'FOREIGNERS' AND INTERNATIONAL MIGRATION:
THE CASE OF TURKEY IN THE POST-1980s

By

Şahizer Samuk

A thesis submitted to the
Graduate School of Social Sciences
in Partial Fulfillment for the Requirements for
The Degree of

Master of Arts

in

International Relations

Koç University

October 2009

STATEMENT OF AUTHORSHIP

This thesis contains no material which has been accepted for any award or any degree or diploma in any university or other institution. It is affirmed by the candidate that, to the best of her knowledge, the thesis contains no material previously published or written by another person, except where due reference is made in the text of the thesis.

Şahizer Samuk

ABSTRACT

For much of the twentieth century, most migrants to Turkey were either ethnically Turkish or of Muslim origin. Since the early 1980s, however, Turkey has been confronted with growing inflows of "foreigners" who are mostly non-Turkish and non-Muslim. This phenomenon has transformed Turkey into a "real" country of immigration. During this period, Turkey's migration policy has also been profoundly influenced by European Union accession negotiations. This dissertation considers how Turkey's migration policy has evolved in response to changing, complex circumstances and competing demands. Emphasis is placed on the experiences of individual migrants, who are placed into two categories: (1) Irregular migrants, a group including circular migrants, transit migrants, asylum seekers and refugees. (2) Regular migrants, a group including documented residents and workers, as well as migrants of Muslim background or Turkish descent. This thesis discusses two main topics: (1) The evolution of Turkey's migration policies within the context of EU accession negotiations. (2) How such policies are experienced by and affect the migrants themselves. In discussing the first topic, many official EU parliamentary reports were subjected to rigorous content analysis. In exploring the second topic, the author relied on semi-structured, face-to-face interviews with 25 migrants. This thesis ultimately concludes that the term "foreigner," when used as a societal category, cannot be captured entirely by any legal definition offered by the nation-state. This is because the legal term "foreigner", although it does not take into account the societal category, has innumerable and diverse effects over the lifetime of any given migrant. In this thesis, the interaction between the legal and the social definitions and the experiences of the migrants are presented with an analytical point of view.

Keywords: International migration, Turkey, foreigner, foreignness, alien, stranger, other, irregular and regular migration.

ÖZET

Türkiye özellikle 1980'lerden sonra gerçek anlamda yabancıların (Türk ve Müslüman kökenli olmayanların) göç ettiği bir ülke haline geldi ve çok sayıda, farklı etnik ve dini kökenlerden insanların yaşadığı bir göçler ülkesine dönüştü. Türkiye'nin göç politikalarının dönüşümünde Avrupa Birliği'ne üyelik süreci de ciddi anlamda etkili oldu. Bu tez Türkiye'nin değişen, karmaşık uluslararası konjonktüre ve AB'nin farklı taleplerine göre değişen göç politikalarını ele almaktadır. Bu tezde, iki kategoriye ayrılan göçmenlerin tecrübeleri vurgulanmaktadır: (1) Düzensiz göçmenler; döngüsel göçmenler, transit göçmenler, sığınmacılar ve mülteciler olarak, (2) Düzenli göçmenler; Türkiye'de kalma ve çalışma izniyle (yasal olarak) ikamet edenler ve Türk veya Müslüman kökenli göçmenler olmak üzere kategorize edilmektedir. Bu tez iki temel tartışma üzerine kurulmuştur: (1) Türkiye'nin göç politikalarının AB'ye üyelik sürecinde uğradığı değişim (2) Değişen politikaların göçmenler tarafından nasıl tecrübe edildiği ve onların hayatlarını nasıl etkilediği. Birinci konunun incelenme aşamasında, AB tarafından hazırlanan birçok resmi ilerleme raporu, Türkiye'deki meclis tutanakları ve değişen göç yasaları içerik analizine tabi tutulmuştur. İkinci konunun incelenmesinde ise yazar tarafından 25 göçmenle yüz yüze, derinlemesine mülakatlar gerçekleştirilmiştir. Bu tez, son olarak, "yabancı" kavramının, sosyal bir kategori olarak kullanılması halinde, ulus-devlet tarafından öngörülen yasal tanım tarafından kapsanamadığını öne sürmektedir. Başka bir deyişle "yabancı"yı sosyal bir kategori olarak ele almakta zayıf kaldığı halde yasal tanımlamalar, yabancıların yaşayışı üzerinde sayısız etkiye sebep olmaktadır. Tezde, bu yasal tanımlama ile sosyal tanımlamaların arasındaki etkileşim ve göçmenlerin tecrübeleri analitik bir bakış açısıyla sunulmaktadır.

Anahtar sözcükler: Uluslararası göç, Türkiye, yabancı, yabancılık, başkası, düzenli ve düzensiz göç

ACKNOWLEDGEMENTS

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ABBREVATIONS

ASAM:	Association for Solidarity with Asylum-Seekers and Migrants
EU:	European Union
FSU:	Former Soviet Union
IIMP:	Istanbul Interparish Migrant Program
IOM:	International Organization for Migration
IRM:	International Migration of the Retired
MOFA:	Ministry of Foreign Affairs
OECD:	Organization for Economic Cooperation and Development
PKK:	Kurdish Workers Party
TSI:	Turkish Statistical Institute
USSR:	The Union of Soviet Socialist Republics
UNHCR:	United Nations High Commisioner for Refugees.

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CHAPTER 1

INTRODUCTION: FOREIGNERS AND TURKEY

1.1 Meaning of Being a Foreigner

The rights of foreigners in the globalizing world have become more important after the Second World War and also in the post-Cold War period. Turkey is one of the cases in which perception of foreigners and foreigners' rights can be observed and analyzed. Immigrants to Turkey, arriving from countries with diverse political cultures and socio-economic backgrounds, have changed how "foreigners" are perceived in society and by the state. New patterns of immigration have resulted in new laws concerning foreigners. Moreover, as argued by Kirişçi (2004), new migration patterns have also compelled Turkish authorities and society to reconsider questions of citizenship and identity. "Unlike the migrants of early republican years, most of the post-1980 migrants were 'uninvited' and 'unwelcome'" (Danış et al. 2006: 461). Therefore, in order to address the formal and informal implications of migration policy in Turkey, a comprehensive understanding of how foreigners are treated and perceived is required.

What is the difference between a "citizen" and a "foreigner"? First of all, a foreigner is a non-citizen in legal terms. Hence, "While citizens are expected to be loyal to the cause of the state and willing to make all the sacrifices necessary in a critical period; foreigners are suspected to be less trustworthy or even potential security risks" (Hammar, 1990: 29). Moreover, foreigners are not full-fledged members of society, which in some respects makes their presence less threatening to

the host community: "Foreigners are those people who make you think you are at home" (Edmond Jabes in Honig, 2001). In addition, worldwide foreigners are described in various terms, many of which are pejorative. In Turkey, Russian women are derogatively labeled "Natashas"[1]. According to Kaya (2005: 230), in Germany the Turkish-German youth is often referred to as "degenerated", "inclined to committing crime", "nationalistic" and "fundamentalist" by weekly magazines such as Der Spiegel. In France, migrants are often designated as "non-assimilable" (Fassin, 2001: 6). These examples can be multiplied for each country since the processes by which "the foreigner" and "the other" are constructed are highly controversial, paradoxical and complex.

Sometimes "having foreigners" is regarded as harmful to the host society. In other instances, foreigners are described as "mirrors" – a metaphor suggesting that foreigners prompt the host community to redefine itself. Moreover, directly or indirectly, foreignness contributes to democratic institutions by producing an inclination to have a more democratic or inclusive citizenship. On the other hand, xenophobia and perceived threats to national security often generate a restrictive view that foreigners cause international agents to intrude into the "national" questions. Arguably, there are still more perspectives of citizenship on the rise as a result of globalization, which has made it necessary to discuss new forms of citizenship such as post-national membership or transnational citizenship (Soysal, 1994; Bauböck, 1994). According to Bauböck (2007: 2), the concept of "transnational citizenship" can be used "to describe an overlapping structure of

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[1] See Yıldırım Türker, "Bacca'nın Katledilmesi", 14.4.2008, Daily Newspaper Radikal. In this article, the journalist Yıldırım Türker reveals his provocative thoughts on how the foreign women are seen in Turkey, as sexual objects or the objects of desire which dehumanize their existence and cause a threat to their lives. Türker also puts into words his anger at how this type of destructive perception led to the murder of Pippa Bacca.

membership in two or more polities, with significant elements of citizenship status and rights in each". Under this perspective it is pertinent to use terms such as *residential citizenship*, *external citizenship* and *multiple nationality*.

The transformation in Europe was such that in the 1970s the zero-immigration policy was prominent while in the 1980s the nation-states could not find the sovereign power to avoid these migration flows. According to Jordan and Düvell (2001: 29):

> "The programmes of liberalization, deregulation and privatization pursued by international organizations draw on ideas from the theory on federalism and economic clubs and the transformations they aim to achieve involve the creation of new cosmopolitan memberships systems, new kinds of political boundaries, new rules on mobility and new regimes of governance."

Many countries including Turkey have gone through a similar transition in terms of international migration flows and their consequences, leading to changes in citizenship laws and regulations on asylum and immigration. While France, Britain and the USA have become more restrictive in accepting asylum-seekers, while Germany and Austria have tightened their visa regimes and nationality laws, Turkey has been forced to become more liberal because of its geo-strategic location and because of the criticism it has received from the European Union. Still, the transformation of Turkey's migration regime has not been completely liberal, nor has it proceeded in a unidirectional fashion.

One of the most significant impediments to liberal migration policy in Turkey has been the Law of Settlement (No. 2510 dated 1934), which is the first law in the Turkish Republic to define who can settle in Turkey as an immigrant. Moreover, this law also enumerated eligibility requirements for citizenship. Prior to the 1934 law, in 1923 the first law on settlement was enacted in order to facilitate population exchanges between Turkey, Greece and Bulgaria. Later, in 1926 the second law was

enacted in order to outline settlement policies for Turkey's Eastern region. According to Erder (2009: 34) these earlier settlement policies aimed at "compulsory assimilation" for their goal was to create a more homogenous society. Later on, as a result of continuous uprisings in the eastern part of Turkey, the 1934 law of settlement dated was promulgated. Above all, the second, third and fourth articles of this law have been the most controversial[2]. For the relevance of this thesis the third and the fourth articles will be examined.

According to the third article, those who have a right to come and settle in Turkey should be of "Turkish race and culture". According to Erder (2009: 38), this law has formed the backbone of Turkish policy. In addition, this law has many implications for the refugees, migrants and policies concerning "foreigners". Erder adds that in the Village Law and in the Law on Work Permits for Foreigners, the same "fear from foreigners" and "introverted" perceptions were observed. According to the fourth article, which also has many implications for the entrance and settlement of migrants, those who will not be accepted as immigrants (muhacir) to Turkey are "those who have no ties to Turkish culture, anarchists, spies, Gypsies and those exiled out of Turkey". In a more positive vein, in 2006 the following racist and fascistic overtones were removed: "Those foreigners who have no ties to Turkish race and culture and those who are tied to Turkish culture and race but exiled and those who are not eligible to migrate to Turkey for reasons of security cannot be accepted as migrants".

What can be inferred from above-mentioned changes is that, although the abrogation of the second article and the major changes in the fourth demonstrate that

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[2] Another article which causes a lot of debates is the second article as it is related to the settlement of the people dividing country into three regions and according to Erder this law revealed the authoritative side of the one-party regime and this article was later abrogated in 1947.

there is an important shift in the definition of the foreigner as a migrant, one should take into consideration that, as Erder (2009) underlines, this law still determines the coverage, meaning and source of the law on citizenship. This influence essentially forms the ius sanguinis understanding embedded in Turkish citizenship, which means that Turkish citizenship is acquired by the principle of descent.[3]

What were the aims behind enacting the Law of Settlement? In fact, at the stage of nation-building there were plausible reasons for its implementation. According to Babuş (2006: 257), increasing the Turkish population, distributing the population according to economic, national and military needs and settling tribes (aşiretler) were among the justifications. However, the Law of Settlement has lost its major effect in implementation as a result of the abrogation and changes in the articles. The same restrictionist mentality still colors migration laws in Turkey despite the fact that EU negotiations and globalization have forced the country to liberalize since the 1980s.

International migration Turkey had experienced after the chaos in the neighbor countries, global effects creating pull and push factors and liberalization policies applied in Turkey after the military takeover of 1980 resulted in this aspect of international migration that makes both the citizens and foreign residents to question their identities, legal status and civic virtues. In line with these arguments, this thesis aims to identify how foreignness has evolved within this international context, which has witnessed the rise of Turkey as an important center of transit migration.

When examining the notion of "foreignness", it is also important to consider that "irrespective of their numbers, immigrants in most countries are the target of ample myths, misconceptions, prejudices and xenophobic stereotypes" and these

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[3] Children who are born to a Turkish citizen mother and a Turkish citizen father in or outside of Turkey are Turkish citizens effective from birth.

immigrants are "often regarded as 'foreigners', 'aliens' or 'the other', even decades or generations after the actual migration took place" (Tamas, 2004: 73). Consequently, new research areas closely evaluate the issue of foreignness, the status of foreigners and their integration into Turkish society.

Although Turkish immigrants have been foreigners in many European countries since the 1950s, the immigration pattern to Turkey since the 1980s proves that the quest for national homogenization (as occurred in Turkey's early republican period) is inevitably (if only partially) encumbered by globalization. This is another reason why "what it means to be a foreigner" is a question that requires serious research.

The concept of "foreignness" can be examined at the individual, state or social level. This thesis focuses on the individual level and the state level. Foreignness at the state level is examined by focusing on migration and asylum legislation, while the individual-level analysis will rely on interviews conducted with a small segment of the migrant population. Ultimately, the interviews draw attention to migrants' narratives in order to draw conclusions from migrants' discourses on foreignness and their interpretations of their own experiences as foreigners. Hence, the main contribution of this thesis is to deeply analyze the term "foreigner" in the legal and social spheres, comparing and contrasting both settings in order to highlight various layers of meaning.

The migrant interviewees are grouped into "regular" and "irregular" categories not only for the sake of clarity, but also because this dissertation aims to highlight the various ways in which foreignness can be experienced. It is important to note that these categories are not mutually exclusive. The category of regular migrants consists of those who have residence permits, student visas or work permits (inclusive of retired migrants who come and settle in Mediterranean cities). Migrants

with Turkish origin can be included in both categories but they generally have attained citizenship or residence permits. Also, regular migrants consist mostly of specialists or students coming from the USA, the EU and the Far East.

The category of irregular migrants consists of circular migrants, transit migrants, asylum-seekers and refugees. Although refugees constitute a legal category, the fact that asylum-seekers might spend their time in Turkey as "temporary asylum-seekers" or "guests" rather than recognized refugees makes their situation more complicated.

Most of the migrants from the Former Soviet Union (FSU) form an overlapping category as some are irregular migrants who stay longer than their visa allows, while others have attained legal status by marriage or maintain this status by continuing as circular migrants who go back and forth across the border. Irregular transit migrants generally hail from Africa and from the Middle East, however, some of the migrants coming from the FSU can also be categorized under this group as their aim might be to cross over into Europe. Just as transit migrants cross Poland on their way to Western Europe, they also cross Turkey on their way to European countries believed to offer more opportunities. Lastly, another category of irregular migrants is asylum-seekers and refugees, which includes those migrants who have escaped conflicts or forms of political repression that are life threatening.[4]

With respect to state policy, it is important to make clear which categories of migration should be "managed", which should be "controlled", which should be "limited" and which "should be given less rights than others". Ultimately, mentality behind the laws should be implicit in the laws examined and discourses and experiences of the foreigners themselves.

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[4] According to the 2009 Progress Report of Turkey applications of asylum-seekers are mostly from Iraq, Iran, Afghanistan and Somalia in 2009.

1.2 The Aim of the Thesis and Main Questions under Study

This thesis primarily addresses *three* questions: First, how are state policies toward migration formed? Second, how is the notion of "foreignness" constructed by the state? Third, how is "foreignness" experienced by the foreigners themselves?

