

The Internationalization of Higher Education and The International Student Phenomenon in Türkiye: An Assessment in The Context of Legal Regulations Introduced Since 2000¹

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Abstract

This study examines the transformation of the legal and regulatory framework governing the internationalization of higher education and international students in Türkiye, with particular emphasis on the period after 2000. It situates recent reforms within a broader historical trajectory extending from the growing presence of international students in the 1960s to the initial institutional and legislative measures adopted during the 1980s and 1990s. Drawing on relevant legislation, implementing regulations, Official Gazette records, and the related literature, the study reviews the principal legal arrangements introduced during the 2010s. These include legislation concerning the Presidency for Turks Abroad and Related Communities, foreigners and international protection, international labour, Türkiye Scholarships, joint degree programmes, residence permits, and international students' access to employment. The findings indicate that Türkiye has gradually moved from a limited and fragmented regulatory approach towards a broader framework addressing institutional coordination, scholarships, residence, family unity, labour-market participation, and post-graduation employment. These reforms have contributed to strengthening the internationalization of Turkish higher education and enhancing Türkiye's attractiveness as a study destination. Nevertheless, the existing framework remains insufficient in certain respects when compared with leading international student-hosting countries. The study therefore emphasizes the need for a more coherent, comprehensive, and rights-sensitive international student policy.

Keywords: Internationalization of higher education; International students; Legal regulation.

JEL Classification: I23, I28, K37

1. Introduction

Education, described as the art of shaping human beings and historically assigned the function of producing the forms of labour required by the Industrial Revolution, came to be regarded from the 1970s onward as both a lever for national economies and a process through which individuals could pursue a more liveable life. This transformation contributed to the internationalization of education and the emergence of international student mobility as a distinct phenomenon. The internationalization of education and the worldwide growth in the number of international students prompted countries to introduce various regulations in this field.

Unlike the countries that have traditionally attracted the largest numbers of international students, the Republic of Türkiye began to adopt its principal measures concerning the internationalization of education and international students only after the 1980s. Nevertheless, the regulations introduced during this period remained limited in scope. From the 2000s onward, changes in Türkiye's social, political, and economic structures were accompanied by a shift in its approach to the internationalization of higher education, leading to a reconsideration of the existing regulatory framework.

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In this context, a statutory regulation specifically addressing international students was first introduced in 2010. Subsequently, provisions concerning international students were incorporated into several other legislative instruments. Various regulations also established practices intended to advance the internationalization of higher education and enhance Türkiye's attractiveness as a destination for international students. These developments have increased Türkiye's appeal and competitiveness as a host country for international students. Against this background, the present study provides an examination of the legal regulations adopted in this field.

2. The International Student Phenomenon

The absence of a higher education model or strategy that could serve as a universally applicable example for international education has led to the development of diverse policies and, consequently, different approaches to international education and international students. In this context, countries have formulated their strategies concerning international education and international students in accordance with their own economic, political, social, and academic dynamics; their human and financial resources; their historical relations with the regions they seek to engage; and their self-defined needs. Nevertheless, a degree of convergence has ultimately emerged among these national strategies. This convergence has resulted in policies concerning international students being assessed within the framework of two distinct models.

The system of higher education governance implemented in countries such as the United States, the United Kingdom, Canada, Australia, and Ireland is commonly identified in the literature as the Anglo-Saxon Model of Education. Under this model, the influence of national policy on education remains relatively limited. In other words, the influence exercised by ministries of education over universities is indirect and weak. Higher education institutions therefore possess a largely decentralised structure and are governed through intermediary or buffer organisations. Accordingly, policies concerning higher education are also formulated within this institutional framework (Gürüz, 2006, as cited in Erdem, 2006).

By contrast, the system of higher education governance implemented in countries such as Germany, France, Spain, Sweden, the Netherlands, Italy, Portugal, Japan, and Denmark is defined in the literature as the Continental European Model of Education. Within this model, educational institutions in general, and higher education institutions in particular, exhibit a more centralised structure. Higher education institutions operate within a predominantly centralised system, and their practices are shaped and implemented in accordance with the policies of the central authority (Douglass and Edelstein, 2009, as cited in Levent and Karaevli, 2013).

Türkiye's higher education model is distinctive because its social structure, institutional dynamics, and historical development differ from those of other countries. It therefore cannot be fully incorporated into either of the two models outlined above. Nevertheless, it may also be argued that, over time, Türkiye's higher education system has developed certain similarities with the Anglo-Saxon model.

