policies in general and highly skilled return policies in particular. During the period between 1923- 1950, the Turkish state was focused on creating the intelligentsia required for modernisation and training the human capital needed for development.

Table 10: Legal Framework Governing Return and Reintegration

Period	**1st Period 1923- 1950**	**2nd Period 1950- 1980**	**3rd Period 1980- 2000**	**4th Period 2000- 2024**
Context	Post-Independence War Reconstruction (population homogenisation, state- sponsored study abroad programmes)	Post World War II reconstruction in the West, High unemployment in Türkiye, Oil Crisis	Globalisation, International cooperation, Free mobility of labour force (Europe), GATS – Trade in Services, Neoliberalisation	Neoliberalisation, Global competition for talent, Highly Skilled Migration. Global Crises
Emigrating Groups	Students & non-Muslims	Labour migration, students and highly skilled professionals, family reunion, asylum seekers	Asylum seekers, contract-based labour, family reunion, highly skilled professionals, students,	Highly skilled professionals & students, asylum seekers, irregular migrants, contract- based labour, family reunion
Legal Framework	Law No. 1416 on Students to be Sent Abroad	Law No. 4841, Law No. 2147, 1st, 2nd, 3rd NDPs, TOKTEN, Bilateral Labour Agreements, Bilateral Social Security Agreements, Bilateral cultural cooperation agreements, Bilateral technical cooperation agreements	4- 7th NDPs, Law No. 2547 (recognition of foreign credentials), 1982 Constitution Article 62, Laws on Dual citizenship & Pink (Blue) Card, Agreements on social security, reciprocal promotion of investments, avoidance of double taxation, Return & reintegration programmes for labour migrants	8- 12th NDPs, Directive on the implementation of Law No. 1416, internships abroad programmes, foreign credential recognition, Blue Card, Scholarships for returning academics (TUBİTAK), YTB Scholarships (for circulation of emigrants), Law No. 4562 Law No. 4691, Law No. 5535, Law No. 5746, Law No. 6550
Goals of the Turkish state	Creating the human capital for development and intelligentsia for modernisation	National development, Transfer of social benefits & remittances & savings, Retention of brain drain & return	National development, Transfer of social benefits & remittances & savings, Transnational ties with the diaspora, Brain circulation	National development, Return & retention of the highly skilled, Talent Transfer, Transnational ties with the diaspora, Brain circulation

Source: Author's compilation

In subsequent periods, the legal framework governing return has become more associated with Türkiye's development goals, while the focus on creating an intelligentsia gradually lost its prominence. The second waves of emigration and return between the 1950s and 1980s occurred in a context marked by high unemployment in Türkiye, labour force demand by Western European countries, the establishment of international and regional organisations, and relations between the European Economic Community (EEC), which is now the EU, and Türkiye. During this period, Türkiye began drafting NDPs.

NDPs generally start with an account of the domestic, regional, and international conjecture, then set forth the aims and objectives of the actions to be taken by the Turkish state to foster economic development over the next five years. While the earlier plans were more detailed, reflecting shifts in planning methodologies, the later plans became more concise, allowing public offices in charge more room for manoeuvres in designing their yearly action plans.

3.3.3.3.2. Second Period (1950- 1980)

In the period between 1950 to 1980, three NDPs were drafted. Hence, in addition to the Law No. 1416, the legal framework of the second period includes the 1st, 2nd, and 3rd NDPs, the Law No. 4841 on the Establishment and Duties of the Ministry of Labour, the Law No. 2147 on the Evaluation of Services Given Abroad by Turkish Citizens in Terms of Social Security, as well as bilateral labour, social security, cultural and technical cooperation agreements. The first three plans highlighted the scarcity of highly skilled and skilled labour force, while establishing links between education, employment, and human capital policies to foster the goal of national development. The education policies were aimed at training the skilled labour force and increasing human capital. The employment policies encouraged the export of labour surplus to Western Europe. However, the emigration of skilled labour force was discouraged as it would exacerbate the scarcity of this resource and thus, *"necessary measures should be taken in this respect"* (1st NDP, p. 456).[43]

[43] The citations from the NDPs are the author's translations, unless another source is provided.

In the first plan, study abroad programmes (for 3000 students) were planned to enhance human capital and educate academic/ research staff. In addition to the state-funding, foreign aid received through international technical assistance was mobilised for this purpose. While technical programmes also included the temporary circulation of foreign experts, the Turkish state opted to send Turkish officers abroad for specialisation training. Overall, the first plan emphasised the retention of highly skilled citizens, staff exchange and an implicit expectation of the return of both recipients of state-sponsored study abroad programmes and labour migrants.

The second plan covered the years between 1968- 1973. In this plan, skilled labour was again contextualised within human capital, employment and education policies and regarded as a resource for development. A link was also established with industrialisation and urbanisation, as both phenomena were expected to increase the demand for highly skilled labour force. In the section on 'Workers Abroad', the emigration of skilled human capital was problematised and the retention of emigration of highly skilled labour was mentioned. Regarding the highly skilled human capital, state-sponsored study abroad programmes were foreseen to raise the number of academic staff. Moreover, bilateral, and international technical aids and cooperations, both of which enable staff exchange (i.e. receiving foreign experts for experience sharing and sending Turkish officers abroad for specialisation training), were planned. Due to the limited capacity of incoming experts, the reallocation of funds for sending more Turkish officers abroad was intended. Both types of study abroad programmes embedded return condition, while technical aids paved the wave for brain circulation.

Using the example of doctors, the second plan drew attention also on the highly skilled emigration. Accordingly, *"a policy for retaining the emigration of the skilled labour force Türkiye needs and encouraging the return of those, who have already left shall be pursued"* (2nd NDP, p. 157). The return policies envisaged in this plan comprised two main pillars. The first pillar focused more on facilitating the return of labour migrants: establishing mechanisms for the transfer of social security benefits obtained abroad, organising returnees' inbound journey and post-arrival health controls, providing counselling services, and creating mechanisms for the transfer of remittances and savings, and for channelling these financial resources into

development projects. The second pillar warned against deskilling upon return for both labour migrants and highly skilled returnees, particularly those sent abroad through technical aids. *"Upon return after studying abroad, for those who cannot work in their field of specialisation in their home institution, employment opportunities in other public offices shall be kept open and the compensation condition shall be enforced only if they leave the public sector."* (2nd NDP, p. 204) To ensure the return of the highly skilled, as a response to brain drain, measures considered included issuing passports with a duration limited to studies/ training abroad, agreeing with the country of residence to limit the duration of the work permits to the duration of the study/ training programme, and providing Turkish academics abroad with positions in Turkish universities, while enabling them to keep their titles and benefits (Sönmez-Çalış, 2019).

The 3rd Plan (1973- 1978) had a specific section on highly skilled emigration for the first time. In this plan, highly skilled emigration was regarded as a consequence of high unemployment rates, deskilling (i.e. not being employed in the field of specialisation or at a level paralleling one's educational level), and wage differences. The linkage between education, employment and human capital policies was expanded to cover other policy areas such as science and technology, industry and, to a limited extent, demography. Within the European Economic Community- Türkiye relations, the possibility of free movement of labour force was framed as a risk that could enhance highly skilled emigration in the coming years. The promotion of overseas engagement of Turkish construction and consultancy firms could be considered as a policy supporting emigration of engineers and architects. The continuation of state-sponsored study abroad programmes at graduate level and above was stressed, yet, prioritisation of certain disciplines in line with the development goals was also discussed. The main aim in this plan was to retain highly skilled citizens through employment opportunities, wage policies, favourable research environments and working conditions (p. 689). In terms of return, no specific measure was foreseen for highly skilled emigrants, but for labour migrants, a social housing project was planned.

The legal framework governing the second period, alongside these three NDPs and the Law No. 1416, included an amendment to the Law No. 4841 on the Establishment and

Duties of the Ministry of Labour, with the enactment of the Law No. 1579 in 1972. With this change, the Directorate for Problems of Workers Abroad was established under the Ministry of Labour. The directorate was in charge of overseeing the employment status of citizens abroad and elaborating legislation related to their social benefits in the host country and upon their return. In 1975, DESIYAB (Bank of National Industry and Workers) was established to encourage emigrants' investment in development projects in Türkiye. The Law No. 2147 on the Evaluation of Services Given Abroad by Turkish Citizens in Terms of Social Security (Yurt Dışında Bulunan Türk Vatandaşlarının Yurt Dışında Geçen Sürelerinin Sosyal Güvenlikleri Bakımından Değerlendirilmesi Hakkında Kanun) was adopted in May 1978. This law allowed non-resident citizens to benefit from social security rights in Türkiye by transferring their working days abroad or paying premiums towards their pensions in Türkiye (EMIGPOL database).

In addition to these national documents, during this period, the Turkish state engaged in bilateral and international agreements in the fields of social security and labour. These two types of agreements were more related to labour migration. On the other hand, for highly skilled migration, bilateral cultural and technical agreements and international technical aids were more relevant, particularly once student and staff exchange were concerned. Another important agreement signed during this period was the 1963 Ankara Agreement with the EEC, which enabled the free movement of production factors, including the labour force. Moreover, with regards to return, in 1977, the UNDP Türkiye introduced the Transfer of Knowledge Through Expatriate Nationals (TOKTEN) programme to help reduce adverse effects of brain drain and promote the reverse transfer of technology. Its effect, however, remained limited.

In the light of these explanations, it could be inferred that the Turkish state, in the second period, aimed exporting its labour surplus while retaining its highly skilled citizens. The return of labour migrants was regulated with a more detailed framework, ranging from return journey planning to social benefits transfer. Regarding highly skilled emigrants, their return was encouraged, yet their reintegration was left unregulated.

3.3.3.3.3. Third Period (1980- 2000)

The third emigration wave took place between 1980 and 2000 in an era marked by increasing globalisation, international competition for talent, and the facilitation of trade in services through the General Agreement on Trade in Services (GATS) Mode 4 (Movement of Natural Persons) and the freedom of movement within the European Community. A growing number of asylum seekers, workers on labour contracts, those seeking family reunification, as well as highly skilled students and professionals left Türkiye. During these two decades, Türkiye drafted and adopted the 4th, 5th, 6th, and 7th NDPs, all of which emphasised the need for highly skilled labour force for development and approached highly skilled migration as a cross-cutting issue between industry, technology, science, employment, human capital, and demography policies.

In the 4th NDP, the reasons of brain drain were outlined as wage differences and professional dissatisfaction. The expansion of the emigration geography from West Europe to North America and the Middle East was noted. However, such a shift should be considered in relation to the Turkish state's promotion of overseas construction and consultancy services. Starting from the 3rd NDP period, the state has embraced a supportive attitude and regarded these services as a tool for foreign currency revenue and labour surplus export. This policy, however, also resulted in emigration of the highly skilled, i.e. engineers and architects. Another issue raised was the limitation of the state-sponsored study abroad programmes. The lack of academic staff was reported to be exacerbated by the absence of a regulation that establishes an effective assignment mechanism (i.e. recruitment in the field of specialisation) for returning scholarship recipients. Deskilling upon return was pointed out as a concern not only for academics, but also for university graduates. However, no further measure was foreseen regarding the return of the highly skilled.

Considering Türkiye's increasing participation in the international organisations as an opportunity, the state aimed to foster the employment of Turkish professionals in these organisations as well as in their technical aid projects. With regards to staff exchange in technical aid projects, the preparation of more job-oriented training programmes was envisaged. In affairs with the European Community, the extension of the principle

of free movement of labour to Turkish workers, the transfer of their social security rights to Türkiye, and the provision of loan opportunities in their countries of residence for their investments in Türkiye were stressed as topics of negotiation.

The fifth plan (1985- 1989) concentrated more on issues related to labour migrants. Given the unemployment in the country, their emigration was preferred, while their return was not encouraged by the Turkish state. On the other hand, remittances and savings of labour migrants were frequently underscored as funding tools for development projects. Highly skilled migration was mentioned in two respects. To meet the need for increasing the number and quality of academic personnel, the continuation of state-sponsored study abroad programmes was planned. The employment of Turkish professionals in international organisations and these organisations' technical aid projects in other developing countries formed the second aspect. The Turkish state saw the latter as a part of its attempt to integrate into global affairs.

Between 1990- 1994, the 6th Development Plan was in force. Regarding highly skilled migration, the main topics covered for outbound mobility included the promotion of overseas construction and consultancy services as well as enterprises, and the employment of Turkish experts in international organisations and their projects. Moreover, the establishment of the Turkish Technical Aid was highlighted as a tool to improve Türkiye's foreign relations with developing countries. Other goals envisaged in this respect were participating in knowledge hubs, ensuring the recruitment of Turkish scientists in reputable international scientific organisations and projects, and creating a platform to benefit from Turkish scientists abroad. In the relations with the European Community, the importance of free movement of Turkish labour force was reinserted, alongside the state's desire to enhance participation in student and staff exchange programs such as Erasmus and youth programmes.

Return and reintegration provisions were again reserved more for labour migrants and their families; facilitating their reintegration was stressed as an objective. In this NDP, in addition to social security, cultural, and technical cooperation agreements, agreements on the reciprocal promotion and protection of investments and agreements

for the avoidance of double taxation were underlined. These agreements were seen as contributing the internationalisation of Turkish construction and consultancy firms as well as enterprises abroad. Such support was also justified with Türkiye's commitment to integrate into the world economy.

The 7th NDP, implemented between 1995-1998, was characterised by an emphasis on international competition, the integration of Turkish economy into the global economy, and the need for foreign investments and highly skilled human capital. Once the emigrants are concerned, a reform in the social security system to enhance their social security rights and an expansion of bilateral agreements in this field were addressed in this plan. Regarding highly skilled migration, state-sponsored study abroad programmes were proposed to overcome the shortage of academic personnel. Mirroring Türkiye's foreign policy objectives, international scientific cooperations as well as student and staff exchanges were planned with Turkic republics. Other significant issues raised were the free trade agreements and the free trade in services (i.e. short-term consultancy), which gained prominence after Türkiye became a party to General Agreement on Tariffs and Trade (GATT) in 1995. During this period, the Turkish state continued to support overseas consultancy and construction services and enterprises. Notably, the 7th NDP included no return or reintegration measure.

The transfer of credentials obtained abroad was not mentioned in NDPs. The Law No. 2547 on Higher Education, enforced in 1981 provided the legal foundation for foreign credential evaluation. The Council of Higher Education (YÖK) became responsible for *"determining the equivalency of associate, bachelor and postgraduate diplomas obtained from Higher Education Institutions abroad."* As recognition of skills and training acquired overseas is important on return, particularly for those seeking employment at universities, this law can be viewed as a part of Türkiye's highly skilled return policies. In 1983, YÖK also put forward the principles and procedures for short and long-term assignments for academic personnel. On November 7, 1983, the Directive on the Principles to Be Followed in Domestic and International Assignments (Yurt İçinde ve Yurt Dışında Görevlendirmelerde Uyulacak Esaslara İlişkin Yönetmelik) was published on the Official Gazette No. 18214 (EMIGPOL database).

In line with Article 33 of the Law No. 2547, in 1987 YÖK began to offer PhD scholarships and send research assistants abroad:

> The Council of Higher Education sets the criteria concerning those research assistants who are to be sent abroad for graduate study, as well as those appointed for the first time with this aim in view […]. Tuition fees, travel expenses and other relevant expenditures of such research assistants are paid for out of special funds within the personnel expenditures of the universities concerned. During the period of their graduate study abroad the appointments of such research assistants remain in force, and they are paid 60 % of their net monthly salaries by the institution concerned [with the exception of those who receive scholarships (for the period after one year) and those who secure scholarships on their own and have been granted leave of absence without pay]. Those who are sent by their institutions are also paid a sum stipulated by Law No. 1416 on Students to be Sent to Foreign Countries, equivalent to that paid to students in the same country. In the case of scholarship holders, if the amount of their scholarship is less than this amount, the difference is paid by their institution. Tuition fees and fees for courses which are prerequisite to begin their studies are also paid by their institutions. Each year, in the months of March and September, they are also paid two equal supplementary payments (each equivalent to their monthly remuneration) to cover textbook, stationery, and other educational expenses). (Law No. 2547, Article 33)

In 1981, the Nationality Law was amended to allow dual citizenship. A year later, with the 1982 constitution, a new article on emigrant affairs was adopted. According to Article 62: *"The state shall take the necessary measures to ensure family unity, the education of the children, the cultural needs, and the social security of Turkish citizens working abroad and to safeguard their ties with the home country and to help them on their return."* To enable the transfer of services given abroad by Turkish citizens and to protect their social security rights, in May 1985, the Law No. 3201 on Evaluation of Services Given Abroad by Turkish Citizens in Terms of Social Security (Yurt Dışında Bulunan Türk Vatandaşlarının Yurt Dışında Geçen Sürelerinin Sosyal Güvenlikleri Bakımından Değerlendirilmesi Hakkında Kanun) was adopted and replaced the Law No. 2147 on the same topic (EMIGPOL database).

In 1995, an amendment was made in the Turkish Nationality Law, introducing Pink Card for Turkish emigrants living in countries that forbid dual citizenship, thereby requiring them to renounce their Turkish citizenship. The card holders retain their social security rights, property rights, inheritance rights, the right to operate business,

and the right to work in Türkiye. The card was later renamed as Blue Card. Over years, the spectrum of rights given to Pink/ Blue Card holders has expanded as Türkiye's scope of emigrant engagement extended. However, holders are still denied the right to vote in national and local elections. They are exempt from compulsory military service (ibid.).

The goals of the legal framework in the third period were therefore more related to the liberalisation of the Turkish economy and the transnationalisation of its relations with its emigrants. The transfer of social security benefits upon return and the recognition of foreign credentials constituted the core of return and reintegration measures of this period. Specific steps aimed at reversing brain drain remained limited. Finally, given the emphasis on staff and student exchange mechanisms and the temporary nature of these programmes, brain circulation appears to have been the main strategy of the Turkish state since the last decade of the twentieth century.

3.3.3.3.4. Fourth Period (2000-2024)

Information technologies, global competition for talent, highly skilled migration, and several crises such as the 2008 Financial Crisis and the 2015 Summer of Migration characterise the last period starting from 2000. In the first decade, with its positive atmosphere for foreign investments and highly skilled professionals, Türkiye attracted both foreigners and its citizens abroad. Yet, the last decade has witnessed an increasing emigration of students and professionals. Four development plans (8 to 12) have been prepared in this period. Given the shift in the terms of international competition away from the availability of cheap labour force and natural resources towards integration into the global economy, specialisation, and development of production technologies (8^{th} NDP, p. 120), the emphasis of the Turkish state on highly skilled human capital grew stronger. On the other hand, the skill set sought for building an information society and globally competitive economy has altered (9^{th} NDP, p. 5). Meanwhile, the role the state attributed itself and the resources it wanted to allocate for establishing such skilled human capital gradually decreased, particularly in the 12^{th} NDP. The private sector, civil society, universities, and individuals have been increasingly held

responsible for the costs required to attain the contemporary skills set, which itself is indeed subject to change daily in accordance with technological advancements.

Each of these four plans placed highly skilled and skilled human capital at the intersection of science, technology, R&D, education, employment, and investment policies. The EU accession process and foreign affairs, including development aid provided to developing countries form other cross-cutting issues. The acknowledgement of changing dynamics of international migration, diaspora-state relations, transnational networks, and the institutionalisation of migration governance were also prominent in the context shaping priorities of the Turkish state in this period.

In the 8th NDP (2001- 2005), the Turkish state shifted its focus away from labour migrants abroad towards "qualified labour and labour working in the construction sector abroad" (p. 113). The points stressed include improving the conditions of citizens abroad by ensuring the provision of counselling services and upskilling (professional development) trainings; establishing close ties with Turkish business owners and entrepreneurs living abroad; encouraging them to invest in Türkiye. For outbound highly skilled movements, the state support for overseas construction and consultancy services as well as enterprises endured, and loan and insurance opportunities (through Eximbank) for overseas projects were envisaged. Furthermore, overseas investments in other sectors such as mining or petroleum were promoted in a view to obtain the required natural resources safely and economically.

Regarding higher education, the fall in the number of study-abroad scholarship recipients from 2,016 during the 6th NDP to 416 in the 7th NDP was underscored. Without specific emphasis on these programs, elaboration in the legislation was stressed to overcome shortages of academic personnel. For staff exchanges under technical aid projects, an amendment in the regulation was planned alongside the creation of new opportunities for the temporary employment of Turkish experts in international organisations and projects.

The 9th Plan (2005- 2009) reiterates the necessity of skilled human capital and the role of education (informal, formal, and non-formal) in enhancing this capital and

increasing employability. Emphasis on highly skilled migration was limited: state-sponsored study abroad programs to address the shortage of academic personnel at higher education institutions were intended to be continued. For overseas construction and consultancy services, corporate tax exemption was given, however the liability for providing their Turkish employees working in their projects abroad with social security was introduced. A measure of reverse brain drain was also added: *"Necessary conditions will be provided in order to employ Turkish researchers living abroad within the country, particularly in priority fields."* (p.88). Although their return was encouraged, 'necessary conditions' were not detailed, and their reintegration was not covered in the plan.

The 10th NDP, implemented between 2010 and 2014, for the first time, introduced the notion of 'human- centred development.' Accordingly, *"the aim of development is increasing people's welfare and life-standards, providing a just, safe and peaceful living environment and enduring it by strengthening fundamental rights and freedoms."* (p. 1) This plan, thereby, differs from the previous ones. It proposes action plans in each section, one of which is 'Qualified People, Strong Society.'

The promotion of reverse brain drain and highly skilled immigration was addressed in detail, both in relation to other policy areas such as technology and independently under the 'Attracting Qualified Human Resources Program.'

> With this program, in order to increase knowledge-based competitiveness at global level, the aim is to make Türkiye an attractive country for national and international highly qualified human power, with a special attention to Turkish nationals living abroad, through creating suitable environment and conditions, and improving cooperation among universities, industry, public sector and research centers.
>
> The target group of the program is highly qualified international human power, especially Turkish nationals living abroad, who can provide Türkiye with impetus in needed areas and accelerate Turkish development processes.
>
> Program Targets
> - Increasing the number of qualified human power, especially Turkish nationals living abroad, moving to Türkiye
> - Improving the capacity of representative offices abroad to publicise research environment in Türkiye

- Conducting activities towards increasing participation to the EU Framework Programs
- Developing programs similar to the EU Framework Programs, with countries that Türkiye has strong economic, historical, and cultural connections
- Developing partnerships with corresponding research centers and academic institutions abroad, especially in health and priority technology fields
- Publicity of research centers in Türkiye to researchers abroad
- Establishing a communication network to keep active the connection of Turkish nationals with advanced degrees living abroad with Türkiye
- Supporting visits of Turkish nationals living abroad to Turkey with research, education, lecturing and conference purposes
- Developing exchange, mobility, and internship programs for university students abroad and qualified labour force abroad who are prominent in science, arts, and culture fields
- Supporting internship of Turkish citizens studying at universities abroad
- Extending the R&D supports to attract Turkish citizens who have completed or continuing their graduate education abroad to Türkiye

(10th NDP, English Version, pp. 188-189)

TÜBİTAK and the Ministry of Science, Industry and Technology were designated as the responsible public institutions for carrying out this action plan.

