PASSIVIZED LIVES, AUTONOMOUS IMAGINATIONS: THE LIVES OF ASYLUM-SEEKERS UNDER THE REGULATION OF SATELLITE CITY IN TURKEY

by

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STATEMENT OF AUTHORSHIP

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ABSTRACT

This thesis analyzes the conditions of asylum seekers under the satellite city regulation in Turkey with a fieldwork based on qualitative data collection and a total of thirty in-depth interviews in Istanbul, Isparta, and Yalova. The research here has both theoretical and empirical implications, analyzed on three levels: On the *macro* level, the study utilizes Agamben's concept of *homo sacer*, depicting the state-centric-structure that asylum seekers are imposed to by the sovereign power. On the *meso* level, which is also a major contribution to the literature, the theoretical concept of Lefebvre's "the right to the city", is utilized to portray the interactions between the community and the asylum seekers. On the *micro* level, where the main argument of this thesis is embedded, the autonomy of asylum seekers is explored, i.e., the counter strategies and movements of the asylum seekers in their designated cities. Thus, theoretically, the thesis revisits the applicability of the concept of *homo sacer* to asylum seekers in Turkey through underlining their autonomous acts. Empirically, the policy-implications of the thesis are to highlight the importance of creating the environment for development of such autonomy, i.e., enabling these people their freedom of movement.

Keywords: asylum seeker, satellite city, homo sacer, state of exception, the right to the city, autonomy of asylum seekers, bios/zoé, everyday activities.

ÖZET

Bu çalışma, Türkiye'de uygulanagelen "uydu kent" [satellite city] düzenlemesinin sığınmacı ve sığınma başvurusu sahibi bireylerin yaşam koşulları üzerindeki etkilerini incelemeyi amaçlamaktadır. Çalışmada, saha araştırması veri toplamasına dayalı nitel yöntem kullanılmış ve İstanbul, Isparta ve Yalova'da toplam olarak 30 derinlemesine yarı yapılandırılmış görüşme gerçekleştirilmiştir. Araştırma, teorik ve ampirik çıkarımları makro, mezo ve mikro olmak üzere üç düzeyde incelemektedir. Makro düzeyde, Giorgio Agamben'in *homo sacer* [kutsal insan] kavramından yararlanılarak egemen güç tarafından inşa edilmiş olan norm ve kuralların sığınmacılar üzerindeki etkisi ve ne ölçüde bu kavramla ifade edilebilecekleri analiz edilmiştir. Mezo düzeyde, uydu kent uygulaması ile belli şehirlere yerleştirilmiş sığınmacıların toplum ve yetkililerle iletişimi ve ilişkisi Henri Lefebvre'ın "şehir hakkı" [the right to the city] kavramı bağlamında tasvir edilmiştir. Tezin asıl temel tartışması da olan üçüncü düzey olan mikro düzeyde ise makro düzeyin pasifleştirici etkisi karşısında sığınmacıların karşı stratejileri ve hareketleri bu bireylerin otonomilerine vurgu yapılarak betimlenmiştir.

Anahtar Sözcükler: sığınmacı, uydu kent, kutsal insan, olağanüstü durum, şehir hakkı, sığınmacıların otonomisi, bios ve zoé, günlük aktiviteler.

To the beloved one, D.S.S.

ACKNOWLEDGEMENTS

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1 Chapter I: Introduction

Turkey is one of the those cases around the world in the domain of migratory movement systems, as it is a migrant–, and asylum seeker *sending–*, *receiving* as well as a *transit* country. In the last two decades, Turkey has transformed from a migrant and asylum sending country to a receiving country due to its relatively stable position in its region especially after the Islamic revolution in Iran, the Gulf War in 1991, Saddam regime in Iraq, trouble in the Balkans, i.e., the wars in Bosnia and Kosovo, the latest turmoil in Iraq, Sudan, Somalia and Afghanistan (İçduygu, 2000, 2005; Kirişci, 1996, 2000, 2007). What makes Turkey unique is that even though it has received thousands of irregular migrants and asylum seekers, with regard to asylum it is still a country, which maintains the "geographical limitation"[1] in the 1951 Geneva Convention relating to the Status of Refugees.

Every nation-state as the sovereign power strictly regulates its migration policies aiming at controlling, monitoring and managing in and out flows of individuals. In the domain of asylum, which is the legal way being a member of a nation-state, there are range of state strategies to deal with flux of asylum seekers and refugees. In this sense, the construction of open and gated camps, detention or deportation centers. How Turkish authorities deal with the existence and flows of asylum seekers is that historically, the construction of tent cities on the border of neighboring countries in case of sudden influx of immigrants in the case of Iraqi migrants in 1991 and Syrian migrants in 2011. Furthermore, in the case of individual asylum applications from non-European countries, Turkish officials settle accepted cases into some provinces in Turkey, which have been already designated by the MOI. What is peculiar with those cities is that even though these designated cities, called as *satellite city* are not camps,

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[1] See the explanation in the following sections.

they resemble the camp-like-situation due to the restrictions over the movement of asylum seekers. According to the Medecins Sans Frontieres (MSF), which is operating in 65 countries around the world, spokesperson of Greece, the satellite city is a unique case for the asylum seekers' temporary settlement into Turkey.[2]

In addition to the "geographical limitation", more importantly, Turkey did not have its own national asylum regulation until 1994, illustrating that asylum and refuge issues did not become a priority and concern of the Turkish state till then. In 1994, the Ministry of Interior (MOI hereafter) prepared the first national regulation regarding asylum seekers and refugees entitled "Regulations on the Procedures and the Principles Related to Mass Influx and the Foreigners Arriving in Turkey or Requesting Residence Permits with the Intention of Asylum from a Third Country". In addition to the 1994 Regulation on Asylum, in June 2006, the MOI introduced the "Implementation Directive" in order to amend the 1994 Asylum Regulation aiming to increase state and bureaucratic control over asylum applications. Accordingly, when an asylum applicant receives an asylum seeker status, he/she is resettled by the MOI to a designated city. These designated cities are called as *satellite cities*.[3] There are currently 51 cities mainly located in the interior regions of the country, and which are considered by the MOI as unproblematic cities in terms of security. Asylum seekers staying in these satellite cities live according to the free residence principle, but it is prohibited to leave any satellite

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[2] The interview conducted in May 2012, Istanbul, the MSF spokesperson informed me that there are generally camps and detention centers in especially in the problematic countries in terms of living conditions of refugees. The satellite city is a different strategy of Turkey which also maintains geographical limitation, to keep asylum seekers out of Istanbul.

[3] These satellite cities are Adana, Afyon, Ağrı, Aksaray, Amasya, Bilecik, Burdur, Çankırı, Çorum, Erzurum, Eskişehir, Gaziantep, Hakkari, Hatay, Isparta, Kahramanmaraş, Karaman, Kastamonu, Kayseri, Kırıkkale, Kırşehir, Konya, Kütahya, Mersin, Nevşehir, Niğde, Sivas, Şırnak, Tokat, Van, Yozgat, Çanakkale, Bolu, Uşak, Denizli, Yalova, Siirt, Balıkesir, Batman, Şanlıurfa, Kilis, Ardahan, Malatya, Kars, Iğdır, Düzce, Sakarya, Erzincan, Gümüşhane, Bayburt, and Mardin. (EK-14)"İltica ve Sığınma Başvuru Sahipleri ile Mülteci ve Sığınmacıların Yerleştirildiği Resen İkamet İzni Verecek İller".

city where asylum seekers have to visit the police station once or twice a week to sign a paper stating their presence.[4]

It is within this context that this thesis aims to critically elaborate on the satellite city regulation both with a theoretical and empirical approach. Accordingly, while this chapter sets out the research questions and rationale, it also presents the gap in the literature, the main concepts (i.e., asylum seeker, refugee, and satellite city) as well as the methodology. The chapter also outlines the organization of the thesis in the final section.

1.1 Research Questions and Rationale

The main research question of this thesis is: to what extent are asylum seekers settling in satellite cities exposed to bare life[5] conditions? To do so, the experiences of asylum seekers in the satellite cities are examined in *three* dimensions: in the *macro level*, which is state related, *what are the characteristics of asylum procedures and regulations in Turkey that put them into bare and naked life conditions?* In the *meso level*, *what role their interactions within city life play in their bare life conditions?* In the *micro level*, which is presenting the perspectives of the migrants, *what is the direct and indirect impact of regulations and procedures in Turkey on their daily lives, and what might be their counter strategies to overcome their bare life conditions?*

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[4] Although the asylum system in Turkey settles asylum seekers into these designated cities in principle of free residence within the boundaries of those cities without leaving, the extreme conditions could create exceptional situations as seen in the case of Van. An earthquake, hit city of Van on 23 October 2011, had created an exception for asylum seekers living in Van. Asylum seekers of Van have been sent to other satellite cities by the decision of the MOI. The criterion of distribution is that if any asylum seeker has a friend or relatives, s/he was settled in that city.

[5] While the concept of bare and naked life conditions will be explained more in detail in the theoretical chapter, these are terms that are utilized from Giorgio Agamben to describe the living conditions of asylum seekers and refugees in Turkey.

Level of analysis	Questions	Method	Theory
Macro	What are the asylum regulations of the Turkish state? What is the rationale behind the regulations? What motivates them?	• Desktop research on secondary literature • Discourse analysis of the policy documents, draft laws, and regulations • Semi-structured interviews with policy-makers, experts, and researchers	*Biopolitics, State of Exception and Homo sacer*
Meso	How are the interactions of the asylum seekers with their immediate surroundings, e.i. neighbors, service providers, other groups? How are they located in their new urban settings? Do they possess right to the city?	• Semi-structured interviews with asylum seekers in the satellite cities of Isparta, Yalova, and Istanbul • Semi-structure interviews with different actors in the urban settings	*The right to the city*
Micro	What are the living conditions of the asylum seekers in Turkey? What kind of strategies and tactics developed by the asylum seekers?	• Desktop research on secondary literature • Semi-structured interviews	*Homo sacer vs. act of power and autonomous migration and autonomy of asylum seekers*

More precisely, as I want to lay the groundwork for further research on this phenomenon, I would like to focus on the following question to begin with: *What are the impacts of asylum regulations on the living conditions of asylum seekers in Turkey?* In this respect, I would specifically consider the satellite city regulation, which resettles all asylum seekers to locations designated by the MOI in the inner parts of the country. In doing so, I will be able to underline a non-Western host country perspective, which will constitute my *macro level analysis.* The latter part will comprise my *micro level analysis* where I will also ask: *How do asylum seekers survive while staying in Turkey despite exclusionary policies of the Turkish authorities?* Both these aspects will be a major contribution to the literature on refugees and asylum seekers that mainly focuses on the Western-state-centric perspective. Furthermore, I will also investigate the relations of the asylum seekers with their immediate surroundings,

which will make up the *meso level analysis* of my research, and where I will ask the following question: *what are the asylum seekers' interactions within their immediate surroundings, with their neighbors and within their neighborhoods?*

In addition, I would also like to incorporate a theoretical discussion into this debate where I will utilize Giorgio Agamben's (1998) concept of *homo sacer*, meaning sacred man in Ancient Roman Law whose death counts neither murder nor sacrifice, in order to analyze whether regulation of satellite city imposes bare life conditions on asylum seekers and refugees in Turkey. More specifically, I engage with the question of whether Turkish asylum system, my macro level analysis, creates a state of exception and bare life conditions in order to exclude asylum seekers and refugees who have international rights to apply for refuge. In this debate, I would like to ask whether *satellite city,* which does not have walls, fences, and entrance and exit points, can be considered as a *camp* in order to exclude the asylum seekers and refugees through aiming to limit the acts of them without ignoring their existence and reality completely.

The study will follow further theoretical discussion: While the term *homo sacer* labels asylum seekers and refugees as passive human beings, I will also utilize Michael Hardt and Antonio Negri's (2000) term of *autonomous migration* where I aim to illustrate the acts and demonstrations of asylum seekers and refugees through observing their everyday practices and activities in their settlement places. In this sense, Henri Lefebvre (1996) and Michel De Certeau (1988) –who build the city as a network formed by the mediations between inhabitants and the newcomers–, are two important thinkers to construct a detailed theoretical approach in terms of seeing whether asylum seekers and refugees have bare lives or to what extent they are subject to it. From the perspective of the mediations and the practices of the inhabitants, they focus on the appropriation of the city by the disadvantaged segments of the society. Within this framework, my aim is to analyze the appropriation of the city by

focusing on the everyday practices of the asylum seekers and refugees who are treated as *homines sacri*.[6] The everyday practices and interactions in their neighborhood will provide to observe *autonomy* of asylum seekers and refugees. To do so, in my *meso* and *micro* level analyses, I would like to focus on the acts and tactics of asylum seekers and refugees as *active* beings to survive within an ambiguous and blurred system aiming not to include them.

1.2   The Gap in the Literature

My interest in this particular research topic emerged for *three* reasons. The *first* is that the studies in the literature about refugees are limited in number and are usually concerned about the legal aspects of the asylum procedure. Whereas there are studies concentrating on the state of exception and the governance of Palestinian refugee camp in Lebanon (Abbas and et al., 1997; Yassine and et al., 2007; Hanafi, 2008; Hanafi and Long, 2010), missing in the academic literature in Turkey is research into this population of asylum seekers and refugees in terms of their acts and more importantly their conditions in societal level vis-à-vis the sovereign's imposition with the legal arrangements and documents. Most of the literature on asylum and refuge has concentrated on security and conflict (e.g., Salehyan and Gleditsch, 2006; Weiner, 1993, 1995; Betts, 2009) with a focus on the consequences of refugee flows for security in the host state (e.g., Greenhill, 2010; Stedman and Tanner, 2003) and without much consideration of the treatment of refugees by the host state. The very little work that deals with host states' refugee policies has either been limited to a focus on Western countries (Adelman, 1991; Hozer and et al, 2000; Loescher and Scanlan, 1986; Neumayer, 2005; Tazreiter, 2004; Zucker and Flink-Zucker, 1987), or mostly descriptive rather than theoretical (e.g., Basok, 1990; Ferris, 1985; Milner, 2009).

The literature on asylum in Turkey is not very different. Migration and asylum literature in the Turkish context, generally, has concentrated more upon the reports of non-

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[6] Plural form of the term *homo sacer.*

governmental, international, or inter-governmental organizations including the United Nations High Commissioner for Refugees (UNHCR), the Association of Solidarity for Asylum Seekers and Migrants (ASAM), Helsinki Citizens' Assembly (HCA), International Organization for Migration (IOM), and the Amnesty International (AI). Besides the reports provided by the human rights organizations on the conditions of asylum seekers and refugees (e.g., HCA, 2009 and updated version 2011; AI, 2009), recent research on Turkey related international migration issues have begun to underline the changing role of Turkey from a country of emigration to a country of immigration, asylum, and transit, and there are only few studies that particularly focus on the asylum seekers in Turkey –albeit with certain limitations. *On the one hand,* the literature mostly focuses on the policy side of the debate, which are mere descriptions of the changing laws and regulations (see for example, Kirişci 1991, 1994, 1996, 2000, and 2007). *On the other hand,* the literature that is concentrating on the asylum seekers themselves is either very descriptive with a specific focus on a certain group (e.g., Brewer and Yükseker on Africans in Istanbul, 2006; Danış on Iraqi Christian transit women migrants, 2005, 2007; Danış on Iraqi, Afghan, Maghrebi and Iranian migrants in Istanbul, 2006; Danış on religious networks of Iraqi Christian migrants, 2006)[7], or regarding them just as mere numbers within a larger discussion on international migratory flows in Turkey (e.g., İçduygu 1998, 2000, 2005, 2009, 2010; İçduygu and Keyman, 2000). In fact, while the number of asylum seekers in Turkey is increasing, they are also becoming more diversified in terms of their nationality, age, gender, socio-economic status as well as educational background.

Secondly, in my voluntary internship at ASAM, which is an NGO working on refugees and asylum seekers as a partner organization of the UNHCR Turkey, I have acquainted with

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[7] It is important not to mix the categories of different migrants: while some of these studies are not directly related to asylum and asylum seekers, the lines between the distinct categories are often blurred due to the ambiguity of the asylum system in Turkey.

the asylum seekers and refugees who have diverse experiences with distinct backgrounds from various countries. During my internship, I have witnessed several problems of refugees and asylum seekers with the asylum system in Turkey. Although they have legal position in accordance with the 1951 Geneva Convention, in Turkish context, they have been excluded through being included since they are non-Convention refugees.[8] This internship has provided me to observe bureaucratic policies and practices that should be pursued by the asylum seekers. Even though reports and analyses on migrants and asylum-seekers published by the NGOs have concentrated upon the living conditions of asylum seekers and refugees, those mainly illustrate the asylum seekers as passive beings and do not present their voices.

Thirdly, Turkey's geographical limitation to the 1951 Geneva Convention intrigued my interest in the subject. Only four countries still maintain a geographical limitation to the Convention.[9] This limitation creates a two tiered asylum policy, which produces an ambiguous environment for the lives of asylum seekers and refugees. It is within this context that I engage with not only policies and regulations imposed by the sovereign on the asylum seekers and refugees within a macro level analysis; but also with the impacts of these regulations on the lives of asylum seekers and the strategies of the asylum seekers against those regulations, which frame my micro level analysis.

1.3 Concepts

The purpose of defining the main concepts to be used in this thesis, which are asylum seeker, refugee, and satellite city regulation, is twofold: The *first* is to provide the reader with knowledge of the evolution of the concepts, and thus a better understanding of the operational definitions that will be utilized in the subsequent chapters; and the *second* is to clarify the

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[8] See the section on concepts.
[9] As of January 31, 2007, Congo, Madagascar, Monaco and Turkey still maintain a geographical limitation.

complex nature of the interpretations, observations and analyses made in the following chapters.[10]

1.3.1 Asylum seeker

An asylum seeker is a person seeking asylum from persecution in her/his country of origin and who has yet to be recognized as a *refugee* as defined in the Article 1 (A) of the 1951 Geneva Convention.[11] "Right to seek and enjoy in other countries asylum from persecution" (in Article 14) has been declared as one of the fundamentals and freedoms of the Universal Declaration of Human Rights (Kneebone, 2009). In the light of alleged article, although seeking asylum is a right for protection from persecution, asylum does not mean that it is already a granted status to be protected from persecution. It is, therefore, only a step to gain a status of refugee. This purports that any asylum seeker is under the temporary protection of country of asylum and has to wait until finalization of his/her case of asylum application. The asylum decision is finalized by the national authorities in accordance with the international laws and regulations. However, in Turkey, asylum decision is finalized by the UNHCR. The detailed explanation of asylum procedure in Turkey will be discussed in the following chapters.

1.3.2 Refugee

The definition of the refugee has been described by the 1951 Geneva Convention, which has laid out the common and single definition of the term *refugee* after the Second World War, which created millions of homeless and stateless people in the world. The Convention

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[10] Following Sartori, concepts are important not only as elements of a theoretical system, but tools for fact-gathering or data containers. As he explains, concepts "are the central elements of propositions, and—depending on how they are named—provide in and by themselves guidelines of interpretation and observation" (Sartori, 1970: 1044).

[11] James Hathaway explains that the term asylum seeker has no legal basis, but it is a political term in order not to call those applicants as refugees (UNHCR Turkey Third Academic Network Seminar, Keynote Speech, Turkey's Experience with Urban Refugees: Modalities and Future Perspective, 15 &16 May, 2012).

also depicted both status-related and right-based principles for the refugees. Accordingly, the Article 1 (A) of the Convention portrays a refugee as someone who:

> As a result of events occurring before 1 January 1951 and owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

It is obvious that the definition of the term puts emphasis on the protection of individuals from mainly political persecutions rather than economic difficulties. A person who is seeking refuge has to prove at least one of those five reasons – race, religion, nationality, membership of a particular group, and political opinion – , and has to convince the authorities of his/her fear of persecution. In this context, the well-founded fear is crucial to determine one's status of refugee. Non-discrimination, non-penalization and *non-refoulment* are the most fundamental principles for the person who is seeking refuge and/or is already granted refugee status.

Thus, a refugee is a person who seeks a refugee status in a different state due to his/her state's inability to protect that person or even persecute him/her based on his/her identity and political, religious, and ethnic preferences (Gibney, 2004). Before the person gains a refugee status, he/she is an asylum seeker. Gaining refugee status is only possible with the admission of the receiving country of asylum. In Arendt's words, refugees and asylum seekers are "citizens of nowhere in the world" (Arendt, 1973: 290).