With respect to causality, "migration inflows" are regarded as *the cause* while legislative changes are *the effects* produced. From this logic, the *first* argument is drawn: Changes in immigration and asylum laws, as well as changes in the treatment of foreigners by different public agencies, can be explained by focusing on how foreigners are *perceived* by the state. Before advancing the *second* argument it is necessary to underline the fact that how the laws are reflected in the lives of the migrants is sometimes clear cut and at other times debatable.

At this point, inspired by Gramsci (1971), is it possible to say that the superstructure (the law) affects the migrants' lives deeply? Without a doubt, the answer is positive, though in order to understand how the law affects the lives of migrants it is necessary to make the *second* argument. Namely, how foreigners perceive their own identity reveals how the laws reproduce social life for the foreigners. Therefore, informal implications of foreignness are analyzed through interviews with the migrants.

Does the influx of migrants after the 1980s constitute a major challenge in changing the state's perspective on foreigners? Turkey's preparedness after the 1980s to implement relatively tolerant migration policies in accordance with EU harmonization is also discussed in this dissertation. Were these policies only implemented to comply with EU regulations, or do they signal the changing mentality of an "immigration country"? Although there have been treaties and protocols signed between Turkey and EU to alleviate the hardships encountered by

transit migrants, the implementation of policies gives the impression that burden-shifting and burden-sharing have not gone hand in hand. Therefore, in my thesis, I would like to discuss the changes in the migration policies of Turkey taken in line with the concerns of the EU and the UNHCR (United Nations High Commission for Refugees) from a critical perspective.

This thesis aims to answer the following questions: Has there been an extension of rights for foreigners coming to Turkey? If so, in which theoretical terms has it been realized? Are there any signs that rights have been limited or restricted? Has a more inclusive understanding of citizenship emerged, or a more tolerant approach to dealing with foreigners scattered in Turkey's various sectors of labor?

At the theoretical level, Arendt's views on "belonging to a civil community rather than an ethnic community" and on the "right to have rights" will be emphasized. This approach is employed because migrants might feel alienated from society due to their status as foreigners, alienated from the law because it does not allow for a more inclusive citizenship and alienated from their labor because they have no social rights.

In addition to what Arendt foresees and Benhabib (2004) suggests, Bauböck (1994) and Soysal (1994) offer the same view of citizenship, which can also be called transnational citizenship. According to Bauböck (in Jordan and Düvell, 2003: 136):

> "The basic requirement of political justice is to provide all members of society with a comprehensive bundle of citizenship rights that takes into account their different social positions and group affiliations but enables them to see themselves as equal individual members of the polity"

The writers whose ideas will be discussed depart from each other on how to deal with the nation-state, democratic legitimacy and boundaries of membership to a

polity. Their disagreements will be discussed briefly while Turkish citizenship will be examined in the light of their diverse approaches. On the one hand, changes to Turkey's citizenship law clearly demonstrate a more liberal approach. On the other hand, this also implies a cautious attitude toward foreigners who may want to "deceive" the state by arranging fake marriages for the purposes of citizenship.

1.3 Methodology

The methodology of the thesis consists of semi-structured face to face interviews with migrants from the five aforementioned categories in order to examine their narratives of foreignness as well as content analysis of migration laws, progress reports, national action plans and parliamentary minutes.

First of all, a discourse analysis is made in order to interpret the words and opinions of the migrants. In order to do this, self-structured and open ended (face to face) interviews with 25 migrants (three to four migrants from each category) were conducted (see appendices Figure 1 and 2). I spoke with two of the social workers in ASAM (Association for Solidarity for Asylum-Seekers and Migrants) in Kayseri on 25th March of 2009 in order to learn about their opinions about being a foreigner in Turkey. In-depth interviews constitute a major qualitative component. While interviews with illegal laborers and/or transit migrants were typically conducted at IIMP in Istanbul, three of them were conducted at ASAM in Kayseri. These interviews mostly took about 30 minutes or more and were recorded with a voice recorder and later transcribed. One of the interviews with a refugee was conducted at the workplace of the refugee, which was a hairdresser's in Kayseri. The other interviews were either conducted at home or at the workplace of the domestic workers. The respondents who preferred not to give their names have been coded as

such: MR1 (male refugee 1), MAS1 (male asylum-seeker 1) and MR2 (male refugee 2). Those who gave their names are given spurious names. The interviews aimed at considering the issue from inside-out after looking at the issue from outside-in. Therefore, the research is conducted with the understanding of Paul (1953: 42) who claims that the purpose of the field worker is:

> "To gather and relate two sets of data, a description of the situation as he sees it, looking from the outside in, and a description of the situation as the native sees it, looking from the inside out."[5] Hence, I have been a supporter of in-depth interviews with the migrants as I believe that the interviews would be guiding in terms of "seeing the world from the perspective of our subjects" (Glassner and Loughlin, 1987: 37)[6].

My interlocutors were selected mostly using the snowball method, except for the asylum-seekers and refugees as they were chosen by the social workers in ASAM. The questions that I addressed to each category of migrants were as follows: 1) What is your age? 2) Where do you come from? 3) What was your reason for coming to Turkey? 4) How long have you been in Turkey? 5) What did you think of being a foreigner in Turkey? What kind of experiences have you had, including those that surprised you or caused cultural shocks? 6) What kind of hardships did you encounter as a foreigner, whether in the street, at the official level, or with the bureaucracy? 7) Have you ever felt discriminated against because you are a foreigner? 8) Do you think that there is a difference in terms of the treatment of different categories of migrants by the state? What were the disappointments that you experienced in terms of state treatment? (If there are any) 9) What do you think in general the perspective is like towards foreigners in Turkey? (Not tourists but those

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[5] Quoted in Nash, Dennison, "The Ethnologist as Stranger: An Essay in the Sociology of Knowledge", Southwestern Journal of Anthropology, Vol. 19, No. 2 (Summer, 1963), pp. 149-167

[6] Quoted in (eds) Denzin and Lincoln (2003:345) "Collecting and Interpreting Qualitative Materials", Sage Publications

who intend to settle). Besides these, the questions that were asked to the social workers at ASAM include: 1) How long have you known these migrants? 2) In which cases are they experiencing the greatest difficulties? 3) What do you think of the perspective of the state towards foreigners? 4) What kind of perspective is reflected by the state through the laws on foreigners? 5) What are the greatest difficulties that the state is facing while it is trying to help the migrants?

Other questions asked to the asylum-seekers and refugees include: 1) What is your status determination? Are you a refugee, an asylum seeker or in a closed case? 2) Was it easy for you to move through asylum procedures? 3) How would you describe your treatment after your arrival in Turkey? 4) How is your interaction with the environment (Neighborhood)? 5) What do you think of being a foreigner in Turkey? What were the hardships that you have encountered as a foreigner?

The content analysis will be made using legal documents on the immigration laws such as Law No. 2510 on Settlement, Passport Law No 1764, Turkish Citizenship Law No. 403, Law No. 4817 on Work Permits for Aliens, Law no 2007 on Activities and Professions reserved for Turkish Citizens in Turkey and the 1994 Regulation on Asylum. In addition to these documents, amendments made to the citizenship law in 2003 and 2009 will be examined in detail. Other than the national legal documents there will be a need to compare the implications with the international documents such as the EU "Accession Partnership" document. This document includes the Action Plan on Asylum and Migration adopted by the government in March 2005. Analysis of these documents will make clear if the implementations really converge with the EU expectations of preventing illegal migration.

The progress reports of Turkey from 1997 to 2009 will also be useful in order to understand which problems of identity emerge and which difficulties in implementing the new laws and human right violations persist. Therefore, the pressure of EU over Turkey to improve its asylum system to match EU and international standards (Kirişçi, 2004) and the paradoxical face of the legalization and implementation demanded by the EU will be better discussed. The term "paradoxical face" refers to the fact that changes in the laws both reflect a desire to prevent illegal migration while also safeguard migrants' rights. However, while preventing illegal migration, the issue of improving the rights of the migrants lags behind. Ultimately, this discussion will establish a strong theoretical background for evaluating the issue of foreignness and what it means to be a foreigner in Turkey, particularly from the state's perspective. Moreover, when evaluating the state's perspective the influence of external actors such as the EU will be considered. In addition, the content analysis also examines parliamentary minutes related to Turkey's changing migration laws.

This dissertation attempts to give a descriptive account and an analytical analysis of being a foreigner in Turkey. Both primary and secondary data have been collected. This is a novel study in the sense that there is not much research on how foreigners are treated in Turkey, or on how different categories of foreigners may experience different treatment from state and society.

1.4 The Flow of the Thesis

To be a foreigner has different meanings for each migrant for all individuals have their own unique experiences and identities. However, this thesis attempts to provide an overview of the main aspects of "being a foreigner in Turkey". This goal is

pursued by focusing on the life histories of the migrants, their living conditions in Turkey and their current problems, whether these problems have been induced by the Turkish state or by society. If this attempt is successful to some extent, this thesis may facilitate the design of new integration policies for the migrants. In addition, this work also seeks to identify areas for further research that have not been explored in-depth, but which are vital for uncovering long lasting solutions to problems related to integration, interculturalism and the observance of human rights.

The *second* chapter of this thesis provides a literature review focused on how foreigners are defined in both legal and social terms. *Firstly*, legal definitions of the term "foreigner" in international law and in Turkish law are examined. *Secondly*, how foreigners are labeled in different countries and what it means to be an alien according to Benhabib are amongst the theoretical discussions included. Besides, how Honig describes contributions of the foreigner to the host society, how Simmel defines stranger, how and when "other" is constructed either through immigration policies or by re-writing history are analyzed under the social category of the foreigner. The relationship between the state and foreigners will be elaborated starting with Brubaker's explanation on the historical connection between the nation-state and citizenship. The views of Arendt on foreigners, nation-state, citizenship and human rights (Her writings for the "stateless" who are devoid of their citizenship rights and also their "rights of man") will be outlined. Lastly, the evolution of Turkish citizenship and which category it fits into according to the categorization of Brubaker will be concisely delineated.

The *third chapter identifies* the types of foreigners who came to Turkey after the 1980s. Moreover, a comparison is offered of two particular migrant groups: The first group includes migrants who came to Turkey before the 1980s, a majority of

whom were Muslim or of Turkish descent. The second group includes migrants who came after the 1980s, most of whom were ethnically and religiously heterogeneous. The reasons behind the immigration of both groups are briefly explained. For each group, the main problems that they have encountered are presented in order to provide a foundation for the fourth chapter, which reflects on the experiences of foreigners from each category.

In the *first* part of the *fourth* chapter, a content analysis of the laws that have been changed is made in order to clarify the perspective of the state on foreigners. In the *second* part of the fourth chapter, the perspectives of the foreigners in their own words will be categorized according to the theoretical approaches of Honig, Tsai and Eder, İçduygu, Kirişçi and Guiraudon. The *second* part begins with generalizations about the situations faced by the migrants and generalizable approaches towards their treatment. In this section the following scholarship will be addressed: Tsai and Eder's work on the "deliberate negligence zone of the state", Guiraudon's work on the nation-state's negligence of international norms in treating foreigners, and Honig's analysis of how state and society view foreign brides. Furthermore, the different perspectives of these writers on citizenship will facilitate the analysis of the interviews conducted. The results of the interviews with the migrants are also presented here and integrated with the efforts of comprehending the incongruence between the legislation and the implementation of the laws. What do the discourses of the migrants suggest about being a foreigner in Turkey? What are the differences between each category in terms of their discourses on foreignness?

In the *last* chapter, in the concluding remarks, the main arguments are restated while the researcher's position (stance) in approaching different theoretical perspectives that were depicted in this thesis are briefly outlined. Also, new insights

are drawn about the relationship between citizenship and foreignness in Turkey. The routes for further research are offered while the limits of the research project are also indicated in this final chapter.

CHAPTER 2

FOREIGNERS, CITIZENS, NATION-STATE:

A LITERATURE REVIEW

2.1 Introduction: Distinction between the Foreigner and the Native

What does the term "foreigner" mean in international law? According to the Institute of State Law, a foreigner is "the person who is in the territory of a nation-state and who has no right to claim citizenship of that state" (Altuğ, 1971: 8). According to Çelikel (2008) some scholars differentiate the citizen from the foreigner not in terms of citizenship but rather, on the legal status of the migrant. For instance, "A person living with a specific status in a specific country is a foreigner." (Roth, 1949: 32). If a legal status other than citizenship is given to that person, he or she is deemed to be a foreigner (Osborn, 1964: 22-23). As Çelikel notes, as soon as a citizen of a state begins living in another state, that person is a foreigner in the host state and a "citizen living outside" the home state (Oppenheim, in Lauterpacht, 1959: 619-620).

Under Turkish Law there are four types of foreigners: Heimatlos (stateless), refugees, migrants/exchangees and the minorities. In his detailed study of migrants/exchangees, Çelikel uses the term set forth in the Law of Settlement which implies those of "Turkish descent and culture". Furthermore, the migrants/exchangees are legally divided into four classes: 1) Independent migrants (those who are of Turkish descent and culture and who have come to Turkey with an intention to settle); 2) Settlement migrants (those settlers who are of Turkish descent and culture and who are settled and given property by the Turkish state); 3) Single

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migrants (who are of Turkish descent and culture and have migrated as a family to settle in Turkey); 4) Collective migrants (who are of Turkish descent and culture and who have migrated as a family to Turkey in accordance with the bilateral agreements).

According to Çelikel (2008: 56) the Turkish constitution uses the term "Turks" or "citizens" when defining the rights that foreigners cannot benefit from. The general norm is that foreigners have all the fundamental rights of freedom like the other citizens. According to the Turkish constitution 1982 article no. 16, however, these rights can be limited under international legal agreements.

In deciding who is a foreigner, one should consider people who are stateless, refugees, migrants and members of minority groups (Çelikel, 2008: 18). Yet, in fact the official definition of "foreigner" under the Law of Settlement (No.2510 dated 1934) determines who is a foreigner and who is a migrant. In order to migrate to Turkey, one has to be of Turkish descent or Turkish culture and have the intention to settle in Turkey. According to this law, others whose descent and cultural background are not Turkish are foreigners and cannot be considered eligible for immigration. For example, Turkmens could thus acquire Turkish citizenship under the 1934 Law of Settlement (Danış et al. 2006: 485).

Aşar (2006) reinforces this statutory concept of a foreigner: "A person who is not attached to the state with ties of citizenship"[7] According to Bauböck (1997: 1-2) there are four factors that whether one is an alien or a citizen: 1) Aliens are fully subjected to territorial sovereignty, 2) Aliens are excluded from citizenship rights, 3)

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[7] Aydogan Aşar, "Foreigners and Their Rights in the Turkish Foreigners' Legislation" p.5: "Ülkesinde bulunduğu devlete vatandaşlık bağı ile bağlı olmayan kimse" şeklinde yapılan tarif en yaygın olan tariftir.

Sovereign states determine the rules for acquiring and losing their citizenship, 4) Human rights depend essentially on citizenship. Bauböck's discussion of nation-states, citizens and aliens is very helpful in understanding why some ideals of inclusive citizenship are difficult to implement and why the rights of aliens, in spite of various conventions on human rights, are not extended to foreigners. Simply stated, the profound differences between the rights afforded to citizens and those granted to aliens stem from policy decisions made by the nation state.

In addition, there are numerous informal definitions of the foreigner (alien). Honig (2003: 8) broadens the category of foreigners to include: "Foreigner as a founder, immigrant and citizen" and others who are "refugees, boundary crossers, terrorists, outlaws, repository of irrationality, erotic excess, madness, anarchy and so on".

In this chapter a complete definition of a foreigner in the international context and in the Turkish context will be searched and examined in detail. Although it appears at first that the term foreigner implies "non-citizen," according to Atle Grahl and Madsen (1985, quoted in Hammar, 1990:13) the traditional definition of who is a foreigner and who is a citizen no longer corresponds to the actual situation. The conventional perspective applies to migrants who may have limited political rights but who benefit from social and civil rights. For example, migrants who have residence and work permits and those who have resided in a country for a long time, despite being devoid of full-citizenship rights, might benefit from the rights provided by the welfare state. In most instances, however, these benign policies are not actually implemented. Indeed, in many countries, foreigners who are circular and transit migrants, asylum-seekers or refugees are generally residing and working illegally and economically vulnerable. Zolberg (1995: 326-327) also draws attention

to "the social inequalities that may exist between citizens and immigrants in most immigration societies- inequalities that are anchored in the discriminatory practices of institutions in such realms as housing, schools, and labor markets as well as in the attitudes of many citizens toward foreigners in their midst." In this respect, being a foreigner socially, as opposed to legally, has a more long-lasting influence on one's overall experiences of foreignness.