The previous objectives of increasing the number of Turkish citizens working in international organisations and projects, as well as promoting international engineering, architecture and technical consultancy, and other contracting services were maintained in the 10th Plan. Another goal relevant to highly skilled migration was the conclusion of free trade agreements, including provisions about trade in services and investments. On the other hand, in the section on social security, a revision in the regulation on the retirement through abroad borrowing (contribution debts for periods worked or lived abroad) was proposed due to the associated costs it has on the Turkish social security system.

Growing global competitiveness and productivity in all aspects were the basic priorities of the 11th Plan, whose implementation began in 2018 and recently ended in 2023. Thus, skilled and highly skilled human capital was also at the core of this plan. During these five years, the Turkish state continued to support overseas construction and consultancy services as well as enterprises, state-sponsored study abroad

programmes (particularly in critical technology fields), and staff exchanges through international technical cooperation and international organisations.

To expand its share of the international mobility of the highly skilled (professionals and students), the Turkish state envisaged measures for the internationalisation of its higher education, research, science, and technology sectors. Examples included mobility and internship programmes, Türkiye Scholarships for foreign-born students, regional and global cooperation in R&D activities, special work permit types (Turquoise Card[44]) for highly skilled labour.

Highly skilled Turkish citizens abroad were also covered in the plan and their return, either temporary or permanent, was aimed. Accordingly, the state addressed the need to analyse the drivers of the brain drain phenomenon in Türkiye and to engage in retention policies. Simultaneously, through several funding schemes (for instance, TÜBİTAK's 2232A- International Fellowship for Outstanding Researchers and 2232B- International Early-Stage Researchers Programmes), it planned to reverse brain drain and invite Turkish researchers living abroad to return and contribute to research and education activities in the country. Furthermore, the establishment of an international qualified labour network was foreseen for Turkish non-resident citizens that have potential of working in Türkiye.

The 12th Plan is the most recent, encompassing the period between 2024 and 2028. With regards to highly skilled migration, it highlights the following measures:

- Full-time and/ or part-time working opportunities for competent academics and researchers will be diversified, cooperation and joint projects will be developed through cooperation.
- The practice of visiting fellow/ guest lecturer programmes between higher educations in Türkiye and abroad will be extended for academic personnel.

[44] Turquoise Card is a special permit issued to highly skilled workers. It gives the right to permanent residence and to work for an indefinite period of time in Türkiye.

- Turkish higher education institutions will be further internationalised, and Türkiye will become a centre of attraction for qualified students and academics.
- International cooperation will be fostered.
- Joint PhD programmes with prestigious universities abroad will be promoted.
- The mobility of Turks living abroad will be made effective, widespread, and continuous through short-term mobility programmes and exchange programmes at secondary and higher education level.
- Bilateral and multilateral social security agreements will be extended to protect and improve Turkish citizens' social security rights and interests in other countries.

In relation to brain drain and reverse brain drain, the plan stresses that:

- Brain drain will be prevented, and mechanisms will be developed to ensure the transfer of professional knowledge and experience by strengthening ties with highly skilled Turkish citizens working abroad.
- The labour market-related drivers of brain drain will be identified, and sector-specific steps will be taken to prevent mass labour force loss.
- Data infrastructure for determining the countries, sectors, and occupations of Turkish citizens living abroad will be strengthened.
- The existing infrastructure will be improved to ensure effective transfer of the labour and social security rights of Turkish citizens living abroad upon their permanent return to Türkiye.
- The practices encouraging return will be evaluated. Incentives for scientists and experts returning to Türkiye from abroad will be determined. Structural measures will be taken to overcome the difficulties faced. The working environment and conditions will be improved.

Though the reintegration of aspect of return is left in the dark in the 12th Plan, the abovementioned measures suggest that to reach its development goals, the Turkish state aims retain highly skilled citizens and, whenever possible, encourage their return.

The legal framework on highly skilled return migration in the fourth period starting from 2000s also involves amendments to the Directive on Equivalency of Foreign Diplomas (in 2007, 2010, 2016, 2017, and 2024). According to the last version, which entered into force in March 2024, the recognition and equivalence criteria for diplomas obtained from foreign universities were tightened. In 2006, the Law No. 5535 on Collection and Abatement of Some Public Receivables (Bazı Kamu Alacaklarının Tahsil ve Terkine İlişkin Kanun) was adopted. This law regulates repayment of scholarships and fundings provided by the Turkish state to students and public officers for their studies and/or training abroad in exchange for compulsory service upon their return. In 2020, the Ministry of Education revised the Regulation on Turkish Students' Studies Abroad (Türk Öğrencilerin Yabancı Ülkelerde Öğrenimleri Hakkında Yönetmelik) (regulation for the Law No. 1416) (EMIGPOL database).

With respect to social security, in 2008, the Law No. 5510 on Social Insurance and Universal Health Insurance was amended, introducing special arrangements for Turkish workers abroad. In 2009, the rights granted to Blue Card holders (previously named the Pink Card) were expanded to cover social security rights. Furthermore, in 2019, with the Omnibus Bill No. 7186, the Law No. 3201 on Evaluating Duration Abroad for Turkish National Residing Abroad was amended. The borrowing premium rates and aggravated retirement of the Turkish nationals abroad were increased (ibid.).

Institutional wise, in 2010, with the Law No. 5978, the Directorate for Turks and Relative Communities Living Abroad (YTB) was established. In 2016, it commenced the Türkiye Internship Programme, allowing young emigrants as well as the descendants of emigrants to complete internships in the public offices in Türkiye (Aksel, 2016). A year later, it adopted the Directive on Scholarship Provisions for Citizens Abroad. This directive sets the principles and procedures for provision of scholarships at the undergraduate level or above for non-resident Turkish citizens to study abroad or in Türkiye. Both frameworks offer mobility opportunities, which could be regarded as a part of temporary return and brain circulation policies of the Turkish state (ibid.).

With the growing role of foreign direct investments, cutting-edge high technology investments, and R&D investments in economic development and global competitiveness, the Turkish state has adopted legislations aimed at attracting more investment from both foreigners and its citizens abroad. Returning Turkish citizens can also benefit from the favourable tax systems and other incentives provided by the state in industrial zones, free trade zones, and technological zones. In this respect, the Law No. 4691 on Technology Development Zones (dated 26.06.2001), the Law No. 5746 (dated 12.03.2008) on Supporting Research and Development Activities, the Law No.6550 on Supporting Research Infrastructure (dated 10.07.2014) and the Law No. 4562 (dated 12.04.2000) on Organised Industrial Zones could also be added in the legal framework governing return, if the highly skilled returnee establishes a business or a start-up in any of these zones. During a personal communication, an officer said: *"They can invest, and we are happy to help them. We recommend high value-added sectors."*

In 2020, during the pandemic, Türkiye pursued a retention policy with the Presidential Circular No. 2020/2 on Exit Permit of Civil Servants, banning the exit of certain professional groups, such as medical doctors and civil servants, in response to rising numbers of public officials leaving the country (EMIGPOL database).

During the fourth period, Türkiye also signed in international agreements related to highly skilled migration in addition to bilateral agreements on social security, cultural and technical cooperation, avoidance of double taxation, free trade, and reciprocal promotion and protection of investments. An example is the 1997 Council of Europe convention on the Recognition of Qualifications Concerning Higher Education in the European Region (aka. Lisbon Recognition Convention). Türkiye signed this Convention in 2004, and it has been in effect since 2007. That year, to align its national legislation with the convention, Türkiye also abrogated the 1996 Directive on Equivalency of Foreign Higher Education Diplomas and adopted a new one. The country also a bilateral agreement on this topic with the Turkish Republic of North Cyprus (ibid).

In the light of these explanations, it can be inferred that since 2000, Türkiye has aimed to reach its development goals through retaining its highly skilled labour force, strengthening its transnational ties with its diaspora, encouraging the return of its highly skilled citizens abroad and the immigration of highly skilled foreigners, promoting their investments, particularly in cutting-edge high technology projects, and enhancing mechanisms for short-term mobility and/ or exchanges.

3.3.3.3.5. Examples of Return Programmes for Highly Skilled Emigrants

In an era of global competition for highly skilled talent, several reverse brain drain schemes have been put in place in recent decades by both the public and private sectors. TÜBİTAK is in charge of the state-funded programmes. Meanwhile, companies that engage in cutting-edge technologies also endeavour to reverse brain drain.

TÜBİTAK International Research Scholarship Programmes

In 2007, TÜBİTAK began to run scholarship programmes to this end to promote return of Turkish researchers abroad. Despite changes made to the programme since 2010, the 2232A- International Fellowship for Outstanding Researchers and the 2232B- International Early-Stage Researchers Programme are still in effect. The latter is for researchers under the age of 40, yet both programmes share the same aim:

> In order to contribute to projects that will be executed in research fields that are of strategic importance for our country, within the scope of the programme, it is aimed to promote successful researchers, particularly Turkish scientists, who have come to the fore with top level scientific and/or technological achievements in their fields and who have experience to work in an international environment, to conduct their research in Türkiye, and to provide support for them to pursue their work in leading state or foundation universities, research infrastructures deemed competent within the scope of Law No. 6550, public research institutes, private sector companies with R&D or design centres or equity companies settled in Türkiye within the bodies of techno parks (TÜBİTAK website[45]).

[45] https://tubitak-staging.tubitak.gov.tr/en/scholarships/postdoctoral/research-scholarship-programs/2232-international-fellowship-outstanding-researchers (accessed on 30.04.2024)

The support provided covers scholarship for the coordinator, family allowance (if applicable), initial research grant, research project grant, grant intended for establishing a research team of up to 5 people, health insurance for the coordinator and their family, travel allowance for the coordinator and their family, mentoring support, Project Incentive Bonus for researchers involved in the scope of the research project, and an institutional share allowance for host institution (ibid.).

2221- Fellowships for Visiting Scientists and Scientists on Sabbatical Leave is a scholarship aimed at brain circulation, which contains a monthly stipend payment. The target group constitutes scientists, especially Turkish scientists, who are pioneers in their fields and work in the universities or research institutions abroad. Recipients are expected to come to Türkiye for either short- term (7 days to 3 months- visiting scholars) or long- term (3 to 12 months- sabbatical leave) and to provide support for the realisation of all kinds of academic and R&D activities such as conducting research, working in laboratories, developing products, organizing conferences/ congresses, giving seminars, providing part-time education, and writing a joint project.[46]

TÜBİTAK also offers scholarships that facilitate return or brain circulation under the EU's Horizon Europe Programme such as the 2236 - Co-Funded Brain Circulation Scheme2 (CoCirculation2). It is "*a 5-year project aiming to invite experienced* researchers to *both academic and non-academic research performing organizations located in Türkiye. […] The scope of the program includes living allowance, mobility allowance and research, training, and networking costs.*"[47]

Another EU-funded programme is the Marie Sklodowska-Curie Actions (MSCA). The MSCA enables research-focused organisations (universities, research centres, and companies) to host talented foreign researchers and to create strategic partnerships

[46] https://tubitak.gov.tr/en/scholarships/postdoctoral/research-scholarship-programs/2221-fellowships-visiting-scientists-and-scientists-sabbatical-leave (accessed on 30.04.2024)

[47] https://tubitak.gov.tr/en/scholarships/postdoctoral/research-scholarship-programs/2236-co-funded-brain-circulation-scheme2-cocirculation2 (accessed on 30.04.2024)

with leading institutions worldwide. Postdoctoral Fellowships under MCSA provide support for experienced researchers of all levels (up to 8 years after obtaining a PhD) working in Europe and beyond, and who have recently returned or planning to return to Türkiye.[48]

YÖK Scholarships for Academic Personnel

As previously mentioned, in 1987, under the Article 33 of the Law No. 2547, YÖK began to send research assistants abroad for PhD studies with a return condition and relatively better standards compared to the state-sponsored study abroad programmes under the Law No. 1416 (Gümüş & Gökbel, 2012). Currently, YÖK has scholarship programmes for supporting Turkish academic personnel with their research abroad. Young Brains Programme (Genç Beyinler Programı- GEP) is a 1–3-month long dissertation research grant designed for PhD students working as research assistants in Turkish universities. As its name suggests, Post-doc Research Programme (Doktora Sonrası Araştırma Programı- DOSAP) is for supporting Turkish academics' post-doctoral research abroad for a maximum duration of 9 months. Finally, sabbatical leaves abroad are funded under the Academic Accumulation Programme (Akademik Birikim Programı- AKAP).[49]

Initiatives By the Private Sector

ASELSAN- Next Big Move to Türkiye

ASELSAN is a company of Turkish Armed Forces Foundation. Established in 1972, it is the largest defence electronics company of Türkiye. Since 2006, it has been running 'Next Big Move to Türkiye" (previously named as Back to Turkey) to attract Turkish talents who live, work and/or study abroad.

[48] https://ufukavrupa.org.tr/tr/alanlar-kumeler/marie-sklodowska-curie-alani-tum-cagrilar (accessed on 30.04.2024)

[49] https://www.yok.gov.tr/ogrenci/yok-bursu-ve-destekleri (accessed on 30.04.2024)

HAVELSAN- Homecoming of Our Values

Established in 1982 as a corporation affiliated with the Turkish Armed Forces Foundation, HAVELSAN is one of the leading technology companies of Türkiye. It carries out the 'Homecoming of Our Values' programme for reserving brain drain.[50]

Turkish Aerospace- Reverse Brain Drain

To foster reverse brain drain, the company provides the candidates with counselling and relocation services to facilitate their return.[51]

Arçelik- A Ticket for Your Future

Arçelik, a Turkish multinational household appliances manufacturer, has been carrying out the 'A Ticket for Your Future' programme since 2018 to promote reverse brain drain among young Turkish graduates from the world's top universities. *"Designed to attract and retain talent in Turkey, the program hosts graduates at one of Arçelik's locations."* [52] From 2018 to 2023, the programme hosted 85 Turkish students, with 6 of them being recruited in the company.[53] [54]

[50] https://www.havelsan.com.tr/en/career/working-at-havelsan/homecoming-of-our-values (accessed on 30.04.2024)

[51] https://kariyer.tusas.com/tersine-beyin-gocu (accessed on 30.04.2024)

[52] https://www.arcelikglobal.com/en/company/human-resources/a-ticket-for-your-future/ (accessed on 30.04.2024)

[53] https://www.koc.com.tr/medya-merkezi/haberler/2022/arcelik-a-ticket-for-your-future (accessed on 30.04.2024)

[54] https://www.capital.com.tr/sirket-panosu/sirket-panosu-haberleri/ali-koc-arcelikin-a-ticket-for-your-future-programina-katildi (accessed on 30.04.2024)

Information on the scope of these private sector-initiated programmes is not publicly available, yet the companies are likely to offer relocation packages in addition to favourable wages.

3.3.3.4. Reintegration: An Unspoken Aspect of Return

The legal architecture governing return migration in Türkiye is summarised in Table 10. As the analysis suggests, over the years, the profile of Türkiye's emigrants shifted away from labour migrants to highly skilled students and professionals. Moreover, the Turkish state's perspectives on international migration and citizens abroad have undergone substantial change. Until the 1980s, return was the expected end of the migration project of students going abroad for studies and labour migrants leaving Türkiye with bilateral labour agreements. Therefore, once forced returns are left aside, the first return policies include compulsory service for recipients of state-sponsored scholarships, and for labour migrants, counselling services, social housing, and transfer of savings and social security rights obtained in the country of residence. Later tools encompass incentives for academics, scientists, and professionals, such as favourable wages, research and working environment, opportunities for international cooperation, transfer of academic title and/or recognition of foreign credentials. The latter is important also for students. For returning citizens, who establish business and enterprises, investment incentives are available depending on the type and the zone of their business or start-up. Combining the data with examples of return policies compiled from the literature, Türkiye's return policies for highly skilled can be summarised as shown in Table 11.

The data also indicates that in addition to actively promoting return, Türkiye engages in retention policies to prevent emigration of its skilled and highly skilled human capital. On the other hand, when return is unlikely, Türkiye uses emigrant/ diaspora policies to keep its ties with its highly skilled labour residing abroad.

> "We do not want all diaspora members to return. Some of them occupy high ranking positions in the countries they live. We stay in contact with them and whenever we need, we collaborate. They recruit from Türkiye, or they help Turkish emigrants in the same country. We are working on a Professional Diaspora Database." (Personal communication with an officer)

Table 11: Türkiye's Return Policies for Highly Skilled Returnees

Policy Instrument/ Area	Example
Engagement & Information Strategies	Communication campaigns to encourage return and inform potential returnees about opportunities at home, including investment opportunities
Education Related Instruments	Recognition of academic and professional qualifications obtained abroad
	Provision of study-abroad scholarships with return obligation and/or work commitment upon return (recipients are required to work in the home country for a duration equivalent to the scholarship period.)
Financial Incentives	Economic support to employers and returnees such as salary top-ups and temporal income tax exemptions
	Tax exemption on imported goods
	Cheap or free office space in science parks / higher education institutions/special economic zones etc.
	Favourable tax regimes for business set-up
	Competitive funding for research
	Improvement of banking channels (exchange rates/ transaction costs) for transfer of financial resources
	Other trade and investment facilitating measures such as interest free loans or grants for innovative projects
Labour market access	Entrepreneurship support (information on and access to networks & local markets; training on the legal, accounting and tax systems)
	Human resources policies that shorten job search duration, ensures transparent and merit-based recruitment as well as competitive salary scale
Business/ Work Environment & Culture	Investment in technological infrastructure
	Promotion of an organisational culture which allows easy mobilisation of human and social capital gained abroad
Transnational networks	Facilitation of transnational ties and transfer of knowledge and technology through a wide range of activities (online and on-site)
Citizenship	Allowance of Dual/ multiple citizenship
	Reacquisition of citizenship upon return, if previously denationalised
	Extension of citizenship for 2nd and further generations
	Provision of special status for those who did not retain the nationality of the home country due to the host state regulations (Blue Card)
Welfare and Social Benefits	Ensuring portability of social security entitlements, pensions, and other welfare rights.

Source: Author's compilation from her data

Moreover, over the decades, the state has maintained its encouraging approach towards short-term student and staff mobility through various schemes, including but not limited to international organisations and multilateral technical cooperations. In line with its aim of gaining foreign currency while exporting its labour surplus, it has also been promoting overseas construction and consultancy services, which lead to contract-based emigration of highly skilled professionals, such as engineers and architects. Therefore, it is possible to assert that brain circulation is an integral part of highly skilled migration policy of the Turkish state.

On the other hand, once the reintegration aspect of return is considered, measures are often absent in Türkiye's return policies. Returns taking place both under the state-sponsored study abroad programmes of MNE and YÖK and programmes carried out by TÜBİTAK and companies such as ASELSAN, HAVELSAN, Turkish Aerospace, and Arçelik, offer employability upon arrival in Türkiye and help with the international relocation costs. Under the 2232 programme, TÜBİTAK also provides family allowance and health insurance for family members. None of these programmes, however, address other reintegration issues faced by returnees. The data suggests that reintegration measures such as assistance with accessing local networks, integration of family members (for instance, language education, particularly for children) or psychological counselling are not included in Türkiye's highly skilled return policies. Therefore, it is possible to infer that reintegration is an unspoken aspect of return.

In this chapter, the legal architecture governing return migration of the highly skilled in Türkiye, which forms the structure in the Abilities- Capabilities framework, was presented. The findings indicate that the selective return policies and the lack of comprehensive reintegration measures may have a limiting impact on the aspirations and capabilities of highly skilled returnees. In what to come, the relationship between the legal architecture, return experiences and returnees' resilience will be explored.

CHAPTER 4

RETURN, REINTEGRATION AND RESILIENCE: PRACTICE OF LEGAL FRAMEWORK

The legal architecture governing return and reintegration brings the implementation dimension to the fore. Generally, in the eyes of the states, returning emigrants differ from incoming foreigners for they come as citizens, with all rights and freedoms associated with citizenship. Among returnee groups, a further distinction is often made. Forced repatriates and those returning with voluntary assistance programmes are likely to 'deserve' state support, whereas those returning on their own will and resources, especially the highly skilled, rarely receive attention. Even when their return is encouraged, their reintegration is not taken into account. Their access to the labour market, housing, schooling or the transfer of their social security or navigation in the home-state's bureaucracy are supposed to be unproblematic, if not automatic. Yet, no return is to the same state, the same society, nor are the returning migrants themselves the same. In most cases, returning as a citizen does not mean being resourceful, resilient, and ready to readapt to the life at home. Resilience, akin to reintegration, is not only a function of individualistic characteristics, but also resources/ capabilities provided by legal, social, cultural, and political structures (Moya and Goenechea, 2022; Ungar, 2013). To put it differently, the structure of the country of origin is a part and parcel of migrants' aspirations and capabilities upon return, hence, resilience.

Embracing a critical stance on home-states' perception of the highly skilled as 'easily reintegrating, resilient returnees', this study asks, "How do home states' legal architectures governing return migration relate to returnees' resilience?" In the previous chapter, the findings on the legal architecture in Türkiye was presented. Accordingly, over the decades the Turkish state has encouraged its highly skilled emigrants' return through some programmes, which focus primarily on the financial

aspect, such as favourable wages, incentives and working environment. Although these programmes provide direct entry in the labour market, thereby, facilitate economic reintegration, the state remains silent with regards to social and psychosocial aspects. This chapter aims to shed light on that part of the return experiences.

4.1. The Profile of the Interviewees

As mentioned earlier in the Methodology section; to understand the practice of the legal framework, semi-structured interviews were conducted with 45 highly skilled returnees between June 2023 and January 2024. Those with tertiary education were considered as highly skilled. Regarding the length of stay, a double threshold was applied: a minimum of one year of absence and one year since return. For the citizenship bond, foreign-born or non-citizen children (second generation) of emigrants were included. In line with the scope of the research and findings on Türkiye's legal framework, four sub-categories of highly skilled were chosen:

i. academics,
ii. STEM professionals,
iii. entrepreneurs, and
iv. holders of Mavi Kart (Blue Card).

While the first three groups have all the rights associated with citizenship, the fourth group lacks some rights. The Article 28 of the Law No. 5901 on Citizenship asserts that:

> **Rights accorded to those who lost Turkish citizenship by obtaining renunciation permit**
> Article 28-(1) Provided that the provisions concerning national security and public order are reserved; the Turkish citizens by birth and lost citizenship by obtaining renunciation permit and their children are ensured to hold the right to benefit from the same rights accorded to Turkish citizens, except for the military service obligation, the right to vote and be elected, the right to be employed in public services, right to import exempted vehicles and household goods; provided that their acquired rights of social insurance are reserved and they shall be subject to the provisions of the relevant laws applied while enjoying those rights.

Therefore, Blue Card holders return with a limited set of rights. They were added as a category to uncover whether political rights relate to return and reintegration experiences as well as resilience.

20 interviewees were male and 25 of them were female. 9 interviewees were STEM professionals, 8 were entrepreneurs in Türkiye, 14 were academic staff, and 5 were Blue Card holders. 9 of the interviewees were considered in the 'Other' sub-category as their field of work did not directly fall into entrepreneurship or one of the STEM professions. They either did not specify their areas of studies or mentioned only their current administrative position. All interviewees had at least a bachelor's degree.

Table 12: Number of interviewees based on sub-categories

Sub-category	**Number of Interviewees**
STEM	9
Entrepreneur	8
Academic	14
Blue Card	5
Other	9
Total	45

For ethical reasons, the interviewees' identities are not disclosed. Each interviewee is assigned a number, from P1 to P45, with P standing for 'Participant' and the number indicating the interview order. Some of the participants preferred not to declare their fields of education, employment and marital status, years spent abroad and the exact time of their return. Consequently, Table 13 below only shows the distribution of interviewees according to sub-groups, gender, and countries of residence.