Although Turkey is one of the signatories of the 1951 Geneva Convention, the term "refugee" is the very ambiguous one due to Turkey's reservation on the *geographical limitation*. In this context, it is important to underline what the concept of geographical limitation signifies and purports in the Turkish context. In the 1967 Additional Protocol, only a few countries – including Turkey – did not select the option (b) of the Convention which

aims not to limit time and events occurring in Europe. Turkey lifted the time limitation, but chose not to lift the geographical limitation (Kirişci, 2010). Thus, Turkey, as one of those countries that maintain a geographical limitation, does not grant status of refugee to those persons who are seeking refuge from non-European countries. Therefore, usage of the concept of refugee in the Turkish context depends more on the country of origin of the person that is seeking refuge. If a person seeking refuge is from one of the European countries and if his/her reason of asylum is well-founded, he/she can be granted with the status of refugee. If that person applying for refuge is coming from non-European countries, she/he cannot get refugee status. Those applying from non-European countries are called as *non-Convention refugees* in the Turkish context.

Accordingly, there have been three types of refugee categories in the Turkish refugee system (Kirişci, 1991, 1996). The first one is the *convention refugees* who are individuals seeking asylum from the European countries. The second type of refugees is the *non-convention refugees* coming from non-European countries such as Iraq, Iran, Afghanistan, and Pakistan. The third category is the *national refugees*, which refers to the immigrants of Turkish origin mainly coming from the Balkans, ethnic groups associated with Turks from Central Asia and former Soviet Union, and Muslims associated with the Ottoman Empire such as Albanians, Bosnian Muslims, Pomaks and Tatars (Kirişci, 1991, 1996).

In this thesis, I use the term refugee in accordance with the definition adhered in the Article 1 of the 1951 Convention. The problem is simple: Almost all asylum seekers in Turkey are coming from Eastern and Middle Eastern countries, but Turkey grants refugee status to only those coming from the West and sends all others to a third country for resettlement. The data published by the UNHCR in 2010 on the number of asylum seekers and refugees in Turkey reveals that twenty thousand asylum seekers in Turkey are coming from Iraq, Iran, Afghanistan, Pakistan, Somali, Sudan, and other African and Central Asian

countries. Accordingly, those asylum seekers and refugees are the non-convention refugees due to their country of origin and they are settled in Turkey only temporarily in order to be resettled to a third country.

1.3.3 Satellite City

Even though the rights of asylum seekers and refugees have been under protection of the international legal arrangements, the decision of asylum and refugee status has still remained in the hands and discretion of national sovereign states. This discretionary power of the nation state determines the limits and borders of inclusion and exclusion. Turkish authorities through the legal arrangements have regulated the asylum procedures and processes with the order of MOI, which also decides where the asylum seekers and refugees should be settled within the borders of Turkey. Accordingly, convention refugees can settle anywhere, in accordance with the free residence principle in any city of the country. In the case of non-convention refugees, the MOI settles them to designated cities, i.e., *satellite cities*. As already stated, there are currently fifty one satellite cities which are located mainly in Central and Eastern parts of the country.

The Department of Foreigners, Borders and Asylum at the General Directorate of Security (Emniyet Genel Müdürlüğü Yabancılar, Hudut, İltica Daire Başkanlığı) supervises the assignment of satellite cities to all asylum seekers and refugees according to the Law of 2 July 1950 on Residence and Travel of Aliens in Turkey (No 5683) that was amended in 1998 by the Law No 4360 which stipulated that aliens who are seeking asylum in Turkey due to the political reasons may be settled to the places where the MOI allows. Asylum seekers and refugees must reside in the provinces decided by the MOI in accordance with the Article 17 of the Law 5683.

The satellite city regulation will be discussed more in detail in the following chapters. The regulation presets a unique case, as asylum seekers and refugees in many parts of the

world are settled into closed spaces, detention centers and camps and in the developed countries their movement within the country is not restricted. The regulation in Turkey is distinct from the other examples from the world, because it offers an *open space* for the asylum seekers, who are supposed to be resettled to a third country once granted a refugee status. However, the system is not as liberal as it seems, as asylum seekers and refugees are not allowed to leave their designated cities. Thus, satellite cities are neither a totally open nor an entirely closed space for refugees and asylum seekers, but semi-camp spaces.

1.4 Methodology

The methodological focus of this thesis is mainly fieldwork based on qualitative data collection. It is crucial to make a detailed and clear explanation regarding why I preferred to use qualitative research instead of quantitative. To begin with, there is a very basic practical problem, which is the lack of quantitative data on the asylum seekers and refugees in Turkey. While there are raw numbers on this group in the country, there are no detailed statistics released for the usage of researchers on the subject. There are not available data on the gender, age, education or the location of the asylum seekers and refugees in Turkey. Above these practical problems, qualitative research entails detailed examination of cases and tries to present authentic interpretations that are sensitive to certain historical contexts (Neuman, 2006).

Qualitative method is basically based on ideas of the individuals and targeted groups that are studied and it aims to reveal the insights of those individuals rather than converting social lives and experiences into numbers or statistics done via quantitative approach. It is certainly true that the numbers and statistical data of quantitative studies are derived from the individuals' views, imaginations and perceptions; however, this technique stresses more on mechanical aspects of objectivity and deals with the variables which must be tested. Also, in qualitative research, researchers take the advantage of being involved to provide subjective

analysis of the meaning and inferences of people studied (Huberman and Miller, 2002). Furthermore, qualitative research is more concerned with providing descriptive detail regarding the outcomes of their research than quantitative method, which is based on numbers and variables (Bauer and Gaskell, 2000; Neuman, 2006). Qualitative techniques are defined as very effective means to deal with interpreting social realities, particularly the fields that are not deeply discovered. Thus, a qualitative research design and the interviews with those individuals would be more appropriate to the object of this study.

It is within this context that the main research strategy used to generate data for this thesis is in-depth interviews, which are conducted with a sample of asylum seekers and refugees living in Istanbul and two small sized satellite cities of Yalova and Isparta, as well as further analysis of secondary sources and interviews conducted by relevant NGOs. To begin with, I had done a thorough analysis of the secondary literature. After this desktop research, I had continued my field study in three different research fields. Considering these three fields, I compared not only living conditions in two selected satellite cities, but also lives in metropolitan city Istanbul. Interviewing people becomes a good way of learning and analyzing their habits and preferences which cannot be directly observed (Patton, 2002). The in-depth interviews lasted anywhere from one hour to two hours based on the input of the participant. While the questions were remained the same for all interviewees, I did not attempt to cut short any answers and allowed them to provide as much information as they saw fit. The interviews were conducted according to where the refugees could fit me into their schedules. Mainly, the interviews took place in restaurants and cafes. During the course of the overall fieldwork, which lasted over a year, I conducted a total of 30 interviews with asylum seekers and refugees currently living in Isparta, Yalova, and Istanbul. While the research in Istanbul was spread over a six months period where I had done fifteen interviews;

six interviews in Yalova were conducted in ten days, and nine interviews in Isparta were conducted in the course of two weeks.

In Istanbul, I conducted interviews with a total of fifteen men and women. The method of study is framed with the principle of confidentiality of the shared information. Accordingly, fourteen interviewees did not accept using a sound recorder due to their concerns and sensitivities of confidentiality. Although Istanbul is not a satellite city, I selected Istanbul as one of the research fields due to three main reasons. *First,* a large proportion of refugees, asylum seekers, and irregular and regular migrants are residing in Istanbul because of the economic, social and cultural opportunities in this city. More specifically, economic opportunities refer to finding a job available for any individual in the so-called informal market. Istanbul is a multi-ethnic and multi-lingual city with its enormous black market providing daily or monthly job opportunities for the migrants coming from various countries. Istanbul is also important for its cultural diversification. Diversity is the very nature of its difference from the rest Anatolian cities. For instance, Africans (in Aksaray of Istanbul), Iraqis (in Kurtuluş of Istanbul), or same language speakers can unite and found their neighborhood in one of the districts of the city. For instance, Nayah as one of the African bars in Istiklal Street is a meeting place for important entertainment days, or churches of different communities in Harbiye or Kurtuluş are the socialization places for those groups where they can establish their small communities for solidarity and social support for their newly arrived brothers and sisters.

Secondly, although Istanbul is not one of the satellite cities to be settled for the asylum seekers who are looking for refugee status, it offers researchers an abundant environment to observe the lives of asylum seekers and refugees, as many organizations providing legal and social advice, medical assistance or language courses are located in Istanbul.

Thirdly, and most importantly, Istanbul is a prohibited city for non-Convention refugees. However, many of them are able to find ways to stay and settle in Istanbul through creating various opportunities despite the situation's *illegality*. According to the Turkish authorities, any movement from a satellite city to Istanbul without the permission of relevant authorities of Turkish state is subjected to possible legal punishment. Also, their temporary stay in Istanbul depends more on the discretion of the policy makers.

Similarly, there were different reasons why Isparta and Yalova were chosen among the fifty-one satellite cities of Turkey for further research: *First*, I, as the researcher, am familiar with these areas where I had personal contacts both with the asylum seekers and among the dwellers of these cities. *Second*, both cities have economically, sociologically, and culturally similar features as well as similarity regarding their population sizes.

However, through the selection of these two satellite cities, I had a chance to evaluate the question to what extent proximity and distance to Istanbul influence lives of asylum seekers and refugees and movements/activities of them. While Yalova is closer to Istanbul as a newly designated satellite city, although there are other cities such as Aksaray, Nevşehir, Yozgat, or Van, which are far from Istanbul, Isparta is also a city which is far from Istanbul in comparison with Yalova. This proximity and distance would provide an idea regarding the asylum seekers' wish to stay close to the metropolitan Istanbul in which I would like to illustrate activity of asylum seekers as having transcendental power. While it is only an hour of ferry ride from Istanbul to Yalova, it takes almost ten hours from Istanbul to Isparta via bus. These differences in distance to Istanbul are crucial to compare the two different satellite cities.

1.5 Organization of the thesis

In this introduction I have tried to achieve the following four goals. *First,* I have tried to introduce the main research questions of this thesis within a framework of my analysis on three levels: macro, meso, and micro. *Second*, I have tried to define my concepts as precisely as possible in order for them to be of value as tools of analysis in the following sections. *Third*, I have attempted to show how I will challenge the literature on refugees and asylum seekers, which is very much based on Western-state-centric-security perspective with a non-Western-individual-rights based perspective, where asylum seekers and refugees in Turkey are my main concern for analysis. *Finally*, I tried to reiterate the twofold problem of theory and policy. On the one hand, there is the problem of structure with state's constant desire for control with new enforcement mechanisms, in our case the satellite city regulation. On the other hand, there is the problem of agency, or asylum seekers and refugees' perspectives, with strategic calculations against these regulations as autonomous migrants. Most of the time, the two problems are interrelated.

The next four chapters examine the conditions under which these two problems intersect. While the next chapter maps out the context and my macro analysis, the subsequent chapters analyze the same phenomenon in terms of micro-foundations and on a meso-level. Accordingly, Chapter Two introduces the historical background of the migratory system where Turkey is involved. The state policies of asylum and refugee are also described in this chapter, which constitutes the macro level. Chapter Three embeds my argument into theory where asylum seekers' position as *homines sacri* and *autonomous* beings are further explained. Chapter Four is comprised of the empirical analysis where acts of asylum seekers and refugees of Istanbul, where everything is, and the satellite cities of Yalova and Isparta are described and analyzed. Finally, Chapter Five, the concluding chapter, reviews the theory and the findings presented in this thesis to determine whether the theory is substantiated. It ends

by outlining the implications this study may have for scholars interested in questions of asylum and refuge in Turkey and for policymakers pursuing more effective solutions to these problems. Attempting to fill in an important gap in the literature, this project does not simply analyze "why" and "how" asylum seekers and refugees have gotten into their current situation, but what happens next. If the negative relationship between policy and the situation of this group is validated, and the micro factors that facilitate this connection are highlighted, this project not only has academic merit, but also makes a contribution to policy.

2 Chapter II: Historical Background: Migration System and Regulations in Turkey

Considering the history of Turkish Republic and its predecessor Ottoman Empire, the concepts of migration, immigration, or emigration are not new terms for the Turkish state and society (Kirişci, 1994; İçduygu, 2000; Kaya, 2009). During the Ottoman period, the Turkish history has faced not only forced displacement of inhabitants such as the Armenian and Kurdish, but also mass influx of people to the Empire, such as the Jewish immigration and the migration wave from the Balkans in the early 1900s.

Such movements have also continued in the era of the Turkish Republic, since its foundation in 1923. Historically speaking, states aim to admit individuals who are suitable to strengthen that country's national identity (Cohen, 1999; Brubaker, 1992). Similarly, the main aim of founders of the Turkish Republic was to create and build a homogenous nation-state. This was a result of the founders' strong belief that the main reason of the collapse of the Ottoman Empire was its heterogeneous and mixed population. Therefore, the founders aimed to homogenize the population of the country through different legal arrangements, which directly influenced both the internal and external migratory movements within, out, in, and towards the country.

The migration history of the Republic of Turkey can be analyzed in four distinct periods: While the period from 1923 to 1960s illustrates the nation-and-state-building processes described above, 1950s to 1970s is about labor migration to Western Europe through bilateral agreements. 1960s to 1990s is when this labor migration was diversified to other parts of the world as well as emergence of Turkish asylum seekers. The final period since 1979 until today is when we observe the transformation to becoming a country of transit and destination.

Thus, the following sections describe each of these periods in a historical context and with a focus on the major policies and regulations during each decade.

2.1 1923-1960s: Emergence of the Republic of Turkey and the Law on Settlement

After the partition of the Ottoman Empire, the War of Independence led by Mustafa Kemal against the Allied Powers had produced two significant results in terms international and internal migratory movements. The international migratory movements in the early 1900s and the early republican period refer firstly to the mass departure of non-Muslim minority populations, and secondly to the influx of ethnically Turkish Muslim populations living in the old Ottoman lands in the Balkans. Both the international and internal migratory movements were the products of the idea to create and build a homogenous Turkish nation-state (Kirişci, 2000). The new republican regime aimed to create the pure Turkish national identity in which the official national agenda became the denial of ethnic and cultural minorities such as the Kurdish identity and policy of assimilation of the Kurdish citizens by the state in order to homogenize the society (Kirişci, 2000). Accordingly, the period starting with the First World War and following the establishment of the Republic of Turkey was the period of ethnic homogenization (Keyder, 2004). It is within this context that the concepts of citizen and citizenship defining the formula of being a Turk became the tools of official exclusionary and inclusionary policies of the new republic. Furthermore, internal and international migratory movements had become a part of the official state policy not only to exclude the foreigners living within the boundaries of Turkey but also to assimilate the other ethnically diversified groups.

Turning back to the international migratory movements in the name of creating homogenous nation-state, the new Republic aimed to exclude the minority populations out of its borders through population exchange. In 1922 and 1923, Turkey and Greece had signed a

bilateral agreement referring to the population exchange between the two, which was the largest population exchange movement in history. Article 1 of the Lausanne Treaty of 1923 specifically defined who the subjects of this exchange would be. Based upon the Article 1, Turkish nationals of Greek Orthodox religion and Greek nationals of Muslim religion were two groups subjected to the exchange and 355,635 Muslim-Turks from Greece to Turkey and 189,916 Greek Orthodox from Turkey to Greece were expelled (Oran, 2004; Clark, 2006). Consequently, the compulsory exchange between the two countries forced to move approximately 1.5 million people. About one million had already migrated to Greece before the Lausanne Treaty during the Greek-Turkish War (Kirişci, 1996; Hirschon, 2004). Accordingly, the population of Greek Orthodox Christians declined from 1,549,000 people in 1914 to 110,000 people in 1927 (İçduygu and Sert, 2009). Keyder (1987) explains that, while before First World War, one of the five persons in the Empire was non-Muslim, after the war, one out of forty persons was non-Muslim.

Also in this period, the founders of the Republic have passed the Law on Settlement in 1926, which was the first official piece for immigration related issues, and underlined the Ministry of Interior as responsible authority to determine immigrants and refugees coming to the country. The 1926 Law of Settlement was upgraded with the Law 2510 which was accepted on June 1934. The latter provided exclusive power to the Ministry of Interior in regard to the admittance. The new law was more comprehensive than the previous one and became the official piece of legislation regarding immigration and asylum until the 1994 Asylum Regulation.

The Law 2510 has been the first legal arrangement of the sovereign power in the domain of asylum and refugee system in Turkey. It aimed both to create homogeneity of the population, and to regularize the flows of individuals towards and from the country. Concerns over strengthening national identity and unity had become one of the primary

tendencies of the early Republican period. Until the 1990s, the Law 2510 was the only law regarding immigration and asylum in Turkey. Although it does not directly refer to the issue of immigration or asylum, it is the legislation which was regulated in respect to construct culturally and ethnically homogenous nation-state (Kirişci, 2000). The official policy of the Republic had become to accept immigrants speaking Turkish language in the name of preservation of national unity and identity (İçduygu and Sert, forthcoming). In this respect, speaking Turkish language and belonging to a Sunni-Hanefi religious root were two fundamental determinants of legal settlement in the country (Kirişci, 1996). It is within this context that the flows of Bosnians, Circassians, Pomaks, and Tatars into the country were accepted by the officials of the early Republican era since they were considered as immigrants that could be easily melt into Turkish identity (Kirişci, 2000).

Law 2510 gives the first detailed explanations on which places would be the settlement areas for the newcomers. Article 3 of the Law defines the terms refugee and emigrant (*muhacir*) as a person belonging to a Turkish descent and culture who arrived to seek asylum as a result of compulsion and exigency, and had **no** intention to settle in Turkey permanently. Thus, the definition of the refugee in the law was very limited. Furthermore, the Law asserted that people who do not belong to Turkish culture, anarchists, spies, itinerant gypsies, and exiles to abroad would not be admitted as immigrants and refugees. Belonging to a Turkish descent was not solely enough to be accepted as immigrant since some groups were excluded due to their religious background such as Gagauz Turks, and Shi'a Azeris. Conditions of admittance were not regulated according to a rule or norm. Instead, the admittance of immigrants and refugees were depended on the decision of acceptance of the Ministry of Interior and Council of Ministers. According to Article 7 of the Law, the emigrants and refugees who are not coming from Turkish descent and not belonging to Turkish culture should be settled in places designated by the government and they are not allowed to leave

those places without permission of the Turkish government, which sets the precedent of the satellite city regulation.

Also in this period, the Passport and Alien Law also touched upon the domain of asylum in Turkey. For instance, the Passport Law (No 5682) of 2 July 1950 asserted that admission of refugees and aliens coming to Turkey with or without passport is decided by the MOI. The Law of 2 July 1950 on Residence and Travel of Aliens in Turkey (No 5683) which was amended in 1998 by the Law No 4360 stipulated that aliens who are seeking asylum in Turkey due to the political reasons may be settled to the places where the MOI is allowed.

The alleged narrow definition of a "refugee" has been revised after signing the 1951 Geneva Convention on the Status of Refugees and its' Additional Protocol. Moreover, adoption of the 1951 Geneva Convention was significant since Turkey did not have national legislation to govern asylum of foreigners and Law 2510 was very limited in governing refugee and asylum policies.

2.2 1950s-1970s: Labor flows to Western Europe and the Geneva Convention

In terms of regulations and legal arrangements, this period can be described as the internationalization of the humanitarian issues due to the results of the First and Second World Wars. In this period, Turkish authorities in the domain of asylum and refuge had ratified the 1951 Geneva Convention. However, the migratory system in 1950s to 1970s was particularly based upon labor emigration towards Western Europe.

The Turkish migratory system had begun to change in the 1950s with the outflow of labor force to Western Europe. High demand for labor force in Europe after the detrimental results of the Second World War had led many European countries to seek international labor from abroad. This was a mutually beneficial process: Movement of labor from Turkey to Europe was not only an opportunity for the construction of collapsed European economies with cheap

labor force from Turkey, but also a significant opportunity for the underdeveloped Turkish economy due to the emigrant remittances (İçduygu and Sert, 2009; Sayari, 1986). The first bilateral agreement that initiated these movements was signed with Germany and the United Kingdom in 1961, which was followed by agreements with Austria, the Netherlands, and Belgium in 1964, France in 1965, and Sweden and Australia in 1967. Turkey signed similar agreements with Switzerland in 1971, Denmark in 1973, and lastly Norway in 1981 (İçduygu and Sert, 2009; Franz, 1994). Between 1961 and 1973, about 800,000 Turkish laborers, i.e., *guest workers* migrated to Western Europe.

With the oil crisis in 1973, Europe begun to stop the labor recruitment from abroad, and the movement of people from Turkey to Europe transformed into other forms of family reunification, asylum, and irregular labor migration (Bocker, 1995). The newcomers in Europe who were supposed to be *guest* workers began to be settlers in their host countries with family reunification and through marriage with home country nationals.