There is an extensive body of literature on citizenship and foreignness, which cannot be discussed in great detail in this thesis. However, references are made to citizenship based on the views of Brubaker, Arendt, Benhabib and Bauböck – scholars whose research is indispensable for the discussion of inclusive citizenship and entitlement to fundamental rights. The relationship between the nation-state and citizenship necessitates pondering about inclusion into membership to a polity as the status of foreigners is first of all defined and decided by the nation-state.

2.2 Foreigners in a Sociological Context

The term "foreigner", besides implying non-citizenship, has many sociological connotations. From a sociological point of view, Simmel has referred to the "foreigner" as a "stranger" and categorized the stranger in accordance with the social meanings attached to this word. The stranger or foreigner is not a "tourist" who stays for short periods, but an individual who stays for longer periods. As articulated by Simmel (1950: 402). "…not the wanderer who comes today and leaves tomorrow but who comes today and stays tomorrow" (quoted in Darrell, 2008: 4). Therefore, the stranger is a constitutive part of society, interacting with people, sharing and living in the spaces, becoming the neighbor, observing and being observed. Further on in this chapter, Simmel's categorization of strangers will also be elucidated. Ultimately, his

categorization reminds us of the fact that there is always a dichotomy when the state or the society is speaking of the foreigners and the natives. There are adjectives or labels attached to the foreigner that might have completely opposite meanings.

What are some of the labels or negative connotations used to describe foreigners in Turkey? For female migrants from the Former Soviet Union "Natasha"; for the blacks "zenco"/ "zenci"[8] or "Obama"; for Bulgarian Turks "muhacir" or "soydaş" by the state; for the asylum-seekers and refugees it changes depending on the nationality of the migrant. It is also possible to state that not only in Turkey but everywhere in the world there are such examples of labeling differences for foreigners. For instance, for the Turks in Germany humiliating adjectives such as "in-between" (arada kalmış), "guestworker" or "expatriate" (gurbetçi), "German-like" (Almancı), "degenerated", "conservative" (muhafazakar), "fundamentalist" (köktenci), "nationalist" (milliyetçi) or "lost generation" (kayıp kuşak) are used in the newspapers (Kaya, 2005: 230). In France foreigners are often described as (Fassin, 2001: 6) "non-assimilable" and their children are called "beurs"[9] (slang word for the Arab origin people). According to Fassin, a confusion in France is "overwhelming the legal definition of the other" as even French natives are called "Maghrebins", "Africans", "foreigners" or "immigrants" indicating that "skin color and supposed origin" seems to be more important than legal definitions (ibid.).

As indicated by Arendt, until the 1950s and 1960s, although the blacks in North America were citizens, they were called "Negroes", which was a derogative term. This is just one example demonstrating how legal categories alone are

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[8] Degenerated word for "black" in Turkish.
[9] The translator notes that Beur is a street slang for "arabe" and it designates second generation North Africans, the French offspring of Algerian, Moroccan and Tunisian immigrants who came to France during the time of postwar economic growth (Wacquant, 1999: 219-220).

insufficient for the "other" to be seen as a human being endowed with inalienable human rights. What Arendt (1951: 301) demonstrates is that discrimination and not understandings of humanness influenced the treatment of Afro-Americans: "If a Negro in a white community is considered a Negro and nothing else, he loses along with his right to equality that freedom of action which is specifically human; all his deeds are now explained as 'necessary' consequences of some 'Negro' qualities; he has become some specimen of an animal species, called man". In line with this argument Arendt underscores how the acts of a person who is an Afro-American are seen by the state or the white majority as qualities emanating from his or her racial qualities, which leads to racist conclusions based on the "natural inequality" of the "other". These racist presuppositions and their translation into action (thereby depriving the blacks of economic or social integration) are significant human rights violations and represent serious deficiencies in democracy.

As indicated by Fassin when "skin color or supposed origin" is overwhelming the legal definitions because the stranger/ foreigner is imbued with many other meanings and labels imposed by the social context. In the Turkish case, notions of "supposed origin" are embedded within the Turkish Law of Settlement. Supposed origin defines the foreigner as being of "non-Turkish" descent and culture. Therefore, in relation with the Law of Settlement, there is not such a gap between law and practice. Ahiskan Turks, Turkmens, Azerbaijani Iranians and Bulgarian Turks could all benefit from legal safeguards, perhaps more than other migrant groups from different socio-religious backgrounds. Meanwhile, in the 1930s Orthodox-Christian Gagauz Turks were rejected on the grounds that their religion was different (Kirişçi, 2000). Furthermore, some government actions against non-Turkish origin migrants failed to observe their human rights, as was when principles

of non-refoulement were violated. These violations generated heavy criticism of Turkey, particularly with respect to its treatment of asylum seekers. However, in the late 1990s Turkey did amend certain policies in an effort to make asylum and migration law more flexible.

As mentioned above, when a foreigner is given a name and a label, it is difficult to assert one's own self identity and self-definition. Instead s/he adapts to the way s/he is perceived and defined by the host society or the state. Since the foreigner does not benefit from citizenship rights, s/he would not be able to influence her or his own identity. However, in contrast to an understanding that totally objectifies and victimizes the migrants (in chapter four the migrants demonstrate agency by speaking for themselves) there is a need to accept and realize that they are not passive actors. Although many migrants are non-integrated members of society, they are capable of various actions such as responding to disturbances or protesting laws. Moreover, there are migrants who claim that the cultural differences between their own culture and Turkish culture form a chasm. Meanwhile, these migrants try to preserve their own style of living as much as possible. Even if a migrant is an observer most of the time (not going out that much and meeting Turkish people) it does not mean that s/he is passive. Observation requires active thought processes. Indeed, many foreigners have become astute observers of Turkish society. Therefore, the labels given to them are "foreign" to themselves.

2.2.1 Mental Map of Foreignness: Foreigner as the "Other"

Beyond the legal implications of foreignness, how do we perceive someone who is not familiar or different at first sight? First of all, there is a self-definition that one makes for her or himself and when s/he encounters someone who is different in

outlook, speech or behavior. However, this is not to say that at that moment one decides that is the "other". In contradiction with immediate "other"ing one might make a self-definition as s/he encounters the foreigner because of the differences perceived at first sight. If one does not have a definite and concrete self-definition for oneself, then as a consequence of the encounter, the self-definition might be constructed, re-constructed or altered. It also depends on the mentality of the person who meets a "stranger" or a "foreigner". People who are familiar with different cultures, or who have a "cosmopolitan" mindset (in Rogers' sense of the word") tend to find the behavior of foreigners less shocking.

If one has lived with many foreigners and is a cosmopolitan (in the sense that Rogers used it)[10] and is aware of the multi-cultural and multi-religious complexity, anything that the foreigner does or says will not be surprising or extraordinary for that person which can be seen mostly in touristic places such as the cities in the southern parts of Turkey where the retired migrants chose to live in.

Even our fellow citizens can become foreigners if they are culturally or religiously distinct. Therefore, forms of the mental map of foreignness are most likely constructed within our minds consciously or unconsciously, and can apply to citizens and non-citizens, apart from the use of the term "foreigner" in the legal framework. Many of us may be unaware of this dichotomy in our minds. It does not necessarily draw us to see a non-national as a foreigner and a national as "from us".

At the time of the city-states in Ancient Greece, there was an "other" and "foreigner" and the chain of explanation could start with Aristotle in establishing a connection between foreigners and citizenship. According to Aristotle three groups that were excluded from citizenship were "foreigners, women and slaves" (Frank,

2004: 101). The other was "non-Greeks", for at the time and they were considered to be inferior (Kraut, 2002). However, according to Frank (2004: 101) Aristotle was not primarily concerned with foreignness per say, but with strength of character. Aristotle underlines that "the proper determinant with regard to slavery is not foreignness but worthiness of character" (Pol. 1255b1) (ibid.). On the other hand, according to Darrell (2008: 5), the Greeks in general regarded non-Greeks as barbarians who did not belong to a "common humanity". Darrell then links his argument to the view of Simmel who focused on "Medieval Jews who were not subjected to the same laws as the Christians on the basis of a common humanity but to different laws on the basis of a fundamental difference" (Simmel, 407 as quoted in Darrell 2008).

Apart from examining Aristotle's definition of the non-citizen, Benhabib (2004: 47) also focuses on the scholarship of Kant. In doing so, he reiterates that "aliens" and "foreigners" amidst the democratic people had a different status when compared to the "second-class citizens such as women and workers, as well as slaves and tribal peoples". As Benhabib notes, people who belong to another commonwealth are "refugees from religious persecution, merchants and missionaries, migrants and adventurers, explorers and fortune-seekers" (ibid.)

Regarding the term "alien", Arendt belonged to a school of philosophers who underlined the emotional reactions majority groups often have toward aliens in their midst. Such visceral emotion is often channeled by ruthless leaders like Hitler, who determined whose rights prevail over the rights of "others", and who instigated discrimination and massacres. Arendt (1951: 301) said: "The 'alien' is a frightening symbol of the fact of difference as such, of individuality as such, and indicates those realms in which man cannot change and cannot act and in which, therefore, he has a

distinct tendency to destroy" (Arendt, 1951: 301). As Arendt explains in the "End of Rights of Man", those who are not understood and those who cannot be changed (either physically, or culturally or religiously) were seen as unnecessary and even harmful components of society. This perception was used to justify the destruction of minority groups, as occurred in the case of the Jews during World War Two. Not only Jews but also Gypsies, Muslims and those who were not thought to be coming from the Arian race were "the other" and millions of them were killed.

Simmel was also a German Jew who lived at the end of 19th century and the beginning of the 20th century. Perhaps Simmel's status as a stranger in the society he taught as an academic allowed him to define the qualities of stranger and how the stranger felt in such a precise manner. In Simmel's definition a "foreigner" is the person "spatially close but socially remote neither being an insider, nor outsider but 'near and far at the same time' and a strange yet constitutive non-member of a group" (Houtum and Struver, 2002: 143). Moreover, Simmel categorizes foreigners into four groups, as clearly defined by (Darrell, 2008: 4).

> 1) The stranger as one not fully integrated into society, but living on its margins.
> 2) The stranger as trader, thus as something of an intermediary between cultures.
> 3) The stranger as objective and free, such as judges but subordinates.
> 4) The stranger as the fully other, deprived of humanity.

All of these categories refer to the Jews. The second definition refers to the Jewish traders in Europe and the third definition is for the judges who are outside the community in Italian cities as they were thought to be free from the entanglements of local families and interests (Simmel, 1950: 404). Lastly, the fourth category would be the "rightless man" who is deprived of all citizenship and all ties with the empires and the newly established nation-states, as was the case for minorities at the end of

World War One. According to (Honig: 2004: 67), these minorities included "Jews in Germany, Greek and Armenian nationals in the period of the founding of the republic of Turkey (1923) and German refugees in Vichy France". In addition to his deliberation over the fourth motif, Simmel also draws attention to the possibility that xenophobia might cause some foreigners to be persecuted or scapegoated for allegedly harboring dangerous ideas (Simmel, 1950: 407). Moreover, foreigners may be viewed as intruders or people coming from "inferior cultures" compared to the local or national culture. This too generates suspicion and distrust in the eyes of natives.

In line with the third category of Simmel, Honig (2003: 15) also asks questions about the foreigner as a law-giver. Honig questions Rousseau: "If Rousseau was relying on general will and social contract why did he also rely on a foreign lawgiver?" And she answers with this quotation from Rousseau: "The populace is not corrupted but often tricked". Thus, there was a need for a foreigner to make the laws and this foreigner was a person who had no history related to the host society, and no former relations with the citizens of the city s/he visited. And therefore, only the foreigner could administer just laws. Honig says (2003: 21) "someone who comes from elsewhere is familiar with human nature, intrigue and ambition but is not himself captivated by the particular intrigues at work here, in this new place, in which he has no investment and history". This line of thought is quite similar to the explanations offered by Darrell (2008), who explicates the thoughts of Simmel.

As can be deduced from Simmel's categories, even if the foreigner contributes to the society in terms of justice, the foreigner might still be considered a subordinate. Besides, the trader who is a foreigner is not seen as trustworthy. Hence,

foreigners are not always welcome. They can be suspected to be less trustworthy or even regarded as potential security risks (Hammar, 1990: 29). This suspicion is mostly prominent at times of crisis and war when "there is a pressure to reformulate and redefine the identity of the nation." (Petersoo, 2007: 118). However it may also be present in normal and peaceful times (Hammar, 1990: 29). Even in peaceful times "the other" might not be trusted. Complexities that the foreigner implies in a society or in the eyes of the state can be multiplied. For instance, Petersoo (2007: 117) underlines the fact that the other does not always have to be negative. In his view, when exploring the concept of the other it is important to consider that: 1) The other may contribute to identity construction; 2) There can be more than one other at a time; 3) The other can also be positive; 4) The significant otherness of the other has important political and social results.

The other has a very important role in the formation, maintenance and transformation of national identities (Smith, 1998: 13). This other can be "women, non-western peoples, peoples of color people of subordinate social classes, people with different sexual desires" (Sampson 1993: 4). For example, in Iran the reformist Bahais have been marginalized because of their religion. Moreover, converts to Christianity and those who have different sexual preferences in Iran have also become asylum-seekers and refugees in Turkey. They have all become the "other" of the Iranian state.

According to Nash (1963: 151), a "stranger" is first coded as trader, tourist, missionary, enemy or prophet. Nash's views reflect the views of Simmel as well as the perspective offered by Honig. Nash says: "The stranger may or may not think of himself in these terms, but they constitute part of the initial social reality which he faces. How 'powerful' a reality it is depends on the relative power of the hosts in

their relations with the stranger". The interaction between the hosts and their relations with the stranger very much affect the way the foreigner is treated and what kind of social reality s/he faces. This is apparent in the article of Hervik (2004) in which he depicts social reactions toward Somalians and their reiterated "differences" in Denmark. According to the interviews conducted with Danish people, they want the Somalians to change and to comply with the host society. The powerful social reality for Somalians in Denmark is that they have to follow the rules and expectations of Danish society. As Nash says, the migrants might not perceive themselves in the same way the host society perceives them. However, this fact does not alter how the migrants are constructed by society. Typically, society produces a stigmatized view in which immigrants can neither be assimilated nor granted permanent residency. And if they are to be temporary visitors, the "guests" should "change" (Hervik: 2004, 257).

Fassin (2001) defines a different type of otherness in his article about the foreigners in France entitled "The bio-politics of otherness". In his article, he analyzes the French Laws in such a way that the mentality behind the laws reveals itself as bio-politics of otherness. Fassin mainly speaks about the changes in the immigration policies of France after the 1990s which defines in regards with the body. In other words, what matters is not if you are French or not, but if you are European. The laws grant legal status to those foreigners who have illnesses and who cannot be treated at their home states rather than giving permits to those whose lives and liberties are under threat because of political oppression. The foreigners, therefore, in order to justify their legal status have to prove that they have a serious illness. Fassin (2001: 4) says that in the French Asylum system, "greater importance is ascribed to the suffering body than the threatened body." Associations that defend

the rights of migrants and state immigration officers ask asylum-seekers whose claims have been refused questions about their health conditions. They ask the asylum-seekers if they have "pathology to put forward" as the health condition of the foreigner is the priority and to be a "political asylum-seeker" is of secondary importance to be accepted as a refugee (Fassin, 2001: 4).

According to Petersoo (2007), foreignness is not an undifferentiated sense of "otherness" and distinctions can be made between different groups of foreigners. He makes a typology of foreignness based on two dyads: 1) internal positive other; 2) internal negative other; 3) external positive other; 4) external negative other. As foreigners in Turkey are the main subjects of this thesis, external negative and external positive others might be of interest to deepen our analysis. In this sense it would not be wrong to categorize migrants with Turkish origin or descent as external or internal positive others, while the foreigners of non-Turkish or non-Muslim origin can be called external or internal negative others. The ideology of the state seems to prove these dyads.