3. The International Student Phenomenon in Türkiye and Its Historical Development

Following the establishment of the Republic, Türkiye became an increasingly attractive destination for international students during the 1960s as a result of the economic, cultural, and scientific cooperation agreements it concluded with other states (Bolat, 2015). Although international students had been present in Türkiye before the 1960s, this decade constituted a quantitative turning point for the country. Nevertheless, until the 1980s, there was no legislation directly addressing either the internationalization of higher education or international students in Türkiye. Until that period, matters concerning international students were governed by the provisions of Passport Law No. 5682 and Law No. 5683 on the Residence and Travel of Foreigners in Türkiye.

During the 1980s, when neoliberal policies and the social structures associated with them began

to exert a global influence, international students came to be regarded as an important policy area both internationally and in Türkiye. This growing importance was associated with several factors, including the intensification of competition among countries resulting from the internationalization of education and international student mobility, the economic benefits generated by such mobility, its contribution to the promotion of national cultures, and its instrumental use in diplomatic relations. Accordingly, from the 1980s onward, both globally and in Türkiye, there emerged a need for practices and legal arrangements directly targeting international students, and various policies were developed in response to this need.

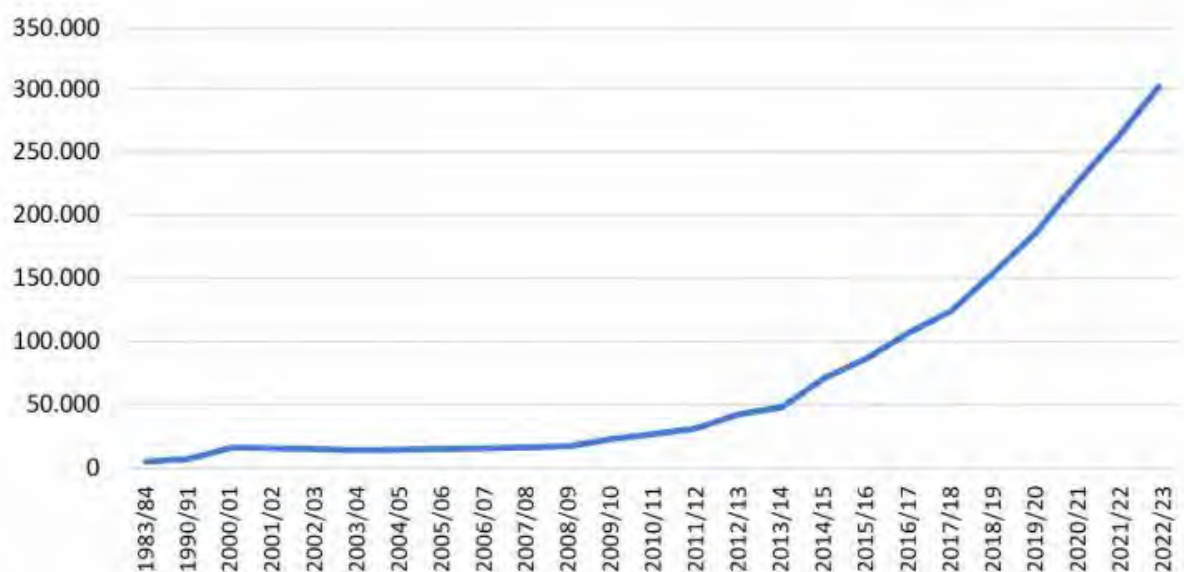
The first significant step taken in Türkiye in this direction was the introduction of the Examination for Foreign Students (YÖS) in 1981. The process initiated through YÖS subsequently generated more concrete outcomes and institutional planning. In 1983, Law No. 2922, which directly regulated matters concerning international students, was enacted. This law established the principles governing the entry of international students into Türkiye for higher education, their admission to higher education institutions, their departure from the country, and the obligations of both the relevant institutions and organizations and the students themselves (Snoubat, 2015). Moreover, it provided the legal basis for the establishment of an Evaluation Board responsible for regulating matters concerning international students intending to enter Türkiye or already pursuing higher education in the country. It also specified the procedures and principles governing the Board's meetings and activities.