The detrimental consequences of the Second World War in 1950s did not only create necessity of labor force for the reconstruction of Europe, but it also produced millions of homeless, aimless, stateless, and forcibly displaced and deported people. This resulted in a need of creating an international legal instrument to deal with this humanitarian crisis. While the Article 14 of the Charter of the United Nations, and the Universal Declaration of Human Rights in 1948 recognized the right of persons to seek asylum from persecution in other countries, they were not specifically related to refugees and asylum seekers. To deal with the problem, in 1950, the United Nations High Commissioner for Refugees (UNHCR) was established as an international body to coordinate and manage international protection of refugees and their problems through cooperating with the governments. International community launched a series of guidelines, laws, and conventions to protect the rights of refugees and to provide adequate treatment to them. In July 1951, conference in Geneva

adopted the United Nations Convention relating to the Status of Refugees which was amended in 1967 by the 1967 Protocol (UNHCR, 2011). The 1951 Convention is significant since it was the first genuine document and agreement covering the fundamental aspects and rights of the refugees. As stated earlier, the 1951 Geneva Convention defines what the term "refugee" means where Article 1 of the Convention defines "refugee" as:

> *a person who is outside his/her country of nationality or habitual residence; has a well-founded fear of persecution because of his/her race, religion, nationality, membership in a particular social group or political opinion; and is unable or unwilling to avail himself/herself of the protection of that country, or to return there, for fear of persecution (UNHCR, 2001).*

Furthermore, the 1951 Geneva Convention delineates the rights of refugees such as freedom of religion and movement, the right to work, education, and travel. It describes the obligations of refugees to a country of destination. The principle of *non-refoulement* has become *sine qua non* for the international refugee law to prevent forced deportations of refugees to their country of origin.

The 1951 Geneva Convention is also crucial document for Turkey which was one of the original signatories and drafters since Turkey has not had its own national legislation regarding refugees and asylum until the 1951 Geneva Convention. Moreover, the Convention provided Turkey to revise its limited approach and definition towards refugees and asylum seekers in the Law 2510. Turkey ratified the Convention with the time and geographical limitation declared in the section B of Article 1 of the Convention. The 1967 Protocol removed the geographic and time limitation which limited Europeans involved in events occurring before 1 January 1951. Although Turkey removed the time limitation with the 1967 Additional Protocol, Turkey is among one of the few countries that still maintains the geographical limitation to asylum seekers who are coming from European countries as a result of the events occurring in the European continent.

It is within this context that Turkey does not grant refugee status to asylum applicants who are non-Europeans and still follows a "two-tiered" asylum policy (Kirişci, 2007). Despite Turkey's temporary asylum policy, there is an increasing cooperation between Turkish authorities (the MOI and the Ministry of Foreign Affairs), and the UNHCR, which was opened its office in Ankara in 1960. In Turkey, refugee status determination is conducted by the UNHCR together with the domestic authorities. Turkey, in this sense, can be evaluated as a temporary protection area for persons seeking refuge to resettle to a third country by the UNHCR (İçduygu and Keyman, 2000). UNHCR evaluates the asylum applications of non-European asylum seekers through collaborating with the Turkish authorities and seeks adequate third country through collaborating with different countries for the resettlement of refugees (Zieck, 2010). For instance, in the case of the USA, the International Catholic Migration Commission (ICMC) is the organization collaborating with the UNHCR for the resettlement of refugees in America.

2.3   1960s and 1990s: Diversification of labor emigration and Turkish asylum-seekers

The movement of Turkish labor changed its direction to other parts of the world as a result of the oil crisis in 1973. Recession in the European economies led to the decline in Europe's demand of labor and Turkish labor emigrants began to migrate to Arab countries, particularly oil exporting Saudi Arabia, Libya, Kuwait, and Iraq as contract workers (İçduygu et al, 2001). Another trend began in the mid 1990s, which was triggered by two events. On the one hand, the Gulf War caused instability in the Middle East and the Arab world leading a decline in emigration towards these regions. On the other hand, the end of the Cold War opened new doors in the Commonwealth Independent States becoming a new destination for Turkish labor migrants. Eastern European countries became an alternative destination for the Turkish labor

migrants as contract based workers in the construction and infrastructure projects in the new regimes of capitalist economies of the CIS.

Besides contract-based labor migration to the Middle East, the Arab countries, and the CIS, another type of migration began to be observed within this period. Coming to the 1980s, asylum became a new way of emigration due *first* to the military coup d'état, where many violations of many human rights, including torture in police stations, clandestine murders, and ethnic discrimination were systematically applied against the civilians. *Second*, the civil war between the Kurdish Workers Party (PKK) and Turkish state caused forced migrations of thousands of people in 1980s and 1990s. These violations created a new pattern of migration, which is seeking asylum abroad.

According to the UNHCR, nearly 600,000 citizens of Turkey applied for asylum in various countries, mainly in Sweden, Germany and other European countries between 1981 and 2005 (İçduygu and Sert, 2009). In 1992, Germany alone granted refugee status to 28,327 asylum seeker applicants from Turkey (Hailbronner, 1993). However, the asylum seeking movement has gradually declined in mid-1990s and 2000s with amelioration of the political situation in Turkey.

2.4   *Since 1979: Transformation to being a country of transit and destination*

Coming to the 1980s and 1990s, wave and nature of migration has begun to change and the world history has witnessed politically motivated transformations and tensions especially in the Middle East, the Balkans, and Eastern Europe. The first such crucial event has been experienced with the Iranian Revolution in 1979 in the region. The first migratory wave to Turkey came from Iran in which large number of Iranians escaping from the Khomeini's regime. Almost one million Iranians have entered Turkey since 1979 and many of them migrated to a third country (İçduygu and Keyman, 2000). Another such significant

development in the region was the emergence of the regime of Saddam Hussein and the First Gulf War. Iran-Iraq War in 1988 and the Gulf War in 1991 produced about a million Kurdish refugees entering Turkey who were settled to Southeast Turkey in order to move them back (Kirişci, 1996). These two countries has become the fundamental reason of the changing patterns of the Turkish migratory system. The Iranian Revolution in 1979, the Iran-Iraq War in 1988, Todor Zhivkov's regime in Bulgaria in 1989 against ethnic Turks and Muslims, the First Gulf War in 1991, and war in Bosnia in 1992, all produced hundred thousand of migrants to arrive in Turkey simply due to its geographical proximity and the relatively stable position of the country.

More recently, since April 2011, Middle East has witnessed flows of people who were escaping from Bassar-al-Assad's Syria to Turkey due to the violence of Syrian government against oppositional groups who demand freedom and democratic rights. This political turmoil in Syria has produced nearly ten thousand refugees who are temporarily resettled to seven refugee camps in Antakya within the borders of Turkey (Council of Europe: Parliamentary Assembly).[12] Around one thousand of them turned back to Syria and with a new regulation Syrian asylum seekers coming to Turkey after June 2011 has been sent to refugee camps in Antakya.[13]

Such developments, especially in the two neighboring countries mentioned above, namely Iran and Iraq, revealed the necessity of a new regulation and amendment in the field of asylum and refuge. Accordingly, the 1994 Regulation on Asylum has amended the conditions

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[12] The consequences of Syrian refugees in Turkey. http://globalpublicsquare.blogs.cnn.com/2011/06/14/the-consequences-of-syrian-refugee-flows-into-turkey/, cited December 4, 2011. Suriyeli Göçmenler "Karantinada", Açlık Grevi Başladı. http://bianet.org/bianet/goc/130832-suriyeli-gocmenler-karantinada-aclik-grevi-basladi , cited December 4, 2011. Suriyeli Muhalif Lider Türkiye'de Beklemede: http://www.bbc.co.uk/turkce/haberler/2011/11/111125_syria_simpson.shtml, cited on December 4, 2011.
[13] The uncertainty and ambiguity in the asylum system is very obvious in the case of Syrians who are settled temporarily in Antakya into the camps established by the Turkish government. Although the Syrians are *de facto* asylum seekers, they do not have right to apply for asylum within the boundaries of the Republic of Turkey. Thus, the state of exception in the system creates its exceptions within it.

and rules of being a refugee and described the conditions of asylum application. In addition to the political turmoil in the Middle East; Afghanistan and Pakistan with their ongoing political tensions and human rights violations also act as countries of origin of those people coming to Turkey either via legal routes including asylum and legal migration or illegally including irregular migration. Thus, according to the State Institute of Statistics, more than 55 million foreigners entered to Turkey between 1979 and 1999 (İçduygu, 2000).

American invasion of Iraq also caused mass influx from Iraq to Turkey. However, according to the UNHCR statistics, it seems that asylum application from Iraq gradually declined between 1998 and 2003. To illustrate, there were 4,672 asylum applications in 1998, 2,472 in 1999, 1,671 in 2000, 998 in 2001, 974 in 2002, and 342 in 2003 (İçduygu, 2005) (Also, see Figure 1 for the entire data). However, according to the data made available by the MOI, during the same period there was a gradual increase in the number of apprehended irregular migrants. There were 14,237 in 1998, 11,546 in 1999, 17,280 in 2000, 18,846 in 2001, 20,926 in 2002, 3,757 in 2003 apprehended cases (İçduygu, 2005). Alleged numbers are one of marks of the ambiguity in Turkish asylum system in which geographical limitation that limits the asylum seekers coming from non-European countries is still valid. Due to the geographical limitation and strict surveillance of Turkish authorities in Eastern borders of country, it is hard to decide whether a person is an asylum applicant or irregular migrant in which both terms are blurred in Turkish migratory system.

According to SOPEMI 2011 report, in the domain of irregular migration, there is an enormous fell in the total number of apprehended irregular migrants. While in 2008 there were 68,300 apprehended irregular migrants, it fell to 34,300 in 2009. One reason of decline in the apprehended cases is the changing visa policies of Turkish government which has eliminated visa requirement with some neighboring countries including Syria, Lebanon, Jordan, Iran, Morocco, Libya, and Tunisia.

Figure 1: Inflows of asylum seekers into Turkey
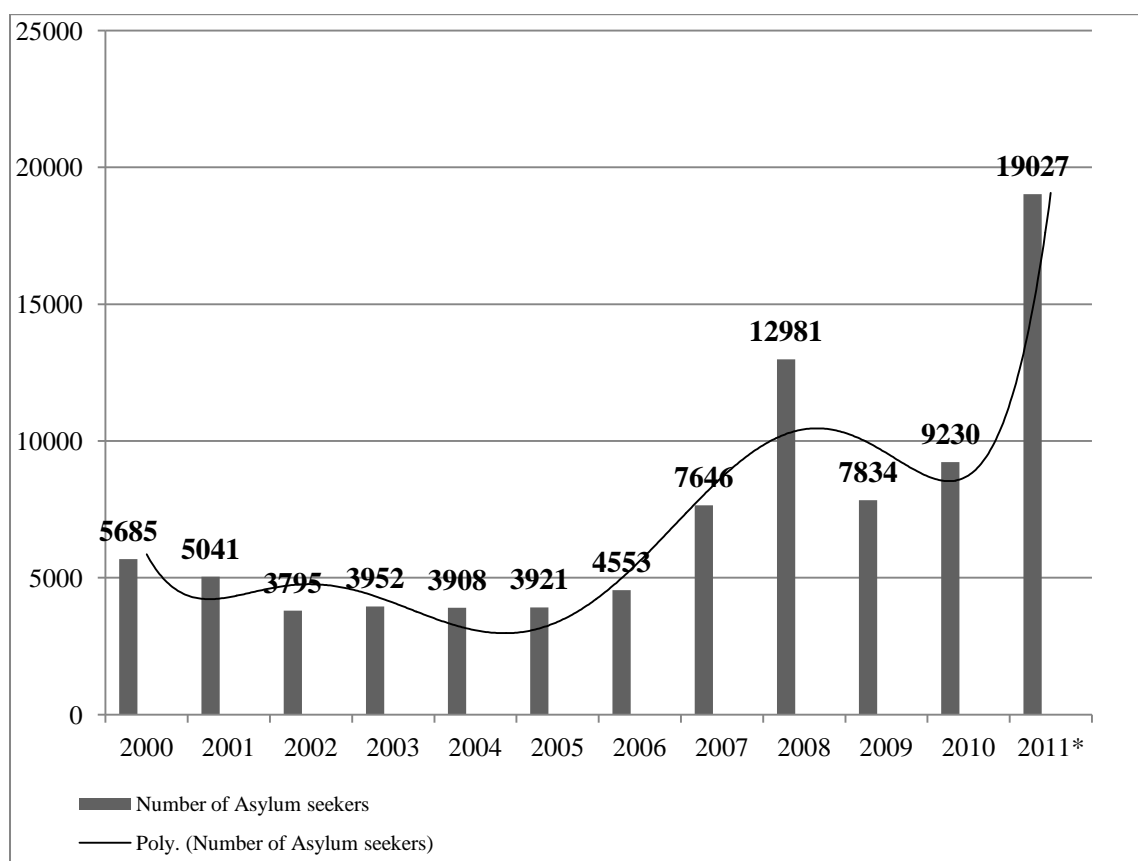
*Preliminary data (UNHCR August 2011)
Source: OECD 2011, International Migration Outlook: SOPEMI 2011.

Examining the asylum influx into Turkey, there is an increasing trend between 2005 and 2008, and a sharp decline in the influx of asylum seekers in 2009. However, 2010 preliminary data suggests that there is a return to the 2008 level of asylum influx into Turkey and a raise in 2011. The ambiguity in the data is caused by different definitions used by different organizations.

It is important to examine three policy changes of this period more in detail, namely the 1994 Asylum Regulation, the National Action Plan, and the Draft Law on Foreigners and Protection in order to comprehend the direction of Turkish migratory and asylum system. Thus, the next three sub-headings are elaborating on these three policies in detail.

2.4.1 1994 Asylum Regulation

Asylum movements into Turkey have drastically increased with the events that took place in the immediate neighborhood of Turkey since the 1980s. With these increasing flows of asylum seekers –especially from Iran, Iraq, and Afghanistan, Turkey has begun to improve its working relations with the UNHCR (Kirişci, 2000). It was within this context that the 1994 Asylum Regulation became a necessity. With the Regulation, Turkish authorities created its first national regulation relating to asylum and refuge. Accordingly, aliens who seek asylum in Turkey are, *first,* obliged to apply within ten days to the governorship in the province where they had arrived, or resided legally, or illegally. The ten-days-time-limitation for application of asylum has been recently revised. The amendment states that asylum seekers should apply for asylum within a "reasonable" period of time. During the application, once their identities are registered within the system – and this requires digital photographs and fingerprints to be taken – the alleged Governorship conducts interviews with the applicant. The results of these interviews are then referred to the MOI stating the opinion of the Governorship Office. During this initial period, the asylum seekers are not allowed to change their residence city. On the one hand, those asylum seekers who entered the country legally are allowed to stay in the city where they applied for asylum. On the other hand, those asylum seekers who entered the country illegally are permitted to stay in the city where they entered.

In the *second* phase of the process, Turkish authorities inform the UNHCR, which is *the* responsible organization for the interviewing of asylum seekers, deciding on refugee status, as well as resettling non-European refugees to third countries. The information consists of the applications of non-European asylum seekers, so that they get the opportunity to be registered by the UNHCR. With the 1994 Asylum Regulation, concerns of the UNHCR about the applicants and applications have been taken into consideration by the Turkish authorities and

respective and relevant ministries. Thus, before the final decision regarding the applications has been made, information is shared between the UNHCR and the Turkish authorities. The issues such as accommodation, food, lodging, admission to third countries, and passport and visa procedures are provided by the UNHCR and the other respective institutions via the Ministry of Foreign Affairs. The transfer activities are carried out in collaboration with the IOM. According to the 1994 Asylum Regulation, if those aliens who are granted a temporary asylum seeker status –i.e., non-Europeans – are waiting to be resettled to a third country as refugees, they are transferred to a city, which is unproblematic in terms of public order and security. Thus, the Regulation paves the way for control where asylum seekers are allowed to reside in a province that only the MOI lets them to be. The situation is rather different for the European asylum applicants: If an asylum seeker from Europe is granted a refugee status, s/he can permanently reside any province that s/he wants.

If a temporary asylum seeker leaves the province of residence and captured in another province, the case is notified to the MOI and that person is punished due to the violation of Articles 17 and 25 of Aliens Law (Law 5683). According to the Regulation, a refugee or asylum seeker may only be deported owing to reasons of national security and public order based on the decision of the MOI in accordance with the 1951 Geneva Convention. In the case of a negative refugee granting decision, the decision is notified to the applicant by the MOI through a written paper in Turkish. The applicant can appeal against the negative decision to the responsible governorship and the MOI, through a written application within 15 days in accordance with the Article 6 of the 1994 Asylum Regulation. If applicant does not appeal against the negative decision within 15 days and does not leave the country, s/he is deported by the governorship. In the case of an additional negative decision to the appeal of the applicant, s/he is deported from the country within 15 days by the related governorship.

Still, any applicant has a right to apply to the administrative judiciary procedure against the second negative decision in accordance with the Article 125 of the Turkish Constitution. The applicant is allowed to stay in Turkey till the case is finalized. Otherwise, the applicant is deported by the relevant governorship in accordance with the decision of the MOI.

Besides such judicial rights of the applicants, according to the 1994 Asylum Regulation, the asylum seekers and refugees also have other fundamental rights, at least on paper. For example, based on Article 18 of the regulation, they have a right to pray freely, if the MOI approves and provides a place for worship. Also, Article 19 of the Regulation sets out the requirements for the access to the health services by the asylum seekers and refugees, in which they are able to benefit if they get the health check form provided by the MOI. Without this form they are not able to access to the health care services and the basic checks and treatments cannot be provided freely. However, treatment of chronic sicknesses, transplantations, prosthesis, long term treatments, and surgeries should be paid by the asylum seekers or refugees themselves. The asylum seekers and refugees, according to the Regulation, also have a limited right of access to education.

2.4.2 National Action Plan (NAP) and the EU effect

In the 2000s, Turkish migration and asylum system has entered a new stage with the EU accession process, in which Turkish authorities have begun to cooperate with the EU countries. Increased dialog with the EU and the developments parallel to the accession was followed with the Accession Partnership Document of 2001 which was signed between the Turkish government and the EU. During the dialogs and accession process, Turkey primarily aimed to harmonize its legislation with the EU legislation. In this context, the issues of migration and asylum are among the significant chapters that are needed to be revised by the Turkish government. The Accession Partnership Document of 2001 was reworked by the Turkish government in 19 May 2003 in order to harmonize its asylum legislation with the EU

legislation. Accordingly, Turkey launched a National Program for the adoption of the EU legislation on asylum and migration. The Accession Partnership Document of 2001 targeted the short term and medium term policies in the domain of asylum and migration. In the short term, the Document aimed at strengthening the struggle against *illegal* migration and cooperation in readmission agreements with the European Commission. In the medium term regarding *illegal* migration, Turkish government targeted to adopt the EU Acquis and practices to prevent *illegal* migration through arranging permission on entrance and re-entrance to the territory and deportation from its borders. Considering the asylum procedure, as stated earlier, Turkey's reservation about geographical limitation on the 1951 Geneva Convention, in the medium term, shall be lifted; and the asylum system which evaluates the asylum applicants and the accommodation centers and social assistance for asylum seekers and refugees shall be strengthened. It is within this context that Turkish National Program was put into force in the Official Journal (Resmi Gazete No. 25178) in 24 July 2003 for the adoption of EU Acquis Communitaire.

It is also within this context that Turkey initiated a "Task Force for Asylum-Migration Action Plan" in November 2004 with the cooperation of all the related Ministries, Institutions and Agencies in order to formulate a National Action Plan. Finally, "Asylum Migration National Action Plan" was completed at the end of December 2004. As already alleged above, the purpose of the National Action Plan is to harmonize asylum and migration legislation in line with the EU legislation and the EU Acquis. Another important feature of the NAP is to lift the geographical limitation reserved by the Turkish government since the 1951 Geneva Convention and the 1967 Additional Protocol. Besides the harmonization of the asylum legislation in line with the EU Acquis, the Turkish authorities were planning to lift the geographical limitation most likely in 2012. In return, Turkey demands the EU to share its

burden where it demanded financial assistance from the EU in order to construct alien admission and accommodation centers envisaged by the MOI.