Honig also stresses many possible faces that the foreigner could reflect. In her book "Democracy and the Foreigner" she highlights the contributions foreigners make to society and democracy, while also emphasizing the fact that to be a foreigner even if s/he is a contributor is not undemanding and easy. According to Honig "democratic cosmopolitanism" can solve issues in terms of democratization of the laws and more inclusive citizenship. Honig (2003: 104) says:

> "The myth of an immigrant America can be turned from its nationalist functions to serve a 'democratic cosmopolitanism' in which citizenship is not just a juridical status distributed or not by states but a practice in which denizens, migrants, residents and their allies hold states accountable for their definitions and distributions of goods, powers, rights, freedoms, privileges and justice." (Honig: 2003: 104).

Honig (2003: 3) states that "in the classical Western Political culture the curious figure of the foreign-founder recurs with some frequency: established regimes, peoples or towns that fell prey to corruption are restored or re-founded (not corrupted or transcended) by the agency of a foreigner or a stranger". Honig honestly and deeply believes that foreigner has always contributed to the development of democratic understanding in states. Either by challenging the restrictions or by making the natives (or citizens) question themselves and question the foreigner, the foreigner constitutes a figure proper for further deliberation on identity, citizenship, cosmopolitanism and democracy. According to Honig (2003: 8), foreignness stretches the boundaries of citizenship and makes it possible to "rethink democracy also as a cosmopolitan not just a nation-centered set of solidarities practices and institutions".

Honig clarifies that it is not easy to restrict "the foreigner" to only one definition or one form. She says that a "foreigner can be imagined as everything that the human imagination can take." This imagination can range from positive to negative, from judge to the criminal, from founder to the intruder and betrayer.

After the citizen and non-citizen distinction of Aristotle, categorizations of "the stranger" are made by Simmel while the feelings and thoughts "the alien" provokes in the host state and society are underlined by Arendt and Honig. The dyads of "other" are explained by Petersoo while how foreignness and otherness accrue in French and Danish societies are summarized by Fassin and Hervik. Lastly, the explanation of dynamics of interaction between the host society and the foreigner is analyzed by Nash. In the next step, the dichotomies of foreignness will be deliberated.

2.2.2 Foreigners in Dichotomies

In legal terms the foreigner is a non-citizen. However, a foreigner is not always strictly understood, perceived or defined in these terms. In other words, a foreigner is not always considered in a legal framework. A study carried out by Wimmer (2004:9-10) reveals that even though there might be a mixture of different ethnic groups in one place, how one person from an ethnic background is seen as a foreigner by the society of that locality does not depend on being citizens or non-citizens.

In his work examining "everyday group formation in three Swiss neighborhoods", Wimmer (2004: 9) says "major classifications were based not on citizenship but rather on the perceived distance from the central paradigm of order". Wimmer denotes that being an insider or outsider is not related to holding a Swiss passport but is related to "being able integrate in the established system or not". Those who comply with the order are seen as insiders while those who do not comply are seen as outsiders.

Wimmer (2004) also makes a dichotomy based on the way the old-established residents propose the scheme of order. In this scheme (2004: 11) there are many dichotomies such as order vs. disorder, controlled-controllable vs. uncontrolled-uncontrollable, decent vs. non-decent, invisible-inconspicuous vs. visible-conspicuous, established vs. outsider and adapted vs. not-adapted. Moreover, he also focuses on dichotomous social categories such as we vs. they, old-established vs. newcomers, laborers vs. white-collar, employees-self-employed vs. alternative scene, old vs. young, Swiss-Italians-Spanish vs. "Foreigners" (primarily from Kosovo), Tamils vs. Albanians-Turks-ex-Yugoslavian. According to his research those who

were seen as outsiders were usually the newcomers such as the Albanians, Turks and ex-Yugoslavians.

As observed from Wimmer's research, insider/outsider, us/them, we/other, native/foreigner and old-established/newcomer are just a few dichotomies in the mental map of otherness and foreignness. Adjectives ascribed to the foreigners are dependent on these dichotomies. Honig also advances a dichotomy based on contributions (or lack thereof) foreigners make to society (Honig, 2003: 46). Honig says:

> "Either immigrants are valued for what 'they' bring to 'us'- diversity, energy, talents, industry, innovative cuisines, and new recipes, plus a renewed appreciation of our own regime whose virtues are so great that they draw immigrants to join us-or they are feared for what they will do to us: consume our welfare benefits, dilute our common heritage, fragment our politics, undermine our democratic culture." (ibid).

These dichotomies can include, as it is seen, positive vs. negative values. Furthermore, it is clear that identity, foreignness and otherness are seriously dependent on these dichotomies. Dichotomies put a distance between the natives and foreigners and it is not difficult to make a mental map of foreignness stemming from these dichotomies when there are clashes between the old-residents and new residents, as well as between the citizens and non-citizens. In the Turkish case, there is the dichotomy of Turkish and non-Turkish, Muslim and non-Muslim according to the legal framework. On the informal level, the dichotomies created for each migrant might change from category to category. For circular migrants and Russian women, for instance, a dichotomy in the minds of the local people such as moral/immoral could be made as they are seen as "stealing husbands". For an African transit migrant in Turkey, a positive-negative dichotomy might be Obama/zenco.

Behdad (quoted in Honig, 2003: 76) underlines contradictory stereotypes of the migrants: "On the one hand, the immigrant is weak and wretched (and therefore possessed of a claim on our 'humanitarian' sentiments) and on the other, the immigrant is powerful and dangerous (and therefore a threat to our nation); on the one hand, an opportunist who steals our jobs and on the other a lazy parasite who abuses our social welfare funds". These dichotomies reveal an ambivalent national attitude toward foreigners that vacillates between "control and defense, exclusion and amnesty, acceptance and rejection" (ibid.). Hence, both society and the nation-state may treat foreigners in an ambiguous or contradictory manner. However, because the state plays a well-defined role in the lives of migrants, state policy is relatively easy to analyze. The state is welcoming or unwelcoming, neutral or discriminative, enabling or disabling. With respect to society, it is possible to differentiate between the perceptions of those who are closer to the foreigners, such as neighbors or colleagues, and the perceptions of those who are more distant. As the dichotomies constructed by the state and the local people are delineated, there is also a need to draw attention to the negative side of these dichotomies, which may cause xenophobia and racism. Codifications of dichotomies are essential in understanding migration policies of the state and racist practices.

2.2.3 Negative Side of the Dichotomy: Foreigner as a source of Scapegoat, Threat and Criminal

Foreigners can be perceived as scapegoats for they may be accused of stealing jobs, of stealing men away from native women (or vice versa) and of corrupting native culture and traditions. "Scapegoats as intruders" is also a common perception that helps us to understand why many nations refer to some minorities as insiders and

others as intruders. Secondly, some migrants are seen as threats to national security, as was the case for Kurdish asylum-seekers who came to Turkey after the massacre of 1988. The state who saw them as threats did not give them the status of refugee. Thirdly, the state might see the new-comers as potential criminals. The rising number of foreign criminals in French prisons, who also face deportation after imprisonment, illustrates how foreigners are often punished for a second time in violation of their human rights.

As discussed by Honig (2003: 34), Gerard speaks about "politics of foreignness" in which there is a "cultural symbolic organization" such that a social crisis represents a confrontation between "us" and "them". And according to Gerard (quoted in Honig, 2003) one does not become a scapegoat because s/he is a foreigner but s/he becomes a foreigner because s/he is the scapegoat. This pattern of thinking is mostly apparent in Turkey when any thinkers or writers from the non-Muslim communities reveal their ideas about politics and Turkish state.

Parallel to the ideas of Gerard, scapegoatism and xenophobia go hand in hand in times of social and economic crisis, rising unemployment and political inertia of the government. These are the times when the natives blame the foreigners for the crisis or for stealing jobs. Apart from the bad times, even in good times scapegoatism might be common. The native who is insecure about his or her own future could be more suspicious of the migrants' intentions. Scapegoatism is also related to the perception that migrants endanger the rights of natives.

This feeling of threat towards foreigners is usually exaggerated and groundless. Some studies suggest that native populations tend to fear foreigners more when they are highly concentrated in one area. However, contrary to this assumption, some studies have demonstrated that the reverse is true: "In Germany threat is more

pronounced in the East where most foreigners have long been living and working. This phenomenon of 'xenophobia without strangers' (Del Fabbro, 1995: 143 quoted in Rajman, 2003: 384) suggests that 'perceived threat' rather than 'real threat' plays a major role in shaping peoples' attitudes." Hence, "perceived threat" is most of the time more influential than the "real threat" felt towards these people who are unknown and who are encountering prejudices.

As also indicated by Faist (2002: 7) the terms "other" and "stranger" are used for foreigners and migrants perceived as "source of threats to 'our' jobs, housing, and borders but also more far reaching ontological threats to the borders of sovereign states, bodily security, moral values, collective identities and cultural homogeneity." Given this perception of threat, how are migration securitization policies realized? According to Jef Huysmans (2008: 51):

> "Securitization frames migration in two interrelated ways: 1) migration is transfigured into events and developments that existentially endanger the independent identity and functional autonomy of a political unit and 2) in endangering the community it asserts and re-iterates the very existence of the community as an autonomous political unity."

Bigo (2002) underlines the fact that fears are transformed in such a way:

> "The professionals in charge of the management of risk and fear especially transfer the legitimacy they gain from struggles against terrorists, criminals, spies, and counterfeiters toward other targets, most notably transnational political activists, people crossing borders, or people born in the country but with foreign parents."

Among the migrants who are seen as threats and criminals the most vulnerable to these prejudices are the asylum-seekers. This perspective of seeing the migrants as a threat has been intensified by migration securitization policies. As Bauman (2007: 42) indicates:

> "Through repeated association, the term 'asylum-seeker' has acquired a derogatory flavor. The statesmen of the 'European Union' deploy most of their time and their brain capacity in designing ever more sophisticated ways of fortifying borders and

the most expedient procedures for getting rid of seekers after bread and shelter who have managed to cross the borders nevertheless."

Since the events of 9/11, migration securitization has become more common in the Western world. Meanwhile, restrictive immigration policies have triumphed over human rights. Asylum seekers are continually regarded as threats to national sovereignty, national and cultural identity, public order and social integrity. Therefore in this era there is a tendency to conflate migration with criminality. Wacquant (1999: 219) emphasizes that those migrants who are suspected and marginalized are mostly non-European foreigners. A non-European is a "suitable enemy" –using Nil Christie's expression- and is a target for social anxieties. Indeed, this dynamic affects many poor African Americans in major American cities.

According to Wacquant (1999: 216) while the foreigner who is a potential criminal in the USA is a black living in a major city, "foreigners and quasi foreigners would be the blacks of Europe". Wacquant (1999: 219) also uses "sub white" which is a term borrowed from the sociologist Andrea Rea.

The relationship between the securitization of migration policies and the perception of foreigner as a security threat and a potential criminal is also questioned by Faist (2002: 7). Faist (2002: 8) also emphasizes that "the link between migration and increases in other phenomena such as drug trafficking and crime is vastly overstated". Yet as Faist explains the number of tourists and business travelers who are traveling and crossing the borders are much higher than the number of labor migrants and refugees (ibid.) Therefore, in line with the categorization of Petersoo (2007) tourists and business travelers are the "positive external other" while refugees and labor migrants people in need of jobs, money and protection are the "negative external other".

Instinctively, one assumes that businessmen or tourists would contribute to the national economy while refugees and illegal labor migrants would pose a burden for the welfare state. However, this does not necessarily mean that a migrant working illegally is a burden to the economy or a refugee residing in a very bad district without getting any help from the government would diminish the welfare benefits of the state. However, both state and society tend to categories foreigners according to their usefulness. Some foreigners are considered useful and thus deserving of support. Other foreigners are considered burdensome, and thus deserving of neglect. Lastly, the state is to decide on the "potential criminals" while it is also suspicious of the "potential terrorists".

Faist (2002: 12-13) simply argues that "demonizing the migrants as a potential 'terrorist' creates fear and a perception of threat to the ontological security". According to Faist, stricter border controls do not necessarily prevent terrorism and the visa control and immigration policies are not likely to catch a determined terrorist. Faist draws attention not to the dangers or threats that the migrants might be accused of but he wants to emphasize that transnational migrants, with their cosmopolitan identities, are able to spread rights and make positive contributions to the host society.

Faist (2002: 13) therefore re-translates the ideas of Kant who has defended that "transnational migrant will have positive affects in diffusing political, human and civil rights". Faist puts the emphasis on the effects of émigrés, migrants and refugees in terms of developing human rights. His ideas are very much in line with those of Honig, who reiterates that foreigners are considered outsiders despite their contributions to our democratic understanding of citizenship. An understanding that

can change this perspective is the cosmopolitan understanding on which terms Faist, Honig and Benhabib (2004) agree.

2.3 Foreigners in a Legal Context: The Case of Turkish Citizenship

Different understandings of foreignness emanate from different approaches towards citizenship, as comparisons between the *German* and the *French* citizenship models have illustrated. In line with this, different approaches toward citizenship and toward immigrants (who are either seen as eligible or ineligible for citizenship) result from the historical formation of the nation-state. In fact, history can influence policy for decades after the nation-state is established. In short, the nation-state still defines who is a foreigner. As Brubaker (1990) underlines, how the citizen is incorporated into citizenship (either seen as assimilable or non-assimilable) is important in terms of the perception of the foreigner.

Brubaker (1990: 380) underscores how "French readiness and West German reluctance to transform immigrants into citizens" falls in line with each country's historical imagination vis-à-vis nation state formation. Brubaker (1990: 389) draws attention to the contradiction between the *French political* and *German ethno-cultural* interpretation of nationality. While he (1990: 386) gives examples from these two countries in terms of their naturalization rates (the rate in France is ten times higher than the rate in Germany) he also evaluates them in terms of giving citizenship to second and third generations, which is an opportunity that France provides to immigrants but not Germany. Moreover, he claims that this understanding of citizenship in both countries is still prevalent.

Again, it is vital to note that the process through which the nation-state was formed defines the boundaries of citizenship. Although over time the understanding

of citizenship has changed both in France and in Germany, there are still major gaps between them in terms of models of membership and integration.

Integration in France, for instance, corresponds to the assimilationist model. It is based on the notion that immigrants will internalize the ideals and values of the French Republic and will abandon their former national and cultural identities. In order to acquire citizenship in France, foreigners may apply for citizenship after five years of permanent residence and if one parent is a French citizen, his/her children are automatically French citizens at birth. In addition, immigrants' children born in France may acquire citizenship, with parental consent at the age of 13. Dual citizenship is also allowed. The integration model of Germany, on the other hand, is segregationist. According to this model, immigrants have been considered as "temporary guests" while their integration to the labor market is underlined. Additionally, the children of the immigrants are supposed to share the same culture with Germans while immigrants' residence is linked to the knowledge of German language. Immigrants are supposed to accept the values and norms of the German society while approach towards foreigners in Germany would prefer the migrants to be segregated rather than becoming fully integrated.

Although it was revised in 2000, the citizenship model of Germany cannot be considered liberal when compared to the French citizenship model. In Germany, in the past citizenship was generally denied both to immigrants and to their children. An exception was made with respect to granting citizenship to ethnic Germans, for example those who came from the Union of Soviet Socialist Republics (USSR). As of 2000 the law on citizenship has been modified. Immigrants may apply for citizenship after 8 years of residence. All children born in Germany are automatically German citizens if at least one parent has had legal residence for at least 8 years and

has had either residence right or a residence permit for at least 3 years. Dual citizenship is allowed until the age of 23. However, when compared with French citizenship, which allows dual citizenship, this is still a more exclusionary model.

Influenced by their Republican tradition, the French adopted a more assimilationist perspective for foreigners, while Germany adopted an ethno-cultural approach that led to segregationist integration. While the French definition of citizenship relies on the Republican understanding, the Israeli definition relies on an ethno-national approach similar to the one in Germany. While in Germany the ethnic basis in citizenship is predominant, in the US a more individualistic understanding of citizenship is in place. In contrast with Germany, when one is born in the US territories regardless of her parents' nationality s/he can become a US citizen automatically.