Based on the available data, the average age of the interviewees is 39.7. The eldest is 55 years old and the youngest interviewee aged 22. The majority (70%) are married. The average number of years spent abroad and time since return are 7.7 and 5.5, respectively. The shortest stay abroad is 1.5 years, and the longest stay lasted 26 years.

Table 13: The Profile of Interviewees

No	Participant	Group	Gender	Country of Residence
1	P1	STEM	Male	Georgia & Israel
2	P3	STEM	Male	Germany
3	P6	STEM	Male	Northern Iraq
4	P7	STEM	Male	Israel
5	P16	STEM	Male	Israel
6	P17	STEM	Male	Malaysia
7	P22	STEM	Male	Russia, Uzbekistan, Georgia, Kazakhstan
8	P35	STEM	Female	Germany
9	P38	STEM	Female	Sudan & Netherlands
10	P5	Entrepreneur	Male	United Kingdom
11	P8	Entrepreneur	Male	Israel
12	P11	Entrepreneur	Male	U.S.
13	P13	Entrepreneur	Male	U.S.
14	P26	Entrepreneur	Female	Canada
15	P32	Entrepreneur	Male	UAE (Dubai)
16	P36	Entrepreneur	Male	Sweden, Greece
17	P39	Entrepreneur	Female	U.S. & France
18	P2	Academia	Female	U.S. & Switzerland
19	P4	Academia	Male	U.S.
20	P9	Academia	Female	U.S.
21	P10	Academia	Male	United Kingdom
22	P12	Academia	Female	U.S.
23	P14	Academia	Female	United Kingdom
24	P15	Academia	Female	Canada
25	P18	Academia	Female	U.S.
26	P20	Academia	Female	U.S. & Canada
27	P21	Academia	Male	U.S.
28	P24	Academia	Female	U.S.
29	P25	Academia	Male	U.S.
30	P33	Academia	Female	U.S.
31	P41	Academia	Female	U.S.
32	P19	Other	Female	Taiwan & China
33	P27	Other	Female	Belgium
34	P28	Other	Female	Indonesia
35	P29	Other	Female	UK
36	P30	Other	Female	Germany
37	P31	Other	Female	UK
38	P34	Other	Female	Oman
39	P40	Other	Female	Switzerland
40	P43	Other	Female	Ireland
41	P23	Blue Card	Male	Germany
42	P37	Blue Card	Male	Germany
43	P42	Blue Card	Female	Germany
44	P44	Blue Card	Female	Germany
45	P45	Blue Card	Male	Germany

In the Blue Card category, three interviewees were either born or raised in Germany, whereas the remaining two renounced their Turkish citizenship after being naturalised in Germany. Those who were born or raised in Germany stayed abroad for a longer period than the others. Three interviewees in the 'entrepreneur' category and one in the 'other' category acquired the citizenship of their previous countries of residence without relinquishing their Turkish citizenship. Another interviewee has Portuguese citizenship due to his Jewish origins.

The geographies of emigration encompassed Northern America, Europe and elsewhere: the U.S., Canada, UK, Ireland, France, Belgium, Germany, Netherlands, Switzerland, Sweden, Greece, Russia, Georgia, Uzbekistan, Kazakhstan, United Arab Emirates (UAE), Israel, Northern Iraq, Sudan, Oman, Indonesia, Taiwan, China, and Malaysia.

4.2. The Interview Protocol & Resilience Scale

As discussed in Chapter 2, return and reintegration experiences are influenced by both individual and structural factors. Furthermore, emigrants' experiences, social and financial statuses prior to their departure, reasons for leaving their home countries, and their lives abroad play a role in their return decisions and reintegration experiences. Consequently, following a similar approach to Cassarino (2008), the interview protocol was designed to explore three different migratory stages: before exit, during life abroad, and upon return. The protocol consisted of questions that aim to understand interviewees':

i. Reasons of departure from Türkiye and their lives abroad,
ii. Return aspirations,
iii. Reintegration processes, and
iv. Their own definitions of the concepts of vulnerability and resilience.

The interviewees were also asked whether they have considered themselves vulnerable and/ or resilient upon their return and during their reintegration. In order to avoid any bias in interviewees' self-assessment of resilience as well as the researcher's

assessment of their responses – particularly, given that she is not a mental health professional, interviewees were also requested to complete the Connor- Davidson Resilience Scale (CD-RISC). Only one interviewee did not take the survey.

According to the scale, there are five dimensions of resilience: i. adapting to change, ii. dealing with what comes along, iii. coping with stress, iv. staying focused and thinking clearly, v. not getting discouraged in the face of failure, vi. handling unpleasant feelings such as anger, pain, or sadness. The scale used in the research includes 25 statements, which measure *"hardiness (i.e. commitment/ challenge/ control), coping, adaptability/ flexibility, meaningfulness/purpose, optimism, regulation of emotion and cognition and self- efficacy. In some cases, the items overlap more than one of these constructs."* (Connor & Davidson, 2020, p. 2). Each item is scored between 0 and 4. The total score is calculated by summing all 25 items, resulting in a total score ranging from 0 to 100. Lower scores reflect lower resilience, while higher scores indicate greater resilience.

Quantitative analysis of the scale results is beyond the scope of this study. The aim is to explore in depth the return and reintegration experiences from a Migration Studies angle rather than assessing resilience of returnees from the perspective of the discipline of Psychology. Secondly, interviewees differ in terms of their background, emigration and return aspirations, as well as the length of time since their return. Additionally, the number of respondents is below a sample survey size required for meaningful results. Thus, a comparison is unlikely. Yet, as will be presented below, self- definitions of resilience offer a richer account, which may broaden our understanding of the concept. Another limitation concerns the time dimension. Connor and Davidson (2020) note that the CD-RISC-25 score can change over time. An interviewee's response supports this argument:

> My answers to the survey would be very different if I had been asked to fill it out when I had just arrived. When I came back to Istanbul, I was depressed. I have been in therapy since 2014. Thanks to therapy, I've changed things. Now, I feel better. When I first came, the picture was totally different. (P6)

The scale is not publicly available, and its usage in research is subject to the owners' permission. Hence, here, a question-based analysis will not be made here. On the other hand, the average resilience score of the 44 respondents is 68.18, with the lowest score being 30 and the highest 91. Among academics, the average is 67.94. STEM professionals have an average resilience score of 68.16; while entrepreneurs' average is 67.17. Blue Card holders have an average of 68.18. Finally, the average is 67.36 for the other category. Therefore, no meaningful sub-category-based resilience score difference exists.

When comparing interviewees' answers to questions about the definitions of the concepts of vulnerability and resilience and whether they have felt vulnerable and/or resilient upon their return, an inconsistency between the resilience scale scores and their open answers emerges. While the scale scores indicate higher levels of resilience, self-reports include examples of challenges in bouncing back from adverse situations, or vice versa. For instance, an interviewee scoring 67, hence having an average level of resilience according to the scale, talked about his lack of resilience and inability to reintegrate into social life and make new friends. Instead of embracing an all-encompassing definition, he distinguished between the economic and social aspects of reintegration and resilience:

> I feel resilient in the financial sense. I have move upward socio-economically. I can do whatever I want. But I am not resilient [in social relations]. I feel disappointed in my social interactions. How do I solve? I mostly stay at home and drink. (P5)

On the contrary, one of the lowest scoring interviewees (below 40) defined resilience as: *"finding different solutions in the face of adverse situations."* and added *"I am strong, I find solutions"* (P9). This inconsistency in resilience scores, along with this differentiation accentuates that like reintegration, resilience is multifaceted and has different dimensions. Returnees may simultaneously be resilient and reintegrate easily in one sphere yet be susceptible to harm and require support in another.

4.3. Exit Aspirations and Life Abroad

As discussed in detail in the second chapter, emigration aspirations and experiences in the host country affect return decisions. To understand the dynamics leading to return, in the first part of the interview, the interviewees were asked to share their exit story and their lives abroad. The collected data was first analysed according to the sub-categories constructed for analytical reasons. However, the findings indicate overarching themes for exit and return aspirations. For instance, not only academics, but also some of the interviewees in other groups left to further their studies. The sub-category-based analysis provides more meaningful comparison when reintegration issues are considered. Therefore, the findings are presented below in line with the themes and whenever possible, further differentiation is made based on sub-categories.

4.3.1. Exit Aspirations

Three main exit aspirations were depicted: furthering studies, working, and accompanying the family or spouse. In addition to 14 academics, 9 interviewees initially left to advance their level of education: 5 completed a masters' degree, one pursued a PhD, two left for language learning, and one for a bachelors' degree. For 14 interviewees, the main reason was to work abroad. Similarly, the families of three Blue Card holders -those who were born or raised in Germany- moved out for work. Five interviewees went abroad to as a result of their spouses' appointments. However, sometimes these reasons became intertwined. For instance, family-led emigration resulted in working or studying. In some cases, studies were accompanied or followed by work opportunities, even citizenship acquisition.

4.3.1.1.Furthering Studies

> I was a high-achiever and enjoyed studying immensely. I tend to be a bit asocial. I was determined to pursue my PhD abroad as I did not see an alternative. (P15)

For all academics, pursuing graduate (masters') and postgraduate (PhD) studies or conducting post-doctoral research were the main aspirations for leaving Türkiye.

Except for one interviewee, all of them studied with some form of scholarship. Four were recipients of state-sponsored study abroad programmes: two were supported under Law No. 1416, one received YÖK's PhD scholarship, and one interviewee completed her post-doctoral research with TÜBİTAK's support. The remaining academics' scholarships were provided by host states (through cultural cooperation agreements such as Fulbright), receiving universities, companies, and foundations. All but three left immediately after completing their undergraduate or master's degrees, hence, in their early twenties. Among the remaining three, one went abroad during her PhD studies, one for post-doctoral research, and the other after gaining some experience in an international organisation.

Among the nine STEM professionals, whose main exit aspiration was studying abroad, one interviewee suspended her undergraduate degree in Türkiye and went to Germany, first to learn the language and then to continue her studies there. Three of the eight entrepreneurs initially left to further their studies. Pursuing a masters' degree in Germany was the aspiration of two of the Blue Card holders. They stayed afterward for work, acquired German citizenship, and renounced their Turkish citizenship. In the 'other' sub-category, two earned their masters' degrees abroad, and one went to improve her language skills.

4.3.1.2. Work Purposes

In total, 14 of the interviewees' main exit aspiration was to work. Seven of the STEM professionals, four of the entrepreneurs, and three in the 'other' sub-category left Türkiye solely for work purposes. Two of them worked in transnational corporations, and their moves were company-initiated. For the others, emigration took place based on new contracts. None of the interviewees were required to send remittances, though they all saved money.

> I wanted to leave İstanbul. I was offered a position to help establish a new finance company there. The investment was significant, the salary was high. I moved. (P6)

> I graduated from the university in 1999. The crisis was imminent, and right after I finished my military service, it hit. Meanwhile, opportunities abroad

> flourished in places like Iraq and Uzbekistan. There was an infrastructure construction project in Uzbekistan. I got visa quickly, I went. (P22)

As these quotations demonstrate, once work-related exits are concerned, the economic situation in Türkiye, the wage differentials with the destination countries, and better job opportunities abroad were the key drivers behind the scenes.

4.3.1.3. Family Reasons

For five interviewees, family formation and the spouse's appointment abroad marked the beginning of their migration project. Yet, during their time abroad, they either studied or worked. For instance, one of the entrepreneurs continued her work in Türkiye with frequent visits and established another company in her country of residence. Similarly, a STEM professional moved to Sudan because of her husband's appointment; making exit a family decision. However, her onward migration from Sudan to the Netherlands was related to her work, as new opportunities were offered to her:

> My husband was appointed to Sudan. The children needed their father, and I needed a break. We stayed there for two years, but then, civil war erupted. Through the contacts we made there, I found a job in the Netherlands, took the kids with me. (P38)

As discussed in the Chapter 3, studying, working and family reasons have traditionally been reasons for highly skilled emigration from Türkiye. Brain drain has occurred for both economic and non-economic reasons, such as low wages, lack of career advancement opportunities, hierarchical administration, eagerness to learn languages and see foreign countries (Elveren and Toksöz, 2018). In some instances, based on development goals, the Turkish state itself has promoted the exit of its highly skilled professionals and students through state-sponsored study abroad programme, overseas construction and consultancy services and international technical cooperation. On the other hand, the emerging literature on Türkiye's new generation brain drain asserts a shift from traditional economic reasons to new drivers, including political and economic instability, uncertainty, issues surrounding democracy, the rule of law, and human rights, poor technological and research infrastructure, alongside the better

opportunities offered by the countries of destination (ibid., Aktaş- Çelik, 2023; Elveren et al., 2023; Orhan, 2023; Yanaşmayan, 2023). The data signifies that the historical pattern of study, work and family initiated exits continues, whereas socio-political reasons were not prevalent in the sampling of this research.

4.3.2. Life Abroad

In addition to the duration and type of migration, individuals' legal status, social and financial conditions in the host country, relations with the host community and the host state's institutions, as well as cross-border ties with the home country, all play a role in migratory experience of returnees (Cassarino, 2008). Moreover, as the migration scholarship suggests, difficulties in integration, hardships faced (vulnerabilities), resources and lack of resources, such as access to certain rights, may both pave the way for returning to the home country and give insight on returnees' conditions and well-being upon return. Therefore, the interviewees were asked about their lives abroad.

Most of the interviewees reported that after a period of integration, they began having a generally good time, being in supportive environments, and surrounded by friends, with some of whom they maintained their contact. However, instances of hardship were also present in their experiences abroad. Common responses across sub-categories included leaving their family and country, experiencing loneliness and longing, overcoming language barriers, learning the implicit cultural codes, becoming familiar with academic and/or professional standards and conduct, having limited engagement with locals, and facing competition in the class and/ or at work. Overt or subtle discrimination was another highlighted dimension, along with the climate.

4.3.2.1. Loneliness and Longing

Some of the interviewees left Türkiye for the first time, which brought about challenges, including feelings of loneliness and longing for home. They mentioned that despite frequent contacts with their families and loved ones in Türkiye through social media, their feelings did not easily subside. Being away during difficult times even complicated their family relations. An academic stated:

> Longing… My mother had an accident while I was doing my master's degree in Canada. My relations with my sister deteriorated, and I had to seek help from the Psychological Counselling Service at the university. Also being away during family deaths was challenging. (P20)

Moreover, cultural differences in personal space and intimacy added an extra layer of hardship to these feelings as establishing deep connections became unlikely.

> Loneliness is a problem. Even my American friends prioritised themselves. My adaptation to the American mindset was fast; I worked hard to do so. Yet, it was not easy to establish emotional bonds. I acted like one of them when I was with them, but I wasn't truly one of them. It was difficult to connect deeply. I understood that they differentiated between 'hanging out' and 'being best buddies', unlike in Türkiye. I realised this over time and yielded. (P25)

For some interviewees, the feeling of loneliness was very deep. Having to do things on their own and the absence of a supportive social life involving family members and friends sometimes hampered their ability to cope with what comes along and navigate the rules and culture of the host country:

> There was no supportive social life. The climate is extremely cold, the winter is long, and there is too much snow... And you have to shovel that snow yourself! It is a police state, with too many rules and punishments. For instance, you must recycle according to strict rules. The health system was a disaster. You wait an average of 18 hours in emergency. Social distance is high, and they do not like immigrants. It was difficult to adapt to these. I often changed house. My son's education was my only motivation. I felt lonely; I felt homeless. (P26)

4.3.2.2. Language Barriers and Cultural Codes

Interviewees, even those graduated from institutions where the medium of instruction was English and who lived in an English-speaking country, reported language barriers and adjusting to cultural codes as challenges. These factors hindered the establishment of close relationships with local people, and consequently, integration into the host society. To avoid these barriers, interviewees either limit their conversations to daily issues or stayed in social cycles consisting of Turks living nearby or migrants from other countries.

> It was very difficult to socialise with Canadians. Language also defines the boundaries of intimacy. (P15)

> Difficulties I faced? Racism and the politically correctness, which is indeed built on racism, the lack of humour in jokes, understanding the American codes, getting used to the differences in the academic systems and academic writing. What else? The absence of a culture of heart-to-heart talking and complaining together about various things… (P12)

In some cases, self-isolation occurred and led to depression:

> I had lots of difficulties: loneliness, the lack of sense of belonging, discrimination in social places, not being able to understand the cultural codes... I forgot myself. More alcohol, more parties… It led to depression in the long run. (P5)

4.3.2.3. Differences in Standards and Conducts

One of the common challenges was different academic and/or professional standards and conduct. This theme was more prevalent among interviewees who left Türkiye to work. They faced conflicts in the workplace. These conflicts were either interpersonal or rooted in the culture and concerned more the understandings of time and emergency.

> They are new in the business. They do not know much about the job itself, and that is why they bring foreigners. First, we had issues. They are not practical; their work culture is different and that caused delays. I had issues with my supervisor. My cousin and friends helped. I worked hard. At one point, we came to terms. (P8)

> Working with Malays was not easy; our understanding of emergencies and how to get things done did not always align. However, eventually we got used to each other. (P17)

One interviewee, who lived in Northern Iraq, mentioned working in a corruption-based economy, which necessitates acquaintances at high-ranking positions as a challenge:

> For a while, I had difficulties adapting, but then I became part of the international expat community. […] The challenges included language barrier, differences in our understandings of responsibility and navigating in a corruption-based economy. We learned the back doors. (P6)

On the other hand, under differences in standards and conduct, three interviewees in the STEM group underscored the respect shown to their technical knowledge and the

job safety as advantages. Their responses addressed the professional satisfaction they had abroad and the dissatisfaction in Türkiye.

> I was welcomed warmly. As I went there as an engineer, I was shown a level of respect I had never experienced in Türkiye. For the first time, I understood, I felt that I am an engineer. […] I had worked in Türkiye before; but there I enjoyed my profession because I was let to do things in the right way. They considered me as an expert and listened to my suggestions. Job safety is low in Türkiye and due to the pressure, I had to allow risky practices during tunnel boring. However, in Israel when I recommended certain precautions, they were implemented. […] Moreover, the wages were high. My monthly salary was equal to ten months' salary in Türkiye. (P1)

4.3.2.4. Overt or Subtle Discrimination

Overt or subtle discrimination has been a topic raised by Turkish emigrants living abroad. In the emerging literature on Türkiye's new generation brain drain, overt and subtle discrimination has been specified both as an issue of integration and everyday life experiences (Ağca- Varoğlu, 2023) and a reason for return (Yılmaz Şener, 2023). As the following quotations demonstrate, the most frequently reported challenge by interviewees in all sub-categories in this study was also discrimination, regardless of the country of destination. The quotations below are by interviewees, whose countries of residence were Israel, Russia and the U.S, respectively.

> They are not open to foreigners. You always feel like an outsider. They have a caste system. (P16)

> Russia was an épater les bourgeois (ezber bozan) experience. The Soviets collapsed recently. The climate was very harsh: ice, cold, dark… In the mornings you never understood why you woke up. For the first time, we faced discrimination. The Russian state has a peculiar power, it makes you feel that. We were trying not to make any mistakes. We were working more and more. […] Instead of addressing these challenges, it felt as though Russia defined the boundaries and we were confined to playing within those limits. We were skimming through life. We had to live differently than Russians. We had to compromise. Being Muslim posed the significant challenge for me despite not being religious myself. (P22)

> Since I did not come from an academic background, I went and asked my professor to explain everything to me as if I were a dummy. I read, studied, prepared for monitoring committee meetings. That is the biggest challenge. That is why I worked hard, I waited patiently. I realised the subtle racism much later. (P25)

Discrimination was particularly underlined by the Blue Card holders. Three of them were either born or grew up in Germany, two became German citizens after they fulfilled the naturalisation criteria. In spite of this distinction, they all emphasised discrimination in the host society and the suspicious attitudes of street-level bureaucrats as significant hardships. Neither their fluency in the language nor their level of adaptation had a hindering effect.

> The challenges women and men face are apart; but in general, there is discrimination. I reached C1 level in German in 3.5 months, so I am fluent. In a social setting, when people learn that I am Turkish, the conversation often suddenly stops, or I am refused entry at bars. Landowners refuse to rent their houses to Turks. I generally solve these through my social ties. For instance, I asked a German friend to call the landowner. […] There are race-based categories and Turks are at the bottom. "You are a Turk, fundamentally you are wrong", despite the reality. […] It is one thing to have rights and another to know your rights. If the laws or rules are written, there is no problem. When it is open to interpretation, the problem starts. (P23)

> Every day discrimination is an issue. I married a Turk, and during her visa application, they acted as if it was a fake marriage. I had to go and talk to the person in charge. There is rule of law, and you have rights; but the result is in the hand of someone. If I hadn't gone and spoken, it would have been worse. (P45)

> I was born in Germany, as a citizen. When I became a director at the pharmacy, a right-wing German asked for pills without a doctor's prescription. We quarrelled. Referring to my Turkish origins, he said "Don't get into bargaining with me." I dismissed him from the pharmacy. Despite your level of education and position, they judge you based on your home country. […] Germany is considered as a country of liberties; but it is not like that. For instance, the health system. It is better in Türkiye. In Germany, it is free; but they schedule an appointment with a dermatologist, or an eye doctor a year later. (P44)

4.3.2.5. Uncommon Themes

In addition to abovementioned themes, the data suggests some problems faced by certain sub-categories. For instance, academics, who pursued their PhD studies abroad highlighted their communication with their supervisors, noting that they hardly coped with the stress created by high expectations from PhD supervisors and the time pressure.

> My PhD life was full of problems. I only found the lab at the end of the second year. There were Italians in the lab, and I did not see my supervisor often. I had to change my topic several times. In my seventh year, I even changed my lab, took the qualifying exams once again. There were no thesis monitoring committees, which was a significant disadvantage. There was also academic misconduct; the supervisor favoured the Italians, and they wrote articles together. 2013 was extremely difficult. (P21)

Interpersonal issues with the supervisors became a severe stress factor for some interviewees, particularly for those whose scholarship were time limited.

> I had difficulties in my relationship with my supervisor. He provided me with very limited support. The area that I was given to collect data was very small, and no meaningful data came out of it. I had to extend my PhD studies for a year. (P10)

One interviewee elaborated on a problem she experienced with other Turkish origin students during an event, revealing the polarisation among different groups within the Turkish community there. Her engagement with the Turkish student community at her university had negative consequences on her educational life. As a coping strategy, she isolated herself from her Turkish network.