Both the increasing cooperation with the EU countries and the harmonization of the asylum legislation in line with the EU Acquis Communitaire necessitated revisions and improvements of the 1994 Asylum Regulation. Thus, the "Asylum Migration National Action Plan" was launched. In this context, the 1994 Asylum Regulation was amended in 27 January 2006 (Official Journal 2006/ No. 9938). The 2006 Implementation Directive also regulated the statement that the asylum application period to the governorship should be endorsed within ten days where "ten days" was replaced with a "reasonable period". The Directive of 2006 stipulated the improvements in the administrative and institutional infrastructure, as well as the designation of seven satellite cities where accommodation, admission and reception centers would be restructured. The construction of seven centers (in Ankara, Van, Kayseri, Erzurum, Kırklareli, Izmir, and Gaziantep) began in 2009 and several of them have been completed.

The 2006 Implementation Directive always refers to the Articles of 1994 Asylum Regulation. Thus, in reality, it does not propose better conditions for asylum seekers and refugees in terms of rights that are including education, health, social assistance, work and residence permits. Rather, it can be interpreted as the preservation and maintenance of the current status quo and the ambiguous asylum system. The concepts related to asylum are not obvious and are still blurred. The rights for asylum seekers still seem like an endowment of the sovereign power despite asylum being a universal right.

2.4.3 *The Draft Law on Foreigners and Protection*
The Draft Law on Foreigners and International Protection has aimed to improve the current regulation regarding asylum and migration. The MOI as the primary decision-making

mechanism relating to migratory movements and asylum has provided detailed justification why a law related to asylum and irregular migration was needed. However, it is not only a law considering asylum and migration, but also a legal document related to visas, passports, residence permits, and the movements of foreigners. In this sense, it seems that Turkish authorities do not consider constituting asylum legislation within a separate and detailed legal arrangement. Furthermore, the Draft Law does not envisage lifting the geographical limitation that was a main issue in the harmonization of asylum and migration in line with the EU Acquis Communitaire. In the General Preamble of the Draft Law, perception and understanding of the sovereign seems not to have changed since sovereign power believes the necessity to effectively *struggle with* the movements of irregular migration and asylum within an institutional and constitutional level.

The General Preamble of the Draft Law provides statistics in the domain of irregular migration and asylum movements towards Turkey. Accordingly, 811,891 irregular migrants were captured by the Turkish security forces between 1995 and 1 August 2010 and 72,021 people applied for international protection between 1995 and 1 August 2010. As of 1 August 2010, 19,897 asylum application cases are still active and ongoing (General Preamble of the Draft Law, 2010).[14] The most important improvement in the draft document, according to the sovereign, is that they do not use the word "illegal" rather the Turkish authorities use the concept "irregular" for the ones who are coming to Turkey without permission and legal documents. Indeed, although the concept has changed, the perception is still the same since irregular migrants are still being deported. The term irregular has been replaced with the illegal so the discourse of illegality and irregularity refers to the sovereign's demand to stigmatize aliens who are *others* through strengthening its position in the eyes of its citizens.

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[14] For more information, please visit:
http://www.madde14.org/index.php?title=Yabanc%C4%B1lar_ve_Uluslararas%C4%B1_Koruma_Kanunu_Tasar%C4%B1_Tasla%C4%9F%C4%B1_Genel_Gerek%C3%A7esi

The most crucial ambiguity is still prevalent in terms how the Turkish authorities will differentiate an asylum applicant and the so-called irregular migrant as most of the asylum seekers entering to Turkey are using the same methods to enter Turkey as irregulars do.

2.5 Chapter Conclusion

This chapter has tried to present the historical context and the legislative transformation that asylum seekers in Turkey are subjected to. Looking at the different periods, *sui generis* trends and characteristics of each of the eras were also outlined. Within the legislative context, given the increasing number of asylum seekers and migrants that are arriving to the country, Turkey has found itself under increasing pressure to amend its laws and policies. Besides the increasing numbers, and maybe even more so, the pressure of the EU has also impacted upon these legislative changes. While this chapter has outlined the context of the thesis, the next chapter will discuss the theoretical background where legislation as described here is treated as a façade of sovereign authority over the *homo sacer*.

3   Chapter III: Theory: Homo Sacer as the Living Dead

> *Lives lived on the margins of social, political, cultural, economic and geographical borders are lives half lived. Denied access to legal, economic and political redress, these lives exist in a limbo-like-state that is largely preoccupied with acquiring and sustaining the essentials of life. The refugee, the political prisoner, the disappeared, the victim of torture, the dispossessed – all have been excluded, to different degrees, from the fraternity of the social sphere, appeal to the safety net of the nation-state and recourse to international law. They have been outlawed, so to speak, placed beyond recourse to law and yet still in a precarious relationship to law itself. Although there is a significant degree of familiarity to be found in these sentiments, there is an increasingly notable move both in the political sciences and in cultural studies to view such subject positions not as the exception to modernity but its exemplification* (Downey, 2009: 109).

Anthony Downey questions whether those who are living on the margins of every domain of life are the exceptions or exemplifications of the modernity (Downey, 2009). It is the very fact that life does not offer a good or qualified living for every human being in a political community. Some of them, especially excluded human beings from the political, social, economical and cultural domain, such as refugees, asylum seekers, prisoners of war, unwanted aliens and foreigners, are subjected to the discretion of the sovereign authority to be included into a community. In this chapter, I focus on a specific group of people who are living on the margins of the society: the asylum seekers and refugees where I apply Giorgio Agamben's term of *homo sacer* that reflects the extreme vulnerability and nakedness of life.

In this chapter, I present the theoretical background, which inspired this research. As stated in the Chapter: Introduction, the analysis in the thesis is done on *three* levels. Accordingly, the theory utilized for this thesis can also be outlined on *three* levels: *macro*, *meso,* and *micro*. On the *macro* level, I use Agamben's concepts of *homo sacer* as well as revisiting Foucault's notion of *biopolitics* to explain the idea of citizenship within the context of exclusion and inclusion. On the *meso* level, I try to apply the notion of the *right to the city*, which is taken from Henri Lefebvre. On the *micro* level, I evaluate the autonomy of the

asylum seekers and refugees, and the strategies used by them in order to survive in a system of inclusive-exclusion.

3.1 Macro Level: Sovereign Defining the Limits

In what follows, I first explain the concept of citizenship as a governmental tool of inclusion. I then elaborate on the exclusionary mechanism of the sovereign, specifically with respect to non-citizenship. Furthermore, I focus on the concept of the state of exception, which is neither inclusion nor exclusion, and which is the state that asylum seekers in Turkey are subject to, to explain their *homo sacer* conditions. Finally, I turn back to the satellite city regulation, to theoretically elaborate its camp like environment, which represents a semi-camp space for the asylum seekers in Turkey.

3.1.1 Citizenship, Non-citizenship, and the Homo Sacer

The power of the sovereign is overtly produced and reproduced through its exclusionary and inclusionary policies and regulations. On the one hand, with the exclusionary power of the state, sovereign determines and defines what the legal and illegal action and who the legal and illegal person is (Engbersen and Broeders, 2009). On the other hand, with the inclusionary power, the sovereign bestows the rights to the person who has been defined as legal through residency and citizenship. The sovereign does not only have the power of legitimate monopoly of the use of violence, but also the legitimate mechanism of control of movements.

In order to understand what makes a human being an alien and *homo sacer*, it is significant to trace the origin and nature of the concept of citizenship in which the rights and entitlements have been associated with the citizens (Macklin, 2007). In general, the concept of citizenship refers to three major domains of legal status, activity, and identity (Oers, 2010). The term is in itself a political and constitutional concept, and the discourse of citizenship is

the legitimization of political act (Bosniak, 2006). The existing emphasis and focus upon citizenship as membership –therefore it is both inclusionary and exclusionary– to any community brings the understanding of privilege of citizens over non-citizens who are admitted as aliens.

Citizenship as a legal status refers to what you get, and describes the relationship between a person and a state in which person as citizen avails the legal privileges such as civil, political and social rights provided by the state (Kostakopoulou, 2003). However, state expects from its citizens certain fulfillments and duties in return. Citizenship as activity, what you owe, is related the participation of citizens to the politics such as voting, and furthermore, it refers to the participation to economic and social domains such as right to work. Citizenship as identity, what you feel, refers to the psychological dimension of identification on an individual level referring to the loyalty and commitment (Kostakopoulou, 2003; Oers, 2010; Carens, 2000).

Considering these three distinct meanings of citizenship, the common point is the participation and membership; citizenship as legal status refers to membership within the territorially defined nation-state, and the latter two forms refer to voluntary membership and participation. Citizenship in general, is defined as the juridical, political, social and economic entitlements within a given territory. In other words, it is a "set of practices defining a person as a competent member of society" (Turner, 1993: 2). Furthermore, "the content of citizenship refers to the exact nature of the rights and duties which define citizenship" (ibid.).

The inclusion into a political community seems only possible by the simultaneous exclusion of some human beings who are not allowed to become full legal subjects (Lemke, 2005). In order not to be excluded or exempted from the normal limits of the state, individuals who live within the boundaries of a political community primarily aim to be

included. Through this formula, to include or exclude is one of –maybe– the most significant weapons of the nation-state, which provides the means to maintain, to legitimize and to justify its existentiality and legitimacy. This weapon has been politicized and legalized with the concept of citizenship. Following a Foucauldian approach, it is clear that the concept of citizenship is a new mechanism of systematic surveillance over the population. Citizenship is "the technologies of government", as Foucault asserted, and set of "policies, programs, codes, and practices that attempt to instill in citizen subjects particular values" (Ong, 2003: 6). The modern nation-state gives rights and entitlements where the individuals are obliged to be registered, observed and monitored by the modern sovereign power in return.

While the concept of citizenship explains the inclusionary politics of the sovereign, it also implicitly refers to those who are left out of the system, i.e., the non-citizens. Agamben illustrates the distinction between citizens who enjoy legal-juridical rights and non-citizens (e.g., unwanted aliens, undocumented, irregular migrants, asylum-seekers, and refugees) who are excluded from the endowments of the nation-state, which is not willing to expand the limits of citizenship in order to hold these aliens out of the system. In order to better understand the concept of non-citizenship, one can look at statelessness as an explanatory subset of it. On the one hand, according to the international law, stateless person is described as one "who is not considered as a national by any state under the operation of its law" (Kneebone, 2009). Statelessness refers to those people who do not have the right to own a passport of any particular state or access to any kind of political and social rights that most civilians have. Considering the alleged definition of a stateless person, statelessness is the formal lack of status and a category of non-citizenship, i.e., the individuals who do not have citizenship rights within the boundaries of a nation-state.

The sovereign is so powerful in defining the limits of citizenship versus non-citizenship – i.e., inclusion versus exclusion– that it can interfere in different domains of life. For example,

and ironically, while the sovereign nation-state can intervene in its citizens' right to die, e.g., in the case of euthanasia, the same sovereign power does not allow the non-citizens even the right to live. The term the right to live connotes the excessive form of limitation of nation-state over the unwanted others, emphasizing the deprivation of these aliens from their unalienable and inalienable rights –such as liberty, property, freedom of conscience and freedom of movement promised by the sovereign. The deprived life of aliens fits Giorgio Agamben's concept of the *homo sacer*, which denotes a *naked life* or *bare life*.

In his seminal work, *Homo Sacer: Sovereign Power and Bare Life* (1998), Agamben utilizes the concept of *homo sacer* from Ancient Roman Law who is the sacred or the accused man who was banned from both the sacred and political domains (Agamben, 1998). According to the Ancient Roman Law, the death of the *homo sacer* was counted "neither as murder nor sacrifice" (Walters, 2008). This man under the umbrella of the law had been depoliticized through the exclusion from all his civil rights and religious rituals in Ancient Rome.

Thus, like in the case of the *homo sacer,* such excluded living beings were made possible by the sovereign power, generating the bare life. With regard to the concept of citizenship that is seen as "a powerful instrument of social closure", the boundary of citizenship allows to the rich states to draw a line between their citizens and non-citizens who are originated from poor countries (Brubaker, 1992). This instrument creates the bare life condition for these unwanted and poor newcomers since they have already been declared as illegal. Moreover, they do not have access to health, education and work due to the restrictive and exclusionary legal norms of the sovereign nation-state.

It is within this theoretical context that asylum seekers and refugees are considered as non-citizens who remain out of the rituals of citizenship and practices of political

membership, which are spatially reproduced by the nation (Benhabib, 2004). The demarcation between citizens and non-citizens has been salient through the sovereign nation-state, which has the power to create and suspend the rule of law. In other words, every nation creates its own others to crystallize its sovereignty within and without (Benhabib, 2002). The concept of citizenship creates membership as an endowment of the sovereign nation-states where asylum seekers and aliens as the non-members of political community are prohibited to attend its rituals; thus, bringing the exclusion and inclusion to the agenda. Thus, any individual who is excluded is a *homo sacer vis-à-vis* the system of sovereign nation-state, which emerges as a result of the existing norms, obligations and legal duties. However, asylum seekers, refugees and aliens as non-citizens and non-members are more vulnerable than a regular person within a political society due to the exclusionary and restrictive politics of the sovereign nation-state.

3.1.2 Biopolitics and the Homo Sacer

The refugee, who, breaking the bond between the human and the citizen, moves from marginal status to the center of the crisis of the modern nation-state; and the sphere of pure means or gestures (those gestures that, remaining nothing more than means, liberate themselves from any relation to ends) as the proper sphere of politics (Agamben, 2000: Preface).

The critical scholars in the literature of migration and refugee studies have concentrated very much on the relationship between the sovereign power and the migrants where the term *homo sacer* has been very much utilized (Agamben, 1998; Walter, 2007; Biehl, 2007). As mentioned earlier, while the term is derived from Ancient Roman Law, it is also a modern phenomenon embedded in Foucault's notion of *biopower* and *biopolitics* where bare life is the object of sovereign power (Fitzpatrick, 2001). It is Agamben's distinction, utilized from Aristotle, between the *zoé* and *bios* that describe the bare life conditions of the sacred man, the *homo sacer* (Agamben, 1998: 8). In *Homo Sacer* (1998), he firstly analyzes Aristotle's distinction of biological and political life, which was drawn as *bios* (political life) and *zoé*

(biological life or for Agamben *bare life*). This distinction is important to underline the actual living condition of the *homo sacer*. According to this distinction while the *zoé* refers to the nature and common life for every creature, including animals, the *bios* refers to the good life in which human beings are distinct from other animals as living creatures (Owens, 2009). The distinction between the two is simple: "born with regard to life, but existing essentially with regard to good life" (Agamben, 1998: 7). In this sense, *bios* is totally different from the *zoé,* the naked one, which is just about "being born". Through this distinction between *bios* and *zoé*, Agamben has aimed to illustrate the link between politics and bare life in which politics refers to a kind of special competence that distinguishes man from other beings. What is interesting in Agamben's intention to illustrate bare life conditions of *homo sacer* is that "human being is *included* in the juridical order solely in the form of its *exclusion*" (Agamben, 1998: 8). It is important to explain why a person is called as sacred, in other words *homo sacer*. Historically speaking;

> *The sacred man is the one whom the people have judged on account of a crime.*
> *It is not permitted to sacrifice this man, yet he who kills him will not be*
> *condemned for homicide; in the first tribunitian law in fact, it is noted that "if*
> *someone kills the one who is sacred according to plebiscite, it will not be*
> *considered homicide." This is why it is customary for a bad or impure man to*
> *be called sacred* (Agamben, 1998: 71).

Turning back to the *biopolitics* and *biopower* discussion, Agamben reformulates Foucault's term of *biopower* when he describes the power of sovereign over its subjects and their bare life conditions. In Foucault's concept of *biopower*, the object of perception and regulation reigns over the life in modernity in which life becomes isolated and is not only eliminated but also protected by the sovereign (Foucault, 1995). Disciplinary strategies of the sovereign over its subjects is the very essence of the modern political order in order to protect the population's well-being in which the killing of "other" is not perceived as murder and "the other must die" in the name of security (Foucault, 2003: 255). It is the authority of the sovereign where one of the "privileges of sovereign power is the right to decide life and

death" (Foucault, 1978: 135). In this sense, Foucault finds a binary categorization between "us" and "them", or between the "normal" (citizens) and the "abnormal" (non-citizens) (Zembylas, 2010).

Agamben's perception of *biopolitics* differs from the Foucauldian approach where the former admits that the *biopower* is not a modern phenomenon and he postulates that "the production of a *biopolitical* body is the original activity of the sovereign power" (Agamben, 1998: 6). Agamben presents a narrative in which contemporary politics tends ever more to become subsumed within *biopolitics*, and the figure of the citizen approximates a naked and exposed form of life, stripped of rights and vulnerable to the "decisionistic" operations of the sovereign power (Walters, 2008: 185).

Within this context of *biopolitics*, asylum seekers and refugees are in between position, especially in and at the margins of political domain, through being situated between inside and outside, inclusion and exclusion, or *bios* and *zoe*. Thus, their place in the political and social space seems to be the very zone of distinction and indeterminacy where asylum seeker is a person who is "included in a set without being one of its members" (Agamben, 1998: 24). This is also the case in the Turkish asylum system, which is elaborated more in detail in the next chapter. This situation is defined and codified by Alain Badiou as *excrescent* which means a situation is included in a situation without being a member of that situation (Agamben, 1998: 24). Their position is ambiguous *vis-à-vis* the citizens who have been already granted by the sovereign power with the citizenship status which is "the new *biopolitical* body of humanity" (Agamben, 1998: 9). They have bare life conditions as the extreme "biopolitical subjects", which are governed and regulated by the sovereign in a given population within the permanent "state of exception" in a so-called "camp life" (Owens, 2009).

3.1.3 Permanent 'State of Exception' for Homo Sacer

The ways regarding how and why and further to what extent the *homo sacer* is put into a bare life condition, *zoé* or naked life, are significant to reemphasize. The sovereign, at the outset, as a decision and discretion mechanism for the *homo sacer* is "paradoxically outside and inside the juridical order" in which the state of exception can be legitimized to suspend and operate (Agamben, 1998: 15). Through its limitless power upon the living creatures, the sovereign legally situates itself outside the law through normalizing the condition of nakedness and bareness for the *homo sacer*.

For Agamben, who is following Schmitt, the sovereign is the one who decides on the exception (Schmitt, 2005). The sovereign that holds "the legal power to suspend the validity of the law legally places himself outside the law" and sovereign accordingly remarks that "there is nothing outside the law" (Agamben, 1998: 15). The suspension and amendment of law is very attached to the decision of sovereign that declares the state of exclusion and inclusion for refugees and asylum seekers (Agamben, 1998). Thus, it has duty to build camps, detention and reception centers, and/or designate satellite cities as shown in the Turkish case. The exception "explains the general and itself" and is "more interesting than the regular case" (Schmitt, 2005; Agamben, 1998).

Exception is significant since it exceeds the regular case due to its peculiarity in which suspension of the rule has become the juridical case and even it becomes a general law. The state of exception, for Saint-Bonnet, holds a "point of imbalance between public law and political fact", offering an ambiguous and uncertain intersection of the legal and the political borderline (Agamben, 2005:1). In fact, even though it seems like a legal form, it is the "suspension of law itself" (Agamben, 2005). The suspension of law does not mean that the state of exception is external to the juridical other. Rather it constitutes "a zone of indifference, where inside and outside do not exclude each other but rather blur with each

other" (Agamben, 2005: 23). The state of exception is the case which exceeds the regular case and it is crucial for the sovereign to understand how sovereign power works to manage its subjects in the border of modern *biopolitics* through excluding certain stigmatized, marginalized and victimized groups *via* creating exceptional cases.

The otherness of asylum seekers and temporary refugees in the Turkish context – despite asylum as a legal right of the oppressed – is intentionally created by the sovereign. The sovereign is aiming to put emphasis on the significance of the mechanism of exclusion. Such exceptional cases become a venue for the sovereign where it proves the citizens its power. It also aims to exclude aliens due to social, political and economic concerns, i.e., emphasis on difference between citizens and non-citizens. As the final decision-maker over acceptance and rejection, sovereign owns the bargaining power in relation with other political entities, marking its *biopolitical* relations with its citizens. Thus, the sovereign manipulates its citizens, the normal beings, through its control over the exceptional cases. Furthermore, sovereign reproduces the validity of law through creating a state of exception (Agamben, 1998). What makes the exception special is that it is, for Agamben, "a kind of exclusion" in which "what is excluded from the general rule is an individual case" (Agamben, 1998: 17). It is within this context, that the bare life of refugees and asylum seekers "remains included in politics in the form of exclusion" with the states of exceptions; that simply means the politicization of the *zoé,* bare life, through the exclusionary mechanism of the sovereign power (Agamben, 1998:11).