When Turkish citizenship is considered in light of its inclusionist elements, I believe that Kadıoğlu's article is enlightening as it places Turkish citizenship between the French and German cases, having adopted elements from both in different ways. However, inclusion into citizenship still is dependent on jus sanguinis, which means that Turkish citizenship is closer to German model of citizenship.

What Kadıoğlu says is that Turkish citizenship is similar to jus sanguinis but coheres with the principle of jus soli (Kadıoğlu, 2007: 179). Kadıoğlu also emphasizes that "political unity" is the main constitutive part in Turkish citizenship, which is also one of the main components of French citizenship. That being said, components of the German citizenship model are more visible in the Turkish case because in defining Turkish citizenship, Turkey prioritizes duties and obligations over the rights of the citizens. As Keyman (1997) also indicates it was the elite who

found a definition for what is a public good and according to the scheme they constructed, individual rights would have a secondary place when compared to the obligations or duties of the citizens to serve this common good.

According to Soyarık (2005: 115), the Turkish conception of modern citizenship has elements that refer both to the French revolutionary tradition and also to the German passive tradition, since it is defined from above by the Republican elite:

> "It is similar to German conception because of the absence of a successful liberal revolution and hence participation produced an underdeveloped public realm. Turkish citizenship is defined from above (passive) within an exaggerated public space which smothers the individual and invades the private space of family and religion."

Therefore, it is possible to not only state that the jus sanguinis principle is prevalent, but also that it was defined from above, which makes Turkish citizenship closer to the German model. On the other hand, as a result of the integration process with the EU and increasing immigration to Turkey in general, discussions of a more rights-oriented and liberal understanding of citizenship have gained weight in Turkey.

When one is underlining the patterns of inclusion and exclusion, it is necessary to make a judgment of how inclusionary or exclusionary citizenship is. According to Yıldız (1998) in Turkey citizenship had religious elements between 1919 and 1923, more secular references between 1924 and 1929, and acquired more ethno-cultural elements from 1929 to 1938. Soyarık (2005) also emphasizes that since the 1930s Turkish citizenship lost its French character. Although it was much more liberal in the 1960s also as a result of the new constitution, which gave the individual more liberties and rights, this mentality was turned upside down in the 1980's as a result of the coup detat, which gave people a more passive role to play in

terms of citizenship. The understanding of citizenship adopted by the constitution of 1980 was very much defined from above and was restrictive of liberties of citizens.

The 1980s was an era of liberalization and increased migration worldwide. Hence, changing circumstances both at the national and the international level lead require a multi-dimensional approach in considering how external and internal factors affected Turkey's national sovereignty and the inclusiveness of Turkish citizenship.

When it comes to the 1990s Kadıoğlu (2007: 121) is optimistic in terms of the reforms made to citizenship policy:

> "These reforms were upheld by the activities of civil societal organizations in order to portray the presence of multicultural identities in Turkey. Unless reversed by a nationalist backlash, these processes point to the denationalization of citizenship in Turkey."

Soyarık (2005: 139) is also optimistic about the possibilities of having a more constitutional citizenship with the reforms made in the 2000s:

> "The recent constitutional amendments of 2001 and 2002, regarding basic rights and liberties, the abolition of capital punishment, the extension of opportunities for broadcasting in mother tongues, and the new package of reforms of the new government of Justice and Development Party for the extension of freedoms and adoption of the standards of the European Union might lead to a more liberal understanding of citizenship."

Is it possible to talk about a more cosmopolitan understanding of Turkish citizenship resulting from a more diversified pool of migrants as well as EU accession negotiations? Still carrying the imprints of German citizenship model, the answer could not be a straightforward "yes". It would also not be wrong to say that there is little consideration for human rights in for those left stateless.

According to the new law of citizenship (changed in 2009), a child born to a Turkish mother or father outside the borders of Turkey and a child born to a Turkish mother and a foreign father out of wedlock will acquire Turkish citizenship. The

principle of descent is also evident in these new legal enactments. The Jus sanguinis principle that leads us to compare Turkish citizenship with German citizenship is evident in the present situation. On the other hand, Turkish citizenship law indicates that a child born in Turkey who cannot have any citizenship that the parents have, will automatically become a Turkish citizen from birth. When this last condition is considered, it could be thought that in Turkey the citizenship laws (though they are mostly dependent on jus sanguinis) are being liberalized in the sense that no person will be devoid of citizenship if they cannot receive the citizenship rights of the father or the mother. This perception is in line with what Arendt would defend, for she is clear that a human left stateless is disposed of the rights that are necessary to live in human dignity. As it will be explained below, this is actually why Arendt sees it necessary for people to be equipped with rights that no state or person can take away. These rights should be protected irregardless of the migrant receiving nation-state.

Last but not least, Turkish citizenship allows double citizenship according to the 44th article of "Turkish Citizenship Law". This law indicates that if a Turkish citizen would like to acquire the citizenship of another country voluntarily, in the case that they inform the relevant authorities, they are allowed to preserve Turkish citizenship which means that they can have double citizenship. This can be depicted as another point which diverges from the German citizenship model.

2.3.1 Approaches of Different Scholars towards Nation-State and Inclusion

As indicated above, Brubaker (1990) underscores the fact that the historical formation and evolution of the nation-state determines migration policy. The French and German models evolved differently and resulted in different approaches towards citizenship, foreigners and inclusion. This historically constructed definition of the

foreigner might not change despite the liberal revisions made in the definition and acquisition of citizenship. The formation of the nation-state, the evolution of citizenship and the granting of rights to foreigners are based on contradictory philosophies deriving from the relationship between human rights and the sovereignty of the nation-state. Hence, how Arendt, Brubaker, Benhabib, Bauböck and Soysal adopt different philosophies in response to these controversies will be discussed shortly.

Bauböck, Soysal and Benhabib agree on the notion that the nation-state is outmoded as a right-giver when the pace of globalization and integrated world economy is considered to be pertinent (Hollifield, 2000: 157). But still they are not against the idea of the nation-state, closed polities which have the democratic legitimacy or the political units which can defend the rights of citizens in the best way in the contemporary world.

Benhabib (2003: 220-221) defends the idea that "democratic representation requires closure for the sake of maintaining democratic legitimacy". Bauböck also considers citizenship more as a nation-state based right than a universalistic right and accepts the idea that a world of many states is safer than a global state. Bauböck (1994: 19) says: "Historical analysis has provided us with good reasons to assume a subdivision of the global political system into a plurality of states as given and as persistent." In this sense, he agrees with Benhabib, who also foresees a new understanding which evolves through a cosmopolitan citizenship, while this aim, according to her can be realized through bounded polities. They also agree in terms of porous borders. Bauböck justifies porous borders by saying that it would bring inequality if there could be free movement (open borders) between countries that are not equal in terms of development (In this sense, open borders cause no problems in

the context of European Union). According to Bauböck (2007: 4) open borders would bring "some equalization of individual opportunities across countries at the expense of greatly increasing inequalities". He also adds that he is not certain about what Benhabib's answer could be to this question although he is sure of Arendt's ideas giving these words of Arendt as reference: "…The establishment of one sovereign world-state…would be the end of all citizenship" (Arendt, 1970: 81-2).

According to Benhabib, what Arendt thinks in terms of the nation-state is more complicated as Arendt has a skeptical approach both to the nation-state system and world federation. After the Jewish holocaust and after the Jewish state was established and the Palestinians were drawn away she dreamed of a bi-national state with Jewish and Palestinian elements (Benhabib, 2003: 64). Benhabib (2003: 63) poses this question about Arendt's political thought on the idea of the nation-state: "Could Arendt be saying no matter how contradiction-fraught nation-state may be as an institutional structure, it is still the only one which defends the rights of all citizens – at least in principle and not in practice?"

In the article where Bauböck criticizes (or adds to) Benhabib, he begins his critique with the idea that the normative principles that Benhabib proposes should be more specific (Bauböck, 2007: 2). First of all, Benhabib advocates more universalism and cosmopolitan federalism and admission to full membership for the permanent residents (the idea that permanent residents must be given access to full citizenship and political rights). She also says that laws governing naturalization should comply with international norms concerning Human Rights. What Bauböck draws attention to at this point is that in all the democratic polities there are different rules for naturalization. Hence, he would like us to think of the link between those emigrants and their home countries. What if the sending country would prefer its

citizen to renounce its citizenship after naturalization in the host country? In addition to this, even if the immigration country administers universal criteria as Benhabib would anticipate, how can the laws which still produce discrepancies between its own citizen populations and residents be interpreted? (Bauböck, 2007: 7)

According to Bauböck (2007: 6), what Benhabib proposes to make citizenship more inclusionary "can be achieved either through disconnecting citizenship rights from the status of nationality and attaching them instead to personhood and residence or through introducing ius soli for the children of the immigrants and turning naturalization into a subjective right". However, Bauböck indicates that democratic states vary in terms of giving naturalization depending on the length of stay or testing of language skills while voting rights are granted only after naturalization. According to Benhabib, Arendt would also prefer ius soli as a universal application. However, Bauböck would find it more applicable that there should be "an in-between category of contextual rather than universal rights that nevertheless ought to be obligatory rather than subject to democratic preferences". For Bauböck those countries who have a long term-settled immigration population, jus soli, dual citizenship and naturalization are not discretionary but instead they are rights that are granted upon some conditions (ibid.).

What Bauböck explains is that it is not as easy as it seems for migrants to become "the authors of the laws" as Benhabib would idealize (2004: 221). According to Bauböck (2007:9), migrants also have loyal feelings and attachments to their home countries and there is still the possibility that the immigrants might be influenced by the politics, laws and enactments of the sending countries in the world of transnational migration. Bauböck (2003: 705) says:

"Migration is basically an international phenomenon insofar as it involves a movement of persons between the territorial jurisdictions of independent states; it becomes transnational only when it creates overlapping memberships, rights and practices that reflect a simultaneous belonging of migrants to two different political communities."

As he underlines at the beginning of his book, he uses the term "transnational" to characterize three kinds of developments which are:

"The contradiction between the principles of liberal democracy and the mechanisms of exclusion at the level of nation-states; 2) The emergence of inter-state citizenship such as the European Union citizenship; 3) The evolution of human rights as an element of international law with some, although still rather powerless, enforcement mechanisms" (Bauböck, 1994: 21).

The major difference between Bauböck and Soysal is that although they focus on transnational citizenship (as Soysal defines it "post-national") they disagree on the reasons behind this global change, which at the same time globalizes and alters the term "citizenship". While Soysal asserts that post-national citizenship is grounded on more respect for Human Rights, Bauböck associates transnationalizing citizenship with how nation-states go about granting rights. While Soysal says that the evolution of transnational and supranational structures have overcome the boundaries of the nation-state and hence the rights given to immigrants are granted with reference to Human Rights, Bauböck (1997: 6) says that "the wish to comply with these norms were not the main driving force behind the extensions of rights to aliens".

According to Bosniak (2001: 449) it does not matter whether we use the term "transnational", "post-national" or "global" – all new forms of citizenship are de-nationalized. However, Bosniak (2001: 449) also disagrees with Soysal's argument that migrants enjoy rights grounded in international norms. In essence, Bosniak claims that this is a limited approach in terms of its "limited empirical application". In this sense Bosniak (2001) and Bauböck (2003) direct a common criticism toward Soysal. Bosniak (2001: 461) gives the US as an example in explaining that

immigrants' rights are grounded in the national system rather than in Human Rights. Bosniak quotes Brubaker (1992) who states that as aliens are given social, economic and political rights, citizenship will slowly lose its function as a form of "social closure". However, again as Brubaker indicates that citizenship still constitutes a social closure to which access is limited.

According to the analysis of Bosniak (2001: 467) although Bauböck also argues that Human Rights are influential in extending the application of a transnational conception of citizenship, he believes that there is a limit to how much the Human Rights regime can exert its inclusionary influence on nation-states. In his view, this regime will not generate a "global citizenship" but it could be "quest for polity of polities" (Bauböck, 1994: 248).

Bauböck (2001: 5) underlines that the term "denizenship" is introduced by Tomas Hammar (1990) to define the position of long-term foreign residents who have civil and social rights (but not yet political rights or full citizenship). While Soysal concludes that the migrants who have migrated to Europe since 1945 and lived there for a long time have acquired this status of "denizenship" because human rights have finally prevailed over national citizenship rights, Bauböck is very clear that this is not a "recasting of (national) citizenship" as Soysal (1994) interprets it. Instead, for Bauböck, most new rights extended to foreigners are "an extended form of citizenship derived from their societal membership in the host countries as well as from their citizenship of origin, rather than rights of persons that are disconnected from their ties to states." That is why Bauböck (2003: 701) also says that we need to be aware of the fact that transnational and national should not be considered as contradictory because transnational is linked to national. Bauböck is also more pessimistic but realistic about the role Human Rights played in the extension of

rights to aliens. According to him, if some rights were not granted because of specific ties to the nation-state it would not be possible to take them away because of the vicissitudes of democratic rulings:

> "Often these norms are honored in practice more than in principle, which means that they have rarely become constitutionally embedded. When economic circumstances change and electoral moods swing most Western democracies find it relatively easy to deprive foreigners of rights previously granted to them or to constrain their access to citizenship." (Bauböck 1997: 6)

Bauböck (2003: 715) in line with these views defends the idea that external voting rights given by the sending state to the immigrant should not be an impediment (a reasonable explanation) for the receiving country to grant citizenship to the immigrant. Thus, Bauböck defends the right to vote and dual citizenship, in other words the rights endorsing a quality of transnationalizing citizenship.

> "If the sending country does grant its emigrants external voting rights this can hardly exempt the receiving country from its special obligation to give immigrants access to its own citizenship" (Bauböck, 2003)

There is another point where Bauböck and Benhabib disagree. Bauböck believes that while forming the theory of transnationalism there is no need to adopt a "state centered approach". Yet Benhabib (2001) claims that transnational civil society cannot emerge without considering the memberships to the nation-state based system (quoted in Bauböck 2003: 704). For his part, Bauböck says there is a need to go beyond the state-centered approach and consider political communities and systems of rights that emerge at levels of governance above or below the independent states or across international borders.

All the writers mentioned would agree on the idea that the nation-state is exclusionary. However, they differ on the boundaries of the nation-state, on borders, aliens and citizens, and on where the grounds for citizenship are situated in terms of

rights. Soysal believes that the links between nation-hood and citizenship rights should be untied. Moreover, he argues that this has actually been the case since the Second World War, after which the Human Rights regime was established. Benhabib and Soysal, for instance, agree that the Human Right regime in the post-war period led to an interdependence of states based on Human Rights and their behavior is more or less limited by this framework. From my point of view, key differences may arise from the fact that Benhabib is more pessimistic in terms of the application of the Universal Declaration of Human Rights, especially in states' obligations towards immigrants and asylum-seekers. While Benhabib speaks of ensured cosmopolitan rights, Soysal mentions post-national rights while stressing that EU citizenship is one of the greatest examples of post-national citizenship.

One of the chief critics of the post-national stance is Haderer (2005: 31), who focuses on the post-national citizenship of the EU. Post-nationalists would say that in EU citizenship territory and membership are not thought of as overlapping. However, she puts forth the idea that national citizenship is still a precondition for post-national citizenship. Haderer (2005: 32) also argues that it is still the nation-state which decides the inclusion and exclusion of third country nationals. And lastly she argues in line with the views of Bauböck that immigration policies are not predominantly determined by human rights (ibid.).

In agreement with Bauböck, Benhabib also thinks that international rights have a minor effect on migration and asylum policies. This contrasts with Soysal's ideas on the ability of the Human Rights regime to strongly influence membership to the polity and inclusion. Soysal conceives nationhood as a traditionally ethno-cultural construct which has to be overcome by post-nationalism, while Joppke and Kymlicka underline that liberalized national citizenship is an alternative way to meet

the interests of aliens (Haderer, 2005: 38). Also according to Haderer (2005: 41) "democratization of citizenship policies does not forcibly require trespassing of national citizenship". Therefore, it is possible to say that Soysal would like to see a complete break-up between nationality and citizenship, while Bauböck and Benhabib would argue against this saying that it would lead to more chaos.