> Challenges? Loneliness. I left home for the first time. It was difficult to do all thing on my own. I didn't have problems with people much, but on one occasion, I did. The Turkish Student Association there was polarised. During the Gezi Protests in Türkiye, the Muslim Student Association held an event, and hung the Turkish flag there. Given that Türkiye is a secular country, I wanted to take it down. One of the Kazakh students, who had studied in a Gülen-linked Turkish school, complained about me. This led to tensions with Turks. The Student Rights Office asked for my defence, keeping me busy for a couple of months. The worst scenario was being put probation. While writing my dissertation and they asked me to submit a 5-page reflective essay for twice. This experience created a distance between Islam and me. The situation in Türkiye also deteriorated, I was following news every day and I found myself trying to blame someone. This annoyed me. My social network became smaller. (P41)

Entrepreneurs who worked in their countries of residence drew attention to other challenges. One of the issues raised was administrative misconduct at workplace. This issue differs from the examples provided in the section on 'differences in standards and conduct.' It relates to malicious act by administrations. An interviewee working at a sales company in Greece realised one day that the company had been paying him

less than they should have, despite his hard work and record-breaking sales. The company used his immigrant status and lack of proficiency in the Greek language and law to its benefit by hiding a recent amendment to the tax law:

> I noticed a reduction in my gross salary. The state had remitted taxes and instead of paying me the difference, the company kept it. During negotiations, they proposed cancelling my private health insurance, which I refused. We couldn't reach an agreement, so I resigned. (P36)

Entrepreneurs also specified slow bureaucracy as a problem encountered in the host country. In some cases, the inefficiency of the bureaucracy led to return. An interviewee, talking about the French administration, said:

> My husband's company wanted to extend the work permit; but my health insurance card did not arrive in four years! Even though we called and went there, it never came. If it had arrived, our residence permit would have been renewed. Petitions are still sent via post. You feel very outdated. (P39)

Finally, regarding challenges encountered during life abroad, political regime of the host country was accentuated. A secular entrepreneur, who stayed in Dubai, noted:

> It is a country governed my sharia, with its own rules. You cannot drink beer while walking, it is forbidden. WhatsApp calls are not allowed, and that indeed became challenging after a while. There is nothing you can do but respect those rules. (P32)

The interview data analysed up to this point reveal that highly skilled migrants regardless of their exit aspirations, professional engagements, countries of residence, or legal and socio-economic conditions abroad, go through adverse situations that hamper their resilience and their lives abroad. The adversities may stem from the host country's structure, such as the political regime and work culture, the host society's and the private sector's attitudes towards immigrants, as well as individuals characteristics of highly skilled migrants.

While elucidating the findings, full quotations are provided as much as possible to portray the interconnectedness of themes. As the examples above indicate discrimination may result in loneliness, which in turn may give rise to longing. Similarly, language barriers may foster interpersonal conflicts in the workplace, self-isolation, even depression. Overall, themes drawn from the data on life abroad pertain

to integration in the host country. Yet, they also provide insight into the circumstances paving the way for return and on the psychological luggage the highly skilled emigrants bring back with them. The data suggest that highly skilled migrants' integration is hardly smooth or automatic and their resilience should not be taken for granted.

4.3.3. Rights in the Host States and Resilience Mechanisms

According to the literature, resilience is the ability to positively cope with and bounce back from adverse situations (Gambaro et al., 2020). It is a skill and dependent not only on the individual, but also on structural factors (Moya and Goenechea, 2022; Ungar, 2013). As the aspirations-capabilities framework stresses, rights provided by host states are a determinant of migrants' aspirations, capabilities, hence, agency (de Haas, 2021). To understand the interviewees' resilience mechanisms in the host states and uncover whether it relates to the rights framework of the host country, the interviewees were invited to reflect on how they handled their hardships abroad.

The data reveals that the rights provided by host states and/or host institutions played a role in overcoming challenges to a certain extent. The access to mental health support freely for ten weeks and then at a discounted rate at universities or as a part of health insurance was highlighted in this respect. This answer was more common among academics.

> Towards the end of my PhD, we had issues with my supervisor. I began questioning myself. I considered myself inadequate and became very offensive. This self-inquiry took two to three years. I started therapies. It partially overlapped with the pandemic. I did a lot of reading on psychology. I was prescribed performance- enhancing pills. Then, I got pregnant, my focus shifted. We talked, and my supervisor started to support me. After that, things calmed down. (P18)

On the other hand, the absence of or limited access to certain rights, particularly the healthcare system, was reported as demotivating. Almost all interviewees complained about the inefficient and difficult-to-access health systems in their countries of residence. Despite their critical attitude towards the privatisation of healthcare services

in Türkiye, they believed that it was still functional. In contrast to Türkiye, where individuals directly see specialised doctors, in many countries, for instance the UK, initial appointments are with trained nurses. Not being able to directly access to a doctor was mentioned as a stress factor. Interviewees tried to have their check-ups and dental and doctor appointments, and, whenever necessary, surgeries, in Türkiye during their holiday visits. In addition to access issues, communication with foreign doctors and language barriers in this respect were also troublesome, especially when the country of residence was not an English-speaking country.

> Accessing healthcare was difficult; but the health system generally fails. I experienced dizziness. A friend of mine recently was recently diagnosed with multiple sclerosis. I became hypochondriac. My sister was also in the U.S. She took me to hospital, to the emergency. They were unable to draw my blood. I waited there for eight hours; they could not diagnose my condition. I came back to Türkiye and spent three months here. (P41)

Issues were also raised regarding the dependence of working rights on the visa-type and the spatiality of work permits.

> In terms of rights, because I went there with a scholarship from the university, I had a visa-type and work permit that allowed me to work only as a research assistant. I could not work anywhere else and that was difficult. (P21)

In some cases, the lack or limited access to the labour market of the host country resulted in return to Türkiye.

> When you are not a citizen, you are given a certain amount of time; in my case, it was two years. You have to find a company to sponsor your visa, which is difficult. Alternatively, you can be recruited through a headhunting company, but then you have limited rights such as no coverage for health insurance and so forth. I didn't want this. (P20)

> My husband was not given a work permit. He only had a residence permit and that led to our return. (P24)

The connection between the residence and working permits, with one being contingent on the duration of the other, was also addressed. Despite fulfilling their responsibilities as migrants and for example, paying unemployment contributions, some of the interviewees had to return due to the interdependency between work and residence

permits, or, as in the case of Israel, the threshold for maximum duration of work permits (i.e. 5 years).

> In Switzerland, every month a certain amount is deducted from your salary as an unemployment payment. The aim is to finance you for two years in the event of unemployment. However, the post-doc contracts renew every year, and unless you are an EU citizen, you cannot stay longer than your work permit. Therefore, over years you pay an unemployment fee that you cannot use, since you cannot stay when your work permit is over. (P2)

Another related issue was the interconnectedness between access to different spheres of rights. As a result, interviewees encountered difficulties not only in accessing the healthcare system, but also housing and the bank system.

> My husband and I were both PhD students. Renting a house and opening a bank account were problematic. In accordance with our visa type, we were supposed to have an UK address to get our residence permit, to open a bank account, to register for the National Health System; but because we were not citizens, the landowners asked for the rent of six months in advance, which was very costly, and a vicious cycle began. (P14)

One interviewee also underlined the bureaucracy along with the interconnectedness of the right spheres. She said in their case these two issues almost had fatal consequences:

> The Netherlands has excessive bureaucracy. To access the health system, you need a registered address. I got an appointment from the municipality and then, I was seven minutes late, so they rescheduled it for fifteen days later. My daughter is diabetic. Her blood sugar got low, and I had to call the ambulance, when we had not registered yet. […] Until you prove to them that you have a chronic illness, they create too much hassle. (P38)

On freedom of speech, two opposing views were touched upon. Accordingly, some interviewees felt they had more space to express their views, whilst for others, some sort of self-censorship was required particularly when the culture had an implicit silence on sensitive issues, such as race in the U.S.

> Here in Türkiye, I have more freedom of speech. They do not understand the difference between being sexist / racist and humour. The freedom of speech there is limited to certain areas, which makes it a false freedom of speech. You can freely talk on some issues but cannot comment on others. You cannot talk

> about religious or political issues. It was interesting to witness. I learned to keep my mouth shut. (P25)

Some interviewees drew attention to the barriers in accessing the rights and vulnerabilities caused by the lack of or limited access to rights. One interviewee, having moved for family formation, talked about the heavy bureaucratic burden in Belgium that affected her first years. At the end of her first year, she faced the risk of being deported because her husband was earning below a certain threshold. She eventually found a job; but having no job initially, no friends, and living an indoor life in a village due to the cold weather resulted in psychological challenges and deterioration in her marriage.

> The bureaucracy is complex and even if you have a right, it is often kept secret. Being an immigrant, a Turk is exhausting. Opportunities open only after working full-time for a year. If you are unemployed at the end of that year, only then you can get unemployment benefits. […] Our Turkish friends gave a hand; everything relies on acquaintances. (P27)

The lack of naturalisation path in some countries was also a source of disappointment, reducing interviewees' resilience as they lost hope for their future.

> The best right they gave was the three-year-long visa. We paid taxes, taught them how to do construction, and were assimilated, yet they did not give us citizenship, permanent residence, or work permit. (P22)

> If there were a path to citizenship, I would work harder; that would be a big source of motivation during hard times. (P8)

The rights framework of the host country not only had negative impacts on the interviewees. One interviewee pointed out the availability of public resources as a factor positively affecting both the integration and resilience of immigrants:

> I finished my masters' degree in Türkiye and had work experience. I went with a tourist visa and tried to stay […] What definitely helped were the free language courses at libraries and schools. I attended those. After the language courses, I took Economics, Finance, History classes at Henry George School, all for free. Thanks to these courses, I adapted, gained self-confidence, and prepared for further studies. (P13)

The data indicates that in general, the rights framework and immigration policies of host countries were influential in overcoming difficulties, yet their role was limited. In other words, this finding suggests that the structure of the host country is important, yet not the only resilience resource for interviewees. They resorted to other resources to cope with the adversities.

According to the data, the interviewees primarily relied on their social networks to overcome difficulties: they talked with their family members, friends, whether locally or back at home. The Turkish diasporic communities living nearby also provided important support. For instance, during the initial settlement, some students received support from Turkish Student Association at their universities, while contract-based or company-initiated moves were facilitated by relocation companies.

> We went as a team initially for 3.5 years; but due to the pandemic, our length of stay was extended to 7.5 years. We lived in a small region in peace, with other Turkish families also present. We supported each other. (p7)

> The Turks there were very helpful. They assist newcomers with adaptation. They meet you at the airport, take you to market, and so forth. This establishes friendships from the very first moment. My roommate was American. She helped me adapt to the language and the culture. (P24)

Some went abroad with their spouses, from whom they asked assistance. Some of the interviewees began attending one-to-one or group therapies provided by the university's counselling services or at their own expense. Few of them returned to Türkiye for a couple of months and stayed until they felt better.

> The qualifying exam period was very stressful. I saw a psychiatrist and underwent therapy until the end of my PhD. The psychiatrist said to me "Practice being sad." Back at home, my mother never let me be sad. With therapies, I learned how to work with perfectionist people. […] The arrival of my fiancée at the end of the second year changed a lot. We became housemates, I felt relieved and motivated for the qualifying exams. He supported me immensely. Additionally, there is the Turkish Student Organisation, which is a very supportive group. We kept in touch even afterwards. (P33)

Based on the data discussed above, it is possible to infer that the assumption that highly skilled migrants' integration is automatic does not held true also in the Turkish case. The rights framework and immigration policies of the host states, which correspond to

negative liberties in the aspirations-capabilities framework, act as resilience resources. However, their impact is limited by other structural problems, including interconnectedness between the spheres of rights and discrimination and inequalities (i.e. positive liberties). As the quotations demonstrate, when encountered with conflicts or challenges, the interviewees first negotiated, sometimes yielded, sometimes tried to remain unseen, and often relied on other sources, particularly their transnational and social networks. Whenever individual access to rights was not possible or easy, these networks provided the interviewees with social capital, which they would not have been able to access on their own. Similar to the previous studies that highlight the role of social networks in fostering outbound migration and integration, this study found that social capital is an important resilience resource.

4.4. Return Aspirations

The second part of the interview was focused on return aspirations. The interviewees were asked how they decided to return and when their return took place. According to the answers, the interviewees could be divided into two groups based on their return aspirations. The first group consists of recipients of scholarships with a return obligation and those on fixed-term contracts. They left temporarily with the prospect of returning at some point. The second group includes unexpected returns, where permanent residence or a longer stay was intended; however, due a triggering event, return took place. The findings suggests that the dichotomy between voluntary and involuntary return is blurred in most cases.

4.4.1. Planned Returns

Some of the interviewees left Türkiye for a limited period. Along with state-sponsored study abroad programmes, company-initiated and contract-based moves fall in this group. Among the academics, returning to Türkiye was compulsory only for three recipients of state-sponsored programmes and one Fulbright scholarship. Three interviewees returned through one of TÜBİTAK's reverse brain drain programmes.

All 14 academics stated that they left Türkiye with the intention of returning at some point. Their plan was to come back after completing their studies; but their actual

decision of return was, in some cases, caused by external factors such as the end of scholarship duration or visa, failure to secure a job to extend and/or change the category of visa, particularly in the U.S. as well as family obligations (ex. health issues of parents or parents-in-law, marriage and similar commitments). The COVID-19 also accelerated return plans. The quotations below exemplify these points.

> I always had a check list. When I checked off 'PhD abroad', it was my partner's and family's turn. I prioritised my family; but the pandemic also had an impact. If I had an ongoing engagement, I would not have returned; but my commitments were over. I no longer wanted to stay. I felt I was not progressing, not learning new things… (P2)

> I wanted to come back after I became stronger, for instance, an associate professor. I returned due to my father's illness. Return was always in my mind; the illness brought it earlier. (P21)

> Returning was always on my mind. Back then, Türkiye was a different place. We could hope. My husband struggled to find a job there. He obtained a certificate for teaching English and began searching for jobs in Türkiye, as he desired to live in a Muslim country. This is how we returned. (P15)

The interviewees, whose outward mobility was company-led and/ or contract-based, mentioned several reasons initiating their return such as the COVID-19, family matters (i.e. birth a child, loss, or an illness of a family member), personal vulnerabilities and deterioration of the situation in the host country.

> Right after we got married, my husband, with whom I was working in the same company, was offered a position in Indonesia. I had to quit as the company could not arrange an intra-company transfer for me. Our initial idea was to stay for at least three years. […] Then, I got pregnant, and the pandemic started. I had to leave on the last flight available. I gave birth, and when our baby was 6 months old, we returned to Indonesia. I stayed in quarantine for five days with the baby. It was extremely hard. Then, a 6.2 magnitude earthquake occurred. I was alone with the baby, and our apartment was at the 33rd floor. I was terrified. My fears got intertwined: I began to think that someone might steal my baby. There is no racism, but there is some sort of positive discrimination. Because we are white, people showed interest in our baby while we were walking around. So, I started to feel afraid. The distance and being away… At the end of our third year, our baby turned one, and we returned so that our baby could socialise with the extended family. I started therapy and since then, I continue. (P28)

> The country of destination is very important, it affects the decision to return or not. My contract and the project ended. I could have stayed a bit longer, for another 1 to 1.5 years, but in the meantime, my son was born. Israel does not give citizenship despite your length of stay and service to the country. I consulted my family and decided to return. I didn't have a job lined up. I just returned. (P16)

> I was going to return at some point. I knew that if I did not return by mid 40s, it would be harder. The company went bankrupt, and we were fired. We could not claim our benefits. I was not prepared for this. I decided to return to Türkiye and reassess the situation. I am a bit of concerned about loneliness. Since I did not feel complete in Russia, I thought Türkiye might have what I was missing. Returning was a serious issue. Nothing is the same. (P22)

Two of the interviewees in the entrepreneur sub-category returned upon retirement, having generated the income they required for the investment they had in mind.

> We had two aspirations. We wanted our daughter to start primary school in Türkiye and grow up knowing the entire family. Our second aspiration was to establish the Türkiye branch of our company. First, we moved partially. Then, we began handling business from Türkiye. We also bought some land in my hometown, and I got involved in farming- olives, grapes, and so forth. (P13)

4.4.2. Unexpected Returns

Some of the interviewees left the country in search of greener pastures and a permanent or at least longer stay abroad. However, internal, and external factors led to their return. Psychological hardships were one of the issues raised:

> I hated my job. There was too much pressure on me. I was hanging out with the Turks, but I was not happy in my social life either. I was burned out, as if the accumulated exhaustion in me had outburst. Eventually, I returned. (P19)

> There was too much stress and conflict at work. I got divorced. I moved into a new city and a new house. Then, the pandemic hit. I was locked down with people that I did not know. I started to fear what would happen if my family got sick. I called my friends, found my current job, and returned. (P27)

Challenges in integrating into the host society and dissatisfaction with the life abroad were also important in paving the way for returning. Moreover, differences in time management at the state and personal levels were noted as significant. The

interviewees complained about the absence of room for spontaneity in social and cultural plans and the need to plan everything in advance. The interviewees also expressed the feeling of loneliness triggered by these issues.

> I was very bored in Germany. I witnessed the collapse of social life. There was nothing to do after 9 pm. You needed to buy a concert ticket a year in advance. I was earning a good amount of money, but by the time I left work, shops and restaurants were all closed. I did not want to spend my life there. İstanbul was always on my mind. I started doing business, coming, and going back. Then I met my husband, we got married and settled down in İstanbul. (P44)

Discrimination was emphasised by most interviewees, particularly by those who lived in Germany. All Blue Card holders highlighted it as a return aspiration. Two of them stated:

> I was born and grew up in Germany. I faced discriminatory practices. When I was in the 6th grade, attending Catholic religious classes was obligatory. For Muslim students, they offered additional German courses. That hit me hard. […] I decided to move to Türkiye in 2010 when the assassinations of Turks by the terrorist organisation came to light during the 50th anniversary of labour migration. My sense of belonging to Germany collapsed. That was 'time to go' moment for me. (P42)

Concerns about raising children alone was a prevalent return aspiration among parents. Underlying these concerns were the structural and cultural discrimination at the host countries and barriers in accessing childcare and education, including kindergartens and public schools. Some interviewees wanted their children to grow socialising with their grandparents, hence, decided to return.

> My wife was in Türkiye. I am a German citizen, I pay taxes; but health care system is bad, the school system is bad... They generally do not get Turkish student into the gymnasium. They are implicitly selective. I did not want to stay. (P23)

> Returning was a process that ended with the pandemic. My wife was pregnant, and we had difficulties in accessing health care and kindergarten. We had to register 1.5 years in advance to the school that our kid would attend at the age of two. It became very difficult to think about everything in detail. We decided to return to get our parents' support with the child. (P45)

In some cases, returns occurred due to external factors, such as armed conflict in the host country, the pandemic and the world-wide economic recession.

> I returned because of ISIS. We had established the business and were almost kicking-off when the ISIS attacks began. A huge economic investment and my five-year-long career plan were wasted. (P6)

> The pandemic was the reason. The company first shifted to short time working. I started to fear losing my job. We felt hopeless, indeed. Our kids' success at school was declining. We decided to return; it was a family decision. (P3)

As discussed in Chapter 2, the literature on highly skilled return migration specifies both economic and non-economic factors as return aspirations. In addition to the opportunities in the host and home countries, personal hardships in integration into the host society, career, family and life-style preferences together influence return decisions (Achenbach, 2017). The findings of this research support these studies. Furthermore, it signifies that the structure of the home country influences aspirations and capabilities before, during, and post return.

The findings also mirror the emerging literature on highly skilled return migration in Türkiye. According to this scholarship, highly skilled emigrants come back to Türkiye with various aspirations, including economic reasons, perceived or experienced discrimination, poor social life in host societies, political, economic and social opportunities and dynamics in both their host countries and Türkiye. Other reasons discussed in the literature are entrepreneurial and business- related goals, sense of belonging/ commitment to Türkiye, nostalgia, social and family ties, friendships and concerns over their children's education (Akçapar, 2009; Elveren and Toksöz, 2018; Esen, 2014; Hopyar, 2023b; Kılınç, 2023; Künüroğlu, 2023; Sönmez Çalış, 2019; Sunata, 2014; Yılmaz- Şener, 2023; Yılmaz- Şener and Türgen, 2018). As outlined above, this study found out similar themes. Additionally, it shows that psychological vulnerabilities, along with a lack of supporting mechanisms and (un)easy access to certain rights abroad, also shape return decisions. Accordingly, highly skilled emigrants may return in search for psychological safety and well-being. Therefore, the assumption that highly skilled emigrants return ready to contribute to the development of the home country does not hold in the Turkish case. As it will be discussed in detail below, they require time to *"returning migrants need time to overcome initial hurdles*

and get settled before they can start to make any meaningful contribution" (Ammassari, 2009).

4.5. Reintegration Processes and the Legal Architecture

The third part of the interview consisted of questions relating to post-return and reintegration processes and the role legal frameworks play in reintegration, with the rights and access to rights they provide. According to the definition embraced in this study, reintegration is *"a process in which return migrants are supported in maintaining their cultural and social identities by the host society and the whole population acquires equal civil, social, political, human and cultural rights"* (Kuschminder, 2017, p.43). It is a multidimensional process, which may pose significant challenges, often requiring extended periods and increased effort (Carling et al., 2015).

Returnees reintegrate differently and individual, group and structural factors intertwine during reintegration. These factors include sociodemographic characteristics such as age, gender, level of education, occupational (employment) and civil status, modes of return (forced or chosen, planned or unexpected), duration and type of migration, individuals' experiences, social and financial status prior to emigration in the home country and during life in the host country, the conditions leading to return, financial capital (savings accumulated abroad), and, last but not least, involvement in cross-border social networks and the maintenance of these networks upon return (Cassarino, 2008; Kuschminder, 2013). In short, in addition to return aspirations, capabilities for mobilising resources and the structure of the home country are significant in reintegration.

The data shows that in addition to return aspirations, the time of return and the context in the country of origin, return preparedness of emigrants, the level of integration to the host country and short-term visits are factors that shape the reintegration experiences of highly skilled returnees in Türkiye.

Once three dimensions of reintegration are concerned, the findings indicate that the state plays no role in psychosocial and social reintegration and a minimum role in economic reintegration, only if the returnees are not recipients of state-led programmes or company incentives. Most returnees attempt to navigate themselves through their social networks. The influence of the legal framework, hence, was reported to be limited, because of issues related to implementation such as the prioritisation of some public services such as health and education, the lack of the rule of law and nepotism.

4.5.1. Factors Influencing Reintegration

4.5.1.1. Time and Context of Return

As mentioned in the third chapter, the conditions in Türkiye have changed substantially over the last twenty years. From 2000 to 2013s, the country attracted not only its highly skilled emigrants, but also talents from the world. However, the situation reversed with the Gezi Protests and the subsequent rise of authoritarianism in the country (Sanchez- Montijano et al., 2018). The data supports the argument that the rise of authoritarianism and deterioration of the rule of law and human rights had a negative impact on highly skilled individuals in Türkiye, and consequently, on reintegration processes of returnees. In other words, the time of return and the social, political, and economic context in Türkiye influenced the reintegration processes of returnees.

> I left with a return prospect; but back then, Türkiye was different. Now, the picture promises less hope. The economic uncertainties, omnibus bills, political intervention in legal institutions, nepotism… I lost my trust in the state. Newcomers will return to a totally different Türkiye. Readaptation will be more challenging for them. (P11)

> My expectations and the reality I faced upon return were almost in alignment. It would a greater cultural shock for someone returning nowadays. (P10)

The 2021 economic crisis and the presidential elections in 2023 were strongly emphasised in this regard.