3.1.4 Satellite City as a Space of Camp

Auschwitz, according to Agamben, is the classical example in which human beings were reduced merely to biological beings whose deaths were legitimate. Death is an exceptional case for the sovereign power, which sees it as a normalizing power in regulating and managing the society. There is the very relation between the construction of a camp and the

state of exception in which "the camp is the space that opens up when the state of exception starts to become the rule" (Agamben, 2000: 38). Auschwitz, in this sense, was not only a concentration camp where a zone of indifference had been materialized between public and private space, but also a state of exception in which the rule of law had been suspended temporarily (Agamben, 2000).

The subject of the sovereign, i.e., in our case the asylum seekers and refugees, becomes the object of *biopower* where they are exposed to bare life conditions within camp establishments. The camps are the "matrix of modernity" created by the sovereign power over life and, so to speak, sovereign power becomes the mechanism of reproduction of the *homo sacer* and its bare life condition through the very creation and invention of the camp-like sites. The camp does not have to be a physical surrounding with high walls or fences with a clandestine gate as in the case of Nazi concentration camps. Any space, which generates the bare life conditions, can be labeled as a camp. The camp, where the state of exception takes place, has a paradoxical status since it is a piece of territory, which is placed outside the normal juridical order, but is not an external space for those who are obliged to live within (Agamben, 2000). Therefore, the camp is a structure created by the sovereign where the state of exception is permanently realized by the sovereign's ability to decide on inclusion into a camp and exclusion from the system. Through the camp, the sovereign aims to prevent the possibility of autonomous space in the political order. What is special regarding the camp as a space is that any person who enters the camp moves in "a zone of indistinction between the outside and the inside, the exception and the rule, the licit and illicit, in which every juridical protection had disappeared" (Agamben, 2000: 39).

The very *sui generis* characteristic of the satellite city of Turkey is that as an urbanized space, it forms a semi-camp space exposing a gray area, which creates a state of "permanent temporariness" (Yiftachel, 2009). Moreover, an asylum seeker as "*homo sacer* becomes

indistinguishable from the citizen" due to the paradigmatic structure of it (Agamben, 2000: 40). Thus, the Turkish authorities are making the asylum seekers and refugees in Turkey indistinguishable from Turkish citizens, by not putting them in a camp, but sending them through a satellite city, which is on the façade, a normal urban setting. In reality, satellite city turns into a zone where everything, i.e., death or marginalization, is truly possible and legitimate for any asylum seeker. The essence of the semi-camp situation in the satellite cities consists in the materialization of the state of exception and in the consequent creation of a space for naked life (Agamben, 2000). In this setting, the asylum seekers of the satellite city are being "stripped off every political status and reduced to a naked life" without any mediations (Agamben, 2000: 40).

3.2 Meso Level: "The Right to the City"

> *It is the right to the city of those who do not now have it with which we are concerned* (Marcuse, 2009).

The significant focal question in following Henri Lefebvre's notion of "the right to the city" is that what kind of city refugees and asylum seekers, who are *human beings,* want to live, what kind of social relations they seek, and what kind of daily life and standard they imagine and desire. Although right surely does not denote the current notion of legal claim and legality, which are processed through the juridical system, the right to the city expresses not to be marginalized not only in the decision making but also in any domain of life in itself. Operations, functions and structure of the city coincide with the social needs of the human beings which include being secure and in certainty, work and play, creativity, and investment as the basic determinants of the urban society (Lefebvre, 1996). "The right to the city", for Lefebvre, "is like a cry and demand" and it is "the right to information, the rights to use of multiple services, and the right of users to make known their ideas on the space and time of their activities in urban areas" (Lefebvre, 1996: 158; Marcuse, 2009). Then, the term conveys

the notion of a society and space in which all living beings are closely fulfilling their needs and desire –"the city of the heart's desire" as David Harvey phrased – (Marcuse, 2010). However, it, currently, falls into the discretion and interest of the sovereign power who decides which living creature will be included or held out of the city to meet their needs and desires. The cry derives from their oppressed condition, which might be the result of constraints against their creative activities, limitations upon their material benefits, oppression in their social relationships and unfulfilled hopes in their denuded lives (Marcuse, 2009).

City, today as urbanized space does not primarily aim to meet the fundamental and social needs of certain groups including refugees, asylum seekers and unwanted aliens, rather it has become one of the main accelerator and driving forces of the global capitalist system (Brenner, Marcuse and Mayer, 2009). It is the space where challenges between social forces, inequalities and power relations have been realized and any exclusion, marginalization and the injustices have become normalized through the exclusionary and inclusionary power of the sovereign power. The logic to expel, instead of to include, aliens and unwanted ones from everyday life involving health care system, employment market and education system is the very essence of sovereign's *biopolitical* power. Whenever the sovereign attempts to expel and exclude them, it cannot exclude them without including them. "Unwanted" cannot be solely excluded since it is already here and because it is here and within the territories of the sovereign. Therefore s/he is labeled as "unwanted" or "illegal". The marginalized groups or the asylum seekers and refugees have survived in a city of sovereign power and system despite all the attempts of the sovereign. Henri Lefebvre and Michel De Certeau asserted that city as a network formed by the mediations between inhabitants and newcomers through the everyday activities of both inhabitants and newcomers.

In the Turkish asylum context, satellite city has been formed by the inhabitants and asylum seekers. Due to the mediation between two groups, there is spontaneously interaction

between the inhabitants and asylum seekers. Any interaction between them that can be a glance, a dialog, a fight or shopping simply characterizes the acts of asylum seekers with the dwellers of the city. Thus, in the *meso* level, the right to the city connotes the idea of social relations in every domain of life including social, economic, and cultural, as well as setting neighborhood with the city dwellers and sovereign power. City is a spectacle of time and space in which every social organization which involves daily and everyday activities such as awakening, walking in the neighborhood, greetings, speaking, working, shopping, resting, communicating or sleeping have taken place. Through their daily and everyday activities every human being, including the marginalized and the excluded, become not only "objects" but also the "subjects" of the system and within their neighborhoods. In those social relations and neighborhood, the power relations and socio-spatial exclusion have not loosened and lost its very essence. Considering the power relations between the marginalized/excluded and the normalized/included, the excluded groups such as refugees and asylum seekers are being the target of exclusion from the city, which is the spatial domain of the dwellers of the city where the excluded groups also have to attend and fulfill their daily activities. If they do not fulfill their everyday acts within their neighborhood, they cannot be visible. Thus, they cannot be condemned and excluded by the sovereign that is the mechanism of exclusion.

3.3 Micro Level: Homines Sacri as Autonomous Beings

Guests of nation-states in many respects have been unwelcomed by the sovereign who have been labeled as alien, illegal or irregular, and excluded via the umbrella of citizenship by the limits of sovereign nation-state. The Turkish asylum system also puts severe restrictions on the lives of asylum seekers in which they are neither fully included within the system nor excluded from the system. The restrictions such as the satellite city regulation, limited access to education and health services, and unemployment expose an asylum seeker in Turkey to a naked and bare life, making them the *homines sacri*.

However, the term *homo sacer* conveys a total passivity for those human beings and ignores their creativity, autonomy, living and survival strategies and tactics within the system as the limits of the sovereign are not enough to prevent them. The concept of *autonomous migration*, in this sense, refers to any act of asylum seekers and refugees that transcend the limitations of the authority. Most crucially, "it [autonomous migration] is not supposed to mean sovereignty of migrants, but rather that migrants are not simply objects of state control" (Walters, 2008: 189). It is within this context that any strategy against the state authority developed by the asylum seekers and refugees is a sign of their autonomy. Moreover through the asylum seekers with their movement from one country to another contrive that "the multitude gains the power to affirm its autonomy, travelling and expressing itself through an apparatus of widespread, transversal territorial reappropriation" (Hardt and Negri, 2000: 398). In the *macro* level, I have already investigated how the sovereign power exercise the power of legality and its legitimacy in order to exclude refugees and asylum seekers *via* the *biopolitical* notion of citizenship and non-citizenship. All these have a lot of impact on the micro level: although the lives of refugees and asylum seekers have been put into marginalized, naked and *homo sacer* conditions to a large extent, the term nakedness and *homo sacer* should not refer to them as only passive human beings. As long as they have the act of power, they are autonomous and active human beings who are surviving in a system which aims to make them the *homines sacri*. Acts of those groups have been rooted within their search for freedom elsewhere in the world, which proves their autonomy in the first place.

"The annals of everyday life" as Michel de Certeau (1998) asserted gives excluded groups the act of power that is one of the signs for autonomy, i.e., strategies and tactics in order to exist in an exclusionary system and neighborhood. They are not invisible since they wake up; walk; use the bus or metro; go to lunch or have dinner at home or a restaurant; work if they can; shop; and sleep at home (de Certeau, 1988). Many of these daily errands necessitate

setting relations with the others, i.e., if one has a job, s/he also has an employer; or if one goes shopping, has to speak with the seller. Although the sovereign aims to make them passive beings and stigmatizes them as the *homines sacri*, the right to the city, which encompasses the everyday life and activities, also gives the right to exist and make them visible in their neighborhoods through providing variety of spatial relationships. The activities in everyday life "allow them to appear within the space of a memory" (de Certeau, 1998: 3). Furthermore, the people who are subjected to the certain kind of pressure by the sovereign are able to "manipulate the mechanisms of discipline and conform to them only in order to evade them" (de Certeau, 1988: xiv). In this sense, the tactics become the art of the weak to overcome the impositions in the *macro* level by the sovereign.

Following Hardt and Negri's seminal work of Empire (2000), the movement that transcendences the limits of sovereign illustrates the autonomy of the migrants. In the Turkish asylum context, the movement of asylum seekers and refugees has been targeted to be restrained by the sovereign power through the rubric of legality and regulations aiming to protect the wellbeing of its society. It is significant to understand which strategies asylum seekers and refugees have in order to exist and survive in the satellite cities. Their attendance to the daily errands in the satellite city and most importantly their escape from the satellite city to metropolitan areas, particularly to Istanbul, their movements and travels around the country, and their employment in black market are all indicators of their autonomy, creativity and transformative power so as to maintain their existence.

3.4 *Chapter Conclusion*

The chapter has outlined the theoretical framework of the thesis on three levels: On the *macro* level, inclusionary and exclusionary politics of the sovereign, which create the *homines sacri* have been explained in order to envisage the situation of the asylum seekers and

refugees in Turkey *vis-à-vis* the sovereign power of the Turkish state. While in the *macro* level, state-migrant relations are theorized, on the *meso* level, migrant-city/society relations have been depicted *via* the concept of the *right to the city*. Finally, on the *micro* level, unlike the passivity that is envisioned for the *homo sacer* by Agamben, the creativity, strategies, acts, i.e., autonomy, of the migrants have been emphasized through the concept of *autonomous migration*.

4 Chapter IV: Empirical Discussion: Act of being passivized in the Satellite City?

> *Every move you make,*
> *Every vow you take,*
> *I'll be watching you.*
>
> (The Police)

The music band, The Police's song is a nice one for the beloved, underlining the gravity of love s/he is subjected to. The song's lyrics are also applicable to the asylum seekers and asylum applicants in the satellite cities of Turkey, where the song also illustrates the power of the sovereign in controlling mobility, i.e., its surveillance mechanism over the body of asylum seekers. The satellite city regulation is a mechanism of *biopolitical* governance where the asylum seekers are forced and obliged to live in designated cities, which are labeled as even "camp" on the identity documents given to the asylum seekers by the authorities. The surveillance mechanism works very effectively: Any asylum seeker has a weekly signature duty in the police station of their forced settlement camps, i.e., their satellite cities. It is within this context that this chapter presents the empirical findings of the research conducted for this thesis. Accordingly, the *first* section illustrates the general problems of the asylum seekers in Turkey based both on the secondary literature and the semi-structured interviews conducted for this study. The *second* section portrays the same conditions, this time based only on the empirical evidence analyzed for each city that the research was conducted, on three levels of *macro*, *meso* and *micro* levels. The chapter ends with a short chapter conclusion.

4.1 General Problems of Asylum Seekers in Turkey

> I have been in Istanbul for thirteen years. I have been given a refugee status since 2006. I had been presented to Canada three years ago. They did not get back to me or call me. I am still waiting for their call and information regarding my case. (*Female, 37, from Iraq*).

Maybe the most important problem for the asylum seekers in Turkey is uncertainty, which has many different elements, mainly referring both to *time* and *space*. *Time* refers to uncertainty in the process of asylum seeking that can last almost seven or eight years in some cases, as articulated by the Iraqi women below. *Space* refers to uncertainty via the creation of the designated and forced cities by the MOI, where the asylum seekers have to stay even if they are not given the opportunities to survive.

Turning to the concept of *homo sacer* and how Turkish asylum system in the *macro* level makes those individuals *homines sacri* is that the regulation of satellite city illustrates the most obvious exclusionary politics within the system, offering gray zones for the asylum seekers within the boundaries of these cities. When I ask the common problems that asylum seekers have faced in Turkey, one of the asylum seekers articulated that

> First and main problem of the system is that the process is too long (4 years in my case), no right to work, no residence permit, no access to education and healthcare services. Without work, how can I survive? (*Male, 20, from Congo D.R.*)

According to the semi structured interviews with asylum seekers and officials in the field, one of the most problematic issues for the asylum seekers –who are neither fully inside nor outside the system –is that finding job is extremely difficult. Even if a job is available for them, they are not permitted to work. "This document does not denote work permit" is written on the asylum seekers' residence permit given by the MOI. It is certain that if there is no employment, there is no money, and if there is no money, there is no bread to eat. It seems that the Turkish authorities hope to deter and further expect to prevent flows of asylum applicants to the country through creating a zone of *zoé* for the asylum seekers.

According to recent research conducted by Ali Çağlar (2011) in the light of information provided by the Turkish National Police Foreigners, Borders and Asylum Bureau, the common problems faced in Turkey are economic problems, language and communication

problem, as well as accommodation. Based on 657 questionnaires with the asylum applicants from various countries currently living in 10 different satellite cities, the main problems in order are: negative living conditions in terms of accommodation, nutrition and health; indifference of authorities; legal problems; negative stance of local people against asylum seekers; economic problems; high costs of residency permit; high costs of renting a flat; lack of work permit; and giving weekly signatures (Çağlar, 2011). However, it should be noted that the problems of accommodation, nutrition, economic constraints and negative living conditions directly refer to the work permit problem. One of the asylum seekers states that he can settle in satellite city but he continues that

> If authority finds jobs and provides housing, I can go to a satellite city. For example in Konya, one friend of mine is resettled in Konya, there is no place to stay in Konya so he stayed in hostel but it was expensive. Going to Konya is 50 TL and turning is 50 TL. Each signature costs 100 TL and nearly 30 hours. (*Male, 20, from Congo D.R.*)

Another asylum seeker remarked different dimension of the work permit problematique in the system and stated that

> They (asylum seekers) also face difficulties finding work since refugees are not granted work permits by the authorities. Consequently, the majority of the refugees is being exploited and very often is not paid by their employers. Under the circumstances of their status, refugees cannot take any legal action to confront this. (*Male, 20, from Congo D.R.*)

The recent statistics illustrate that although Istanbul is a forbidden city for the asylum seekers, there are currently almost 55,000 immigrants in Istanbul.[15] Istanbul is the first preference to stay and live for asylum seekers who are unhappy with their forced settled cities, but they have to stay in satellite cities as there are various sanctions if they do otherwise. For instance an asylum seeker claims that

> I should not miss the signature day as I can be punished by the Yabancılar Şubesi for 100 TL fine. (*Male, 21, from Afghanistan*)

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[15] Data based on UNHCR Turkey Third Academic Network Seminar, Turkey's Experience with Urban Refugees: Modalities and Future Perspective, 15 & 16 May 2012.

This legal punishment is a recent regulation and there was not such a sanction in previous terms. The essence of this regulation is that the sovereign puts arbitrary rules in the governance of asylum seekers; and considers that a fine (which is 100 TL) in case that an asylum seeker misses the signature duty would be a deterrence mechanism to prevent inflow of asylum seekers to metropolitan areas, specifically to Istanbul. It is obvious that the MOI aims to strengthen the control measures in order to keep those beings in satellite cities through financial punishment.

Turning to Ali Çağlar's research, almost 40 percent of the asylum seekers who were interviewed asserted that their children are able to go to school and those informants stated that they did not face any problem during the registration process to the school. However, 60 percent is the majority; and almost 20 percent of those asylum seekers who registered their children to school, stated that at least during one of their children's registration, they had problems regarding registration fee and rejection due to their asylum status. Based on the research, the problems of asylum seekers in the domain of education have been reflected as unproblematic and furthermore researcher claims that "access to education is less problematic in comparison with the other domains" (Çağlar, 2011: 96). Three main reasons why the families do not send their children to school are firstly economic constraints, discrimination against children and exclusion of their children in the school, and being transit in Turkey and uncertainty in the system. The important finding of research is that there is no legal, standardized and systematic regulation in the country and city level in access to education, health and housing. However, the researcher misses one important issue which is already articulated by an asylum seeker:

> They (unaccompanied minors) are allowed to reside in this shelter until they get 18 years old. In these shelters, the most important problem that they face is the lack of access to education…. The education is yet another crucial issue with regards to refugees who are to be resettled to a third country. During the lengthy asylum procedure, a young refugee can spend between 3 to 5 years without any education in

Turkey. This is a huge problem for the future integration of a young person for his/her integration to the country of resettlement. (*Male, 20, from Congo D.R.*)

Recently, especially the officers in the domain of asylum firmly believe that most of the asylum applicants are economically motivated immigrants and those migrate to Turkey due to their economic constraints in their country of origin. This perception has also been articulated in Çağlar's research in which the researcher asks the incomes of asylum seekers before they did not come to Turkey. Based on the numbers and lower income, those human beings have been labeled as economic immigrants but have already applied for asylum. This can be seen as the very product of problematic discourse of officials in order to legitimize their perceptions and discourse but it is very questionable: in favor of what? The justification of the interrogation as in the other countries is to decide whether those people are who they say are and ethically it can be questionable. In reality, the issue regarding why an asylum seeker migrated to Turkey is replied as follows:

> Nobody chooses where they want to go. They want only to escape, to escape from execution and persecution. I did not select Turkey by looking at and examining the world map. (*Male, 20, from Congo D.R.*)

According to interviews conducted with the authorities, academicians and fieldworkers, the process of settlement into a third country is very depend on the quality of asylum seeker in terms of educational and vocational background and whether s/he is healthy or not. If an asylum seeker is qualified, his or her settlement process takes less time in comparison with other asylum seekers. This is a simple reply for two asylum seekers' complaints about interviews conducted by the MOI, UNHCR and the third country settlement representatives.

> I was tortured in prison for three years in Iran on the accusation of being a spy. In a cell of one square meter underground. Then I was treated for seven months in a hospital and escaped to Turkey with the help of my friends. In Ankara, they interrogated me for seven hours. Who should I convince for what? (*An asylum seeker in Turkey, male, 32*)

> Why do we prove that we are under danger? UNHCR is not guilty alone but system should be questioned. (*Female, 27, from Iran*)

These two asylum seekers are naturally restless and uncomfortable in the process of persuasion. However, it is a necessity in the procedure to find famous *well founded reason of fear or persecution* and I should note that they are not only uncomfortable with the UNCHR and the MOI's interrogation process but also uncomfortable about the researchers and academicians countless mobbing in terms of why they migrate to Turkey.

Çağlar's research illustrates that almost 40 percent of the informants have been in Turkey less than six months. Only looking at these data provided by this research would be misleading since many asylum applicants in Istanbul, Isparta and Yalova have been in Turkey more than one or two years. Also this process can be lengthier for some cases. To illustrate this:

> I have been in Turkey since 2007 and am still waiting to be settled into a third country. (*Male, 21, from Afghanistan*)

This is only one of the examples and I have already illustrated another case of Iraqi woman above who has been in Turkey for 13 years who set her life in Istanbul without hope of resettlement to Canada.

Besides the problems in finding a job, access to education services, there are other vital issues which remain unsolved such as language and sovereign's limitation on the asylum seekers' creativity and space of activity. Two male asylum seekers from Iran put emphasis on communication, but specifically address the economic constraints:

> We want to learn Turkish, because language is a huge obstacle for communication. However, we are not able to attend the free Turkish courses provided by the civil society organizations as we are not living close to Istanbul city center and transportation is too expensive for us. (*Males, 24 and 26, from Iran*)

However, it is significant to assert that these two asylum seekers have a chance to attend language courses only because they are staying in Istanbul, most probably "illegally" (because they were assigned to a satellite city, but did not go). Considering those asylum seekers who

are settled into satellite cities in Central Anatolia, they have almost no opportunity to take such language courses.