Together with Honig, Benhabib (2004) emphasizes the influence of the international human rights regime in granting rights to foreigners who are vulnerable and who "have the right to have rights" (Arendt, 1950). According to Guiraudon, (2002: 167) "the protection of the foreigners is the ultimate test of human rights because they do not claim protection as members of a family, a clan or a nation but as members of humanity." Being a member of a shared humanity is strongly emphasized by many philosophers in order to advocate foreigners' rights in host countries. With this in mind, Cole (2008: 4) quotes a Jewish philosopher who argues that "man discovered the idea of humanity" by helping aliens, for an alien is "not a member of one's family clan or religious community but just a human being" who needs help.

Benhabib advances these issues by examining the political tradition stemming from Kant and Arendt on cosmopolitan rights. According to Benhabib (2004: 26), Kant desired a world republic in which hospitality would be a "right" which belongs to all human beings. Moreover, within Kant's ideal republic all human beings would be potential participants in society. However, as articulated by Benhabib (2004: 38), Kant actually distinguished between a temporary sojourn and permanent residence. When Kant makes a differentiation between the universal right to temporary sojourn and the prerogative of the republican sovereign not to give full membership to the

temporary sojourn, Benhabib (2004: 42) says "right to membership for the temporary resident must be viewed as a human right".

As Benhabib puts forward, the notion of cosmopolitan rights originates from the philosophy of Kant. What Kant and Arendt agreed upon (Benhabib, 2004: 69) was that there is a conflict between "the universal human rights and the sovereignty claims" of nation-states in the international order. While Kant regarded a world federation as a form of "soulless despotism", Arendt was also skeptical about a world government.

After Kant, it is Arendt who focuses on cosmopolitan law (Benhabib, 2004: 49). Arendt underlines in "The Decline of the Nation-State: The Rights of Men" that stateless people who have lost their citizenship rights would also be deprived of human rights as the system is dependent on membership to a national polity. As Bauböck (1994: 26) underlines, "citizenship is membership in a polity rather than membership in a society". However, according to Arendt, membership in a polity (to a nation-state) should not become a hindrance against the "inalienable rights of man". Arendt (1951: 291) said:

> "The Rights of Man, after all, had been defined as 'inalienable' because they were supposed to be independent of all governments; but it turned out that the moment human beings lacked their own government and had to fall back upon their minimum rights, no authority was left to protect them and no institution was willing to guarantee them"

The main reason behind the abolishment of rights of stateless people was that the nation-state was the only institution to grant rights and those who were stripped of citizenship rights were deprived of their human rights. The belief that protection should be given to asylum-seekers escaping from persecution and war rested on the notion of *human rights*. In other words, this belief rested on the cosmopolitan premise that all human beings deserve equal treatment – a premise that was alien and

unfamiliar at the time. As mentioned by Benhabib (2002: 546), "refugees and minorities, stateless and displaced persons, are special categories of human beings 'created' through the actions of the nation-state". Arendt was therefore emphasizing the right to promulgate rights for other people. Benhabib (2002: 548) articulates this concept by differentiating between two different rights. The first is a right emanating from belonging to "some human group and being entitled to the protection of the same" and the second right stems from membership to a political or legal community. According to Arendt, the institution to give recognition to stateless people would be humanity itself (ibid.)

Arendt's notion of the "right to have rights" is considered a most basic right she attributed to the stateless who are "one step away from the still largely secured rights that so many call simply 'human'" (Honig, 2003: 61). Honig does not take this point further unlike Benhabib. What Honig sees important about this claim is that this thinking leads us to define the immigrant as "an object of charity or hospitality from an alternative status which gives the migrants the status of a full agent empowered to make claims or take rights on her or his behalf"(Honig, 2003: 62). Arendt's explanation, hence, empowers the migrant as an agent who can defend her or his rights.

Arendt's notion of a "right to have rights" meant that there should be a system in which citizenship is the prime guarantor of human rights. However, in her view there was still a need to develop a system in which the right to have rights would be independent from one's belonging to a nation. According to Benhabib (2004: 60), Arendt would defend a civic opposed to an "ethnic" ideal of polity in which one would not be judged "by characteristics defined by birth but by actions and opinions that belong to that person." Thus, Arendt's model would be based on

the *ius soli* principle rather than the *ius sanguinis* principle, as the ius soli model is based on acquiring citizenship rights through birth or through a citizen mother or father (ibid.) In line with this thought, her understanding of citizenship is dependent on cosmopolitan rights. Ultimately, all these strains of thinking demonstrate that the idea of transnationalism or post-nationalism is not a novel approach to citizenship and migration.

2.4 Conclusion

The state plays many roles in the lives of migrants. For example, the state controls visa procedures, processes residence and work permits, handles police matters, administers health services and funds transportation. However, the state does not have a single meaning for each foreigner as it discloses its stricter face to the asylum seekers and illegal workers since they are deemed as "undesirable migrants" compared to "desirable migrants" such as foreign businessmen or tourists. For the asylum seekers and unauthorized migrants it is possible to say that "coercive power of the state is evident" (Jordan and Düvell, 2003: 19) in the "restrictive containment" and "removal of asylum-seekers".

The state is selective and discriminative in terms of the migrants that it expects to take into its territories. As Honig indicates, foreigners are perceived according to what the state can achieve through them. Although this view implies a very pragmatic mentality, it is true for most of the cases. There is always a sub-category among the foreigners as mentioned above: Some are perceived as threats, potential criminals, potential terrorists, burdens, job-stealers, wife/ husband stealers, non-assimilable and unalterable. Another group of migrants could be good sources of foreign currency, useful as they might bring know-how, kindreds who have similar origins, religions or languages, the assimilable and alterable in line with the demands

of the state. The dichotomies sometimes have long lasting consequences. "Even if the migrants have similar social and economic characteristics, migration regimes of the countries are discriminative" (Jordan and Düvell, 2003: 68).

Among the categories of foreigner, it is difficult to determine which one is in the most precarious situation.. However, in the international context, it would not be wrong to assume that the most disadvantaged foreigners are asylum-seekers. In Turkey, asylum-seekers living in the satellite cities are the most vulnerable ones when compared to the other categories of migrants. On the other hand, migrant laborers everywhere are as constrained as asylum-seekers since they are working in inhumane conditions for little money. Migrant laborers also live in isolation, lack social security and have limited contact with the outside world. However, according to Düvell and Jordan (2003: 146), the non-nationals that are most vulnerable and have the most precarious situation are the asylum-seekers because they are stateless and are facing more of the coercive face of the state.

Lastly, in line with the argument of Faist, who says that rather than defining the foreigner we should focus on defining the citizen, there is a need to ask questions on analyzing new forms of citizenship. As Bauböck (2007: 19) indicates, "citizenship marks a boundary between insiders and outsiders which may be permeable or impermeable, it may be stable or shifting or it may be clearly marked or somewhat blurred. But it is always recognizable as a threshold." In other words, the formation of the idea of citizenship for that specific nation-state influences inclusion or exclusion. Therefore, even if the assumption of a shared humanity is accepted internationally and each person is considered (regardless of being a citizen or not) as a member of humanity having "the right to have rights", the nation-state which is still the sole right-giver might refuse to grant rights to an asylum-seeker or decline to

naturalize some migrant laborers as it might see these actions as a violation of its sovereignty. However, if the state has a more cosmopolitan understanding of citizenship, based on *ius soli* or qualities combining *ius soli* and *ius sanguinis*, a possibility arises for transnational membership or citizenship. Transnational citizenship allows for foreigners to establish links with both the home and host state. Moreover, it helps people to preserve their basic rights including political rights besides social and civil rights.

As evaluated above, Turkish citizenship, which carries elements from ius sanguinis and ius soli, is closer to German citizenship. However, global changes, demands of the EU and new patterns of international migration have moved Turkish citizenship in a more cosmopolitan direction. In 2009, Turkish citizenship laws were amended to allow for dual citizenship. Moreover, under current law children born in Turkey can acquire Turkish citizenship if they cannot attain any citizenship rights from their parents. Ultimately, although these changes do not produce a cosmopolitan citizenship model, they do move Turkey closer to Arendt's philosophy.

Distinction of foreigners in terms of their nationality according to the Law of Settlement implies that the jus sanguinis principle is combined with the jus soli principle and a more inclusive citizenship is foreseen with the new legal enactments. Although double citizenship provides some transnational values to the Turkish citizenship, the practice shows that in line with what Bauböck said the transnational is dependent on the national. Citizenship continues to be a social closure where access is limited and this is why the writers have developed different ideas to facilitate a more rights-based and inclusive approach independent of the nation-state.

Lastly, the discussions of the scholars on the necessity of the nation-state, the relationship between transnational citizenship and Human Rights, inclusion and

exclusion schemes and practices were discussed. Additionally, different implications of different models of citizenship were outlined to analyze in-depth new types of citizenship and nation-state's role in granting rights. In my view, Bauböck's claim that transnational citizenship does not derive from universal rights but still is dependent on state-based rights is more convincing because transnational rights (right to vote and right to dual citizenship) are still rooted in national allegiances. The receiving state makes a clear choice whether or not to provide these rights to the immigrants. Inclusion and foreigners' status are still more under the control of the nation-states who have the privilege to determine the status of the newcomer and the emigrant for the sending country. And politics is still a tool so efficient to lead natives and foreigners as a result of manipulation of the electorate in the game for staying in power.

CHAPTER 3

HISTORY OF MIGRATION TO TURKEY IN THE POST 1980s

3.1 Introduction: Turkey as a Country attracting "Foreigners"

"Turkey frequently stands out in the assessments on international migration in Europe due to its distinctive status comprising each and all of the roles of "*migrant-sending country*," "*migrant-receiving country*," and "*transit country*" within the Euro-centric migration regime" (İçduygu, 2008). Since the 1970s, Turkey has played an increasingly prominent role in international migration. This has occurred primarily because of migration inflows to Turkey from neighboring countries. These inflows have included a variety of migrant groups, such as transit migrants, irregular migrant workers, asylum seekers and refugees (İçduygu, 2003, 2006b; Kirişçi, 2002).

Yet, migratory flows towards Turkey are not a new phenomenon. From 1923 to 1997, more than 1.6 million people immigrated to Turkey, mostly from Balkan countries (Kirişçi, 2004). Therefore, since the early years of republic there have been migratory flows directed to Turkey. However, the migration schema of the early times of the republic differed from the migration practices of the 1980s, 1990s and 2000s. Immigrants of the early republican years were mostly of Muslim-Sunni background or Turkish descent. Immigrants of the early republican years were mostly of Muslim-Sunni background or Turkish descent. There was a valid reason for the founders of the republic to recruit these Muslim and Turkish elements. Above all, the founders wanted to create a homogenous population in order to facilitate the nation-building process. At the same time, the founders intended to eliminate

"foreign" or Christian elements through naturalization or population exchanges. Law No. 2510 in 1934 also known as the Law on Settlement which closed the strategic regions of the country to non-Muslim minority settlement; law on capital tax in 1942 to curb the economic power of the non-Muslims; citizenship law in 1981 which emphasized Turkishness rather than being a Turkish citizen (İçduygu, Toktaş and Soner, 2007) are among these laws causing discrimination.

After the 1980s it is possible to observe the immigration of people of diverse religions and ethnicities to Turkey. One of the main reasons for such a dramatic shift is that Turkey's migration policies were challenged by global changes such as the collapse of the Soviet Union, turmoil in the Middle East and the ethnic conflicts in many African countries. Therefore, migrants arrived in Turkey either to escape from the destructiveness of war, instabilities caused by the changes in the regime, to find opportunities for work or to be transited to the EU.

Since the foreigners coming to Turkey in the 1980s were from diverse ethnic and religious origins and since their reasons for migrating are different, there is a need to categorize these migrants despite the fact that a mutually exclusive categorization would not reflect the whole picture. With respect to the categorization of migrant groups in this thesis, *firstly*, the details of the times and reasons of the arrival of the irregular migrants (circular migrant workers), irregular transit migrants, asylum seekers and refugees and regular migrants (migrants with Turkish origin, retirement migrants, professionals or students) will be described. *Secondly*, the EU's externalization of migration policies affecting the transit countries and migrants will be critically analyzed.

3.2 Irregular Migratory Movements

Irregular migratory movements include circular migrants, transit migrants, asylum seekers and refugees. *First of all*, circular migrants migrate to another country, mostly resulting from the pull and push factors, basically for economic reasons such as trying to find a job for which there is a high demand in that specific country. Circular migrants might have an irregular position if they prolong their stay and exceed the time allowed by their visa. This situation is most common for those migrants coming from FSU countries such as Moldovan migrants. *Secondly*, transit migrants aim to use the first country of immigration such as Morocco, Turkey and Ukraine as a place of transit in order to pass to the western or northern countries. "Since the early 1990s migrants and refugees seem increasingly willing to risk the consequences of hazardous journeys and to follow dangerous paths to reach EU territory through countries such as Morocco, Turkey and Ukraine" (Düvell, 2006: 3).

Thirdly, in the sub-category of irregular migrants, there are asylum seekers who have been arriving in Turkey in huge numbers from countries such as Yugoslavia, Bulgaria, Palestine, Afghanistan, Bangladesh, Iraq, Iran and Somalia. Some migrants amongst them are in a temporary situation of being stateless and therefore, being non-citizens both in the host and the home country. Meanwhile, some might wish to use the country as a place of transit. The legal, social and economic rights given (or not given) to these migrants during their stay are very much debated by both national governments of the transit countries and the EU. While waiting for their status to be determined or to be resettled to a third country, these asylum seekers tend to reside in pilot cities (assigned by the Ministry of Interior) such as Kayseri, Nevsehir, Kırşehir, Aksaray and Niğde, all of which are situated in Anatolia.

3.2.1 Circular Migration and Migrant Workers

Turkey had been a migrant sending country in the guest-worker scheme starting with the 1960s and 1970s as it had been exporting labor to MENA (Middle East and North African) and European countries. After the 1980s migrants who were not of "Turkish descent and culture"[11] coming from the FSU and Middle Eastern countries transformed Turkey from a country of circular emigration to circular immigration. Circular migrants mostly come from FSU countries such as Moldova, Ukraine, Russia, Azerbaijan and Georgia (Erder and Kaska 2003) (see table 1).

Circular migration began as luggage trading and shuttle-trading including small-scale trading, activities which were influenced by the "extension of women's entrepreneurial skills under socialism" and "gendered division of labor" (Keough, 2003; Bruno 1997). The Laleli transnational market place in Istanbul (Yükseker, 2001 and 2003), for instance, "brings female shuttle-traders together and Turkish male shopkeepers, therefore buyers and sellers of different cultures and of opposite sexes" (Yükseker, 2001: 1). They would arrive in Turkey with an initial sum of approximately US$1000-2000 and buy goods such as clothes, small household commodities from local merchants and then return to their countries to sell these products at a profit (Gülçür and İlkkaracan, 2002). This circulation would continue as they would try to sell the goods that they bought from their home countries in Turkey. The term luggage trade (suitcase trade) derives from the two-bag limit in place for carrying goods. This type of activity has been documented for these individuals from Soviet Union, Eastern Europe, including Poland, Romania, Russia,

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[11] The first law on immigration was the Law on Settlement enacted on 14th of July 1934. Under this law migrants were categorized into three groups: The first group consisted of those of Turkish descent and culture (who spoke Turkish and were of Turkish ethnicity); the second group (mostly from Balkans) was formed by those who did not speak Turkish but were considered to be of Turkish culture; lastly, the third group consisted of non-Muslim minorities such as Kurds and Arabs.

Ukraine and the CIS (Morokvasic, 1993). This commercial tourism was in its golden ages between 1992 and 1996. However, after the economic crisis of 2001 in Turkey the suitcase trade came to an end (Danış et al. 2006). Moreover, on January 1, 2004, the Russian government amended the law that allowed the Russian passengers to bring goods weighing 200 kg without paying tax. Since then passengers to Russia can take only 50 kg. and a maximum of $1000 United States Dollars (USD) (ibid.). As mentioned by many of the shopkeepers, Russia preferring to trade more with China than Turkey and the overvaluation of the Turkish lira in the export-oriented trade of Istanbul are other negative factors which deteriorated the trade with Russian suitcase traders. Hence, Russian suitcase traders were replaced by the Arabs, namely Algerian, Iraqi and Libyan (Danış et. Al 2006: 480).