> Adapting to Türkiye took longer upon my return. I was crying every day. […] We lost the last elections. I am active in Oy ve Ötesi (Vote and Beyond).[55] Experiencing the election environment hit me hard. I felt alienated. I am living in a 'gated community.' […] There are lots of people who do not create any added value. They are financed by the taxes we pay. This drives me nuts. Every inch of me is full of anger, frustration, and exhaustion. I am struggling a lot [to reintegrate]. (P29)

> I returned right before the last elections. I was hoping that the ruling party would fail. I actively supported the opposition party's campaign. The earthquake on 6th of February and then the elections… I could not reintegrate. […] I am very open to harm. I feel super lonely. (P26)

4.5.1.2. Return Preparedness

Cassarino (2004) defines return preparedness as a twofold concept, depending on both the willingness and readiness to return. Supporting the reintegration strategies framework of Kuschminder (2017), the findings suggest that return preparedness influence reintegration processes. Interviewees, who returned unexpectedly, especially due to the outbreak of COVID-19, mentioned their lack of preparedness. When the length of stay abroad was cut short, some felt that they were unable to realise their emigration aspirations, such as saving a certain amount. Accepting the experiences attached to return, hence, becomes difficult.

4.5.1.3.Integration in the Host Country

> Readaptation problems occur in accordance with the country of residence. I am a very rule-bound person. Coming from the Netherlands, which also has too many rules, the lack of rules in Türkiye made reintegration difficult. (P38)

The interviewees suggested that the more integrated they felt in the host country, the more difficult their reintegration became. Particularly those returning from countries with too many rules expressed their insecurity and navigating themselves in Türkiye.

[55] Oy ve Ötesi is a volunteer organisation of election observers.

4.5.1.4. Short-term Visits

The available literature on reintegration of highly skilled returnees in Türkiye shows that the maintenance of transnational ties through short-term visits facilitate reintegration (Yılmaz- Türgen, 2018). The interviewees in this study also addressed this issue. Accordingly, the more frequent the visits during holidays, the easier the reintegration. In the absence of such visits, reintegration was harder.

> We were spending our winter and summer holidays in Türkiye. Therefore, I did not really feel that I was away. Reintegrating to the social life was easy. (P33)

> I do not have any clue about what happened in Türkiye between 2007 and 2014. I only came once per year to see my family. I lost my contacts. It was hard when I first returned. (P19)

4.5.2. Reintegration and Legal Architecture

As mentioned earlier, reintegration is considered to have three dimensions: social, economic, and psychosocial (IOM, 2019). Social reintegration refers to the access to health, education, housing, justice, and social protection, whilst economic reintegration involves re-entry in the economic life. Finaly psychosocial reintegration entails reinsertion into personal support networks and civil society structures. To determine whether the legal architecture of the country of origin relate to the resilience of returnees, the interviewees were asked about their access to rights upon their return. The Turkish state, as indicated by the lack of reintegration aspect in return policies, assumes that highly skilled returnees' have automatic access. Yet, the findings challenge this view.

4.5.2.1. Economic Reintegration

Some interviewees returned having secured a job in Türkiye. This applies to most academics, particularly the recipients of study-abroad and TÜBİTAK's reverse brain drain scholarships along with the entrepreneurs. The remainder of the interviewees did not have such direct access to the Turkish labour market. The Turkish Employment Agency often focuses on the employability of lower-profile workers. Consequently,

these interviewees had to navigate the job market on their own. They first asked their social networks and tried to find employment through them. However, in cases where the length of stay abroad was long and transnational engagement was low, the interviewees lost these networks and thus, could not easily re-enter the market.

> You lose your network. My previous contacts have all retired. My network in the labour market is very, very small. This makes access to the labour market difficult. (P2)

> After I came back, I sent messages and my CV to my old network, letting them know I was looking for a job. This is how I found a job. (P7)

Another issue relating to economic reintegration was savings. While those who left for work purposes were able to return with a certain amount of savings to rely upon until they re-entered the job market, not every interviewee had this opportunity. For instance, in the absence or limited presence of scholarships, returning academics faced financial hardships.

> The U.S. was economically hard. We came with debts. My appointment here lasted years. (P25)

This finding was also valid for recipients of state-sponsored scholarships who had secured position in Türkiye due to the return obligation, particularly when appointments were delayed because of bureaucratic reasons, such as recognition of foreign credentials.

> My husband returned before I did. We were both unemployed. I had to wait for one and a half year for my diploma equivalency. Without the equivalency, I could not be appointed. I was awarded TÜBİTAK's reverse brain drain scholarship; but since I was not appointed, I could not start. I had to work part-time in the meantime and suspend the project for two years. (P20)

The portability of social security benefits was also highlighted. According to the Turkish system, in the absence of bilateral social security agreements, the emigrants can benefit from the regulation on the retirement with abroad borrowing (contribution debts for periods worked or lived abroad). Yet, the amounts are reported to be very costly.

> Abroad borrowing is very expensive. Three years ago, they asked for USD 150,000. Let's assume it still costs the same. That amounts to 4.5 million Turkish Lira. With a retirement payment of 10,000 Turkish Lira per month, in how many years would it take to get it back? There are better opportunities to invest that amount. (P13)

Moreover, in Türkiye access to health care is provided through social security. Returnees without a job must either pay for their own General Health Insurance (Genel Sağlık Sigortası) or purchase private insurance, both of which are again costly, around 5,000 Turkish Liras (USD 200) per month in 2023.

Finally, the residence-based banking system in Türkiye is addressed as a challenge by entrepreneurs, who had not changed their primary residence address to Türkiye yet. Two of the interviewees in this sub-category talked about regulations on money transfers, credit cards and borrowing commercial credits as a barrier to sustain their livelihoods.

> As our company's headquarters is in the U.S. and I spend part of the year there, my residence is still there. With our branch in Türkiye, we do business with the biggest conglomerates in Türkiye; but we cannot open a business bank account, take credit, or even get a credit card here, just because of my residence. (P13)

> We wanted to establish the start-up here in Türkiye; but our business is with abroad, we need to send money there. They set such a small amount as the transaction limit. So, we bought a company in the UK, instead. (P36)

4.5.2.2. Social Reintegration

Social reintegration covers different spheres of rights, from access to housing to social protection, from education to justice. The interviewees highlighted several challenges they faced while reintegrating in the social life. Examples include high rents and having to live with parents, and the interconnectedness between residence and school registration.

> Housing is very expensive, especially for a single woman. The landowners did not want to rent to a single woman, so I had to return to my parents' house. (P27)

> My family bought me a house; but the tenant refuses to move out. After five years, I am back at my parent's house, negotiating my entrance and exit hours. (P36)

> In accessing education, residence address became a problem. Our official address is still abroad, and we needed to register our daughter at a school in İstanbul; but they refused due to residence address. (P13)

4.5.2.3. Psychosocial Reintegration

The data signifies that reinsertion into the social networks is not automatic. Despite the prestige they have in the eyes of the public for having stayed abroad, the interviewees often faced isolation at workplace, for being outsiders and among their friends due to the different sets of behaviours and attitudes they acquired while living abroad.

> In academia, they do not want anyone coming from outside. They did not talk to me for three months. Because I came from the U.S., they thought I was a supporter of the Gülen Movement. It hit me hard. I went and talked to them. Reintegration with the family was also difficult. We have not still set clear boundaries. The neighbours are very intrusive, constantly asking us about having children. There is generally no respect for boundaries here. Expectations are high. Reintegration is hard, very hard. (P20)

> Some people still hold a grudge against me. They tell me "You still think this place is Canada." (P26)

Within the family and close circle, they felt the need to renegotiate their boundaries.

> I do not feel respected when my husband's friends invite him out spontaneously. Men are careless. Abroad men hang out with their wives. Here, they hang out with their friends, as if their wives are holding them with chains. (P39)

The literature on return offers accounts of issues of shame faced by returnees (King and Kuschminder, 2022). The findings show that the Turkish context is not much different. The interviewees complained about constantly hearing the same question: "Why did you return?" as if return was a failure.

> Because I came from Germany, they acted as if I were a pagan. I was bombarded with the questions: 'why did you go? Why did you return?' They

> assumed I had not taken the university entrance exam. They looked down on such students. Integrating into the groups was hard. One day a professor asked me: 'You have the intelligence to answer my questions, why can't you find the God's path?" That hurt me a lot. (P35)

Regarding psychosocial reintegration, another significant point raised was a strategy embraced by almost all interviewees. Given the polarisation in the Turkish society and the rise of political Islam, interviewees mentioned that they live in the gated communities they have established. The following quotations exemplifies this point: "*I am integrated to Kadıköy*[56]*, not to İstanbul, not to Türkiye.*" (P36) "*I am not claiming my rights. I built a bell jar, in which I avoid encounter with the state. For instance, I use private insurance for health."* (P11)

4.5.2.4. Rights and Reintegration

An emerging theme in the data is how reintegration was experienced by the interviewees. Instead of reintegration, some of the interviewees used 'remembering': *"You remember. This is what works the most." (P2)*

As an answer to the question on whether their rights as returnees helped them overcome adverse situations, majority of the interviewees adopted a cynical attitude.

> What kinds of rights do we have? Even with private health insurance, you still wait in line. Here, you try to buy privilege with your money. If you do not have, you never know what will happen to you. […] Even citizenship is not one package. Being desired is the key. In Türkiye, rights are a class issue: you need money and influence. (P15)

> As a highly skilled returnee, it is difficult for me to exercise my rights. I do not have rights. Unless you are a part of their networks, you do not have certain rights. (P25)

Nepotism, lack of meritocracy, and corruption were repeated to intervene in the practice of rights.

> When they know that you come from abroad, they ask for 1.5-2 times more than the actual cost. In some instances, they intentionally make it harder, ask for bribes, or refer to a third person. (P13)

[56] Kadıköy is one of the biggest neighbourhoods in İstanbul, inhabited mostly by secular people.

> My petitions were not taken into consideration. Finally, I had to tell it to my father so that he could commission someone else. I was appointed 1.5 years later. (P18)

When the interviewees compared the rights, they had as immigrants in their countries of residence with those they had as returning citizens in Türkiye, the health system, despite its increasing privatisation, was acknowledged as an advantage and contributing to their general well-being. The interviewees stated that they came to Türkiye to see doctors and dentists.

In terms of rights, a special emphasis was placed on the freedom of speech. Most interviewees noted that they had automatically developed self-censorship outside their primary circles, particularly at workplace, as the country has become more authoritarian and less meritocratic. The deterioration in meritocracy, constant economic and political uncertainties, along with the lack of the rule of law, were cited as reasons for pessimism and consideration of re-emigration.

The data also indicates that highly skilled returnees rarely return with psychological resilience, feeling strong and ready to re-enter the job market and society. As elucidated earlier, in some cases, return occurred because they could not overcome the adversities faced either in their countries of residence, whether at work, in society, or in their personal lives. One third (14 out of 45) interviewees went under therapy during their reintegration processes. The lack of psychological and career counselling was underlined as an area for improvement in return and reintegration policies. In Türkiye, mental health is not covered by the general health insurance. Therefore, psychological support upon return requires personal savings, which may not always be present, as discussed in the economic reintegration section.

4.5.2.5. Blue Card and Reintegration

To reveal whether legal frameworks and rights relate to reintegration experiences, Blue Card holders were added as an interviewee category. Blue Card holders benefit from the same rights accorded to Turkish citizens, except for the military service obligation, the right to vote and be elected, the right to be employed in public services,

right to import exempted vehicles and household goods. Five interviewees renounced their Turkish citizenship and returned to Türkiye with their Blue Cards.

As challenges faced during reintegration, the interviewees highlighted problems with digital services of the Turkish state, municipalities, and banks. These services often automatically draw data from the central civil registration system (MERNİS) and the automatization is not compatible with the Blue Card system. Therefore, manual entries are required, which adds bureaucracy when opening a bank account and setting up utilities. Getting a credit card is also difficult, as banks do not have access to Blue Card holders' accounts abroad. When rights are concerned, an interviewee said:

> I wish I had the opportunity to become a permanent public officer and vote in local elections. I can work at public institutions under temporary contracts, which means no future prospects. Every time I need to access municipality services, I put in a lot of effort, and complain to different departments. It is very tiring. Not being able to vote means not being able to have a say in the direction or express dissatisfaction. It makes me feel vulnerable. (P42)

This quotation exemplifies that political rights relate to resilience the legal framework that provides a limited set of rights for Blue Card holders relates to their psychological well-being and reintegration experiences.

4.5.2.6. Return Programmes and Reintegration

As detailed in the previous chapter, several programmes are available for reversing brain drain. Yet, these programmes remain silent on reintegration issues. Among 14 academics, three had return obligation as a part of their study abroad scholarship and three were granted under TÜBİTAK'S reverse brain programmes. One interviewee in the STEM group benefitted from the return programmes of one of the defence industry companies. Those emigrated with intra-company transfers returned under relocation packages.

The findings suggest that study abroad programmes facilitated economic reintegration as they provided job security upon return; however, both foreign credential evaluation and appointment processes were lengthy and hence, created vulnerabilities. High wages and other financial supports given under reverse brain drain programmes had

positively impact on economic, and to some extent, social reintegration. While company's relocation packages of companies reduced the costs of moving and returning; they did not significantly relate to reintegration.

4.5.2.7. Social Networks

The findings support the previous studies, which show that the presence of social networks in Türkiye upon arrival facilitates reintegration of highly skilled returnees (Sunata, 2014). Interviewees noted at any point of their emigration, return and reintegration processes, they first relied on their social networks. Whether a German landowner refused to rent to them, they were searching for a job upon returning to the country, or they were experiencing difficulties at work or in their personal lives, the interviewees first turned to their social networks for support. Therefore, maintenance of transnational ties emerges as an integral part of the reintegration processes as well as psychological well-being of highly skilled migrants.

On the other hand, all interviewees, including those who did not return through a programme, addressed the lack of psychosocial reintegration measures for rejoining social networks, which indeed is linked to economic and social reintegration, and emphasised the need for such opportunities. They asserted that they had lost their networks in Türkiye during their years abroad and suggested that state or civil society-led networking activities for highly skilled returnees in the same sector would be beneficial. The orientation programme offered by the Middle East Technical University for its new academic staff was mentioned as a good practice in this regard.

4.5.2.8. Gender Dimension

In line with the literature, the Turkish case of highly skilled returnees also suggests that return and reintegration are gendered experiences. Intersectionality was prevalent in the stories shared by interviewees.

> The company has a relocation package that helps with the costs. The problem there was not returning to back to the office in İstanbul but returning to work as a mother. I thought raising a child in Türkiye would be easy. It is not. After we lost my father, my mother was in grief. She took care of our baby for 6-7 months, but then we had to hire a full-time caregiver, generally from Central

> Asian countries. There were cultural differences and lies. All of a sudden, you find yourself in a different world. That part was very chaotic. We are in the eight months, yet on our fifth caregiver. Now, she goes to the nursery school. It would have been difficult in Switzerland; but here, it has been harder than I thought. (P40)
>
> During job interviews, they kept asking me why I had been away from the sector for the last three years. We had to write 'family leave' on LinkedIn. (P28)

Summing up, the data on reintegration and legal framework signifies that reintegration of the interviewees was not smooth. Although the interviewees (except Blue Card holders) returned with all the entitlements and rights associated with citizenship, their reintegration into the labour market and access to services including housing, childcare and healthcare was not automatic. Neither was the re-establishment of their friendship and professional ties. Even in the cases of returns encouraged by reverse brain drain programmes, reintegration problems arose because of bureaucracy or other structural constraints. In other words, the reintegration of interviewed highly skilled returnees remained unidirectional, with little or no acceptance by the Turkish state, whole society and the private sector. Moreover, returning as a citizen did not grant the interviewees direct access to all rights and entitlements. This finding points out the gap between laws and policies and their implementation.

Several factors intertwined in the reintegration experiences, some of which were related to their individual characteristics and resources, such as integration in the host country, savings accumulated abroad, preparedness for return. Other factors pertained to the structure of Türkiye, including interconnectedness between different spheres of rights like social security and healthcare, nepotism and the lack of meritocracy. Intersectionality was prevalent in the reintegration stories shared, making reintegration more difficult for women. As in the case of integration in the host society, social networks and capital played an immense role in coping with reintegration challenges in Türkiye.

The literature on reintegration of highly skilled returnees, for instance, the work of Ammassari (2009) on Ghanaian and Ivorian returning elites, portrays four areas in which returning highly skilled citizens face reintegration challenges: i. employment

and business sector, ii. local work conditions, iii. local living conditions, and iv. satisfaction with return. The first area includes difficulties in finding job and setting up businesses. Local work conditions refer to organisational culture, such as differences in work attitudes and the professionalism of colleagues, whereas local living conditions encompass re-inclusion in family and friend networks as well as gender roles. Finally, satisfaction with return is a determinant of the decision to remain or re-emigrate. The findings of this study align with the first three challenges- employment and business sector, local work conditions and local living conditions. While some interviewees mentioned their willingness to re-emigrate, dissatisfaction with the life in Türkiye was not a common theme in the sampling of this study.

The migration scholarship on Türkiye has been reticent on the reintegration of returnees. The emerging literature suggests that their reintegration is a lengthy and multilayered process. Upon their return they face stigmatisation. Their general well-being and resilience are dependent on their psychological readaptation, which is in turn, determined by their social adaptation (Künüroğlu, 2021 & 2023). The findings of this research support these previous studies. The interviewed returnees reported instances of stigmatisation (issues of shame) and feeling unwell and vulnerable due to uneasiness of reintegration. As resilience mechanisms, two coping strategies were expressed by the majority of the interviewees: self-isolation, such as living in a gated community and surrounding themselves with like-minded people, and acceptance, whenever further efforts would not lead to change.

4.6. The Concepts of Vulnerability and Resilience

This research is built on the assumptions that highly skilled returnees do not necessarily returns as resilient individuals and automatically reintegrate into their home societies and that the legal architecture- i.e. laws, policies, and institutions (the structure)- in the countries of origin shape return aspirations and capabilities (the agency) of returnees, including their psychological resilience.

While the literature offers accounts of vulnerability and resilience, to gain insights from the experiences of highly skilled migrants, the interviewees were asked during

the last part of the interviews about their own definitions of vulnerability and resilience, and whether they have felt vulnerable and/or resilient upon their return to Türkiye. The interviewees stressed that they felt both vulnerable and resilient at the same time. It could therefore be inferred that these two concepts are not mutually exclusive. Highly skilled returnees can be vulnerable in some spheres, and resilient in others, and the legal framework governing their return and reintegration should be revised accordingly.

In addition to the well-known definitions of vulnerable (being open to harm) and resilient (being able to bounce back after an adverse situation), the interviewees provided the following definitions, drawing attention to different aspects. A few interviewees adhered the widely held belief that resilience is invulnerability, and that resilience and vulnerability are opposite terms. The majority of the interviewees objected the static understanding of these two concepts, arguing instead in favour of their momentariness and continuum.

> Vulnerability is being sensitive, emotional, while resilience is its opposite, adaptation to changing conditions. I am sometimes very vulnerable and sometimes very resilient. (P10)

> Vulnerability is a state. It corrects itself. It is an instant, a part of the process. It is like getting hit by a goal from an unexpected direction. Resilience, on the other hand, is to acknowledge the vulnerability and continuing regardless of how big the step is. (P2)

All interviewees reported that upon return and during reintegration, they often felt vulnerable.

> When I returned, I often felt vulnerable. I was anxious about finding a job, being a mother… (P18)

> I am vulnerable and I have been since my return. Vulnerability is the lack or threshold of fighting power. I do not want to live in chaos, or constantly fight. […] I am also resilient. I resist by negotiating my boundaries and establishing the system I want to live within. (P3)

A highlight aspect was the role of social ties in building resilience or creating vulnerabilities. This finding signifies the importance of social networks in reintegration.

> I am definitely vulnerable, and I have been since my return. Vulnerability is not being understood, not being seen. Why do not people see me? […] I did not feel resilient. In the last 1.5 years, thanks to the new people I have meet, I now do. (P22)

> Vulnerability takes over when I lose my resilience due to basic barriers put in front of me, when fighting hard does not lead to a result. It is the moment patience ends. I often feel so in this country, as if they are saying "Don't put in any effort, go away!" (P13)

Some definitions emphasise the spatiality. As the early accounts of the return migration literature suggests, a majority of returnees, particularly, whose initial departure was from rural areas, do not return to their hometowns, rather to cities, where the skill they acquire abroad are valued more (Bovenkerk, 1974). The findings of this study indicate a similar inclination among the highly skilled returnees in Türkiye. They mostly settled down in metropolitans such as İstanbul, Ankara and İzmir. Therefore, their return involved both international and internal migration. In the cases when return was to another place of residence, the lack of networks was accentuated more.

> Vulnerability and resilience are linked to the place we live. In İstanbul, I constantly feel attacked. I am not ready to shocks, to the absence of rules, or the traffic… (P23)

> Vulnerability is a state of mind that gives disproportionate reactions to life's difficulties, such as disproportionate anger, disproportionate love, or valuing someone too much. I felt vulnerable upon my return. I was getting angry with the assistants as I assumed I was above in the hierarchy, hence, more knowledgeable, more powerful, yet I did not know the local realities. […] Resilience is a point somewhere between elasticity and plasticity, sometimes saying yes, sometimes saying no. It is the right strategy at the right time. I am in the process of becoming resilient. I was not resilient when I returned, but somehow, I survived. I sway between being vulnerable and resilient. (P25)

Stigmatisation and/or issues of shame led to vulnerability in some cases.

> When answering the question 'why did you return?' I felt vulnerable, but I was hiding it. There was elastic deformation, but not plastic deformation. […] Resilience is following what you think is right and accepting that not everything is within your control. (P37)

All these alternative definitions point to a need to revisit the concepts of vulnerability and resilience and question the assumption that one is the lack of the other (i.e. an individual is vulnerable if s/he is not resilient or vice versa). The findings discussed in

this chapter assert that the legal architecture governing return and reintegration, particularly in the case of highly skilled migrants, should pay attention to the interconnectedness between the legal and the psychological. The law and policy makers should be informed by more pluralistic and holistic accounts of these two concepts while developing laws and policies.

CHAPTER 5

CONCLUSION

International migration, along with the states' endeavours to manage it, mark the 20th and 21st centuries. A growing number of people are on the move - as refugees and asylum seekers, students, labour migrants, and highly skilled professionals – to seek protection, studying, working, reunifying with their families, looking for greener pastures, and so forth. To respond to the larger migration flows across the globe and to manage mobilities taking place across their borders, both sending and receiving countries have developed various policies and institutions. Concerned with economic development, states have encouraged certain flows while limiting or preventing others. Through the legal frameworks they implement, states have constructed categories for both their citizens and incoming migrants, classifying them as desired/ undesired (and/or deserving/undeserving), allowing, even supporting, the desired ones to enter and the undesired to leave. Over the decades, the role of advanced technologies in development has expanded immensely. Consequently, the needle of the compass has shifted towards the individuals, whose human capital aligns with the skills and knowledge these technologies require, making them highly desired by all states. This intense global competition for their knowledge, skills, and expertise is referred to as *"an era of Highly Skilled Migration"* (Parsons et al., 2014, p.4), an era of brain drain for sending states and brain gain for receiving states.

Throughout history and continuing today, outward migration has been more common, yet returns to the countries of origin have also occurred. The more the human capital got associated with development the more the sending states have become interested in the return of their non-resident citizens. Yet, given the role of remittances in home state's economies and other benefits of diasporas, sending states often pursue selective return policies, indicating a desired and deserving returnee profile. Amongst all other

categories, highly skilled emigrants are the ones whose return is highly prioritised and promoted by countries of origin through various benefits and privileges.