Although Türkiye began to place greater emphasis on international students from the 1980s onward, particularly through Law No. 2922, another major turning point in international student mobility occurred following the dissolution of the Soviet Union. The end of the "bipolar world system" and the emergence of numerous newly independent states compelled Türkiye to reassess its existing policies and formulate new ones. In this context, agreements were concluded to introduce a new dimension to Türkiye's political, economic, and cultural relations with the Turkic republics of Central Asia (Çelik, 2008). Within the framework of these agreements and broader initiatives aimed at strengthening relations with newly independent states, education and international education were regarded as instruments of foreign policy. Consequently, comprehensive initiatives concerning education and international education were launched (Kavak and Başkan, 2001).

The most notable of these initiatives was the Great Student Project (Büyük Öğrenci Projesi—BOP). The stated objectives of the project were to contribute to meeting the qualified human-resource needs of Türkiye and Turkic and related communities, to educate a younger generation positively disposed towards Türkiye, to establish enduring ties of fraternity and friendship within the Turkic world, to teach the Turkish language and promote Turkish culture, and to strengthen relations both between Türkiye and the countries of the Turkic world and among those countries themselves (Kılıçlar et al., 2012). Over a period of 20 years, approximately 50,000 scholarship-funded and 50,000 self-funded international students were admitted to Türkiye under the project (Bolat, 2017).

Throughout the 1990s, international students continued to be regarded as a significant policy area for Türkiye. In this context, bilateral agreements were concluded between countries to promote the internationalization of education, international student mobility, and joint educational investments. Despite these practices and legislative arrangements, however, international student mobility in Türkiye continued to fluctuate throughout the decade.

Figure 1. Number of International Students in Türkiye by Year



Source: <https://istatistik.yok.gov.tr/> (accessed on 20 June 2023).

The principal turning point in Türkiye's approach to international students occurred after the 2000s, particularly during the 2010s. From the beginning of the 2000s, the internationalization of education and international student mobility increasingly came to be regarded as important instruments for strengthening international dynamics in the development process, sharing knowledge and expertise with countries in need, and placing economic, social, and cultural relations within international cooperation on a sustainable and robust foundation. This understanding led to a transformation in Türkiye's approach to the international student phenomenon. Alongside this shift, the development of Türkiye's relations with the European Union made it necessary for policymakers to introduce new legal regulations in the relevant field. These legislative reforms, in turn, contributed to advancing both the internationalization of higher education and the international student phenomenon in Türkiye to a new stage.

4. Legal Regulations Concerning the Internationalization of Education and International Students: Developments Since 2000

Although Türkiye's policies and practices concerning the internationalization of higher education and international students date back to the 1980s, the most significant turning points in this field emerged during the 2010s. Policies developed within the framework of Türkiye's accession process to the European Union, together with the increasingly visible effects of globalization in the 2000s, the growing permeability of national borders, technological advances, and the expansion of communication and transportation networks, necessitated the introduction of new regulatory arrangements.

In this context, three principal legislative instruments enacted in the post-2000 period directly addressed or encompassed issues relating to the internationalization of higher education and international students: (i) the Law on Certain Arrangements Concerning the Presidency for Turks Abroad and Related Communities, (ii) the Law on Foreigners and International Protection, and (iii) the International Labour Force Law. In addition, references to the internationalization of higher education and international students were incorporated into several other legislative instruments.

Various arrangements concerning the internationalization of education and international students were also introduced through decree-laws, bylaws, regulations, and circulars issued either to ensure the implementation of the relevant legislation or to regulate the functioning of different

public institutions and organizations. The principal regulations adopted in this context include the Regulation on Türkiye Scholarships, the Regulation on the Implementation of the Law on Foreigners and International Protection, the Regulation on Joint Education and Training Programmes between Higher Education Institutions in Türkiye and Higher Education Institutions Abroad, and the Implementing Regulation of the International Labour Force Law.

4.1. The Law on Certain Arrangements Concerning the Presidency for Turks Abroad and Related Communities

Law No. 2922, which had provided the statutory basis for practices concerning the internationalization of higher education and international students in Türkiye, was replaced in 2010 by the Law on Certain Arrangements Concerning the Presidency for Turks Abroad and Related Communities. In addition to the factors discussed above, the changing approach to the internationalization of higher education and international students, together with the increasing number of international students residing in Türkiye, necessitated certain institutional arrangements and corresponding revisions to the mission and vision adopted in this field.