In the case of creativity issue, the famous motto has been expressed and advertised by the UNHCR as "Albert Einstein was a refugee". This is a nice motto to emphasize how an asylum seeker is able to achieve enormous and momentous creative activities, thoughts and discoveries. However, the motto, in many cases, blows out. An Iraqi asylum seeker claims that

> I do not have any problems in Turkey. However, my creativity and activities have been constrained. *(Male, 30, from Iraq)*

Furthermore, this discourse can be manipulated by various organizations.. More specifically, the UNHCR, the IOM and the Turkish authorities take one or two asylum seekers who have already been familiarized within the community in order to fulfill that empty motto. Such an example in the Turkish asylum system is a reggae singer, Enzo Ikah who is from the Democratic Republic of Congo, and who has become very popular with the very special efforts of the UNHCR and the IOM. In every concert, or any special night organized by the IOM is not special without Enzo Ikah. It should be asserted that the aim of this thesis is not to criticize Enzo Ikah and his art and personality. I have attended many of those activities. The point is that Enzo Ikah as a refugee and an artist has privileges which create a space of activity and creativity instead of zone of indistinction and zone of uncertainty. As a recent refugee, due to the nature of the system, he is also settled in one of the satellite cities but he is not staying in that city because of his fame. It is the very fact that Enzo is the IOM's advertisement face and he has been publicized for this effort; to advertise themselves. It is easy to understand: The discourse of the sovereign and the authorities is not genuine. The question is simple: what about others?

4.2 The camp: Satellite Cities for Asylum seekers?

> Before I decided to be a refugee, I had many expectations such as healthcare, and more support for refugees. Expectations were not realized in fact. I built my life alone and with my friends, without any support from any authority. No one helped me. I worked illegally. It was stressful about the police and bureaucracy. I have to move to a satellite city. Economically it is stressful. *(Male, 25, from Iran)*

Turning to the main argument of the research, asylum seekers have been sent to the designated cities according to the free movement principle, which entitles them to be freely mobile *only* in these cities. These cities are not physically constructed to settle asylum applicants as they are already established settlement areas by the dwellers. It is vital to emphasize that the satellite city regulation in Turkey does not represent a camp environment like in Nazi period or Palestinian refugee camps in Lebanon or Jordan. The limitation regarding not to permit leaving those certain cities offers a new version of a camp life for the asylum seekers and refugees in Turkey. This new kind of camp is not distinct from the other closed and gated zones in terms of opportunities and restrictions. The main difference between new camp and the former examples is that the newer one does not have walls; instead it has invisible walls, which are visible in the eyes of the sovereign that constructed them through the legal arrangements and laws. The new camp built by the Turkish sovereign power is not only a matrix of modernity but also a matrix of legality.

There is also another important feature of this newly constructed camp. While the former one such as Yozgat and Kırklareli guesthouses – those have walls and are real camps – offers a zone of isolation, the nouveau type of camp in the Turkish asylum context does not offer a total isolation but it marginalizes certain groups through making them visible without physically isolating. In this sense, Agamben's depiction is vital where he sees that the constitution of sovereign power requires the production of a biopolitical body. It is the very product of biopolitics of the sovereign, marginalizing them without isolating. The institution of judiciary and law is connected to the exposure of "bare life" (Agamben, 1998). In this

regard, the inclusion into a political community is possible through the exclusion of some human beings who, in a certain point, are asylum seekers and refugees in the Turkish context. The reason of escape from the country of origin to Turkey is mainly due to their concerns about their lives since they were subjected to discrimination due to their nationality, religious belief, political opinions, race, or sexual orientations. They are escaping because of their limited freedom in their country. Under the satellite city regulation, they are exposed to live in a city where they do not prefer but the sovereign wants them to live in without leaving. There is no right to freedom of movement for those human beings.

Thus, the satellite city regulation in Turkey offers an in-between condition for the asylum seekers and temporary refugees living in Turkey. It does not represent a mere camp life like Agamben described covered with fences and high walls to control entry and exit. What make these designated cities *semi*-camp is that entry and exit are invisibly controlled through the signature obligation by the authorities and exit is very depended upon the discretion of the sovereign and relevant officers in the field. The prefix of *semi* refers to a chance to travel and invisibility of walls and boundaries make easier to escape from those cities. However, the sovereign simultaneously and spontaneously creates arbitrary regulations to prevent escape of those human beings from those cities, for example and as stated before, through a recent 100 TL fine if they miss the signature duty.

> My city is Antakya but escaped from there because some people were looking at my face and some of them were calling me *monkey* (maymun). (*Female, 30, from Somalia*)

Although Somalian woman is not isolated and contained into a camp beleaguered with walls, she reveals the gravity of being marginalized with her color in a conservative and close-minded city. This is just one of the examples. In other satellite cities, there are other exemplifications of marginalization and discrimination towards black Africans, gay and lesbians. Such negative attitudes are not unique to the society; government officers also have

negative sentiments against gay and lesbian individuals. These are one of the most vulnerable groups, being subjected to harassment and violence, especially by the policemen in the police stations.

As already aforementioned, according to the Turkish asylum system, once the application is made (the status of refugee is granted by the UNHCR and the status of asylum seeker is separately granted by the MOI), the asylum-seeker is directed to a *satellite city* in order to be domiciled till the finalization of their asylum procedure. An asylum seeker is legally obliged to live in one of the satellite cities, and nowhere else; disobeying the procedure can result in an arrest or detention. To live in a satellite city, asylum seekers have to get residence permit. The fee of residence permit (*ikamet izni*) for six months is 306.30 TL per adult and 288.15 TL per youth (between ages 15 and 18). There is also a 135 TL of registration fee paid for once to be paid by the refugees in order to benefit limited rights provided by the Turkish government and to resettle to a third country.[16] These fees are not constant, changing from case to case and from individual to individual.[17] Although according to a report published by the HCA illustrates the amount as 149 TL for each person, one of my interviewees claim that he has already paid 175 TL for that residence permit booklet.

The amount of the fees to be afforded by the asylum seekers is very high taking into consideration that they do not have any employment opportunities and work permit. To illustrate, a family of three – a mother, a father and a child – emigrating from Iraq to Turkey through human smuggling already pays a large amount of their savings to the smugglers and may not be able to afford the alleged amount to the Turkish officials to get a residence permit. Still, the residence permit is the first step to gain any basic rights as the asylum seekers cannot

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[16] According to UNHCR 12 January 2010 report.
[17] The cost of residence permit is determined by the Ministry of Finance each year. In early 2011, the MOI announced a new payment schedule for residence permit in accordance to the origin country (available on http://yabancilar.iem.gov.tr/harc.gif). However, the amount is different for the asylum seekers who pay 149 TL for residence permit for a six month.

access health, education and social assistance services of the Turkish government without it very easily. While the Turkish authorities are planning to reduce the current amount of residence fees paid by the asylum seekers –not completely lifting them for all, but to lift or reduce the amount for those who cannot afford– the procedure is still in act, which is adding another burden on the shoulders of the asylum seekers. According to the 2010 Implementation Directive, those asylum seekers who are not able to afford the said amount and who are students in any Turkish education institution might be exempted to pay residence permit or there might be some discounts for them.

After getting the residence permit, as also briefly mentioned before, asylum seekers staying in these satellite cities live according to the free residence principle within the satellite city, but it is prohibited to leave any satellite city and asylum seekers have to visit the police station once or twice a week to sign a paper stating their presence. The police officers can arbitrarily demand signature once a day or once a week. In some cases, an asylum seeker is obliged to give signature every day in the police station of the satellite city of residence; thus, the signature duty is mandatory but depend on the discretion of police officers.

What is more significant in the satellite city regulation is that metropolitan cities including Istanbul, Ankara, Izmir, Antalya, and Bursa are not included into those designated 51 satellite cities. As stated very earlier, these cities are generally located in Central and Eastern Anatolia regions, which are considered by the MOI as so-called *unproblematic cities in terms of security*. However, the question remains: during their settlement in the satellite cities, what kind of rights do asylum seekers have? What kinds of opportunities are offered in the satellite cities? Theoretically speaking, refugees and asylum seekers in Turkey have certain rights, which were stipulated in the 1951 Geneva Convention including access to education for children, access to health care services, social assistance, and access to labor market. Although the 1994 Asylum Regulation amended with the Implementation Directive 2006 has

articulated the demarcations and delimitations of the rights, they still have limited access to fundamental rights. Even though the access to education, health services, social assistance and labor market are already limited by the sovereign power with the laws and regulations on the *macro* level, in metropolitan areas especially in Istanbul, asylum seekers and refugees are able to find opportunities in accessing to these services on the *meso* and *micro* level. This means that they transcendence the normal limits of the state in the metropolitan areas specifically in Istanbul. It is within this context that the understanding of the sovereign that asylum seekers and refugees should be temporarily settled to either small or central and eastern province of the country seems to be unchanged, which is aiming to limit their mobility and rights.

> UNHCR does not care them there. No one knows how serious their situation is. Many of them are rejected by the UNHCR. Two years-three years without health care, without education. They need help. (*Male, 20, from Congo D.R.*)

In the refugee determination process, UNHCR as the responsible and executive organization in providing refugee status to the asylum applicants is also somehow critical like many human rights organizations including Human Rights Association (IHD), ASAM, Mazlum-Der, and HCA against the asylum (unsystematic) system in Turkey. There are numerous asylum and migrant related organizations and networks and the alleged ones are relatively more active and their target group encompasses almost all asylum seekers without discriminating. Although the number of NGOs is relatively high, the problematique is the lack of NGOs in satellite cities where the asylum seekers are obliged and forced to stay. According to interviews with those organizations, through reminding the Festus Okey case,[18] the migrants, especially Africans in general, are seen as drug dealers and sellers within the eyes of the Turkish society, which lead to difficulties in finding accommodation and jobs.

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[18] Festus Okey was an asylum seeker from Nigeria. He was accused of being a drug seller by the police and was arrested in Istanbul. In 20 August 2007, he was killed in the police station with a bullet coming out of a police gun, illustrating potential of police violence in the police station.

IHD spokesperson[19] asserted that while many Africans visited IHD, and Africans who have already been interviewed articulated their desire to stay in Turkey, Iranians and Iraqis are planning to settle into third countries and use Turkey as a transit country. This differentiation in the aspirations among different groups, i.e., Africans and Iranians and Iraqis, can be read differently: if the sovereign lifts its reservation on geographical limitation, Turkey might attract less asylum seekers from Iraq and Iran considering the high number of these two groups.[20]

UNHCR spokesperson[21] claims that some migrant groups specifically Afghanis, Chechens or Iranians who are ex-Iraqis are suffering more in terms of getting refugee status due to the political and pull factors. He asserted that

> Turkish authorities see the asylum issue as unproblematic and make it a bargaining matter with the European Union. (*UNHCR Turkey, Spokesperson*)

While the asylum seekers and refugees see the matter from a survival perspective, Turkish authorities still perceive immigration and asylum as a matter of security from the sovereign discourse. As the MOI asserted, the construction of satellite cities aims to protect the asylum seekers and aliens, clearly articulating that the satellite cities has been determined on the principle of security. The designated cities are the so-called unproblematic cities of Turkey in terms of security. Here the question remains: the *security of whom against whom*. If the security of the asylum seekers and refugees, i.e., our *homines sacri*, is taken into consideration

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[19] Interview conducted on 9 February 2012, IHD Headquarters, Istanbul. In the same interview, the IHD spokesperson also mentioned the living conditions in detention centers as very problematique especially regarding nutrition, violence and discrimination of the officers. Besides, their freedom has been yoked by the officers, they are not allowed to use even their mobile phones lacking access to outside world, and to the asylum application.

[20] Although the discussion on the lifting of the geographical limitation is still active, authorities and the NGOs do not have a clear point of view regarding the outcomes in the case of lifting this reservation. The argument– if Turkey lifts the geographical limitation, less Iranians and Iraqis might come to Turkey– should be elaborated with further and deeper research.

[21] Interview conducted on 10 February 2012, Istanbul.

by the sovereign Turkish authority, then who is the threat to their bare lives? Is it the Turkish society?

Within this context, the interaction of asylum seekers with the policemen is the very complicated one. While the relations of asylum seekers with the sovereign and the police especially in Istanbul still present an interaction, it generally construct a negative example due to the pejorative and discriminatory manner of the power holders. Two stories from asylum applicants can be a summary for this relation;

> I was stopped by the police three times in Istanbul. Why? Because they are aware of the fact that I am an alien for them. Each time they searched my pocket and wallet and took my whole money. I do not carry any money with me anymore. This is my solution. (*Male, 18, from Afghanistan*)
>
> One day, I was walking with his friends two from Sudan, one from Congo. The policemen stopped us and wanted to check our ID cards. Two friends from Sudan were Muslim and other friend from Congo was Christian. Policemen said Sudanese that "why are you going out with Christians? As you are Muslim and we are Muslim so we are friends. They are Christians and you cannot be friend with Christians." (*Male, 20, from Congo D.R.*)

The stories reveal the fact that police as an authority figure with his nightstick and uniform grants itself the right to treat those human beings badly. This perception is created by the MOI, which is really treating these people as pieces of dust, of which the society must be protected from.

In a nutshell, it is certain that the power of sovereign is not absolute and unconditional; it has its own limitations, which are transcended by the act of those individuals. The act cannot be prevented in the *meso* and *micro* levels despite the attempts of the sovereign. All the attempts where the sovereign aims to put restrictive, exclusionary and inclusionary rules in the name of rule of law remain in the *macro* level. The interactions between officials and asylum seekers, dwellers and asylum seekers, and NGOs and asylum applicants provide a space of movement and activity. Thus, the attempt to immobilize and inactivate those beings

is almost impossible in the *meso* level where the interaction takes place, and in the *micro* level where asylum seekers develop certain counter strategies against the measures of the sovereign. The next sections analyze these interactions in three different urban contexts: Istanbul, Isparta, and Yalova.

4.3 Istanbul: As the Bios

It is the claim of the Prime Minister of Turkey, Recep Tayyip Erdoğan, that Istanbul will be the finance centre of not only Turkey but also Europe and the region. A very suitable title for Istanbul is *Ecumenopolis,*[22] a term first used by a Greek city planner Constantinos Doxiadis. Recent documentary titled as *Ecumenopolis: City without Limits* also illustrate the financial gravity and limitlessness of the city. Furthermore, it is the biggest city of Turkey with its almost fifteen million population from different regions of the country and people from different country of origins, making Istanbul a heterogonous metropolitan space. What makes Istanbul the *bios* is the very interaction between asylum applicants and police, house owners, market owners, civil society organizations, technocrats, and researchers in the *meso* level. Further, it is the tactics of survival and everyday activities including walking, shopping, sleeping, working, telling story and narratives of asylum seeking that make Istanbul *bios* in the *micro* level.

> Istanbul is the mix between east and west. The variety of cultures makes life easier in comparison with other cities, satellite cities, in Turkey. (*Male, 30, from Iraq*)

First of all, it is hard to distinguish a place serving a life of a *bios* or *zoé* by just theoretically focusing on Aristotle's famous distinction. It is the very possibility to claim that Istanbul presents the *bios* sense of life as it is a metropolitan city, where it offers opportunities and survival strategies to the excluded, subordinated and marginalized groups. Turning to the Prime Minister Recep Tayyip Erdoğan's desire, Istanbul has become a financial center and

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[22] The term means that *a city made of the whole world*.

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center of various cultures with its multicultural and multiethnic structure. Apart from its financial gravity, and maybe most importantly, it is a place in which the very realization of the concept "the right to the city" is verified. However, this concept, in the *macro* level, has been targeted to be a null term by the sovereign for those groups who are unwelcomed by the sovereign. Turning to the agents of asylum system, the asylum applicants do not want to be settled in forced cities due to the opportunities in Istanbul.

> There are many art galleries, festivals, concerts and activities. And of course it is a very beautiful city. (*Male, 25, from Iran*)

Festivals, demonstrations or concerts have already become an everyday activity in Istanbul. It is very rare to attend such a concert in a satellite city. There are limited number of musical concerts and festivals in those cities. Although it seems that entertainment and such activities are one of the most important features that make Istanbul *bios*, it is just one explanation for Istanbul being the *bios*. Furthermore, attending such activities refer more than fun and joy. It creates the idea of freedom, and freedom to attend, i.e., being involved. It is the power and right to attend, right to sing and right to dance. To illustrate the distinction between a satellite city and Istanbul,

> I like Istanbul despite all restrictions of authority. For instance, last week I went to Enzo Ikah's concert. Is it possible to attend such an activity in Adana? (*Male, 21, from Afghanistan*)

In addition to the activities in Istanbul, the high number of NGOs and foreigners who are either regular or irregular migrants provides freedom and right to move and speak. Considering a French or Arabic speaking asylum seeker, it is really problematique to set an interaction and communication in a designated satellite city in comparison with Istanbul.

> Many foreign people live in Istanbul. There are many NGOs and civil society organizations. Istanbul is more open and welcomed than satellite cities and satellite cities are conservative. In Istanbul, you can go out easily; you can find friends from your home country; there are many people who speak French so language is not a barrier and your visibility as I am a black becomes more invisible. (*Male, 20, from Congo D.R.*)

Although there are certain constraints in Istanbul, existence of thousands of foreigners in this city create an opportunity to adapt and communicate, as Congolese asylum seeker has already asserted. While Istanbul offers a zone of *bios* for asylum seekers, even though it is a forbidden space, there are momentous efforts of sovereign in the *macro* level to exclude those people. However, the exclusion in the *macro* level cannot be verified in the *meso* where the interaction takes places and even exclusion can be attributed to an interaction. The interaction and exclusion in both *macro* and *meso* level provides development of counter strategies in individual, *micro* level.

4.3.1 Macro Level: Opportunities by Istanbul and Challenges by the sovereign

At the first glance, Istanbul has been declared as a forbidden city by the sovereign for asylum seekers and asylum applicants with the satellite city regulation. The aim of the MOI, according to an asylum seeker, is that

> Why Ministry of Interior decided to resettle asylum seekers and refugees in the satellite cities is maybe that they want to prevent concentration of foreigners – asylum seekers and refugees in Istanbul. (*Male, 25, from Iran*)

The MOI obviously does not want Istanbul as a hub for migrants who are unwanted and seen as alien. This perception has been articulated countless times in different places and periods in various conferences and seminars. It is the very rationale behind the sovereign's motivation to declare Istanbul as an outlaw space for those beings. It is not the only forbidden city for those persons, in the other big cities (Ankara, Izmir or Bursa), we can call these as metropolis, they are also not allowed to stay and live.

The asylum regulation of satellite city has vital indirect consequences for asylum seekers in terms of access to security, education and health care services which are not accessible by those human beings. An asylum seeker who stays in Istanbul is not able to go to police since s/he is already being in illegal activity which is being in Istanbul. S/he cannot apply to attend

a school. Moreover, in the case his/her illness that person cannot be treated in Istanbul as that person is illegal in Istanbul and treatment should be in his/her forced and designated city. The MOI as the authority provides a document which is identity card for those legal newcomers. This identity number for each asylum applicant is given with the aim of following their cases.

4.3.2 Meso Level: City for not being Marginalized

While the sovereign targets to silence and inactivate those human beings in the *macro* level, the very existence of asylum applicants provides a setting for relations with not only the community but also the sovereign. The *meso* level where the interaction takes place carries both negative and positive meanings for the asylum applicants. Any interaction and relations occur in the city, which offer asylum seekers "the right to the city". The asylum seekers who have been exposed to *bare* and *naked* life in the *macro* level transform themselves into active beings in regard to the concept of the right to the city and become the very agents of the interaction. The interaction between the asylum seekers/refugees and the community living in Istanbul offers a zone of implicit interaction. Any practice during the everyday life as Lefebvre (1996) and de Certeau (1988, 1998) asserted forms of variety of interactions. It is within this context that the question be answered is: how the city offers the right to not to be marginalized and excluded in the community? *First*, it is very crucial to emphasize that Istanbul as a metropolitan and multicultural space presents a viable and lively space for any newcomers despite the challenges. It offers abundance of opportunities in terms of finding accommodation, job and attending social and political activities via the political associations, organizations and networks. The interviews conducted during the research reveals the abundance of human rights organizations and associations working with migrants and asylum seekers. This abundance in Istanbul in terms of networks and associations is not only for well-being of asylum seekers but also their struggle for their activities and basic rights.