Since the 1990s, an increasing number of sending states have engaged in reverse brain drain policies. To encourage the return of their skilled and educated citizens abroad, they have developed legal frameworks, offering privileges such as higher salaries or lower taxes. However, such proactive return policies often remain silent for the lengthy process that begins after arrival, i.e., reintegration.

The growing scholarship on reintegration also accentuates the interplay between the agency of returnees and the structure of the home states and communities. Accordingly, reintegration is bidirectional responsibility between the community of return and the returnee. Furthermore, individual, group and structural factors intertwine during reintegration in different spheres of the home country (Kuschminder, 2013). This study followed a similar line of thinking, and asserted that reintegration is a multilayered process, with sychological dimension is as important as the economic, social and political dimensions.

Once the saying “blindness serves an aim” is revised as “silence serves an aim”, the neglect of any dimension of reintegration by home states draws attention and becomes problematic. One major factor leading to the lack of reintegration measure is the assumption that highly skilled returnees form a homogeneous group, whose members are resilient and capable of easily readapting to their countries of origin upon their arrival. The present research embraced a critical lens on this assumption and the silence of return policies on the reintegration aspect. It problematised the commonly held views such as:

i. returning to one’s country of origin is a psychologically safe process,
ii. highly skilled returnees constitute a homogeneous group,
iii. all highly skilled returnees have strong agency in their movement decisions,
iv. as a consequence of their capital (human, economic, social, cultural), these returnees are immune to challenges associated with return and reintegration,

v. highly skilled returnees are resilient individuals, who reintegrate automatically to their home countries.

Moreover, drawing on three turns, namely return turn, psychological turn, and policy turn, this study suggested a need for a fourth turn in the literature on return and highly skilled migration, i.e. legal turn. It argued that return is a practice of the right to return and hence, related to citizenship, while citizenship always embeds *"ordering, prioritising, and rendering some citizens more relevant than others. Some of this differential valuing of different groups of citizens is visible in their formal/legal status"* (Koğacıoğlu, 2003, pp. 15-16). The reintegration processes are not separate from how citizenship, in general, and rights, in particular, are practiced. Therefore, legal frameworks shape returnees' trajectories and thus, *"the analysis should start with the law itself"* (Chauvin and Garcés-Mascareñas, 2014, p.423).

In its attempt to explore the relationship between the legal architecture governing return migration (including laws and policies) and resilience of highly skilled returnees, the current study drew on the aspirations-capabilities framework (de Haas, 2021). This framework provides an understanding of the relationship between the structure (including sending and receiving states as well as the international environment) and the migrant, giving the latter its agency back, while also bringing structural factors such as human rights frameworks and migration policies to forefront. In other words, by establishing a connection between rights/ policies and aspirations/ capabilities as well as between freedoms and well-being, the aspirations- capabilities framework opens an avenue for research aiming to integrate legal and psychological aspects of migration.

This study assumed that the legal architecture of the country of origin, including laws, policies and institutions, forms the structure, which in turn affects aspirations and capabilities, i.e. agencies of returnees. It also asserted that the belief that highly skilled migrants have high levels of agency does not always hold true. Being highly skilled do not make their lives and migration/ return experiences hardship-free nor does it guarantee automatic and easy (re)-integration.

By taking Türkiye as a case, this research examined the problems associated with the highly skilled return migration in the reintegration stage. Since its establishment, Türkiye has been known as a country of emigration and has witnessed the outflow of its highly skilled citizens. In line with its development goals, sending students abroad to train the human capital it requires has been a practice it inherited from its Ottoman past. Over the one hundred years, despite the new types of emigration, state-led student emigration continued. Starting from 1960s, brain drain of highly skilled professionals became a concern for the country. Yet, precautions taken have been limited.

In the last decade, global competition for talent, on one hand and the increasing authoritarianism in Türkiye, on the other hand accelerated the outward movement of highly skilled professionals and students. Last year, during the presidential elections, the spotlights were once again turned on highly skilled emigration. Both candidates, Kılıçdaroğlu and Erdoğan, called highly skilled young emigrants back. Thus, at the state level, in our current day, Türkiye is still interested in the return of its highly skilled human capital abroad.

While the scholarly literature provides a thorough analysis of Türkiye's diaspora engagement policies and institutional structure, the literature on return policies is much more limited. The current literature has a gap concerning an in-depth analysis of the legal architecture governing the return migration, in general and highly skilled return migration, in particular. This study was aimed to fulfil this gap in addition to revealing the unspoken aspect of return, i.e. reintegration and uncover whether legal architectures relate to the resilience of returning migrants.

The comprehensive analysis of the legal architecture, including official documents (laws, policies, multilateral and bilateral agreements) and institutions, shows that Türkiye does not have an official definition of the term 'highly skilled'- used in either policy or statistics. According to the data of this research, the Turkish state refers to three main groups: university (bachelor's degree) students, professionals with a minimum of bachelor's degree or, in the absence of such a degree, international certifications and a certain number of years of experience, and finally, investors/ entrepreneurs.

A wide range of actors play a role in highly skilled migration and return migration in Türkiye, hence, the country has a complex institutional structure. Public institutions, such as MFA, MNE, TÜBİTAK and YÖK, are primarily responsible. In contrast to the governance of immigration to the country, there is no central coordinating institution for governance of return migration in Türkiye. The private sector plays a role in economic reintegration, whilst relocation companies facilitate initial settlements after return. Civil society actors, like professional chambers, ease returnees' economic and social reintegration, while some foundations provide study-abroad scholarships for students in cooperation with foreign governments. Finally, international organisations may run return programmes and, as in the case of the OECD, set international standards for attracting global talent.

According to the data, in the last one hundred years, Türkiye's policies concerning its highly skilled citizens' emigration has been contextualised within development, human capital, education, industry, technology policies, rather than on their own. The state's return policies for its highly skilled citizens have focused on return obligations in state-sponsored study abroad as well as technical staff exchange programmes, and the provision of several financial incentives, particularly for academics and potential investors and/or entrepreneurs. In other words, the interest in highly skilled individuals at the political level has not been mirrored at the practice level. Return programmes embrace a narrow perspective, providing facilitated access to the labour market, but neglecting other structural constraints that led to initial emigration in the first place and reintegration issues, which, if not handled, may lead to re-emigration.

As the national development plans and policies accentuate, due to foreign currency deficiencies and labour surplus export requirements, since 1980s, the Turkish state has encouraged overseas construction and consultancy services. Similarly, in line with its neoliberal foreign policy priority, the state sought to expand its global influence by ensuring recruitment of more Turkish experts in international organisations. Both strategies, in turn, led to emigration of highly skilled professionals, such as managers, engineers, and architects. Therefore, it is possible to conclude that Türkiye's legal architecture governing highly skilled migration has been more compatible with brain

circulation. The emphasis on return is limited and the reintegration aspect, particularly psychological dimension, is unspoken.

In order to understand the implementation of the legal framework and how legal architectures relate to highly skilled returnees' resilience, interviews were conducted. For analytical purposes, four sub-groups were formed: i. academics, ii. STEM professionals, iii. entrepreneurs, iv. Blue Card holders. The data gathered from 45 semi-structured interviews indicate that furthering studies, work purposes and accompanying the family or the spouse are three main exit aspirations. However, in some cases these reasons become intertwined with each other: studies can be followed by work or family formation, family-initiated migrations can lead to study or work. In terms of exit aspirations, no meaningful sub-categorical differences are depicted.

Life abroad consists of both good and bad times. International environments, lower working hours, which allows work-life balance, greener landscapes and social ties contribute to the quality of life abroad. Challenges include leaving the family and the country behind, loneliness and longing, language barriers and different cultural codes, demanding academic/ professional standards, limited opportunities for engaging in the local life, fierce competition at school or work as well as overt and/or subtle discrimination. Themes that do not crosscut the experiences of four sub-groups interviewed in this research also emerge, suggesting that highly skilled migrants do not form a homogeneous group. For example, academics face difficulties in their communication with their supervisors or due to the polarisation in the Turkish diaspora, whereas entrepreneurs complain about the misconduct at workplace, slow bureaucracy and political regime.

To cope with what comes along and bounce back, in other words, to stay resilient, highly skilled migrants firstly rely on their social networks and rights provided by host states/ institutions. Free or affordable psychological counselling services and integration courses are examples of such supportive rights and services. On the contrary, the lack of or limited access to certain rights adds vulnerabilities. Examples include the access to doctors, limited working rights based on visa types, heavy bureaucracy for immigrants and the lack of naturalisation path.

Return aspirations differ in accordance with the initial outward migration goal. Some leave with the idea of returning upon completing a certain objective such as pursuing PhD or generating income. Some returns take place unexpectedly when migrants are not prepared. Personal and external factors can pave the way back home. Difficulties in integrating into the host society, discrimination, dissatisfaction with the life abroad, armed conflicts and the COVID-19 exemplify reasons leading to unexpected returns. These findings support previous studies, suggesting that return aspirations can be economic and non-economic. The current study also indicate that highly skilled returns may stem from vulnerabilities and psychological hardships abroad and highly skilled emigrants do not always return with a capacity to handle difficult situations and cope with what comes along.

Upon return, reintegration begins. In this study, reintegration is found to be a function of different factors. Time and context of return of return matter as does preparedness to return. For those feeling integrated to their host countries readaptation is harder. On the other hand, short-term visits play a facilitative role, as they help the migrants keep their ties at home and stay informed about the country. They come back with more realistic expectations.

Reintegration has three dimensions: economic, social and psychosocial, all of which are closely linked to the rights and access to rights provided by the legal architecture of the home state. According to the findings of this study, in most cases, for highly skilled returnees in Türkiye, economic reintegration is the least difficult since most of the return initiatives facilitate access to the labour market. Highly skilled returnees, particularly those returning with a sort of return initiative and having accumulated a certain amount of savings reintegrate to the economic sphere relatively easily. However, for those returning on their own, access to the labour market is not direct or problem-free. Portability of social benefits abroad has a contributory role if the cost of transferring does not exceed the benefits. The interconnectedness of spheres of rights adds further complications. In Türkiye, when a returnee has not secured a job, as access to the health system becomes difficult as access to the public health system requires payment of general health insurance. Similarly, finding housing is a challenge for a returnee who does not have the financial resources. Moreover, social ties loosen while

away. Consequently, reintegration into the social networks and the civil society is not easy or automatic.

This study reveals that the Turkish state's return policies enable the highly skilled returnees' entry into the labour market at least to a certain extent, especially if they have returned through one of the state-led return programmes. Yet, the existing legal framework, including the return programmes, lacks the capacity to respond to the returnees' social and psychosocial reintegration processes. This, in turn, limits the returnees' aspirations and capabilities (agency) upon their return. In the absence of state support, returnees rely on their social networks, to find a job, to get a house, to engage in the cultural life. On the other hand, social networks are also dynamic; while friendship ties can remain despite distances, keeping professional networks is not that easy, given that institutional structures as well as employees change over time. Therefore, the role of social networks is also subject to limits and highly skilled returnees require a state-facilitated reintroduction not only to the job market but also to social networks.

One of the novel findings of this study is that the widely held assumptions that highly skilled returnees' reintegration is automatic and problem-free, and they are resilient citizens, with no need of state support and ready to contribute to the country upon their arrival do not hold true in the Turkish case. On the contrary, returning highly skilled citizens have vulnerabilities, which require the state's attention. The longer the time spent abroad the less the returnees can get from their social capital, as their ties loosen over years, and the more state support is required. Moreover, highly skilled returnees' needs from the state differs from the needs of the labour migrants returning from the West European countries in 1980s. For instance, as one of the interviewees asserted, the lack of public libraries in a city is a matter of concern for a returning academic, with no affiliated institution upon arrival.

The recent communication campaigns and strategic documents of the Turkish Presidency and ministries show that Türkiye aims to foster its economy and become a centre of attraction for global talent, a part of which is indeed consisting of Turkish citizens abroad. Therefore, with a development orientation in the background, in

addition to talented immigrants, Türkiye calls for the return of its highly skilled human capital, through state-led programmes. These programmes consist mainly of reverse brain drain scholarships for academics and financial incentives for qualified investors and entrepreneurs. While the existence of such return policies is promising in attracting highly skilled citizens back, the data signify that their implementation becomes more important. Since the distinction line between temporary and permanent return is often blurred and this group is highly mobile, the lack of full reintegration can easily give birth to onward migration.

The resilience theory has three fundamental questions "resilience of what? resilience to what? and resilience for what?" (Ruhl et al., 2021). The present study, through a detailed analysis of legal architecture and semi-structured interviews with highly skilled returnees, show that the Turkish state's answers to these questions are, the state, global economic competition, and development, respectively. One of the videos on the website of the Investment Office exemplifies this point. The video was published on August, 30, 2022 and is titled as "Türkiye- Your Resilient Partner":

> *A good investment is like a journey. You need a solid companion who puts in as much effort as you do. Someone of great power. A companion who overcomes every difficulty to plunge into heavy seas with you; shares his experience to go full speed ahead and leads to way to new opportunities. Having years of experience in investment, Türkiye has what it takes to be your companion. Let's sail together. Let's reach your goals together. Türkiye, Your Resilient Partner. Invest in Türkiye"* [57]

The Office also stresses the country's highly skilled human capital as a reason to invest in Türkiye: "*A rapid expansion in the number of universities has allowed Türkiye to have more university graduates, enabling Türkiye to transform its young population and large labour force into a skilled workforce*."[58] When these two quotations are analysed together, it is evident that the Turkish state relies on its highly skilled human capital for its resilience. However, the lack of a comprehensive return policy that

[57] https://www.invest.gov.tr/tr/library/multimedia/sayfalar/default.aspx (accesssed on 10.03.2024)

[58] https://www.invest.gov.tr/en/whyturkey/top-reasons-to-invest-in-turkey/pages/skilled-and-competitive-labor-force.aspx

includes reintegration measures signifies that the state places the responsibility of being resilient to its highly skilled individuals, both resident and non-resident citizens.

Theoretical Implications

The aspirations-capabilities framework indicates that the structure of home state determines the agency, and thus, aspirations and capabilities of individuals. This present study offers a closer look at the relationship between the structure and the agency and experiences of highly skilled returnees. According to the findings, the legal architecture of home states consists of:

i. international and bilateral agreements, which become part of the national legislations through the act of transformation, i.e. ratification,
ii. laws related to citizenship/ nationality, social security, labour, education, tax, investment/ commerce and even civil code,
iii. policies on development, human capital, education, industry, technology, R&D, social security and the like,
iv. institutions/ actors responsible of these laws and policies, noting that policy on paper and implementation may differ, and the discretionary power of actors can play a role.

Altogether they form the legal architecture and shape reintegration in three spheres: economic, social and psychosocial. Figure 8 illustrates this relationship between legal architecture and reintegration. Personal and other factors affecting the return decision are also added as a dimension. While this framework is open to development, it provides a point of initiation for future research.

In their simplest definition, vulnerability refers being open to harm, while resilience is the ability to bounce back. Migration, by its very nature, is a complex experience, migrants can face harm at any point. Their resilience depends not only on individual characteristics, but also on the resources available to them through the legal, social, cultural systems. The literature shows that concerns over rights, democracy and the rule of law are reasons for exit and lead to 'unrest migration' (Orhan, 2023) in the Turkish context. This study found out that the rights framework and the

implementation of these rights also matter in return migration. Consequently, this research proposes that the legal architecture of home states relates to migrants' resilience upon return and during reintegration.

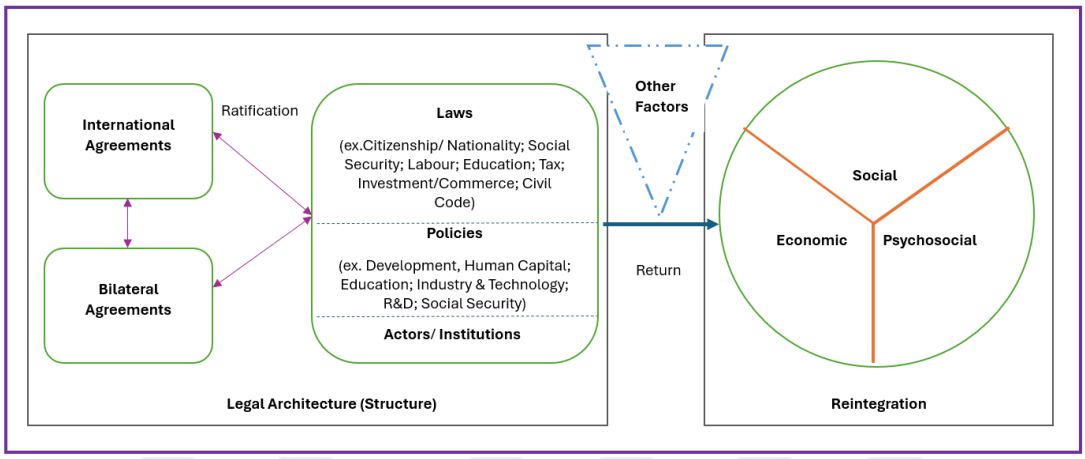


Figure 8: The legal architecture and reintegration framework
(Author's illustration of her findings)

Future Research

The framework linking the legal architecture of home states with reintegration experiences, particularly resilience resources of migrants, is a preliminary finding that could be developed further by examining these dynamics in different cases. Another finding of this study sheds light on the role of implementing actors. While this research focused on policies and laws on paper, the findings point out that flaws in implementation hamper the effectiveness and responsiveness of legal frameworks. A possible avenue for future research can be the investigation of this problem. More precisely, questions such as 'Who is implementing the legal framework?' and 'How is the legal framework interpreted and implemented?' can be integrated into the future research. The role of the 'street-level bureaucrats', their attitudes, behaviours and interaction with returnees, and their discretion power in interpreting legal frameworks and the implementation process, and how these relate to reintegration experiences of returnees should be analysed.

In line with the literature and the findings of this study, upon return highly skilled returnees often complain about corruption, nepotism and lack trust in the state

institutions. Therefore, the interaction dynamics between highly skilled migrants and street-level bureaucrats may affect the migrants' level of trust in the state authorities. Uncovering this topic might be beneficial.

For the Turkish case, another avenue for future research could be the structural and cultural environment, i.e. how returnees are regarded and treated by the state, local governments, local populations, as well as private sector. Given that the return environment is a determinant of reintegration and returnees' potential to act as agents of change, in other words, vernacularise, such studies might offer further food for thought. Moreover, again in the Turkish case, the impact of reintegration of highly skilled returnees is not well documented. One stream of research may focus on this issue to unveil the other unspoken aspects of reintegration in Türkiye.

One possible extension of this study would be to broaden the analyses with multiple and comparative case studies This particular research is limited in scope, focusing on highly skilled return migration and providing an in-depth analysis of this topic in the case of Türkiye. Methodologically, in addition to new single case studies, the most similar or most different case study designs comprising Türkiye and other national contexts from the global North and global South would allow new insights. Such an extension would be quite rewarding in terms of having a comprehensive and global-level understanding of potential difficulties and opportunities (i.e. what works, what does not and why?).

Last Words

We live in an era of migration, highly skilled and resilience. Not all returnees are kings like Odysseus Indeed, he went through a hard reintegration process after being away for ten years. The Ithaca he left and the one he returned to were different, and among all things -his wife, his children, his friends- it was Ithaca itself that shaped his experiences. Cavafy calls for a critical stance on what Ithacas mean, as did this research. Return is not the end of the story, as most policies and laws falsely assume. It leads to reintegration, which is an adventure in itself. Some come back very tired and in need of care. Even if there is a bridge between the level of education, skills, and

resilience, it is not immune to harm. Therefore, reconsidering the relationship between Ithacas and highly skilled returnees is of great prominence. This study was a humble effort towards this end.

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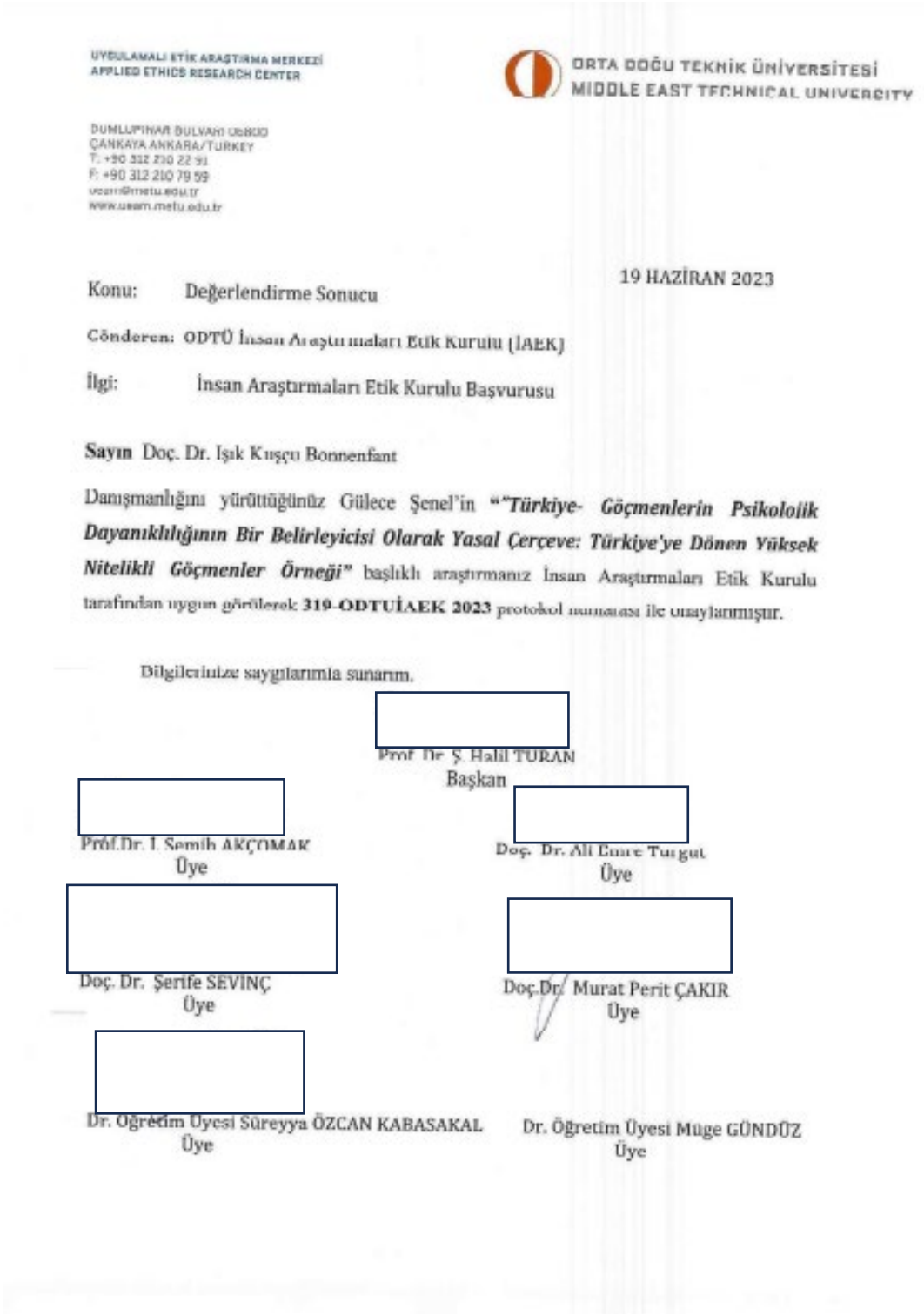
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APPENDICES

A. APPROVAL OF THE METU HUMAN SUBJECTS ETHICS COMMITTEE



UYGULAMALI ETİK ARAŞTIRMA MERKEZİ
APPLIED ETHICS RESEARCH CENTER

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19 HAZİRAN 2023

Konu: Değerlendirme Sonucu

Gönderen: ODTÜ İnsan Araştırmaları Etik Kurulu (İAEK)

İlgi: İnsan Araştırmaları Etik Kurulu Başvurusu

Sayın Doç. Dr. Işık Kuşçu Bonnenfant

Danışmanlığını yürüttüğünüz Gülece Şenel'in ***"Türkiye- Göçmenlerin Psikolojik Dayanıklılığının Bir Belirleyicisi Olarak Yasal Çerçeve: Türkiye'ye Dönen Yüksek Nitelikli Göçmenler Örneği"*** başlıklı araştırmanız İnsan Araştırmaları Etik Kurulu tarafından uygun görülerek **319-ODTUİAEK 2023** protokol numarası ile onaylanmıştır.