In the first half of the 1990s migration from Moldova began (Kaska, 2006). Low incomes, high unemployment, increased mobility in Moldova and apart from these push effects, pull factors such as demand for cheap labor, less strict border controls in the migrant receiving countries are the significant causes of Moldovan labor immigration (Sleptova, 2003). Most of the Moldovan migrants are women who typically come to Turkey to engage in domestic work. These women speak Turkish more fluently than other migrants because they are of Gagauz descent. These same factors have also influenced the migration of Crimean Turks, who do not constitute the majority of female migrants but who are also working as domestic workers.

Moldova, for instance, has the lowest average salary among the CIS countries at 30 dollars a month (Kaska, 2005/6). Therefore, if women from Eastern Europe stayed in Moldova they would not be able to find better jobs in terms of status or wages. Moreover, Moldova is a major source, and to a lesser extent, a transit country

for women and girls trafficked for the purpose of commercial sexual exploitation (Kaska, 2006).[12]

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[12] Moldovan women are trafficked to Turkey, Russia, the U.A.E., Ukraine, Israel, Cyprus, Greece, Albania, Romania, Hungary, Slovakia, the Czech Republic, Italy, France, Portugal, Austria, and other Western European countries.

Table 1: Labor Type of Irregular Migrants (Overstayers) to Turkey, Top Five, 1995-2006

Country of origin	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	Total
Georgia	37	9	9	5	809	3300	2693	3115	1826	2294	2348	1989	18434
Moldova	19		17	5	5098	8312	11454	9611	7728	5728	3462	1575	52990
Romania	68	12	107	36	3395	4500	4883	2674	2785	1785	1274	1013	22532
Russian Federation	5	4	52	2	1695	4554	3893	2139	2130	1266	1152	730	17622
Ukraine	9	4	17	4	1715	4527	3451	2874	1947	1341	1335	1004	18228
Total (five)	138	29	202	52	12712	25193	26374	20413	16416	12414	9571	8317	129806
Others	11224	18775	28237	29374	34817	69321	65991	62412	39803	38733	34270	35349	486721
Total	11362	18804	28439	29426	47529	94514	92365	82825	56219	61228	43841	51983	616527

Source: Compiled by Ahmet İçduygu from data obtained from UNHCR Ankara Office, (2002-2006). Bureau for Foreigners, Borders, and Asylum at the Directorate of General Security of the Ministry of Interior, (2000-2006).

According to Gebelek (2008: 115) the reasons behind the migration of these women from the FSU cannot only be explained by economic factors. Taking into account macro, meso and micro-level explanations in her thesis while considering the "servants of tourism" in Antalya, Gebelek claims that the reasons behind their immigration to Turkey consist of economic opportunities, better living standards, social networks and individual factors such as escaping any kind of discrimination or exploitation they are facing in their families (ibid.).

From a structural point of view, immigration from the FSU was a result of the FSU's painful adaptation to global changes which still have not been completed. They are unique in the sense that they have become the new slaves under capitalism as a result of the collapse of communism in Soviet Russia. This fact is also evident in their working conditions. According to Eder (2006: 171) this has formed:

> "a generation who has experienced all the trouble that the transition from the communist system to the market economy had caused… A generation who had become losers due to failing to cope with the mafia economy… Therefore, they have lived in both worlds, they have both been subjected to the socialist experiment and have also faced all the violence that capitalism has precipitated."

It is striking that women constitute a large portion of the immigrant population moving to Turkey. The feminization of migration[13] is not only experienced by Turkey as a migrant receiving country but also by other Mediterranean countries such as Greece, Italy, Portugal and Spain. According to research conducted by Erder and Kaska (2005/6), women from Moldova, for instance, generally select Russia as a country of first choice and Italy as a country of second choice. Turkey ranks third (See table 2).

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[13] In order to get a detailed analysis on feminization of migration, which both means increasing quantity of female international migrants around the world and also the changing patterns of female migration, see Gozde Gebelek (2008) unpublished thesis "The New International Migration From Gender Perspective: A Case Study of Post-Soviet 'Servants of Tourism' in Antalya"

Table 2: Destination Countries of Moldovan Migrants (percent)

Destination Countries of Moldovan Migrants	*Percent*
Greece	2.5
Italy	16.3
Portugal	4.5
Russia	61.9
Turkey	2.1
Ukraine	2.2
Other Countries	10.5
Total	**100**

Source: CBS-AXA, 2005 (Erder & Kaşka, 2005/6)

One common point is that the jobs that are performed by these women are similar in the sense that there is a high demand for the domestic workers in each of these migrant receiving countries. However, domestic work is not the only sector that they are working. According to the categorization that İçduygu (2006: 11) makes, in terms of the sectored breakdown of these irregular migrants in Turkey, Moldavian and Bulgarian women are working in domestic work; Rumanians, Moldavians, Russians and Ukrainians in the sex and entertainment industry; Moldavian and Rumanian women in textiles and Iranian, Iraqi, Moldavian and Rumanian women are working in the construction industry.

Circular migration is also promoted by Turkish authorities since the migrants are seen as important sources of cheap labor and since there is high demand for the work that migrants perform, including work in the sex, textile and domestic industries. How is Turkey adopting its laws to this "endless migration"? Turkey is

changing laws[14] in order to control and regularize this type of migration by taking stricter measures against illegality. For instance, while in the past Ukrainian migrants could stay for two months in Turkey with a tourist visa, according to the new legislative measures they now only have a right to stay for three months (90 days) in a period of six months (180 days).

And lastly, periods of economic crisis and high unemployment in Turkey rendered the Turkish labor market less attractive to alien workers after 2001. If the same dynamic repeats itself after the crisis of 2009, there may be another decrease in the numbers of migrants coming to Turkey.

3.2.2 Irregular Transit Migration

"For some, Turkey is the final destination, and for others it is just a stop on an escape route headed farther West"[15] According to İçduygu (Carim 2005/06) "Turkey is amongst one of the most important transit zones and thousands of migrants left their homes en route for Europe only to find themselves in transit countries like Turkey, on the edge of Europe." What are the conditions that make Turkey eligible for being a transit country? "Turkey is amongst the countries that offer specific conditions, such as liberal travel regulations with the country of final destination, lax border

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[14] http://www.turkembkiev.com/content/view/56/78/ accessed on 8 March 2009
Ukrainian citizens can obtain the multiple entrance tourist visa by paying 30 dollars or 20 euros at the border Gates. This visa is valid for three months and Ukrainian citizens who benefit from this convenience can stay in Turkey at most 90 days in a total of 180 days. (Ukrayna vatandaşları 3 ay geçerli müteaddit girişli turist vizesini sınır kapısından 30 Dolar veya 20 Euro harç karşılığı bandrol tatbiki suretiyle alabilirler. Bu kolaylıktan yararlanan Ukrayna vatandaşları, Türkiye'de 180 gün içinde en fazla 90 gün kalabilirler.)

[15] United Nations High Commissioner for Refugees (UNHCR) Turkey spokesperson Metin Çorabatır's explanation to Sunday's Zaman on 21 January 2009
http://www.multeci.org.tr/v4/index.php/haberler/66-asylum-in-turkey-out-of-the-frying-pan-and-into-the-fire-

controls or porous borders, black market for visa, smuggling networks or corrupt authorities from whom to buy visa" (Düvell, 2006: 13).

The majority of the transit migrants coming to Turkey, especially after the 1990s, are from countries such as Iran, Iraq, Bangladesh and Afghanistan. In addition to these migrants, the Bosnians escaping the war were also amongst the transit migrants. A report on Turkey by International Organization for Migration (1995a) found that the majority of transit migrants were from Iran and Iraq (often of Kurdish or ethnic Turkish background) and from countries that have some historical or religious links with Turkey such as Bosnia (Düvell, 2006: 14).

Transit migration is observed to have substantially accelerated from the mid-1990's to the early 2000's. Whereas just over 11.000 irregular migrants were apprehended in 1995, and 19.000 in 1996, this figure reached 47.000 in 1999, and by 2000 it became over 94.000 (İçduygu, 2007/8) (see table 3).

In 2002 and 2003, the number of apprehend cases of irregular migration fell to 83.000 and 56.000 respectively; however, this number started to rise in 2004 (though it did not reach 2000/2001 levels). In 2005 it was 43.000 and in 2006 it was 52.000 (see table 3). In 2006 the highest numbers of transit migrants were from Iraq, Afghanistan and Bangladesh. In 2006 there were 3600 transit migrants from Afghanistan, 2300 from Bangladesh, 970 from Iran, 3500 from Pakistan and 6400 from Iraq (see table 3). Compared to circular migrants, transit migrants are viewed as more suspicious both by the transit countries and the EU countries of destination. Their aim to enter and exit illegally, coupled with the fact that the EU puts more and more restrictions on its borders while pressuring neighboring countries to do the same, results in a situation where these migrants are mostly devoid of their rights from the moment they leave their home countries.

Table 3: Transit Type of Irregular Migrants (Illegally Entering or Departing) to Turkey, Top Five, 1995-2006

Country of origin	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	Total
Afghanistan	24	68	81	921	2476	8746	9701	4246	2178	3442	2363	3665	37911
Bangladesh	113	322	301	2408	1193	3228	1497	1810	1722	3271	1524	2313	19702
Iran	252	362	364	1116	5281	6825	3514	2508	1620	1265	1141	972	25220
Iraq	2128	3319	5689	14237	11546	17280	18846	20926	3757	6393	3591	6412	114124
Pakistan	708	435	307	1798	2650	5027	4829	4813	6258	9396	11001	3508	50730
Total (five)	3225	4506	6742	20480	23146	41106	38387	34303	15535	23767	19620	16870	247687
Others	8137	14298	21697	8946	24383	53408	53978	48522	40684	27380	24221	35113	368840
Total	**11362**	**18804**	**28439**	**29426**	**47529**	**94514**	**92365**	**82825**	**56219**	**61228**	**43841**	**51983**	**616527**

Source: Compiled by Ahmet İçduygu from data obtained from UNHCR Ankara Office, (2002-2006). Bureau for Foreigners, Borders, and Asylum at the Directorate of General Security of the Ministry of Interior, (2000-2006).

Another reason for suspicion is that "transit migration is often identified with illegal employment and with human smuggling, trafficking and organized crime" (Düvell, 2006: 5). Therefore, the EU and neighboring countries such as Morocco, Ukraine and Turkey have taken stricter decisions to put limits on transit migration.

In line with the decisions taken by the countries neighboring the EU, since 2001 there has been an apparent decrease in the number of the transit migrants coming to Turkey. What is the main reason behind the decrease in the number of transit migrants? *First of all*, as İçduygu and Yükseker (2008) underline transit migration is considered in the international system as a concern of securitization and economization. Compared to circular migration, transit migration is regarded as a type of migration that should be controlled and regularized not only by Turkey but also by the European Union because when the destination for these migrants is one of the European countries, the EU displays more sensitivity toward the issue.

> The transit migration policies imposed by EU and implemented by the national governments aimed at identifying and intercepting potential transit migrants while preventing them from moving on to the USA or western Europe by either making it possible for those migrants to stay in the transit country as the asylum procedures in these countries are improved or to return them to their country of origin (Düvell, 2006:23).

Related to migration securitization, there is an increasing "militarization" of land and sea borders (Lutterback, 2006: 64) in the Mediterranean between Turkey and Greece, Italy and Albania (Düvell, 2006). This has been the case for both Turkey and Morocco, two countries at the edge of Europe which are making various agreements[16] with the EU to limit transit migration so that the migrants who are

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[16] Turkey and Morocco are examples of countries that are not regionalizing but Europeanizing their migration policies. Turkey and Morocco are different from other Mediterranean countries in that they have larger inflows of transit and irregular migration. Therefore, they both had to accept the legal enactments disadvantaging the migrants (Doukoure ve Oger, 2007: 25). Morocco, for instance, had signed in 2003 a National Action Plan on Asylum and Migration, which led restrictions on migration. Turkey had also made serious plans to comply with the aims of the

aiming to enter Europe illegally can be stopped at the transit country borders. According to the contents of the reports and proposals made by the EU, national action plans organized with Turkey and Morocco mostly include controls of the borders, fight with illegal migration, collaboration against terrorism and protection of the refugees.

Secondly, according to Düvell (2006), Kaytaz (2006), Brewer and Yükseker (2006), for legal and social reasons, Turkey represents an unfriendly environment for asylum-seekers and other migrants who must wait for their status to be determined. For example, in Turkey waiting periods for asylum can take from six months to three years. During this time migrants are often forced to live in inhumane conditions. Ultimately, this causes many asylum seekers to re-migrate to a second country of immigration.

Pressure from the EU and the general atmosphere of securitization and economization paved the way for Turkey to implement solid measures for regulating irregular migration. Moreover, Turkey also increased penalties for human trafficking and smuggling, and devoted more resources to border control.[17]

Thirdly, also originating from the developments above such as the strict controls imposed by the Turkish government in line with the demands of EU, Eastern European migrants, who preferred Turkey as destination country in the past, now tend to migrate to West European countries directly or through using other routes than Turkey. In the 2003 EU progress report on Turkey, immigration policy officials underscored how initiatives to prevent illegal migration flows to Turkey

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European Union in terms of migration policies. These plans included issues such as controls on the border, illegal migration, controls of asylum and migration (ibid).

[17] Progress Reports of Turkey 1997-2007

had shifted the route of illegal migration from Turkey to other areas in 2002 and 2003.

Changes in transit migration law are usually implemented by the EU in the name of burden sharing. However, implementation does not demonstrate that burden is equally shared by the migrant-sending, transit and destination countries. Although the interest and the funds of the commission are transmitted to the transit countries, it does not mean that these countries will be the ones most advantageous in terms of improvements in migrants' rights (Doukoure and Oger, 2007).

Transit is connected to human smuggling, illegal employment, human trafficking and organized crime. These connections push authorities to manage transit migration, sometimes without considering the vulnerability of the migrants. Regardless of the incentives behind national action plans and legal changes, the number of transit migrants has declined in Turkey, a result of which the EU might approve. This decline has been significant in recent years, especially since 2000. The total number of transit migrants was 90.000 in 2000, while this number fell to 60.000 in 2006 (see table 3). Which factors created this fall? The perception of EU over the issue of transit migration is dependent on the securitization and economization of migration policies. Moreover, the hostile environment for the transit migrants in Turkey and aversive migration policies implemented at the borders by Turkish authorities, have led the migrants to choose different routes to the west rather than Turkey. Despite all these barriers, transit migrants still constitute a large part of the immigrant population.

3.2.3 Asylum Seekers and Refugees

In international law an "asylum seeker" is someone who flees his/her own country due to some form of persecution or the fear thereof and approaches the authorities of another country for protection (Kirişçi, 2000: 19). A refugee, on the other hand is a person whose application for asylum has been recognized and accepted. Both asylum-seekers and refugees enjoy certain rights under international law: "Asylum seekers" enjoy the right not to be sent back to their country of origin until their case has been heard and decided upon. "Refugees" enjoy a much wider body of rights including the possibility to become a citizen of the host country (ibid.).

Turkey is a signatory to the 1951 Convention relating the Status of Refugees and the accompanying 1967 Additional Protocol, which is the main source of international law for refugees. However, as explained below Turkey reserves a geographical limitation for asylum-seekers which does not recognize non-European asylum-seekers as refugees. This geographical limitation Turkey keeps implies that:

> States prefer admitting persons that are likely to strengthen a country's national identity and cohesion and in turn, enhance its national security (Kirişçi, 2000: 3).

Starting with the early 1980s, Turkey has become an important country of asylum. The 1979 Iranian Revolution, the Iran-Iraq War, and the First and Second Gulf Wars ,have all contributed to the asylum flows to Turkey (İçduygu 2007/8). Turkey also experienced a mass influx of almost half a million mostly Kurdish refugees from Iraq in 1988 and 1991. In addition to these migration flows from the Middle East, migration from eastern European countries in 1989, from 1992 to 1995 and in 1999 included mass influxes of Albanians, Bosnian Muslims, Pomaks (Bulgarian-speaking Muslims) and Turks in 1989 (Kirişçi, 2004). Moreover, Ahiska (also known as Meshketian) Turks came to Turkey starting with 1992 as they could

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not return to their homelands in Georgia from areas in Central Asia where they were deported by Stalin during World War II (ibid.)