Within this framework, the procedures and principles governing the establishment, organizational structure, duties, and powers of the Presidency for Turks Abroad and Related Communities were defined. The Presidency was assigned responsibility for conducting activities concerning Turkish citizens living abroad and developing solutions to their problems; undertaking initiatives aimed at strengthening social, cultural, and economic relations with kin and related communities; and, except for projects implemented within the framework of the European Union, establishing the principles required to ensure the successful completion of the educational processes in Türkiye of students admitted by public institutions and organizations, as well as students arriving in Türkiye under international agreements. It was also entrusted with coordinating the activities of the relevant institutions in this area (Official Gazette, 2010).

Under the relevant legislation, the Department of Foreign Students was established within the Presidency for Turks Abroad and Related Communities. The duties of the Department were specified as follows:

- To undertake activities in Türkiye and abroad to enable international students to acquire a better understanding of Türkiye during and after their studies and to ensure the continuity of their relations with the country, and to contribute to the activities of public institutions and organizations, private organizations, and civil society organizations conducting similar work;
- To monitor the implementation and outcomes of decisions adopted by the Board concerning students;
- To prepare evaluations and analyses for the Board regarding the activities conducted by relevant institutions and organizations;
- To ensure the continuation of Türkiye's relations with students in their countries of residence following graduation;
- To establish a database in the relevant field.

The Law also established the Foreign Student Evaluation Board. The duties of the Board were listed as follows:

- To determine general policies concerning students who intend to enter Türkiye for educational purposes and those already studying in the country;
- To formulate Türkiye's international student strategy in accordance with the country's national interests;
- To determine the principles governing the educational, instructional, social, and guidance services to be provided to students studying in Türkiye;

- To determine, taking into consideration the recommendations of the Council of Higher Education, the principles concerning student quotas and selection procedures for admission to higher education institutions;
- To establish the principles applicable to students entering Türkiye to attend Turkish-language courses;
- To evaluate practices concerning students and inform the relevant public institutions and organizations;
- To follow up, at the institutional level, on problems encountered by educational institutions operated abroad by Turkish public institutions and organizations, with a view to ensuring that their activities achieve the intended objectives, and to analyse and evaluate the outcomes of such activities;
- To determine, in accordance with national and international conditions, the number of students to be awarded scholarships, the amount of such scholarships, the principles governing accommodation, subsistence and other payments, and the principles relating to medical expenses, taking general practices in Türkiye into consideration.

Certain amendments were subsequently introduced through the Presidential Decree on the Organization of Ministries, Related, Affiliated and Associated Institutions and Organizations, and Other Institutions and Organizations, published in the Official Gazette on 15 July 2018. Under this decree, the name of the Department of Foreign Students was changed to the Department of International Students. This terminological change may be associated with a broader transformation in the vision shaping the policies and practices of the Republic of Türkiye in this field. It reflected an increasing emphasis on the contribution made by students of different nationalities to the “international” identity of universities, rather than defining their status through the term “foreign,” with its connotations of “the other” or “someone from outside” (Özkan and Güvendir, 2015).

4.2. The Law on Foreigners and International Protection

In 2013, the Republic of Türkiye introduced a new legislative framework governing persons arriving or intending to arrive in the country for educational or similar purposes under international agreements to which Türkiye is a party or within the scope of student exchange programmes. The purpose of this legislation is to establish the procedures and principles concerning the entry of foreigners into Türkiye, their residence in and departure from the country, and the scope and implementation of the protection to be provided to foreigners seeking protection from Türkiye (Official Gazette, 2013). Although the Law provides a broader regulatory framework than the Law on Certain Arrangements Concerning the Presidency for Turks Abroad and Related Communities, it also contains provisions directly concerning the internationalization of higher education and international students. Accordingly, foreigners who enter Türkiye either through individual application or through public institutions and organizations and who intend to pursue associate, undergraduate, master’s, or doctoral education at a higher education institution are granted a student residence permit.

Moreover, the financial costs associated with studying in another country may require some international students to participate in the labour market. This situation may lead such students to engage in informal employment and, consequently, expose them to various difficulties. To prevent these problems, the Law on Foreigners and International Protection permits international students enrolled in formal associate, undergraduate, master’s, and doctoral programmes to work, provided that they obtain a work permit. The Law stipulates that the right to work for associate and undergraduate students begins after the completion of their first year of study. It further provides that the procedures and principles governing international students’ right to work shall be jointly regulated by the relevant office affiliated with the Presidency and the Ministry of Labour and

Social Security.

4.3. The International Labour Force Law

Following the enactment of the Law on Foreigners and International Protection in 2013, which established that international students could participate in employment, the International Labour Force Law was adopted in 2016 to regulate the employment conditions of foreigners in general and international students in particular.