Bilgilerinize saygılarımla sunarım.

Prof. Dr. Ş. Halil TURAN
Başkan

Prof.Dr. İ. Semih AKÇOMAK
Üye

Doç. Dr. Ali Emre Turgut
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Üye

Dr. Öğretim Üyesi Süreyya ÖZCAN KABASAKAL
Üye

Dr. Öğretim Üyesi Müge GÜNDÜZ
Üye

B. INTERVIEW PROTOCOL

Çıkış Niyetleri & Yurt dışındaki yaşam:

1. Kendinizden biraz bahseder misiniz? (Yaşınız, eğitim durumunuz, meşgul olduğunuz iş)
2. Türkiye'den yurt dışına göç hikayenizden biraz söz eder misiniz? Hangi ülke/ ülkere ve hangi amaçlarla gittiniz? Ne kadar süre kaldınız?
3. Yurt dışında bulunduğunuz süre içinde orada neler yaptınız? (Eğitim, iş vs.) Oradaki yaşam koşullarınızdan biraz söz eder misiniz? (çalışma ortamı, arkadaşlarla ilişkiler vs.)
4. Yurt dışında yaşadığınız zorluklar oldu mu? Bu zorlukları nasıl ele aldınız? Bu zorlukların üstesinden gelmenizde size ne/ neler yardım etti?
5. Özellikle erişiminiz bulunan haklar üzerinden düşünecek olursanız, hangi hakka sahip olmak ve o hakka erişmek zorluk anınızı kolaylaştırdı? Eğer böyle bir hak yoktuysa, nasıl bir hakkınız olsa, o zorluk deneyiminizin üstesinden gelmek kolaylaşırdı?

Dönüş Niyetleri:

6. Türkiye'ye dönme kararını ne zaman verdiniz? Bu kararı alma sebepleriniz nelerdi?
7. Türkiye'ye ne zaman döndünüz? Ne kadar süredir Türkiye'desiniz?

Yeniden Adaptasyon Süreçleri:

8. Türkiye'ye dönme kararını verdikten sonra neler yaşadınız? (Taşınma ve buraya yerleşme süreci, işe girme/ iş kurma vs.)
9. Türkiye'ye döndükten sonra yaşadığınız zorluklar oldu mu? Bu zorlukları nasıl ele aldınız? Bu zorlukların üstesinden gelmenizde size ne/ neler yardım etti?
10. Özellikle erişiminiz bulunan haklar üzerinden düşünecek olursanız, hangi hakka sahip olmak ve o hakka erişmek zorluk anınızı kolaylaştırdı? Eğer böyle bir hak yoktuysa, nasıl bir hakkınız olsa, o zorluk deneyiminizin üstesinden gelmek kolaylaşırdı?

11. Yurt dışında göçmen olarak ve Türkiye'de ülkeye dönen bir vatandaş olarak sahip olduğunuz hakları düşündüğünüzde yaşamınızda ne gibi farklılıklar olduğunu gözlemliyorsunuz?

Kırılganlık ve Dayanıklılık:

12. Sizin için kırılganlık ne demek? Kendinizi kırılgan biri olarak tanımlar mısınız? Dönüş ve sonrasındaki süreçte kendinizi kırılgan hissettiğiniz anlar, alanlar oldu mu?
13. Sizin için dayanıklılık ne demek? Kendinizi dayanıklı biri olarak tanımlar mısınız? Dönüş ve sonrasındaki süreçte hangi alanlarda kendinizi dayanıklı/ güçlü hissettiniz?

C. CURRICULUM VITAE

PERSONAL INFORMATION

Surname, Name: Şenel, Gülece

EDUCATION

Degree	Institution	Year of Graduation
PhD	METU, International Relations	2024
MA	University of Sussex, Migration Studies	2020
MA	Sabanci University, Conflict Analysis and Resolution	2009
BSc	Hacettepe University, Economics	2007
High School	TED Ankara College Foundation High School, Ankara	2003

WORK EXPERIENCE

Year	Place	Enrolments
April 2022- Present	Bahçeşehir University	Researcher
Feb 2017- Present	Freelance	Consultant
March 2014- Jan 2018	TNA	Independent External Evaluator
April 2017- May 2017	Organisation for Security and Cooperation in Europe (OSCE)	Long Term Observer Assistant
Nov 2013- Dec 2016	TED University	Manager of the International Office
June 2013- October 2013	FAO Sub-regional Office for Central Asia (FAO-SEC)	Operations Assistant
Sept 2012- May 2013	Middle East Technical University, Centre for European Studies	Project Officer

Dec 2009- August 2012	Council of Europe & Turkish Ministry of Youth and Sports	Translator
Sept 2007- June 2009	Sabanci University	Teaching Assistant

FOREIGN LANGUAGES

Turkish (Native), English (Advanced), Greek (Intermediate), French (Beginner)

PUBLICATIONS

1. Şenel, G. (2020). Legal Deservingness Constructs and Discriminatory Practices: The Case of Migrants in the Turkish Labour Market. MA Thesis Submitted to the University of Sussex
2. Scaramelli, C. (2016). Water Anthropology: Meaning, Space and Materiality (Arif Cem Gündoğan ve Gülece Şenel, Trans.). Aksu, Erensü ve Evren (Ed.), Neoliberal Water- Energy Policies and Resistances in Türkiye (pp. 155-176). İstanbul: İletişim.
3. Gençlik Bilgilendirmesi Başlangıç Seti (2011). Ankara: Turkish Ministry of Youth and Sports (Translation to Turkish from the "Youth Information Starter Kit" written by Cangelosi, A. (2010). Council of Europe & European Youth Information and Counselling Agency (ERYICA)).
4. Şenel, G. (2009). Youth as Peace Multipliers: The Cases of Türkiye and Germany, MA Thesis Submitted to Sabanci University

HOBBIES

Music, Literature

D. TURKISH SUMMARY / TÜRKÇE ÖZET

Yurda dönüş, Yunan komutanlarının Truva Savaşı'ndan sonraki efsanevi yolculuklarından bu yana hep merak edilen bir alan olmuştur. Bu komutanlar arasından sadece yenik Odysseus Kralı Odysseus memleketi Ithaka'ya dönebilmiştir. Dolayısıyla, nostoi (dönüş/eve dönme) destanları arasında Homeros'un Odysseus'u en bilinen ve en sık alıntı yapılandır. On yıl süren maceralı yolculuk, farklı yerlerde kısa süreli ikametleri, yabancılarla karşılaşmaları, (gerçek veya hayali) yaratıklarla savaşları, dostluğu ve yalnızlığı, eve dönüş mitini ve gerçekliğini, değişen yer ve insanlarla yeniden tanışmayı, öğrenmeyi ve ardından evde hayatı yeniden inşa etmeyi, son olarak da kırılganlıkları ve dayanıklılığı içermektedir. Böyle zengin bir tasvirin göç araştırmacıları da dahil olmak üzere birçok kişinin akademik ilgisini uyandırması kaçınılmazdır. Fantazileri ve gerçeklikleriyle Odysseus'un Ithaka'ya dönüş yolculuğu, dönüş göçü ve yeniden entegrasyon konuları söz konusu olduğunda cazip bir başlangıç noktası ve/veya referans sayılabilir.

Ancak, her dönüş, Odysseus'unki kadar zafer dolu olmayabilir, ancak bu dönüşler de eşit derecede ilgi çekicidir (Bradley, 2013). Bu nedenle, Kavafis'in İthaka şiirindeki çağrısına kulak vererek İthaka'nın dönüş ve yeniden entegrasyon süreçlerindeki rolüne eleştirel bir bakış açısı sunmak literatüre farklı; ama değerli bir katkı sağlayabilir. Bu araştırma, bu noktadan hareketle tasarlanmıştır. Çalışma, dönüş göçü ve yeniden entegrasyon süreçlerini düzenlemek/yönetmek için köken devletler tarafından tasarlanan yasalar ve politikalar ile dönüş ve yeniden entegrasyonun psikolojik yönleri arasındaki ilişkiye ışık tutmaya yöneliktir. Analize kırılganlık ve dayanıklılık kavramlarını dahil ederek köken devletlerin dönüş ve yeniden entegrasyonu düzenleyen yasal yapılarının, dönüş yapanların deneyimleriyle nasıl ilişkili olduğunu ortaya çıkarmayı amaçlamaktadır. Vaka çalışması olarak Türkiye'ye dönen yüksek nitelikli göçmenler belirlenmiştir.

Kavramsal Çerçeve: Dört Akım (Turn)

Son zamanlarda uluslararası göç literatüründe üç konunun detaylı araştırılmasına olan ihtiyaçtan, gidilmesi gereken rotadan (turn- yönelim, kavramsal akım) söz edilmektedir: dönüş göçü rotası, psikoloji rotası ve politika rotası. Bu rotaların/akımların her biri, daha fazla dikkat ve düşünce gerektiren alanlara işaret etmektedir. Bu araştırma, mevcut akademik çalışmaların üzerine inşa ederek, dönüş göçü ve yeniden entegrasyon olgusunu hem köken devletlerin hem de dönen göçmenlerin bakış açılarından daha iyi anlamak için dördüncü bir rotayı önermektedir. O da yasal boyuttur.

Araştırmacılar, Russell King'in (2000) "*dönüş göçü, göç tarihinin büyük yazılmamış bölümüdür*" (s.7) sözüne sıklıkla referans vererek bu alandaki açığı işaret etmektedirler. Ana akım göç çalışmaları literatüründe nispeten göz ardı edilmiş olmasına rağmen, dönüş göçü hakkında 1990'lardan bu yana yeni bir literatür ortaya çıkmaktadır: dönüş coğrafyaları, dönüş yapanların türleri, dönüşün boyutları (yeniden entegrasyon ve politikalar da dahil) ve kullanılan yöntemler çeşitlenmiştir. Sonuç olarak, dönüş göçü literatürü önemli bir büyüme yaşamıştır. Böylece, King ve Kuschminder'in (2022) söylediği gibi, hem akademik araştırmalarda hem de politikada "dönüş göçü akımı (return turn)" gerçekleşmiştir.

Araştırmalardaki artış, dönüşün psikolojik sonuçlarını da ön plana çıkarmıştır. Ampirik kanıtlar, kişinin memleketine dönmesinin psikolojik olarak güvenli bir süreç olduğu varsayımına meydan okumaktadır (Vathi & King, 2017). Ayrıca, yeniden entegrasyonun psikolojik boyutu artık sosyal, ekonomik ve kültürel boyutları kadar önemli görülmektedir. 2018 yılında kabul edilen BM Küresel Göç Paktı (Global Compact for Migration) (GCM), iyi olma halini, yeniden entegrasyonun bir boyutu ve bir faktörü olarak vurgulamaktadır. Bütüncül yaklaşımların yaygınlaşmasıyla beraber, öznel iyi olma algılarının önemi daha fazla önemsenmekte ve duygusal boyuta daha çok odaklanılmaktadır (Vathi, 2017). Başka bir deyişle, dönüş ve yeniden entegrasyon çalışmalarında bir "psikolojik akım (psychological turn)" (King & Kuschminder 2022, s.10) ortaya çıkmıştır.

Günümüzde yüksek nitelikli göçmenlerinki de dahil olmak üzere farklı türlerdeki göçmenlerin dönüş göçleri giderek daha fazla politika alanına taşınmaktadır. Dönüş göçü (tersine beyin göçü) ile ekonomik büyüme ve kalkınma arasındaki ilişkiye odaklanan tartışmalar etrafında bir dönüş göçü-kalkınma ekseni gelişmiştir. Köken devletler, hem kendi topraklarındaki hem de yurt dışındaki vatandaşlarıyla etkileşime geçerken farklı politikalardan yararlanmaktadırlar. Proaktif politikalar, belirli grupların göçünü önlemek ve onları ülkede tutma amacı taşımaktadır. Aktif politikaların hedefi, yurt dışında yaşayan vatandaşları yurt içindeki çeşitli alanlara dahil etmek ve onlarla ekonomik bağlar kurmaktır. Aktif politikaların odağında ise dönüş yapma potansiyeli olanlar bulunmaktadır. Son olarak, reaktif müdahaleler, dönüş yapanların yeniden entegrasyonuna yönelik önlemleri içermektedir. Dönüş göçü ve yeniden entegrasyon politikaları, dönüşü teşvik etmek için iletişim kampanyalarından yeniden yerleşim için ekonomik desteğe, sosyal ve refah haklarının ülkeye taşınabilirliğinden psikolojik danışmanlığa kadar uzanan bir yelpazeye sahiptir. Dolayısıyla, dönüş göçü çalışmalarında son yirmi yılda artan bu politikleştirmeden kaynaklanan bir politika akımı (policy turn) da söz konusudur (King & Kuschminder 2022).

Dönüş politikaları öncelikle dönüş hakkının bir uzantısıdır, dolayısıyla vatandaşlıkla ilgilidir. (Pedroza & Palop-Garcia 2019). Bu politikalar büyük ölçüde ulusal mevzuatlar üzerine kurgulanmaktadır. Ayrıca, köken devletlerin ikili ve çok taraflı ilişkileri ile uluslararası anlaşmaları da etkilidir (Aksel vd., 2023); çünkü bu anlaşmalar, mecliste onaylanarak iç hukuka aktarılır ve ulusal yasal yapının bir parçası haline gelirler. Dolayısıyla, devletlerin izleyebileceği dönüş ve yeniden entegrasyon politikalar ve dönenlerin kullanabileceği haklar için gerekli temeli sağlayan yasal çerçevenin kendisidir.

Genel olarak dönenler, döndükleri ülkelerin vatandaşlarıdır. Dönüş haklarını kullanırlar ve özel durumlar haricinde bir vatandaşın sahip olduğu her türlü hakka sahip olarak dönerler. Vatandaşlık, *"bireylerin bir devlete üye olmayı pratik etmelerini sağlayan bir anlamlar ve eylemler alanıdır."* Ancak, aynı zamanda *"bir ulus-devlet vatandaşı örneği de gerektirir."* Bu nedenle vatandaşlık, her zaman *"düzenlemeyi, öncelik vermeyi ve bazı vatandaşları diğerlerinden daha ilgili/ makbul kılmayı*

içermektedir. Farklı vatandaş gruplarına aftefilen farklı değerlerin (önemin) bir kısmı onların resmi/yasal statülerinden anlaşılabilmektedir." (Koğacıoğlu, 2003, s. 15-16). Başka bir deyişle, dönenler *'farklılaştırılmış dahiliyetten'* (Mezzedra & Nielson, 2013) muaf değillerdir. Ne devlet ne toplum her dönene kucak açmaktadır. Yasal çerçeveler dönenlerin dönüş sonrasında yaşayacaklarını şekillendirdiği için "*analiz yasanın kendisiyle başlamalıdır*" (Chauvin & Garcés-Mascareñas, 2014, s.423). Bu çalışma, bu gerekçelerle yasal yapıyı da analize katacak yasal bir boyutu/ akımı (legal turn) önermektedir.

Yüksek Nitelikli Göç

Mevcut literatüre göre köken devletler açısından, özellikle de kalkınma hedefleri söz konusu olduğunda, yüksek nitelikli bireyler örnek bir vatandaşta bulunması gereken bütün özellikleri taşımaktadır. Yıllar içinde ileri teknolojilerin kalkınmadaki rolü büyük ölçüde genişlemesiyle pusulanın iğnesi, insan sermayesine ve bu teknolojilerin gerektirdiği beceriler ve bilgilere sahip bireylere yönelmiştir. Bu nitelikteki bireyler, tüm devletler tarafından makbul sayılmaktadırlar. Dolayısıyla bu bireylerin makbuliyetlerine ilişkin bir fikir birliği ve onları çekmek için de küresel bir yarış bulunmaktadır. Bilgi, beceri ve uzmanlıklara yönelik bu küresel ilgi ve rekabet, "Yüksek Nitelikli Göç Çağı" olarak bile adlandırılmaktadır (Parsons vd., 2014, s.4). Bu çağ, köken devletler için beyin göçü ve ev sahibi devletler için beyin kazanımı anlamına gelmektedir.

Yüksek nitelikli göçmenlerin arzu edilirliği konusundaki fikir birliği, kimin yüksek nitelikli göçmen/birey olarak nitelendirileceğinin tanımlanması söz konusu olduğunda ortadan kalkmaktadır. Sınırları kimin (ekonomistler, politikacılar, kanun yapıcılar vb.) belirlediği ve tanımın hangi amaçlarla yapıldığı, yüksek nitelikli göçmen kategorisine kimlerin dahil edileceğini ve/veya kimlerin bu grubun dışında tutulacağını şekillendirmektedir. Ancak, sınırları üzerindeki tekelleri nedeniyle yüksek nitelikli göçmen tanımının nihai sahibi devletlerdir (Weinar & Klekowski von Koppenfels, 2020). Araştırmaların çoğunda eğitim düzeyi, meslek ve/veya gelirin ana kriter olarak alındığı veriye dayalı tanımlar kullanılmaktadır. Belirli bir alanda lisans düzeyinde eğitimi veya kapsamlı/eşdeğer deneyimi olan ve belirli bir maaşın üzerinde kazanan

bir kişi, genellikle uluslararası kuruluşlar, akademisyenler ve politika yapıcılar tarafından yüksek nitelikli olarak kabul edilmektedir (ibid.; OECD, 1998).

1990'lardan bu yana, nitelikli iş gücünü çekmeye yönelik küresel rekabetin ve diasporaların nitelikli insan kaynağı potansiyeli olarak görülmesinin artmasıyla beraber, yurt dışında yaşayan yüksek nitelikli vatandaşların yurda dönüşünü teşvik etmek köken devletler için önemli bir politika önceliği haline gelmiştir. Köken devletler, bu kategoride yer alan vatandaşlarını birer değer olarak görmekte ve daha yüksek maaşlar veya daha düşük vergiler gibi ayrıcalıklarla ülkeye dönüşlerini teşvik etmeye çalışmaktadırlar. Ancak, bu tür proaktif dönüş politikaları genellikle ülkeye varıştan sonra başlayan uzun sürece, yani yeniden entegrasyona sessiz kalmaktadır. Bu politikalar, genellikle yurt dışında yaşayan yüksek nitelikli bireylerin homojen bir grup oluşturduğu, dönmeye ve bilgi, beceri ve ağları ile köken ülkelerine katkıda bulunmaya hazır oldukları ve herhangi bir zorlukla karşılaştıklarında hızlıca toparlayacakları varsayımları üzerine kurulmuştur. Başka bir deyişle, bu bireyler, psikolojik olarak dayanıklı, kendine yeten, değişimlere hızlıca uyum sağlayabilen ve devletten herhangi bir konuda yardıma ihtiyaç duymayan kişilerdir.

Dayanıklılık (Rezilyans)

11 Eylül'le birlikte dayanıklılık giderek daha popüler bir kavram haline gelmiştir, hatta Ganong ve Coleman (2002) içinde bulunduğumuz bu dönemi 'Dayanıklılık Çağı' olarak adlandırmaktadır. Bireylerin, ailelerin, toplulukların, şehirlerin, doğal, sosyal, politik ve yasal sistemlerin dayanıklılığı tartışılmakta ve beklenilmektedir. Dayanıklılık, göç alanında da özellikle zorunlu ve yasa dışı göç bağlamlarında sıklıkla ziyaret edilen bir kavramdır. Ancak yüksek nitelikli göçmenlerin özellikle köken ülkelerine döndüklerinde dayanıklılıkları literatürde pek dikkate alınmamıştır.

En basit tanımıyla dayanıklılık, "*olumsuz durumlarla olumlu bir şekilde başa çıkma yeteneği veya olumsuz bir durum yaşadıktan sonra toparlanma yeteneğidir*" (Gambaro vd., 2020, s. 2). Dayanıklılık teorisi üç temel soruyu sorar: "*Neyin dayanıklılığı? neye karşı dayanıklılık? ve ne için dayanıklılık?*" (Ruhl vd., 2021). Köken devletlerin dönmesini istedikleri göçmenler kategorilerine dair seçiciliği ve yüksek niteliklilerin

göçüne ilişkin dönüş politikalarında yeniden entegrasyon sorunlarına sessiz kalmaları göz önüne alındığında, bu soruların yanıtlarının sırasıyla devlet, küresel ekonomik rekabet ve kalkınma olduğu görülmektedir. Devlet, dayanıklı olma sorumluluğunu vatandaşlarına yüklemektedir. Diğer yandan, yapılan çalışmaların da gösterdiği gibi dayanıklılık bir beceridir ve beceriler yapısal faktörlerin yarattığı fırsatlara ve sınırlamalara bağlıdır. Başka bir deyişle, bireylerin kırılganlıkları gibi dayanıklılıkları da politik, ekonomik, sosyal ve kurumsal bağlam tarafından şekillenmektedir.

Genellikle kırılganlık ve dayanıklılık kavramları zorunlu göçmenler için kullanılmaktadır. Ancak günümüz dünyasında, zorunlu ve gönüllü arasındaki ayrım bulanıklaşmıştır. Ayrıca, yüksek niteliklilerinki de dahil tüm göç türlerinde yaş, cinsiyet, etnik köken ve sınıfın kesişimselliği söz konusudur. Dolayısıyla, yüksek niteliklilerin göçüne dair herhangi bir araştırma *"yüksek niteliklilerin göçünün karmaşık doğası ve özelliklerinin"* (Czaika vd. 2018a, s.8) ve bu grup içindeki heterojenliğin kabulüyle başlamalıdır. Ayrıca, geleneksel yüksek nitelikli göçü-ekonomik kalkınma ekseninin ötesine geçilmeli ve yüksek nitelikli göçü kendi başına araştırılmalıdır.

Araştırmanın Tasarımı

Bu araştırma, yukarıda sayılan varsayımlara ve dönüş politikalarının yeniden entegrasyon boyutundaki sessizliğine eleştirel bir mercek ile bakmaktadır. Aşağıda belirten yaygın görüşleri sorgulamaktadır:

i. Kişinin köken ülkesine dönmesi psikolojik olarak güvenli bir süreçtir.
ii. Dönen yüksek nitelikli göçmenler homojen bir grup oluşturur.
iii. Tüm dönen yüksek nitelikli göçmenler göç kararlarında güçlü bir failliğe sahiptir.
iv. Beşeri, ekonomik, sosyal ve kültürel sermayelerinin bir sonucu olarak bu dönen göçmenler, dönüş ve yeniden entegrasyonla ilgili zorluklara karşı bağışıklık sahibidir
v. Dönen yüksek nitelikliler, köken ülkelerine otomatik ve sorunsuz olarak yeniden entegre olan, psikolojik olarak dayanıklı bireylerdir.