However, some organizations especially Islam based civil society associations select their target group according to their religious and sexual orientations. For instance, an asylum seeker articulated that she went to one of the religious oriented organizations to ask assistance but they ignored her because of her Christian origin.[23] If she was a Muslim, the case would be different. However, her Christianity works in Istanbul since she is able to find financial and social assistance from associations and organizations serving Christians:

> How can I go to a satellite city? I have many friends and a life in Istanbul. I have close contacts with NGOs and civil society organizations here. The Ministry of Interior (of Turkey) does not provide housing and shelter. The system wants money to get residence permit. The Ministry does not allow to work. Policemen treat the refugees badly. UNHCR pushes them to settle in the satellite cities. There are zero health services. *(Male, 20, from Congo D.R.)*

An Ethiopian wedding in Istiklal Street.

In this regard, Istanbul is the first preference for the asylum seekers to stay and live due to the opportunities in the *meso* level. Turkish state can prohibit the city of Istanbul but it does not have the power to prohibit movement and act. Thereby the sovereign does not have

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[23] Interview conducted on 24 March 2012, Istanbul.

power to prohibit relations and interactions derived basically and at the first glance from their daily activities. Istanbul, in the *meso* level, provides shelters, health care services with its solidarity organizations and networks, job opportunities with its tremendous labor market, language and communication opportunities with its organizations and courses, and religious, cultural and entertainment activities with its churches, museums, arts and night clubs. These alleged activities and acts can be one side of the coin which is the positive side. On the other side of the coin, there are constraints and challenges that asylum seekers have faced mainly because of the sovereign's impositions in the *macro* level. On the one hand, those beings are able to reach health care services through networks of civil society; on the other hand, they cannot go to state hospitals due to being in Istanbul. They can go to language courses, but they cannot attend school. This ambivalent situation mainly derives from the sovereign's insist upon the exclusionary politics, which put asylum seekers into a situation of being *homines sacri*. In their workplaces, since they do not have work permit, they are subjected to exploitation. The employers generally manipulate them through paying less, forcing them to work more, in many cases under unhealthy conditions.

4.3.3 Micro Level: Migrants' Strategies through Everyday activities

Despite the fact that Istanbul as the bios, in the *meso* level, offers greater opportunities for those human beings, at the same time, it puts constraints and challenges. Those constraints and challenges have been occurred in both the *macro* and *meso* levels. Although sovereign wants to create a certain zone of indistinction for asylum applicants in the name of whatever, they seek alternatives and find opportunities through acting, narrating, and creating strategies.

The *first* tool of their survival on the *micro* level is the language and power of speech that any human being has. Those as the survivors of torture develop certain strategies in order to survive. The asylum applicants have become narratable subjects after telling their life stories

and speaking with their neighbors, employers, house owners, police, and most importantly, researchers. Each story or narrative told and any words used by asylum seekers living either in satellite city or Istanbul become a surplus value for their strategies of survival. Furthermore, the more tragic and tearful life story is the more opportunity to find accommodation, work and friends.

There are also other tools. For instance, giving a baby, as an Eritrean woman asserted, becomes a favorable strategy for any immigrant who does not have legal documents in their journey for hope. She gave a baby since she is expected to be included into system of citizenship:

> I have many friends passed to Greece and before they had passed they got pregnant. Because in Europe if you give a baby in their soil, you are able to get official documents to stay there legally and I heard that the similar case was valid in Turkey. And I gave a baby in satellite city but I noticed that I am still non-citizen despite my baby. (*Female, 35, from Eritrea*)

Currently, her baby is two years old and she has not received a citizenship document. It seems that the strategy of giving a baby does not work in the Turkish system. However, her baby becomes a valuable asset since she has been financed by various humanitarian organizations and individuals thanks to her baby.

> I am monthly paying 200 USD for my baby's school and 200 Turkish Liras for this flat. Without a job how am I able to pay? Therefore, I am not living in my satellite city. (*Female, 35, from Eritrea*)

While this Eritrean asylum seeker does not notice, her baby contributes more than 200 USD to their family survival, since either individual financial assistance or organizational assistance is made due to her baby. The assistance includes BIM Card (one of the cheapest and most spread markets in Turkey), or monthly financial assistance and nutrition for her baby. Even the owner of the small kiosk in the neighborhood said "help that little boy". Some individuals come to her flat and ask whether she needs anything because of her baby

and visit her to see her little boy. It is a valuable asset for her existence in Istanbul and becomes a living strategy for her.

Furthermore, speaking a different language does not always mean a disadvantage for those human beings. Especially in a space where many foreign language speakers live, like Istanbul, speaking French, Russian or Arabic vitally provides a chance for existence. To make my point clear, there are number of NGOs that aim to reach foreign speakers, mainly immigrants, and those organizations need translators to work on and communicate with their target groups. Thus, they can easily employ asylum applicants as translators. Besides NGOs and humanitarian organizations, Istanbul as a finance and cultural centre of the region attracts thousands of foreigners who visit Istanbul for investment in import and export or shopping. Shopping mall travels to Istanbul especially for Arabic speaking individuals is a recent activity in tourism sector and some asylum seekers who are Arabic speaking can be employed as a translator in shopping malls or as travel agents.

> I have registered UN's online International Human Rights course. The exams are online and in the end I will be taking UN certificate regarding Human Rights in order to enter into a law department in one of the Canadian universities. (*Male, 20, from Congo D.R.*)

For instance, this asylum seeker speaks French and his foreign language had provided him the opportunity to work in a migrant related organization as a translator. He worked in an office and gained opportunity to access to internet. Even though he was not able to go to school in Istanbul, he registered to an online International Human Rights course and got a certificate. He achieved to enter a university with his own efforts and strategies. Thanks to the restrictive policies of the Turkish authorities, he managed to attend a university in a third country of settlement, in his case Canada, rather than going to a university in Turkey.

4.4 Isparta: Far away from desires

Source: Penguen, 2011

The cartoon basically questions and criticizes the Janus faced policies of the Republic of Turkey in domain of migration and migration management. It is very suitable cartoon to caricaturize the situation in Isparta where large proportion of the settled asylum seekers is from Somalia.

Isparta is a small populated Central Anatolian city, which is far away from Istanbul where many migrants and foreigners prefer to stay due to the opportunities in there. It is also a conservative and closed minded city like other Central Anatolian cities. Isparta depicts a different picture from other satellite cities in terms of community's interaction with the asylum seekers. Generally speaking, asylum seekers in Isparta have relatively good conditions in terms of social assistance as a result of the solidarity foundation's attempts and assistance, including daily meal, distribution of coal in winter months and monthly subsidy for housing, and the allocation of two guest houses for single women asylum seekers.

Under these circumstances, it seems that Isparta offers a haven for those people but on their ID cards, it is already stated that *place of camp is Isparta*. The authority has already illustrated Isparta as a *camp* for those people within this uncertain and ambiguous system. Accordingly, there are approximately 750 asylum seekers living in Isparta whose country of origin varies. The largest group is the Somalian individuals and others are Sudanese and Iranians.

There are also asylum seekers who visit Isparta only in their signature days due to the challenges. It is far because it takes nearly 10 hours from Istanbul to Isparta via bus and round-trip bus ticket costs 100 TL for those coming from Istanbul. It is not only far from Istanbul but also far from desires and expectation as many other satellite cities. Activities and acts performed in Istanbul cannot be materialized in such a conservative city. In a nutshell, Isparta presents a zone of *zoé* because of missing opportunities such as lack of creativity and cultural activities, restrictive way of life, and limited opportunities for religious, cultural and entertaining activities. In fact, not only Isparta alone but also all other satellite cities represents a *zoé* for asylum applicants. It is the sovereign who declares these cities as the *zoé* and put restrictive policies which make asylum applicants as *homines sacri*. It is important to trace why Isparta can be considered as the *zoé*. Isparta is not the *bios* since, as I have already illustrated, it refers to good life and it is distinct from the bare life conditions of animals. Isparta as a camp has almost nothing in terms of festivals, political demonstrations, night clubs, art galleries, museums, churches, and NGOs. It is a constructed *zoé* for asylum applicants because sovereign demands this kind of life for those in the *macro* level.

4.4.1 Macro Level: Is there any opportunity for the asylum seekers?

I should reemphasize that any satellite city in itself is the sovereign's challenge against the asylum seekers. The regulation in itself does not have a good intention and genuine effort for

those human beings since those cities are already declared as camps. The most crucial feature of the regulation is that it limits the movement of asylum seekers. Asylum seekers as legal (the word that the sovereign most likely likes) foreigners should not be restricted in terms of their movement in any country according to international asylum procedures and norms. However, the Turkish sovereign power has power to limit and delimit the movement of asylum applicants with, at least they claim, its asylum seeker *friendly* and *protective* regulation. According to the system, any asylum seeker residing in a satellite city has to obey the signature duty, which physically and notionally creates a momentous challenge. It is physically a challenge because they have to sacrifice at least one of the week days to the police stations and it is important not to be sick or elderly in this duty of signature, which is seen as a holy duty by the officials. It also notionally creates a challenge since any asylum applicant has to see police officers to give signature like a criminal or a guilty person. Psychologically speaking, survivors of tortures feel themselves as criminals and guilty just owing to this obligation.

> I have been in Isparta since 2008. I decided to go to Istanbul to see my friends and began to stay with them. One day police seized us and took to the police station. They accused me of helping human smugglers. Still, my court continues. As an asylum seeker, how can I be a part of human smugglers? (*Male, 18, from Somalia*)

This alleged asylum seeker, according to the sovereign, has already committed a crime through moving to another city. It is the *nemesis* that he should not be in another city, so he has to be punished by the sovereign. Same asylum applicant continues:

> Due to my file, I have to go to police station everyday to give signature. In the past, I was going to police station once a week. (*Male, 18, from Somalia*)

Turning to other challenges, the problems in the whole country regarding asylum seekers are more or less same in the satellite city of Isparta. A fieldworker of one of the

organizations[24] listed the problems in Isparta as unemployment due to lack of work permit and discrimination especially against gay and lesbian individuals and children who are going to school. According to this fieldworker, there are 90 children currently going to schools. This fieldworker critically pointed that the new draft law will not change anything in regard to the conditions of asylum seekers in Turkey.

Accordingly, the Article 19 of the Regulation explains the requirements to the access to the health services for the asylum seekers and refugees in which they are able to benefit if they get health check form provided by the MOI. However, in practice, access to health services is almost impossible in Isparta due to their income level and stance of state hospitals against those human beings. However, recently this fieldworker has already discovered a way to exit from this situation. She asserts that

> Hospital and illnesses are very problematique and recently asylum seekers are able to be treated in the private hospitals because I saw an article in the directive of private hospitals. Now I am often manipulating this directive to provide health care services. In this field, I became a specialist in law. (*Fieldworker, Isparta*)

According to this directive, the fieldworker encourages asylum seekers to apply for poverty certificate from the social assistance and solidarity foundation provided by the governorate. Through the certificate, they are able to be treated freely in the private hospitals.

Theoretically speaking, according to the Article 18 of the 1994 Asylum Regulation, asylum seekers and refugees have right to pray freely if the MOI approves and provides a place of worship. However, in practice, there is no church in Isparta for the Christian asylum seekers. Thereupon, there is no freedom of faith and the sovereign does not provide suitable environment for the non-Muslim asylum seekers to pray.

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[24] Interview conducted in 17 April 2012, ASAM Headquarters, Isparta.

4.4.2 *Meso Level: Community's Reaction*

Isparta as a conservative and small city is foreign to the foreigners since many of the dwellers of the city have acquainted with these legal immigrants for the first time. Especially those asylum seekers, who are black and coming from African countries, form a new experience for the dwellers of Isparta. Many of them have feelings of prejudice and stereotype against Africans who are considered in many cases as *yamyam* (cannibal), hungry, poor and/or footballer. What distinguishes Isparta from the *bios* in the *meso* level is, at the first glance, the prejudices and stereotypes against black Africans and gay and lesbian asylum seekers. It is within this context that people of Isparta and city itself depict a different display from Istanbul as I illustrated it as the *bios*. Any kind of activity and act in everyday life of asylum seekers becomes more conspicuous.

The community, whether they claim themselves as hospitable or not, sees any act of asylum seeker from a different viewpoint. During my field research in Isparta, many of the dwellers informed me about the tranquil and comfort of those human beings. According to the local people, they are free and they can do whatever they want; they are free to go out and they can walk around especially on the main street of Isparta (Mimar Sinan Caddesi). Any local person that I talked had emphasized that I may see them if I sit in a café on the main street. However, I only coincided with three African asylum seekers on the Mimar Sinan Street. A worker in the municipality might be a good example to show how a local individual perceives those individuals:

> Why are they coming? I think that they do not have money and they are coming to work. I do not pay any bills such as electricity and water. They do not pay money for accommodation and health services. They have access to free meals for three times a day. And the United States send monthly 250 USD to them. (*Worker, 28, Isparta*)

When I asked that worker about why the USA sends money to these migrants coming from Somalia, he did not have an idea. Of course, it should be emphasized that this worker's perception should not be generalized to the whole community, but it seems that he feels

resentment against the asylum seekers and has strong inclination of prejudices. A taxi driver explains the general conditions of asylum seekers in Isparta in the labor market, which is very problematique due to lack of work permit:

> Because they are refugees, they are monthly paid by the UN. Some of them work in industrial area as the employer enjoys because employers do not pay social security for them and they are paying the lowest salary to them. (*Taxi driver, 38, Isparta*)

The exploitation in workplace is not special and *sui generis* for the case of Isparta. It is the reality in *any* satellite city *and* in Istanbul. The positive side in this speech is that the driver is aware of the exploitation which is basically derived from the sovereign's policy of not to provide work permit. On a different stance, an employer claims that he puts himself into a risky position by employing these asylum seekers, because they do not have work permit.[25] Furthermore, he was proud of himself since he provided an opportunity of survival through employing one of these miserable beings. According to another taxi driver,[26] there are almost five or six hundred Somalian people and there is no problem in terms of public order due to their existence or any incidents created by them. For him, "they are harmless to anyone". One might ask: harmless for whom and in what sense? This perception is the very product of ill-minded-mentality derived from the discourse of the sovereign.

Another crucial distinction between Isparta and Istanbul is the matter of communication. Asylum seekers have difficulties to communicate with the dwellers of Isparta. One of the asylum seekers explains the situation as:

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[25] Interview conducted on 18 April 2012, Isparta.
[26] Interview conducted on 18 April 2012, Isparta.

An asylum seeker's neighborhood, April 2012, Isparta.

> The only thing they know is a few sura (section of Koran) in the name of Arabic language (*Male, 24, from Iran*)

This asylum seeker has a sense of humor and is critical about the system through caricaturizing the situation. Of course it is not my proposal and expectation to teach Arabic or Farsi language to the society. Rather, Turkish language courses for the asylum seekers can be organized in an effective way.

The main determinant of Isparta's conservatism is the society's approach and perception towards the gay and lesbian community. A fieldworker articulated the discrimination against the gay and lesbian individuals.[27] The fieldworker's claim is verified by an interviewee who is a housewife. Accordingly, she reveals the general discourse against those individuals as:

> Some of them are neither a woman nor a man. It is against our customs and religion. *(Housewife, 33, Isparta)*

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[27] Interview conducted on 19 April 2012, Istanbul.

What is striking in Isparta is that local interviewees did not talk about any Iranian asylum seeker and they only talked about asylum seekers who were called as Somalian people (Somaliler) instead of calling them as refugee or asylum seeker. In the *meso* level, community's overall reaction is not anti-immigrant. They are sympathetic towards Somalian people due to the proximity of their religious beliefs. Otherwise, the prejudices and discrimination against gay and lesbians are similar with other cities and still continuing.

4.4.3 Micro Level: Migrants' Strategies

Any act and activity in everyday life within the boundaries of the city which can be either *bios* or *zoé* reemphasizes the very existence of any living beings. Those acts might be either routine deeds in the daily life such as sleeping, eating, or walking, which can be performed by any living creature, or human-specific deeds, such as shopping, setting relations and working. Whilst in the *macro* level asylum seekers have been depicted as passive human beings, in the *meso* and *micro* levels they are the active agents of relations and activities. The system, which is based on the exploitation and passivization of any human being, creates its *homines sacri* in the *macro* level. However, those human beings develop counter strategies for their very fundamental rights: right to live humanly. It is within this context that the counter strategies in the *micro* level provide the act of demonstration for those human beings. The counter strategies are against the sovereign's restrictive measures and not as obvious as in Istanbul due to opportunity and chance and cost-benefit considerations.

In Isparta, asylum seekers, especially Africans, have a marginal benefit in comparison with other asylum seeker groups. Being from Somalia specifically after the Prime Minister's trip to Somalia becomes a surplus value for the asylum applicants living in Isparta. First of all, Isparta is a Central Anatolian city and it is one of the very conservative ones. It has one main square and is a small city where every people can see each other on that square. On that square there are two mosques and some of the Somalian asylum seekers are going there for

prayer. The difference of their color and language turns into sympathy in Isparta and the idea is that "look those blacks, they are religious Muslims and while many Turkish people are not praying, they are praying five times a day". Another fieldworker in Isparta articulates:

> Somalian asylum applicants are utilizing the advantages of being Muslim in Isparta. (*Fieldworker, Isparta*)

Of course being a Somalian is not an individual strategy against sovereign's various challenges, but this situation is successfully managed by the African asylum seekers in Isparta.

Besides the advantage of visibility of African asylum seekers in Isparta, the stories told by the asylum seekers to any local individual turn into a strategy of survival since stories make it easier to find housing, job and various relations in their neighborhoods, just like the case in Istanbul. At the first glance, any asylum seeker has to communicate with the owner of a house and has to perform extra effort so as to convince the owner to rent the place. In this case, asylum seeker becomes a narratable subject since from the very beginning of the persuasion process with the UNHCR and the MOI during the application interviews. Very similar process continues during the job searches and job applications of the asylum seekers.

In the domain of access to health services, the asylum seekers have some problems in accessing treatment in hospitals. As I have already illustrated the effort of the fieldworker in Isparta to solve the problem, gaining a poverty certificate from the governorship becomes a strategy of asylum seekers to utilize health services in the private hospitals.

As stated before, another field of restriction is in the domain of freedom of faith. Even though the sovereign's written document claims that there should be freedom of faith and the state has duty to provide suitable environment in performing of this act, in Isparta, there is no church or religious place for non-Muslim communities. The counter strategy of non-Muslim

asylum seekers, especially Christian asylum seekers, is to live in a city close in the region, which has a church. In the case of Isparta, the Christian asylum seekers prefer to live in Antalya where large numbers of Germans live and where there is a recent church constructed. According to a priest living in Isparta,[28] others who are not able to leave Isparta are secretly praying in their flat churches.

> I have a job in Istanbul so I have to stay in Istanbul. I am going to Isparta twice a month to give signature. How I managed to this is complicated. First of all, I registered a language course in Istanbul and then convinced policemen to stay in Istanbul. (*Male, 23, from Sudan*)

An asylum seeker whose satellite city is Isparta but living in Istanbul reveals his counter strategy to stay in Istanbul. It is obvious that as the satellite city of Isparta offers bare life conditions and a zone of *zoé*, asylum seekers as active human beings continue to develop counter strategies against the macro level restrictions.

4.5 *Yalova: A ferry can do it!*

The city of Yalova has a city population of almost hundred thousand, and is recently declared as a satellite city. There are currently almost a thousand asylum seekers who are mainly from Iran, Afghanistan, and Sudan. It is obvious that the living conditions of asylum seekers vary among each group in terms of neighborhoods and economic situations within the city, i.e., the Iranians living in better places than the Afghanis and Sudanese asylum seekers. After being declared as a satellite city, Yalova attracts asylum seekers for their residency because of one crucial reason: its location, its closeness to the big cities, obviously Bursa and Istanbul, which only takes two hours to arrive Yalova via ferry. The question, in this context, is whether Yalova as one of fifty one satellite cities depicts a space of *zoé* or not and whether the city which is already declared as a camp imposes the *homo sacer* conditions to the asylum seekers.

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[28] Interview conducted on 20 April 2012, Isparta.