The International Labour Force Law was introduced to regulate the determination, implementation, and monitoring of policies concerning the international labour force; the procedures and principles governing work permits and work-permit exemptions for foreigners; the relevant powers and responsibilities; and the rights and obligations arising within the field of international labour. Although the Law does not exclusively address international students, it contains several provisions directly applicable to them (Mevzuat.gov.tr).

Under the Law, international students enrolled in associate or undergraduate programmes may apply for a work permit after completing the first year of their studies. Moreover, international students registered in formal associate and undergraduate programmes are permitted to work on a part-time basis in accordance with Labour Law No. 4857. In other words, a maximum weekly working time of 30 hours is stipulated for international students at the associate and undergraduate levels. The Law further provides that these restrictions do not apply to postgraduate students.

The Law also creates employment opportunities for international students who complete their higher education in Türkiye. Accordingly, where an international graduate submits a work-permit application within one year of graduation, the application is assessed in accordance with the principles determined by the International Labour Force Policy Advisory Board. This provision is particularly significant for international students when the countries and regions from which Türkiye attracts students are taken into consideration. Türkiye predominantly receives international students from the Middle East, Asia, and Africa. Given the levels of economic and social development in many countries within these regions, Türkiye may be perceived as an attractive destination. By providing international graduates with opportunities to work and continue living in Türkiye, this regulatory framework constitutes an important factor influencing international students' decision to choose Türkiye as a destination for higher education.

4.4. The Regulation on Türkiye Scholarships

The Regulation on Türkiye Scholarships was published in Official Gazette No. 29033, dated 17 June 2014, to establish the procedures and principles governing the scholarships awarded to international students by the Republic of Türkiye, collectively referred to as Türkiye Scholarships (Official Gazette, 2014). According to the Regulation, Türkiye Scholarships aim to strengthen Türkiye's cultural, political, and economic relations at the international level through the ties established by international students; facilitate the global dissemination of Türkiye's cultural and civilizational heritage and its accumulated experience in higher education; and contribute to the internationalization of Turkish higher education institutions by attracting qualified international students. In other words, the programme seeks to support the internationalization of higher education and enhance Türkiye's position as an attractive destination for international students.

Within the scope of Türkiye Scholarships, international students enrolled in Turkish-language courses, associate-degree, undergraduate, or postgraduate programmes in Türkiye, as well as those undertaking research activities, may benefit from various forms of support, including tuition, accommodation, transportation, healthcare expenses, and monthly scholarship payments. The arrangements concerning the amount and nature of the financial support provided to students are administered by the Presidency for Turks Abroad and Related Communities.

The objectives of Türkiye Scholarships are defined as follows:

- (a) To support Türkiye's public diplomacy activities;
- (b) To contribute to the internationalization of higher education in Türkiye;
- (c) To increase public awareness of international students;
- (d) To contribute to the academic, social, and professional development of international students;
- (e) To promote initiatives aimed at improving the teaching of Turkish to international students;
- (f) To establish and coordinate the Türkiye Alumni Network;
- (g) To develop high-quality and competitive scholarship programmes capable of responding to diversity;
- (h) To select qualified students whose profiles are consistent with the objectives of the scholarship programmes.

Furthermore, the Regulation assigns various responsibilities to the Ministry of Foreign Affairs, the Ministry of Interior, the General Directorate of Credit and Hostels, the Council of Higher Education, universities, and other relevant institutions and organizations to ensure the achievement of the objectives established under Türkiye Scholarships.

4.5. The Regulation on the Implementation of the Law on Foreigners and International Protection

The Regulation on the Implementation of the Law on Foreigners and International Protection, published in Official Gazette No. 29656 on 17 March 2016, introduced various provisions concerning the internationalization of higher education and international students (Official Gazette, 2016). Accordingly, international students pursuing associate, undergraduate, master's, or doctoral education at a higher education institution in Türkiye are granted a student residence permit exempt from residence-permit fees. The Regulation further stipulates that such a permit may serve as supporting documentation in applications submitted by an international student's spouse and children for a family residence permit, thereby constituting a significant step towards preserving family unity. It also provides that a residence permit issued for the entire duration of an academic programme may, where the student does not or is unable to graduate within the prescribed period, be extended for successive periods of up to one year, provided that the extension does not exceed the maximum duration of study.