Bu araştırma insan haklarının zorluklarla başa çıkabilme, yani dayanıklılık açısından önemli bir kaynak ve psikolojik iyi olma halinin bir parçası olduğunu varsaymaktadır. Başka bir deyişle, yasal yapılar, hakları ve bu haklara erişimi ya da bu haklar üzerindeki sınırları belirleyerek göçmenlerin dayanıklılığını ve deneyimlerini şekillendirmektedir.

Çalışmanın diğer varsayımları şöyledir:

i. Diğer göçmen gruplarında olduğu gibi yüksek nitelikli dönenler için de dönüş ve yeniden entegrasyon çok katmanlı ve karmaşık süreçlerdir;
ii. Hem ev sahibi hem de köken ülkeler, yasal, ekonomik, sosyal ve politik yapılarıyla yüksek nitelikli bireylerin dönüş niyetlerini (aspirations) şekillendirmektedir;
iii. Yüksek vasıflı göçmenlerin faillikleri (niyetleri ve yeterlilikleri -aspirations ve capabilities) yapıya bağlıdır;
iv. Dönen yüksek göçmenler de politik, ekonomik, sosyal ve kurumsal bağlamların yarattığı veya şekillendirdiği kırılganlıklara sahiptir;
v. Dayanıklılık bir beceridir ve beceriler, yapısal faktörlerin yarattığı fırsatlara ve sınırlamalara tabidir;
vi. Bu nedenle, dönüş göçünü düzenleyen yasal yapılar (kanunlar, politikalar ve kurumlar) dönen yüksek niteliklilerin dayanıklılığıyla ilişkilidir.

Yüksek niteliklilerin dönüş göçü hakkındaki araştırmalarda yasal bir rota/boyut ihtiyacı olduğunu savunan bu araştırma, *"Köken devletlerin dönüş göçünü düzenleyen yasal yapılar, dönüş yapanların dayanıklılığıyla nasıl ilişkilidir?"* sorusuna yanıt aramaktadır. Çalışmada, yasal yapı iki boyutlu olarak tanımlanmıştır: i. yasalar, politikalar ile uluslararası anlaşmalardan oluşan yasal çerçeve ve ii. bu yapıların uygulanmasından sorumlu olan aktörler. Yasal yapıya ilişkin şu alt sorular sorulmuştur.

i. Türkiye Cumhuriyeti devleti, yüksek nitelikli (dönen) göçmeni nasıl tanımlamaktadır?

ii. Yüksek nitelikli dönüş göçünün yönetiminden hangi aktörler sorumludur, yani bu göç türünü yöneten kurumsal yapı nedir?
iii. Yüksek nitelikli göçmenlerin dönüşü ve yeniden entegrasyonu hangi yasal çerçeve ile düzenlenmektedir?

Ayrıca, yeniden entegrasyon ve dayanıklılıkla ilgili iki soru belirlenmiştir:

iv. Yüksek nitelikli dönen göçmenler dayanıklılık ve kırılganlık kavramlarını nasıl tanımlamaktadırlar?
v. Dönüş sonrasında hakları kullanma pratiklerinin dayanıklılık ve yeniden entegrasyon süreçleri ile ilişkisi nedir?

Bu çalışma, nitel metodolojiye sahiptir ve bir vaka çalışması olarak tasarlanmıştır. Vaka olarak Türkiye seçilmiştir. Türkiye geleneksel olarak göç veren bir ülke sayılmaktır. Birleşmiş Milletler Ekonomik ve Sosyal İşler Departmanı'nın (UN DESA) Uluslararası Göçmen Stok İstatistikleri'ne (2020) göre, hâlâ dünyanın en fazla göç veren 20 ülkesi arasında yer almaktadır. Dolayısıyla, 20. yüzyılın ortalarında başlayan dışa göç hareketleri devam etmektedir. Ancak, on yıllar içinde göçmen profili, düşük nitelikli iş gücünden yüksek nitelikli vatandaşlara kaymıştır. Son on yıla, 2013'teki Gezi Parkı Protestoları, 2015'teki PKK ile barış sürecinin çöküşü, 2016'daki başarısız darbe girişimi ve 2018 ve 2021'deki ekonomik krizleri damga vurmuştur. Sonuç olarak, otoriter yönetimden kaçmak, daha iyi fırsatlar aramak veya diğer kişisel nedenlerden dolayı giderek daha fazla sayıda yüksek nitelikli T.C. vatandaşı yurt dışına göç etmeye başlamıştır. Ancak, yurt dışına taşınanların hepsi gittikleri ülkede kalıcı olarak kalmamaktadır. Sayıları daha az da olsa, bazıları geri gelmektedir.

Literatürde Türkiye'nin diaspora katılım politikaları ve kurumsal yapısına ilişkin çalışmalar mevcuttur. (Aksel 2014 & 2016; Şahin Mencütek ve Başer 2018; Kolbaşı Muyan 2023). Türkiye'nin dönüş politikalarına dair çalışmalar ise daha sınırlıdır. Kısıtlı sayıdaki bu çalışmalara göre Türk devleti, seçici dönüş politikası perspektifini benimsemektedir. Küresel yetenek yarışında rekabetçi olabilmek için en iyi ve en parlak olanların dönüşü ile ilgilenmektedir. Bu nedenle, az sayıdaki mevcut dönüş politikası yüksek niteliklilere yöneliktir (Bilgili ve Siegel 2014). Ancak, hem bu politikalar hem de yüksek nitelikli dönüş göçünü düzenleyen yasal yapıya dair literatür

yeniden entegrasyon konusunda sessiz kalmaktadır. Yasaları, politikaları, ikili ve çok taraflı anlaşmaları ve kurumları kapsayan yasal yapıyı ele alan kapsamlı bir çalışma eksiktir. Bu araştırma, bu boşluğu doldurmayı amaçlamaktadır.

Bu çalışmada iki ana veri kaynağı bulunmaktadır. Yasal yapının analizinde Yurt Dışı Göçmen Politikası Rejimleri Projesi (Emigration Policy Regimes (EMIGPOL) veritabanından alınan ve resmi belgelerden (yasalar, politikalar, çok taraflı ve ikili anlaşmalar) oluşan veriler ile on iki Ulusal Kalkınma Planı (UKP) kullanılmıştır. Ayrıca, üç kamu görevlisi ile kişisel irtibat kurulmuştur.

Yasal çerçevenin uygulanmasını anlamak için, yurt dışında bir yıldan fazla kalmış, son 10 yıl içinde dönmüş ve en az bir yıldır Türkiye'de ikamet eden 45 yüksek nitelikli Türk vatandaşı ile yarı yapılandırılmış görüşmeler yapılmıştır. Analitik sebeplerle dönen yüksek nitelikli göçmenler dört alt kategoriye ayrılmıştır.

- Dönen akademisyenler
- Dönen STEM (Bilim, Teknoloji, Mühendislik ve Matematik) profesyonelleri
- Dönen girişimciler ve
- Dönen Mavi Kart sahipleri (siyasi haklar dışında Türk vatandaşlarına sunulan haklarının tamamına sahip olan, yaşadıkları ülkelerin mevzuatları sebebiyle Türk vatandaşlığından çıkmış bulunanlar).

İlk üç kategori, geleneksel olarak devlet ve özel sektör tarafından yürütülen tersine beyin göçü / dönüş politikalarının ve programlarının hedef gruplarıdır. Bu nedenle, makbul sayılan, dönüşleri arzu edilen ve kolaylaştırılanlardır; ancak bu gruplara dahil herkesin Türkiye'ye dönüşü bu tür programlar aracılığıyla gerçekleşmemektedir. Dolayısıyla, bu araştırma ile tersine beyin göçü/ dönüş göçü girişimlerinin- örneğin iş gücü piyasasına erişimi kolaylaştıran inisiyatiflerin dönüş sonrasındaki deneyimleri ve dayanıklılığı şekillendirip şekillendirmediğini ortaya koymak amaçlanmıştır. Son grup, siyasi haklardan yoksundur. Bu tür hakların dönen yüksek nitelikli bireylerin dayanıklılık ve yeniden entegrasyon deneyimlerini etkileyip etkilemediğini anlamak için çalışmaya dahil edilmiştir.

Görüşmeler, Orta Doğu Teknik Üniversitesi'nden (ODTÜ) etik onay alınarak Haziran 2023 ile Ocak 2024 arasında yapılmıştır. Katılımcı seçimi için kar topu ve amaçlı örnekleme teknikleri kullanılmıştır. İki araştırma sahası bekçisi (gatekeeper), araştırmacıya katılımcılara erişmeleri hususunda yardımcı olmuştur.

Dayanıklılığı değerlendirmek için görüşmeler sırasında açık uçlu bir soru sorulmuş ve katılımcılara kendi dayanıklılık tanımları ve kendilerini dayanıklı olarak sayıp saymadıkları sorulmuştur. Ayrıca, katılımcıların kendi dayanıklılıklarını değerlendirmelerinde ve araştırmacının katılımcıların dayanıklılıklarını değerlendirmesinde oluşabilecek herhangi bir önyargıyı bertaraf etmek için katılımcılardan Connor-Davidson Dayanıklılık Ölçeği'ni (CR-RISC) doldurmaları istenmiştir. Ölçek, dayanıklılığı i. değişime uyum sağlama, ii. olanlarla başa çıkma, iii. stresle başa çıkma, iv. odaklanmış kalma ve net düşünme, v. başarısızlık karşısında cesaretini kaybetmeme, vi. öfke, acı veya üzüntü gibi hoş olmayan duyguları idare etme olarak tanımlamaktadır. Ölçekte, 25 Likert ölçekli soru bulunmaktadır. Ölçekler, görüşme öncesinde SurveyMonkey aracılığıyla katılımcılara gönderilmiştir. Anket dışındaki tüm kaynaklardan toplanan veriler içerik analizine tabi tutulmuştur.

Bulgular ve Sonuç

Türkiye'nin Yüksek Nitelikli Tanımı

Kanunlar, politika belgeleri ve kalkınma planları ve uygulamaya ilişkin veriler ışığında, Türk devletinin yüksek nitelikli tanımının üç kategoriyi kapsadığını ileri sürmek mümkündür: üniversite öğrencileri, en az lisans düzeyinde üniversite diplomasına veya böyle bir diplomanın olmaması durumunda, uluslararası sertifikalar ve belirli bir yıl deneyime sahip profesyoneller ile yatırım düzeyi, sanayiye katkı, teknoloji, istihdam vb. konularda belirli özelliklere sahip yatırımcılar.

Türkiye'nin Dönüş Politikaları

Türkiye'nin mevcut politikaları arasında şunlar bulunmaktadır:

i. Dönüşü teşvik etmeye yönelik bilgilendirme çalışmaları

ii. Yurt dışından alınan diplomaların denkliği
iii. Devlet tarafından verilen yurt dışı eğitim burslarının dönüş koşulu üzerine taşıması
iv. Yatırımcılar için çeşitli finansal inisiyatifler: Ör. Teknoparklar, organize sanayi bölgeleri gibi alanlarda kurulacak işletmeler için vergi indirimleri, personel giderlerinde gelir vergisi muafiyeti, ücretsiz ya da düşük kiralı mekan sağlanması,
v. Yurt dışından dönecek araştırmacılar için teşvik edici araştırma ortamı ve finansmanı
vi. İşgücü piyasasına hızlı entegrasyon için çeşitli destekler (yüksek maaş, nitelikli yatırımcılar için mevzuat vs. ile ilgili bilgilendirici faaliyetler)
vii. İleri teknolojik yatırımlar için altyapı çalışmaları / yatırımları
viii. Diaspora ile ilişkiler üzerinden bilgi ve teknoloji transferinin hızlandırılması
ix. Çifte vatandaşlık, eğer vatandaşlıktan çıkıldıysa dönüşte yeniden vatandaşlığa alınmanın mümkün olması, mavi kart uygulaması
x. Sosyal güvenlik haklarının ülkeye taşınmasının sağlanması, yurt dışı borçlanma olanağı

Bulgulara göre Türkiye teknik personel, akademisyenler ve öğrenciler için değişim programları ve döviz kazandırıcı faaliyetleri desteklemek ve iş gücü fazlasının yurt dışına ihraç ederek işsizliği kontrol edebilmek bazen de hammadde ihtiyacını güvenli yollardan temin edebilmek için yurt dışında müteahhitlik, inşaat ve danışmanlık faaliyetlerini de desteklemektedir. Benzer şekilde devlet neoliberal dış politika önceliği doğrultusunda, uluslararası kuruluşlarda daha fazla Türk uzmanın işe alınmasını sağlayarak küresel nüfuzunu genişletmeye çalışmaktadır. Bu stratejiler, yöneticiler, mühendisler ve mimarlar gibi yüksek nitelikli profesyonellerin yurt dışına göçüne yol açmaktadır. Dolayısıyla Türkiye'nin yüksek nitelikli göçü düzenleyen yasal yapısının beyin dolaşımıyla daha uyumlu olduğu sonucunu çıkarmak mümkündür. Özet olarak, Türkiye'nin yüksek nitelikli vatandaşlarının göç hareketlerinde politikası beyin dolaşımını özendirmekte, belirli grupların dönüşünü

önceliklendirmekte, ekonomik entegrasyona yönelik önlemleri olmasına rağmen psikolojik ve sosyal entegrasyon konularında sessiz kalmaktadır.

Dönüş, Yeniden Entegrasyon ve Dayanıklılık: Yasal Yapının Pratiği

Dönüş ve yeniden entegrasyona ilişkin yasal yapı uygulama boyutunu da ön plana çıkarmaktadır. Genel olarak devletlerin gözünde dönen göçmenler, vatandaş olarak gelmeleri ve vatandaşlıkla bağlantılı tüm hak ve özgürlüklere sahip olmaları nedeniyle gelen yabancılardan farklılık göstermektedirler. Dönen gruplar arasında sıklıkla bir ayrım daha yapılmaktadır. Zorla geri gönderilenler ve gönüllü yardım programlarıyla dönenler devlet desteğini 'hak ederken', kendi istekleri ve kaynaklarıyla dönenler, özellikle de yüksek nitelikli olanlar nadiren devlet desteğine layık görülmektedirler. Bu durum Türkiye örneği için de geçerlidir.

Bulgulara göre yurt dışına çıkış niyetleri üçe ayrılmaktadır: eğitimini ilerletme, çalışma ve aileye veya eşe eşlik etme. Ancak bazı durumlarda bu nedenler birbiriyle iç içe geçebilmektedir: Eğitimi, iş veya aile oluşumu sebebiyle kalmak takip edebilmekte, aile kaynaklı göçler eğitim veya işe yol açabilmektedir.

Yurt dışında yaşam hem iyi hem de kötü deneyimleri içermektedir. Uluslararası ortamlar, iş-yaşam dengesini sağlayan daha kısa çalışma saatleri, daha yeşil şehirler ve sosyal bağlar yurt dışındaki yaşam kalitesine katkıda bulunmaktadır. Yaşanan zorluklar arasında aileyi ve ülkeyi geride bırakmak, yalnızlık ve özlem, dil engelleri ve farklı kültürel kodlar, zorlu akademik/profesyonel standartlar, yerel hayata katılma fırsatlarının sınırlı olması, okulda veya işte şiddetli rekabetin yanı sıra açık ve/veya üstü kapalı ayrımcılık sayılabilir. Bu temalar araştırmada görüşülen dört alt grup için ortakken farklı gruplar için geçerli temalar da gözlemlenmiştir. Örneğin akademisyenler doktora tezleri danışmanlarıyla iletişimde veya diasporadaki kutuplaşmadan dolayı zorluklarla karşılaşırken girişimciler ise işyerindeki farklılı uygulamalardan, bürokrasinin yavaşlığından ve siyasi rejimden şikayetçilerdir. Bu farklı zorluklar yüksek nitelikli göçmenlerin homojen bir grup oluşturmadığını göstermektedir.

Yüksek nitelikli göçmenler, önlerine çıkan sorunlarla başa çıkmak ve toparlanmak, diğer bir deyişle dayanıklı kalabilmek için öncelikle sosyal ağlarına ve ev sahibi devletler/kurumlar tarafından sağlanan haklara güvenmektedirler. Ücretsiz veya uygun fiyatlı psikolojik danışmanlık hizmetleri ve entegrasyon kursları bu tür destekleyici hak ve hizmetlere örnektir. Tam tersine, belirli haklara erişimin olmaması veya bazı haklara sınırlı erişim ise dayanıklılığı olumsuz etkilemektedir. Örnek olarak doktora erişimin mümkün olmaması, vize türlerine bağlı ve sınırlı çalışma hakları, göçmenlere yönelik ağır bürokrasi ve vatandaşlık yolunun bulunmaması sayılabilir.

Dönüş niyetleri başlangıçtaki göç hedefine göre farklılık göstermektedir. Bazıları doktora yapmak veya gelir elde etmek gibi belirli bir hedefi tamamladıktan sonra dönme fikriyle yola çıkmaktadırlar. Bu durumlarda dönüş beklenmektedir. Bazı dönüşler ise göçmenlerin isteği dışında ve beklenmedik bir şekilde gerçekleşmektedir. Kişisel ve dış faktörler de eve dönüş yolunu açabilir. Psikolojik sıkıntılar, ev sahibi topluma entegrasyondaki zorluklar, ayrımcılık, yurt dışındaki yaşamdan memnuniyetsizlik, silahlı çatışmalar ve COVID-19, beklenmedik dönüşlere yol açan nedenler arasındadır. Bu bulgular literatürdeki diğer çalışmaları desteklerken aynı zamanda yüksek nitelikli göçmenlerin de kırılganlıklara ve zorluklara sahip olduğunun altını çizmektedir.

Dönüş, yeniden entegrasyon sürecini başlatmaktadır. Bu çalışmada yeniden entegrasyonun farklı faktörlerin bir fonksiyonu olduğu bulunmuştur. Dönüşün zamanı ve bağlamı, dönüşe hazırlıklı olmak kadar önemlidir. Kendilerini ev sahibi ülkelere entegre hissedenlerin yeniden uyum sağlaması daha zordur. Öte yandan kısa süreli ziyaretler, göçmenlerin köken ülke ile bağlarını sürdürmelerini ve ülke hakkında bilgi sahibi olmalarını sağlayarak yeniden entegrasyonu kolaylaştırıcı bir rol oynamaktadır. Kısa süreli ziyaretlerde bulunanlar daha gerçekçi beklentilerle dönmektedirler.

Yeniden entegrasyonun üç boyutu vardır: ekonomik, sosyal ve politik; bunların tümü, köken devletin yasal yapısının sağladığı haklar ve haklara erişimle yakından bağlantılıdır. Bu çalışmanın bulgularına göre çoğu durumda dönen yüksek nitelikliler için ekonomik yeniden entegrasyon en az zor olanıdır; çünkü dönüş programlarının çoğu iş gücü piyasasına erişimi kolaylaştırmaktadır. Dönen yüksek nitelikliler,

özellikle de herhangi bir yurda dönüş programı kapsamında gelenler ve yurt dışında belirli miktarda birikimle dönenler, iş gücü piyasasına nispeten kolay bir şekilde yeniden entegre olmaktadırlar. Diğer yandan kendi inisiyatifleri ile dönenler için iş gücü piyasasına erişim de doğrudan veya sorunsuz değildir. Sosyal güvenlik haklarının yurt içine taşınabilirliği, aktarma maliyetinin (borçlanmanın) faydayı (alınacak emekli maaşı beklentisini) aşmaması durumunda katkı sağlayıcı bir rol oynamaktadır. Ayrıca, hak alanlarının birbirine bağlılığı komplikasyona yol açmaktadır. Dönenler Türkiye'de iş bulamadıklarında, bu kişilerin sağlık sistemine erişimleri zorlaşmaktadır; çünkü genel sağlık sigortası ödemesi gerekmektedir. Benzer şekilde, finansal kaynaklara sahip olmadan dönen yüksek nitelikliler için konut bulmak da bir zorluktur, genellikle ailelerinin yanında dönmektedirler. Devlet desteğinin yokluğunda dönenler iş bulmak, ev almak, kültürel hayata katılmak için genellikle sosyal ağlarına güvenmektedirler. Öte yandan sosyal ağlar da dinamiktir; dostluk bağları mesafelere rağmen devam edebiliyorken kurumsal yapıların ve çalışanların zaman içinde değişmesi nedeniyle profesyonel ağları korumak mümkün olmamaktadır. Dolayısıyla, yeniden entegrasyonda sosyal ağların rolü de sınırlıdır ve dönen yüksek nitelikli bireyler, yalnızca iş piyasasına değil aynı zamanda sosyal ağlara da girmek için devlet desteğine ihtiyaç duymaktadır.

Yarı yapılandırılmış görüşmelerin bulguları, yüksek nitelikli göçmenlerin köken ülkelerine dönüşte yeniden entegrasyonlarının otomatik ve sorunsuz olduğu ve bu bireylerin devlet desteğine ihtiyaç duymayan, ülkeye katkıda bulunmaya hazır, dayanıklı vatandaşlar olduğu varsayımlarının Türkiye örneği için geçerli olmadığını göstermektedir. Aksine, dönen yüksek nitelikli bireyler, devletin dikkatini gerektiren kırılganlıklara sahiplerdir. Ayrıca, araştırmanın bir bulgusu da dönen yüksek niteliklilerin devletten ihtiyaçlarının, 1980'lerde Batı Avrupa ülkelerinden dönen işçi göçmenlerinkinden farklılık göstermesidir. Örneğin, bir mülakatta belirtildiği gibi, şehirlerde herhangi bir kuruma bağlı olmayan akademisyenlerin kullanımına açık kütüphanelerin bulunmaması bu nitelikteki grup için zorlayıcı olmaktadır.

Cumhurbaşkanlığı ve bakanlıkların son iletişim kampanyaları ve stratejik belgelerinden, Türkiye'nin ekonomisini geliştirmeyi ve küresel yetenek için bir çekim merkezi olmayı hedeflediğini, bu yeteneklerin de bir kısmının yurt dışındaki Türk

vatandaşlarından oluştuğunu anlaşılmaktadır. Dolayısıyla, Türkiye, arka planında kalkınma odaklı bir yaklaşımla , yetenekli göçmenlere ek olarak, yurt dışında yaşayan yüksek nitelikli insan sermayesini yurda çekmeyi planlamaktadır. Özellikle tersine beyin göçü bursları ve nitelikli yatırımcılar ve girişimciler için mali teşvikler öngörmektedir. Bu tür dönüş politikalarının varlığı, yüksek nitelikli vatandaşları geri çekme konusunda umut vericiyken, uygulamaları daha önemli hale gelmektedir. Geçici ve kalıcı dönüş arasındaki çizgi genelikle bulanıktır ve bu grup niteliklileri ve küresel düzeyde kendilerine olan talep sebebiyle oldukça hareketlidir. Sonuç olarak kapsamlı yeniden entegrasyon politikalarının eksikliği kolayca yeniden dışa göçü getirebilir. Dolayısıyla yüksek niteliklilerin dönüşünü yöneten yasal yapının bu grubun sahip olduğu kırılganlıklar ve dayanıklılığı ile ilgili varsayımlarını gözden geçirerek yeniden yapılandırılması önem taşımaktadır.

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