The main difference between Yalova and Isparta in this discussion is basically the geographical location of the two cities. Geographical location makes Yalova more preferable than Isparta for those who a have chance to prefer. Does this priority of choice make Yalova lively and livable space or in other words, make zone of *bios*? Of course neither Isparta nor Yalova can be considered as the *bios* as both spaces are labeled as camps by the sovereign. If a place is called as a camp instead of city, space or zone, and any human being is forced to live in this space there is no way to search the traces of goodness in the regulation. Moreover, two spaces cannot be considered as *bios* since those who are forced to stay in those areas are intentionally exposed to the bare and naked conditions and every asylum applicant becomes a *homo sacer* in a certain extent within the boundaries of the *zoé*. An asylum seeker explains why he selected Yalova as following:

> I selected Yalova because I had to move to one of fifty one cities. I selected it because it is close to Istanbul. (*Male, 25, from Iran*)

It is obvious that there is nothing special about Yalova for asylum seekers and choice is totally based on the imperative. Another asylum seeker has similar viewpoints and accordingly:

> If I had a chance to prefer a city to live in Turkey, I would choose Istanbul and the second one would be Izmir. (*Male, 24, from Sudan*)

Neither Isparta nor Yalova nor other satellite cities can be considered even as a third option for settlement by the asylum seekers due to the challenges and restrictions in those cities. An asylum seeker from Afghanistan briefly asserts why he settles in Istanbul:

> I do not have any problems in Yalova since I have a job in Istanbul and every week I am coming to Yalova via ferry which takes 2 hours. Then I am going to Istanbul to my work. (*Male, 21, from Afghanistan*)

As this asylum seeker from Afghanistan, many asylum seekers are staying in Istanbul and going to Yalova for their signature duty. The sovereign, which has power to declare any

individual as *homo sacer* imposes new ways of exclusion over the asylum seekers in the *macro* level.

4.5.1 Macro Level: Do not work or leave!

The uncertainty and arbitrariness in the regulations as already stated is also valid in Yalova. Similarly, the signature is also a compulsion for those human beings, but in Yalova, there is a striking and interesting *sui generis* regulation, which is absent in the case of other satellite cities. Most likely this regulation is an arbitrary one. Accordingly, the policemen want to see a rental contract from the asylum seekers who temporarily settle in Yalova in order to give signature.

> My first city was Adana and I could not find a job there and I continued to stay in Istanbul but lost my job. Then I wrote a paper to Ankara and went to Ankara, Foreigners Bureau to change my satellite city. (*Male, 21, from Afghanistan*)

What is crucial with this *sui generis* and arbitrary regulation is that rental contract refers to a document, which is generally done with real estate. The problem begins in this point since an estate agent demands more money, namely rent of two months immediately. Without this contract any asylum seeker is not able to get a residence permit from the policemen. Without residence permit, in the case of the resettlement in third country, an asylum seeker is not able to get a permission and flight ticket and has to pay a fine with an additional interest.

> I am paying 500 TL for flat in Yalova. And in Yalova I searched job but employers offered only 300-400 TL. Should I live in Yalova? (*Male, 20, from Sudan*)

In the *macro* level, the challenges such as in finding accommodation, job, and access to education and health care services illustrated in the case of Isparta are the common and crucial problems in Isparta. In comparing Yalova with Isparta in regard to the alleged challenges, the cost of house rent in Yalova is more expensive Isparta but lesser than Istanbul. Whereas an asylum seeker pays monthly 200 TL for housing, in Yalova it costs almost 500TL.

Furthermore, if they rent this house from an estate agency, it costs more expensive than a similar apartment. In the case of job opportunities for two satellite cities, the chance of finding job is almost equal and if they are able to be employed those human beings are subject to similar exploitation with a low payment of the employers without any social security. In this regard, the last incident in Konya, one of the satellite cities, can be illustrative in which an asylum seeker from Sudan died in his workplace due to the electric shock.

Satellite city regulation and signature duty have a negative impact on the asylum applicants as in the case of asylum seeker from Afghanistan who lost his job due to the distance of his previous satellite city. This asylum seeker has also complains regarding the requirement to write petition for any demand that they have. It is the very challenge for an asylum seeker since writing a petition is a kind of difficulty for any citizen of Turkey. Therefore, it is very difficult such a formal paper for an asylum seeker who even does not speak Turkish language properly.

4.5.2 Meso Level: Community's Reaction

While it is easy to distinguish the distinction between the bios and zoé, in this case Istanbul and the satellite cities, it is very difficult to explain based on the difference and similarities between my two satellite city research areas, Isparta and Yalova. First of all, in the meso level, Yalova like Isparta is a small sized and conservative city for any asylum seeker. However, the conservatism in the city is not a big problem for the Muslim believers. The advantage in Isparta for the asylum seekers in Isparta is that the majority of the asylum seekers are the Muslims who are coming mainly from African countries. Thereupon, the society's reaction is more likely to be positive and neutral. Considering the environment in Yalova, the asylum seekers are mainly coming from Iran and those are either gay/lesbian individuals or believing in Baha'i religion and Christianity. This, in some cases, creates

problems in the city. One of the Iranian asylum seekers explains how he feels in Yalova and why he prefers to stay in Istanbul:

> Only in Beyoğlu I feel good. Fear from traditional and conservative people. In Turkey, police is not problematic, public is problematic; in Iran police problematic and public is less problematic. (*Male, 25, from Iran*)

Why this asylum seeker problematizes the relation with police and society through comparing Iran and Turkey is that he applies for asylum due to his sexual identity and society's conservative and closed minded approach become problematique in his forced satellite city.

As in the case of Isparta, it is expected that the Social Assistance and Solidarity Foundation would support the asylum seekers in need. However, the foundation is not generous and benevolent as well as foundation in Isparta. Moreover, there is a crucial distinction Yalova and Isparta in terms of lacking in the number of NGOs and civil socity organizations in Yalova. To illustrate this,

> I went to the governorship to ask financial assistance but he said that "we have our own poor people; we do not provide you anything". There is no any respect to me. (Fem*ale, 27, from Iran*)

During my research in Yalova, I witnessed a dialogue between an asylum seeker who is from Iran and house owner. Asylum seeker was seeking rental flat and found a flat. At the beginning of the dialogue, the owner was willing to rent his house, but after asylum seeker informed him that he did not have a job. The owner of house decided not to rent and his excuse is that he prefers to rent his house to a family with a wife and husband.

4.5.3 Micro Level: Rental agreement as a new business

The challenges imposed by the sovereign in Yalova such as requirement of being in the city, finding accommodation, job, or adaptation to the life and environment have led the asylum seekers to develop counter strategies as in the case of Isparta and Istanbul. While counter strategies performed by the *homo sacer*, which is a condition created by the

sovereign, are freeing and untying the asylum seekers from their invisible chains of sovereign, any such act is against the sovereign's idea of rule of law and discourse of legality.

In the very beginning, the signature obligation is a vital challenge per se for any asylum seeker not only in Yalova but also in other satellite cities. What the counter strategy of asylum seekers in Yalova against this obligation is that those asylum seekers who mainly have economic problems, prefer to stay in Istanbul through utilizing the closeness to Istanbul. Geographical location as already stated before provides an advantage for the asylum seekers living in Istanbul. Through this, asylum seekers are going to Yalova for two or three hours in their designated signature day so as to give signature in the police station. For instance, in my trip to Yalova from Istanbul, in the ferry, I had acquainted with at least four asylum seekers from different country of origins and coincided with more than thirty asylum seekers who are mainly from Iran.

> We rented a flat but not living in Yalova since we have also a flat and a job in Istanbul. We know we are working illegally but we need money to live. This is our strategy. (*Three male asylum seekers, 21, 21 and 23, from Sudan*)

As it is obvious in the case of these three Sudanese asylum seekers who were interviewed in the ferry, Istanbul is the first choice to live and find a job. What the unique counter strategy in Yalova is in the case of requirement to make rental contract with the owner of house. This requirement provides a new and crucial income door for those people in which asylum seekers who have already signed a contract register the other asylum seekers who are already settled in Yalova. In return, any asylum seeker whose name is written on the contract is paid by the other asylum seekers. To reveal this strategy,

> I have two rented flats in both Yalova and Istanbul. I rented flat in Yalova to five more asylum seekers who are monthly paying me. In Istanbul, I have job and I live alone. (*Male, 21, from Afghanistan*)

This asylum seeker from Afghanistan invited me to his flat for breakfast and I visited him and we together went to police station to register two more asylum seekers with his rental contact and he was paid by those two asylum seekers, one from Afghanistan and other from Uzbekistan. With two other asylum seekers, he is monthly paid by five asylum seekers and this new sector as a counter strategy against the work permit problem provides an opportunity to earn and compensate his flats in Istanbul and Yalova.

Another strategy, which is very common among the asylum seekers, is in the case of finding job. Due to the limited job opportunities and low level salaries in Yalova, the asylum seekers find jobs in Istanbul where as already explained the job opportunities are high. To do so, the asylum seekers do not prefer to live in Yalova, which is considered as only a place where they visit for signature once a week. This visit for once a week has also another significant consequence in which asylum seekers have chance to attend any cultural and religious activities in Istanbul. This is also a strategy for being far away from a city, which is closed minded and conservative for especially gay and lesbian asylum seekers. In a nutshell, the challenges at the *macro* and *meso* in the satellite city of Yalova force the asylum seekers to create new strategies, which are in some cases different from Isparta. These counter movements of asylum seekers, even though these are against the rule of sovereign and law, provides opportunities of survival. Thus, survivors of torture are developing strategies of survival in their everyday life.

5 Chapter V: Conclusion

The concept and discourse of refugee has been the very recent product of historical and tragic events, which took place in the mid 20th century, at the end of the Second World War, around the world. With the humanitarian efforts due to the humanitarian crisis around the world, which was the very result of being survivors of torture and wars, statelessness, and homelessness, international community has set out a legal agenda in 1951 with the Geneva Convention relating to the concept and legal status of being refugee. Through this Convention, which has aimed to standardize a system for the human beings who seek asylum, the matters of asylum and refuge and conditions of those human beings have become internationalized.

Considering the historical evolution of the migratory movements in Turkey as already outlined, Turkey has recently become a country of migration and asylum in terms of either transit or destination. The movements of people in, into, towards, and out Turkey have triggered in the 1980s in the domain of asylum with the results of the Iranian Revolution in 1979, Iran-Iraq War in 1988, Saddam regime in Iraq in 1990s, and the military intervention in Turkey in 1980. Historically speaking, in the domain of asylum, while the Republic of Turkey as one of the main signatories of the Convention has become the main focus of this study, the thesis has depicted *sui generis* characteristics of Turkey's asylum regulation in comparison with other signatory countries. It is within this context that the central aim of this thesis has been to explore the working regime of asylum and refuge in the Republic of Turkey. More significantly, the research has aimed to reveal the unique characteristic of the Turkish asylum system in the process of refugee status determination and the settlement of those *homines sacri* within the boundaries of the Republic of Turkey into the designated cities by the MOI. Concordantly, this study has, at the first glance, examined the laws and regulations in order to illustrate to what extent and how the asylum seekers, who are put into

homo sacer conditions by the sovereign with the laws and regulations, have been to exclude those who have been already included with the exceptions from the sovereign's system.

This research has contributed to the literature on the *three* levels, which are *macro*, *meso*, and *micro*. *Firstly*, in the *macro* level, the thesis has analyzed the binary between citizenship and non-citizenship in which the concept of citizenship as the new *biopolitical* technique of the sovereign. Based upon the discussion of the concept of citizenship as the modern governmental tool of the sovereign, the asylum seekers in Turkey have remained neither citizen who has been legalized with the discretion of sovereign, nor non-citizens who might have been subject to the arbitrary deportation of the sovereign from its territories. Apart from the binary between the concept of citizenship and non-citizenship, the Turkish asylum system has set out the binary of refugee and non-Convention refugee, which has been the result of geographical limitation that Turkey maintains. Turkey's reservation to the geographical limitation has carried the discussion the sovereign's politics of inclusion and exclusion to another dimension, which is the *state of exception*.

In the *macro level*, the Turkish asylum has remained uncertain and ambiguous in terms of the definition and distinction of the concepts. This uncertainty and arbitrariness in the system has introduced the *state of exception* in defining and determining the status and conditions of the asylum seekers. The *state of exception* has become more interesting than the regular condition since Turkish authorities have been able to operate inclusion and exclusion in need. The conditions of the asylum seekers in the system have been based more upon the exceptions in which the sovereign has transcended international norms and regulations in relating to the refugees. Besides the exception, exclusion and inclusion, what makes Turkish asylum system unique is that on the one hand, the two tiered mechanism in the status decision process together with the UNHCR and the MOI has created uncertainty in the system and ambiguity in terms of procedural period as illustrated in the interviews, which takes at least two or three

years. The satellite city regulation offers another complex and exclusionary policy in considering the existence and temporary settlement of non-Convention refugees on the other. With the regulation, the sovereign has operated its power of inclusion and exclusion and created a zone of indistinction through preventing the acts of the asylum seekers, who have been settled in one of the fifty one designated cities, which has been considered as camp without walls and fences. The satellite city regulation in which those human beings has signature obligation, have remained more than restrictive policies of the sovereign. It has been the *biopolitics* and a kind of self-satisfaction of the sovereign over those *homines sacri* in order to illustrate its power over its non-included subjects. It has become the way to prove its authority over its internationally non-deportable and protected non-subjects.

The main findings of the study in relating to the *macro* level can be followed as although the laws and regulations has defined the certain rights of asylum seekers such as right to seek asylum, right to be free, right to pray freely, right to access to health care services, and right to access to education, the state as the sovereign power has transcended boundaries of its regulations through not providing those fundamental rights efficiently. Moreover, through the satellite city regulation, any asylum seeker in Turkey has become a *homo sacer* with the sovereign's effort to keep those human beings silent, immobile, docile in the conservative and underdeveloped Central Anatolian cities. In this sense, what makes an asylum seeker a *homo sacer* in the macro level is that even though any human being has right to work, those human beings have not been allowed to work. Without employment, an asylum seeker cannot earn money; without money, s/he cannot afford her/his life to find accommodation, to buy food and to live humanly.

Secondly, while the thesis has illustrated the naked and bare life conditions of asylum seekers with the efforts of sovereign on the *macro* level, it has followed a different pattern in the *meso* level analysis in which it has utilized from the concept to the right to the city, which

has connoted not to be marginalized and excluded in any domain of the life in the city. The most important characteristic of the satellite city regulation has been that any satellite city has represented a zone of *zoé* in compared with the other cities, which are intentionally preferred places instead of forced or designated ones. In this regard, while Istanbul as a forbidden space has represented a zone of *bios*, which has referred to good life, the satellite cities, in this case, Isparta and Yalova have offered a zone of *zoé*, life without anything. There have been huge obstacles and challenges for asylum seekers, which have been observed in Istanbul during the fieldwork, however, the city, Istanbul, has been chosen by the asylum seeker which has created a counter stance against the sovereign.

Whilst on the *macro* level, the sovereign has imposed challenges through the laws and regulations over the life of asylum seekers in Turkey, who have put into *homo sacer* position there have been not only challenges but also opportunities in the *meso* level with the satellite city regulation within the forced settlement areas. What is more significant in this study in the *meso* level is that while the term *homo sacer* has conveyed a total passivity for the asylum seekers, the thesis has aimed to illustrate acts and demonstrations of the asylum seekers, who have been passivized but are not passive beings. Even though any satellite city is a forced settlement area for the asylum seekers, those fifty one cities have provided certain degrees of opportunities and challenges. First of all, the satellite city as a temporary resident for asylum seekers has become a kind of haven in which the interaction with the city has emerged since their arrival. Both in Isparta and Yalova, the asylum seekers have had to find accommodation which has necessitated setting relations and interaction with the house owners. Besides the interaction, the satellite city, i.e., Isparta and/or Yalova, has become the space of being active where any asylum seeker has operated her/his daily errands such as sleeping, walking, eating, speaking, working, and setting neighborhood. The market, shopping malls, and bazaar have been spaces for their daily needs as the local residents have done. These activities have also

formed the certain degrees of interaction with the city, sellers and local dwellers. In order to meet their basic needs, the asylum seekers in Isparta and Yalova as well as Istanbul have been employed with a low level salary in compared to locals although their employment has not been permitted by the sovereign. Apart from the interaction between dwellers and the market, especially in Isparta and Istanbul, the existence of the NGOs related to the asylum seekers has created a zone to articulate their daily problems and complaints as well as attending different activities, which have been arranged by these NGOs. Whereas in Yalova, the lack of NGOs has been observed, only Social Assistance and Solidarity Foundation, which is dependent to the governorship has remained the organization, which is able to provide financial assistance to those human beings.

It is the very fact that each satellite city has carried out similar kind of obstacles and challenges for the asylum seekers due to the similarities of the socio-economic and socio-cultural structures of those cities. The low level salary has created an exploitation in which they have not sought their rights. For instance, many of those cities are low scaled cities in terms of economic activity and population. Despite the difference between Isparta and Yalova in their geographical locations, both cities are culturally conservative, very Islamic background, and closed minded against the gay and lesbians community.

Thirdly, even though there have been interactions and relations between the community and asylum seekers, in the *meso* level, dwellers of both Yalova and Isparta have not been welcomed with the existence of the asylum seekers in their cities. The challenges in the *macro* level with the result of sovereign's imposition of the legality and in the *meso* level with society's negative reaction in some cases have provided development of the counter strategies by the asylum seekers in order to exist and survive. Each strategy and counter movement of asylum seekers has been the very mark of their existence against the concept and idea of the *homo sacer*. The restrictions of the sovereign including forced satellite city and signature

obligation, unsystematic and limited access to the health care services and education, and unemployment matter have been the problems, which have been arisen in the *macro* level. The asylum seekers have developed counter strategies to deal with those obstacles. Staying in Istanbul instead of designated cities has been the first and common strategy of the asylum seekers, who have visited those cities once a week or twice a month in order to fulfill their signature obligation. In this sense, Yalova has been more popular than other Central Anatolian cities due to the geographical location and vicinity to Istanbul and Bursa. Both in Yalova and Isparta, finding job has remained the very problematique issue owing to the limited job market and low scaled economies. To deal with this obstacle, the asylum seekers in Yalova and Isparta have found reasons and excuses to stay in Istanbul such as attending language course or being employed as translator in refugee related organizations. During their residency in Istanbul, asylum seekers have been employed in black market as illegal workers in mainly textile factories called as *çabuk çabuk* work without social security and any insurance. The vicinity of Yalova to Istanbul has created another challenge in terms of number of NGOs in the *meso* level. The asylum seekers have utilized from this obstacles to go to Istanbul to seek assistance for their individual concerns and problems.

In the *meso* level, although there have been certain degrees of interactions, the society has had prejudices and stereotypes against both gay and lesbians and African asylum seekers. The common strategy has become the story telling and narratives of those human beings and they have turned into *narratable* subjects in the society. Personal narratives, which have been told by the asylum seekers to the dwellers who might be seller, taxi driver or house owner, have become the way of implicit strategy to influence the locals. Even having a cute baby has become a counter strategy for the survival of an asylum seekers in which asylum seeker has found a job easily and got assistance from both NGOs and individuals. In the case of difficulties in finding job, the asylum seekers have successfully managed to survive through

discovering new sectors. For instance, in Yalova, the rental agreement for their residency is a compulsory regulation and the asylum seekers, who have had already rental agreement, have rented rooms of flat to three of four more asylum seekers to compensate their spending.

All in all, state as the sovereign power has put rules and regulations, which have created *homines sacri* in the case of asylum in Turkey. The settled asylum seekers into the designated satellite cities have had difficulties to find social and financial assistance from the sovereign and civil society organizations. Against the state's imposition and exploitation in a certain degree, the concept of "the right to the city" through certain interactions and relations has been verified. The asylum seekers living in satellite cities have developed strategies to survive in *micro* level against the idea of being declared as passive human beings. Each strategy and step has been a counter move, which has been the mark of their activeness.

This thesis has two main implications: *first* one is the theoretical: while the critical migration literature applies the term *homo sacer* and *naked life* conditions to asylum seekers and refugees through ignoring their autonomous and creative activities, the study differs from this literature in terms of illustrating the autonomy of asylum seekers. Second one is the policy implication in which the thesis depicts that although satellite city regulation is an obstacle against the movements and freedoms of asylum seekers, it does not work in many cases with the transcending power and movement of asylum seekers and the main emphasis is that the autonomy of asylum seekers should not be ignored and they should not be depicted as total passive beings.

The most crucial point considering the uncertain nature of the Turkish asylum system is that what might be permanent solutions for those human beings within a *homo sacer* generating system. The first thing is that the discourse of "are you who say you are" should be questioned and revised within this two tiered system of interrogation. In the macro level,

the satellite city regulation, which firstly limits the movement of asylum seekers, has to be changed since the freedom of movement for the asylum seekers and refugees is one of the fundamental rights in accordance with the 1951 Geneva Convention. It is obvious that the regulation has been transcended by the asylum seekers for several times. Therefore, it only criminalizes the asylum seekers in their case of leaving those cities. The work permit, which remains the most important problem for those human beings, should be provided and allowed by the sovereign. The access to health and education as the universal basic rights, which are granted by the Turkish state on the paper, should be systematized.

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