In addition to residence permits, the Regulation contains provisions concerning international students' right to work. As stipulated in the Law on Foreigners and International Protection, international students enrolled in master's and doctoral programmes in Türkiye may work provided that they obtain a work permit. Students who obtain a work permit are exempt from the obligation to obtain a student residence permit for the period during which the work permit remains valid. However, the Regulation does not contain any specific provision concerning work permits for international students enrolled in associate or undergraduate programmes.

4.6. The Regulation on Joint Education and Training Programmes between Higher Education Institutions in Türkiye and Higher Education Institutions Abroad

The Regulation on Joint Education and Training Programmes between Higher Education Institutions in Türkiye and Higher Education Institutions Abroad was adopted on 6 October 2016. The Regulation aims to establish the procedures and principles governing the creation of joint-degree programmes through cooperation between higher education institutions in Türkiye and foreign higher education institutions recognized by the Council of Higher Education. Such programmes are intended to combine the respective strengths of participating institutions and

provide students with the best possible educational opportunities in accordance with their academic standards. The Regulation also governs the circumstances under which students enrolled in existing programmes at higher education institutions in Türkiye may obtain joint degrees by completing part of their education at higher education institutions abroad. In addition, it regulates matters such as the admission requirements applicable to international students who intend to pursue higher education in Türkiye (Official Gazette, 2016b).

4.7. The Implementing Regulation of the International Labour Force Law

The Implementing Regulation of the International Labour Force Law was adopted pursuant to the International Labour Force Law to establish the procedures and principles governing the determination, implementation, and monitoring of international labour-force policies; work permits and work-permit exemptions to be granted to foreigners; the relevant powers and responsibilities; and the rights and obligations arising in the field of international labour. The Regulation also contains various provisions concerning international students. Accordingly, international students enrolled in formal education programmes at higher education institutions in Türkiye may work provided that they obtain a work permit (Official Gazette, 2022).

International students enrolled in associate or undergraduate programmes may apply for a work permit after completing the first year of their studies and may engage in part-time employment in accordance with Labour Law No. 4857, dated 22 May 2003. These restrictions do not apply to postgraduate students enrolled in formal education programmes. The Regulation further stipulates that a work permit granted to an international student does not terminate the student's valid residence permit or the rights arising from that permit.

The Regulation also introduced provisions concerning the employment of international students following graduation. Within this framework, international graduates may participate in the Turkish labour market after completing higher education, provided that they satisfy the relevant conditions. Accordingly, the General Directorate is authorized to determine the procedures and principles governing the assessment and restriction of applications submitted by foreign students enrolled in formal education programmes at higher education institutions in Türkiye and by foreign nationals applying within one year of completing their higher education. Such assessments may take into account the province, duration, sector, branch of economic activity, occupation and profession, type of permit, administrative or geographical area, the department in which the foreign national studied or from which they graduated, decisions of the Migration Board, international labour-force policy, and other comparable considerations.

Conclusions

The internationalization of higher education and the changing position of international students both globally and in Türkiye have necessitated the adoption of new legal arrangements in this field. In this context, Türkiye introduced various legislative measures after the 2000s, with particularly significant developments occurring during the 2010s.

An examination of these legal arrangements indicates that they sought to address a number of problems frequently experienced by international students. The relevant literature shows that international students predominantly encounter financial difficulties. These include paying higher tuition fees than domestic students, allocating a larger share of their budgets to accommodation, bearing the costs of insurance and residence-permit fees, and coping with transportation expenses and broader living costs. Other frequently identified problems include insufficient financial support from their families and the inadequacy of available scholarships.

Against this background, the legislative arrangement introduced in 2010 aimed to ensure that the problems encountered by international students were monitored at the institutional level and that the results of relevant studies were analysed. It also sought to establish, in accordance with national

and international conditions, the principles governing scholarships, accommodation, subsistence and other payments, as well as medical expenses, while taking general practices in Türkiye into consideration. A further legislative arrangement adopted in 2013 introduced provisions facilitating international students' participation in the labour market, with the aim of alleviating their financial difficulties. Similarly, the legislation enacted in 2016 included provisions concerning the post-graduation period and the employment opportunities available to international graduates.

Within this framework, the relevant legal arrangements appear to have enhanced Türkiye's attractiveness as a destination for international students. Accordingly, the shift in Türkiye's approach to the internationalization of higher education and international students after the 2000s may be regarded as a timely and appropriate policy development. Nevertheless, when Türkiye is compared with the countries hosting the largest numbers of international students, the existing legal framework remains insufficient in certain respects. This indicates the continuing need for more comprehensive and coherent policies in this field.

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