In the last two years, asylum applications in Turkey have come from over thirty different countries, mainly the Middle East, Africa and Asia (İçduygu 2007/8). Iran and Iraq are the two main source countries of asylum-seekers. For instance, from 1999 to 2001, Iranians submitted the highest number of asylum applications for any national group in a decade. Although these applicatons began to decline in 2002, they began to rise again (up to 3000) in 2003. Since 2003 there has been another decrease in asylum applications by Iranians. On the other hand, asylum applications by Iraqis started to fall in 2000 as the number of persons who applied for asylum decreased from 2500 in 1999 to 1600 in 2000. According to the research made by Danış et al. (2006: 496), in 2003 the decline in Iraqi applications placed them behind the Moldovans and Pakistanis for the first time.[18] However, in 2007 there was a remarkable increase in the number of asylum seekers to Turkey and the numbers of asylum seekers from Iraq played a major role in this increase. In 2007, 3400 Iraqi asylum-seekers[19] arriving in the country showed that the figure of the previous year was multiplied by five (sopemi 2007/8) (see table 4). This increase in the number of asylum seekers in Turkey has put a strain on local, national and civil society aid organizations, including UNHCR (United Nations High Commissioner for Refugees)[20].

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[18] Danış et al. (2006: 506) states that the reason behind the fall of the Iraqi emigration was that after the American occupation in Iraq, the establishment of a new regime after the overthrow of Saddam Hussein and the reconciliation between Barzani and Talabani led to the lessening numbers of emigration of the Kurdish Population.

[19] For a more detailed analysis of the Iraqi asylum-seekers see Danış et al. 2009 in "Land of Diverse Migrations: Challenges of Emigration and Immigration in Turkey" (eds.) Ahmet İçduygu and Kemal Kirişçi, pp. 481-637. Iraqi asylum-seekers consist of Kurdish, Turkmen and Assyro- Chaldeans.

[20] *www.multeci.org.tr/v4/index.php/haberler/66-asylum-in-turkey-out-of-the-frying-pan-and-into-the-fire*

Table 4: Number of the Asylum Applicants to Turkey

Year	Iranians		Iraqis		Others		Total	
	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons
1997	746	1,392	1,275	2,939	83	117	2,104	4,448
1998	1,169	1,979	2,350	4,672	124	187	3,643	6,838
1999	2,069	3,843	1,148	2,472	184	290	3,401	6,605
2000	2,125	3,926	791	1,671	108	180	3,024	5,777
2001	1,841	3,485	497	998	372	709	2,710	5,177
2002	1,456	2,505	402	974	219	315	2,077	3,794
2003	1,715	3,092	159	342	373	514	2,247	3,948
2004	1,225	2,030	472	956	540	912	2,237	3,898
2005	1,021	1,716	490	1,047	753	1,151	2,264	3,914
2006	1,343	2,297	364	722	1,094	1,534	2,801	4,553
2007	1,024	1,668	1,738	3,470	1,651	2,502	4,413	7,640

Source: http://www.unhcr.org.tr/MEP/index.aspx?pageId=158
Compiled by the author from data obtained from the UNHCR Ankara Office and Bureau for Foreigners, Borders, and Asylum at the Directorate of General Security of the Ministry of Interior, (2000-2007).

Another significant change which occurred in the composition of asylum-seekers to Turkey in 2003 is that the numbers coming from some African countries increased slightly (İçduygu, 2007/8). For instance, there were 183 Somali and 64 Sudanese citizens who sought asylum in 2003 (ibid.). The number of asylum seekers from African countries, in particular Somalia (658) and Sudan (117), increased in 2006.

According to Kirişçi (2000) Turkey has a more restrictive policy in admitting refugees compared to the policies of the Ottoman Empire since full refugee status has been mostly given to those migrants who are of "Turkish descent and origin". The Ottoman Empire, on the other hand, would also grant asylum to non-Muslims.

It is true that Turkey has applied different immigration policies concerning the refugees depending on their religious and ethnic backgrounds. As Kirişçi (2000: 4) notes asylum seeekers of Turkish ethnicity have had easy acess to refugee status.

For example, 310.000 Bulgarian Turks and Pomaks (Bulgarian Muslims) in 1989 were granted asylum, while similar opportunites were not extended to the Kurdish asylum seekers who came in 1988 and in 1991. Regarding the 1991 influx, the Turkish government mobilized a system for fast repatriation of the refugees which facilitated the creation of a safe haven in northern Iraq. The same repatriation policy was not executed in the case of refugees from the Balkans such as Albanians, Pomaks, and Tatars as well as Turkish speaking Romas as they would be included in the definition of Turkishness (Kirişçi, 2000: 14). On the other hand, Gaguz Turks and Kurds could be repatriated. According to Kirişçi, the preference for Balkan Muslims and Turks over non-Muslim and non-Turkish speakers was strongly related to the nation-building process and to the ease with which people of "Turkish descent and culture" could be assimilated.

Asylum applicants and refugees, *first of all*, face serious problems stemming from Turkey's "geographical limitation" clause, as well as Turkey's tendency to deny refugee status to non-Europeans. *Secondly*, the capacity of the Turkish authorities to provide medical help, food supplies and housing for asylum applicants is inadequate, although the UNHCR is attempting to improve conditions for these migrants. As the number of applications increase, it becomes more of a challenging task to meet the demands of these migrants.

Turkey has signed the 1951 Geneva Convention, however, the country still maintains the 'geographical reservation', which does not allow Turkey to accept non-European refugees on *de jure* basis. Applying the geographical limitation is problematic on two bases: *First of all*, most of the asylum applicants are non-European (they typically hail from the Middle East, Asia and Africa) and the waiting period for these migrants is prolonged because there is a difficulty in

seperating between those migrants who are potential asylum seekers and those who are economically motivated illegal migrants (Kirişçi, 2004). Nevertheless, in practice, the geographical limitation is not applied in all cases; asylum seekers coming from outside Europe are granted temporary asylum and when these persons' refugee status is given upon a joint procedure of the UNHCR and the Ministry of Interior, the phase of re-settlement to a third country is initiated.[21]

The waiting period for the asylum-applicants can take from six months to three years (Düvell, 2006)[22]. This waiting period has also been documented by Kaytaz (2006) in his work on the Iranian Christian refugees who fled to Turkey at the end of 1980s and were waiting for the UNHCR decision

The waiting period and the unplanned nature of the stay in Turkey might cause some problems since the social and legal rights are not sufficient to provide these migrants with the most effective integration tools. According to Danış et al. (2006), Iraqi, Afghan and Maghrebi migrants in Istanbul who would be considered as transit migrants were successful at "unofficial integration" into the economic sphere and the housing market. Another group of refugees in Turkey are Africans. Their stay in Turkey before pre-settlement is two to three years and according to Brewer and Yükseker (2006: 16), Africans in general and East Africans in particular face the greatest challenges.

The second step in the application for asylum (the waiting period) is also problematic. As Çorabatır, the spokesman of the UNHCR in Turkey explains, even after an asylum application demonstrates refugee status, the journey is not over. Çorabatır says that the difference between refugees from Europe and those from

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[21] www.multeci.org.tr/v4/index.php/haberler/66-asylum-in-turkey-out-of-the-frying-pan-and-into-the-fire
[22] Interview with one of the social workers Hilal Kavafoglu in ASAM bureau in Kayseri

elsewhere makes it clear that non-European applicants cannot enjoy any rights provided by the Geneva Convention expect for a guarantee that they will not be sent back to their home countries until a decision is made. As Turkey applies this principle of not sending those asylum-applicants back to their countries in accordance with the *non-refoulement principle*, during the waiting period the applicants may only enjoy temporary protection but not full rights while the UNHCR helps non-European refugees find a third country for resettlement, which takes a long time. While their applications are evaluated, asylum seekers must stay in a city designated by the Interior Ministry. Such cities are usually located in Central Anatolia. Due to the increase in the asylum applications in recent years (4500 in 2006 and 7600 in 2007) (see table 4) many other problems have emerged such as the decreases in medical coverage for asylum seekers and refugees and the worsening of their overall living conditions.

Under the National Action Plan on Asylum and Migration signed in 2005, Turkey had planned to lift the geographical limitation in 2009/10. However, this did not occur because the numbers of applicants rose and it became difficult to provide these migrants with services that comply with human rights. According to the Progress Report of 2008, Turkey is planning to lift the geographical limitation clause in 2012. One of the reasons that Turkey is procrastinating in lifting this clause is that Turkey is a real "buffer zone" between Europe and the countries of political turmoil in the region and hence it does not want to take the risk of being faced with an extensive wave of asylum-seekers. Therefore, Turkish authorities have tended to oppose the abrogation of this limitation clause and they have underlined that the abrogation would only be plausible in the case that Turkey is more decisively engaged with developments towards full membership to the EU.

Besides this legal difficulty that made life arduous for the asylum applicants and refugees, the change made in the Law of Settlement (1934) in 2006 has eased the process of waiting for these migrants. Before it was changed, the Law of Settlement only allowed "asylum seekers and refugees of Turkish descent and culture" to work in Turkey legally, which forced many asylum seekers and refuges into the underground economy. Since the law was changed in 2006, those who are not from Turkish descent or culture can work in the areas that were previously forbidden.

3.3 Legal Migration

In the first part of this section on legal migration, Bulgarians (who represent the largest immigrant group in the history of the Turkish Republic and Ahiska Turks (Meskhetians) are examined in detail. In the second part, professionals, students from all over the world and retired migrants mostly from Europe are briefly summarized in numbers. Their aims in immigrating are also be explained.

3.3.1 Legal Migration: Migrants with Turkish Origins and Refugees from Europe and Middle East

The influx of migrants with Turkish origins first started as part of the nation building process. During the course of the early 1920s Muslims from Greece came to Turkey under an exchange of populations. Amongst them were both Turkish speakers and non-Turkish speakers. By 1939 the number of immigrants from Greece reached 384,000. During this period, Pomaks (Bulgarian Muslims), Turks and Roma from Bulgaria together totaled nearly 200,000. 116,800 Bosnians and Albanians who left Yugoslavia also came in between 1923 and 1939 (see table 5).

Table 5: Numbers of People who migrated to Turkey by Regions, 1923-95

Countries	1923-39	1940-45	1946-95
Bulgaria	198,668	15,744	603,585[a]
Greece	384,000	-	25,889
Romania	117,095	4,201	1,264
Yugoslavia	115,210	1,671	188,040
Turkistan	-	-	2,878
Others	10,029[b]	-	17,869
Total	825,022	21,616	839,525

Source: Kirişçi (2000) "Disaggregating Turkish Citizenship and Immigration Practices" Middle Eastern Studies, pg. 8
(a) Subsequent to the influx of the 310,000 refugees that sought asylum from Turkey in 1989, 124,678 returned to Bulgaria as of March 1994.
(b) This figure covers the period 1923-49.

After the Second World War, migration continued from the Balkans. The majority of these migrants were Bulgarian Turks and Pomaks. In 1950-51, 154,000 refugees escaped from Soviet regime (see table 5); in 1989 this number was 310,000. In the 1970s, under the bilateral agreement between Turkey and Bulgaria, 116,000 migrants arrived in Turkey. Migrants from Yugoslavia who were Bosnian, Albanian, Muslim and non-Muslim formed the second largest category of migrants.

After the Second World War, migration from Greece and Romania was limited. Turkish speaking Muslims in the Western Thrace were exempted from the exchange of populations between Greece and Turkey, however, when the Greek civil war broke out many of them came to Turkey as refugees (Kirişçi, 2000: 9) In the 1950s the relationship between Greece and Turkey worsened and hence, Turkey was not willing to receive migration from Greece. However, between the 1960s and 1980s, nearly 20,000 Turks migrated from Greece to Turkey. Also in the early 1990s those in Greece who sought asylum in Turkey numbered 1,200 (see table 5).

Approximately 2,800 Turkistanis (including Kazakhs, Kyrgyz, Uzbeks, Uygurs and Turkmens) arrived before the end of the Second World War. The Afghanis leaving the camps in Pakistan were brought with a special law (Law 2641) which was adopted in 1982 and the number of Afghanis who immigrated was 4,163. Another wave of migration occurred from 1933 to 1945, when university professors, scientists, artists and philosophers who escaped from the Nazi regime arrived in Turkey. This group included 800 German speaking refugees. Also, during this period Turkey was a transit country used by the Jews to escape from Europe and go to Palestine (Shaw, 1991: 257).[23]

Asylum seekers from Iraq began to arrive in the 1980s. Until the 1994 Regulation on Asylum, there were no laws concerning non-European asylum seekers. Turkey applied 1951 Convention but was only granting refugee status to those people who had European origins till 1994 Regulation on Asylum was enacted. Between 1980 and 1991, Iranians escaping from the new regime arrived in Turkey. Many Iranians benefited from policies that gave them residence permits and let them enter the country without a visa. Amongst them there were Bahais, Jews and Kurds whose number reached to 1.5 million. However, many were re-settled to a third country. The 1980s also witnessed an increase from Iraq, Afghanistan, Somalia, Sri Lanka, Sudan and Tunusia. 460,000 Kurds sought refugee status from Turkey in 1988 and in 1991. However, there were conflicts with the PKK and the government preferred to call them "Peshmergas" and "temporary guests" rather than Kurds or refugees. The case of the Kurdish refugees was characterized by a concern

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[23] In the 1930s there were many Jewish and German intellectuals who sought temporary asylum in Turkey and Turkey's neutral status during the Second World War led to ten-thousands of Jews from German occupied lands in Europe to flee to Turkey and transit to Palestine while many nationals from neighboring Balkan countries and Italians from the Dodecanese islands sought temporary asylum in Turkey (Kirişçi, 2004).

to protect Turkish national security through rapid repatriation. By contrast, refugees from Bulgaria (who are supposed to have Turkish-Sunni origins) were able to acquire Turkish citizenship easily and immediately. Even 50,000 Turkmen who arrived from Kirkuk and Musul were allowed to stay inside the borders while the Kurdish refugees were kept along the border.

Citizenship and immigration through asylum have been restricted for Muslim and Sunni groups such as Albanians, Bosnians, Pomaks and Tatars, as well as for Turkish speaking Romas. Meanwhile, Turkish speaking Christian Gagauz Turks, Azeris and Kurds have also been excluded.

Turkey also experienced a mass influx of Bulgarian Turks and also Ahıska Turks also known as Meskhetians. These migrants were often granted citizenship. However, the influx of Bulgarian Turks from Bulgaria (see table 6) has been prioritized since the establishment of the Turkish Republic. First of all, it has the quality of mass migration. Secondly, the way Bulgarian Turks were welcomed gives them this distinctive status as they have always been seen as homogenizing elements for the nation-state.

Table 6: Bulgarian Turks' Migration flows from Bulgaria to Turkey

Years	Number of Emigrants
1878-1912	350,000
1923-1933	101,000
1934-1939	70,632
1948-1951	155,581
1968-1984	113,393
Total	719,836

Source: W.Höpken (1987) in Vasileva (1992: 346)

The first flow of emigrants from Bulgaria began after the Russo Turkish War of 1877-1878, which put an end to Ottoman domination of the Balkans (Vasileva,

1992: 343). Another wave of migration occurred as a result of the Balkan Wars of 1912–1913, as Muslims retreated from the lost territories of the Ottoman Empire (Parla, 2006: 545). In 1913 a population exchange agreement was concluded with Bulgaria under which 47,000 Bulgarians in Ottoman Thrace left their homes in exchange for the acceptance of 49,000 Bulgarian Turks into Turkey (Psomiades, 1968, p. 60) (Toktas, İçduygu, and Soner, 2007). After World War I, Bulgarian Turks numbered less than 10 percent of the Bulgarian population and the desire to immigrate to Turkey still persisted due to conflicts between the Christians and Turks (ibid.). Treaties signed in 1925 and 1968 between the two countries provided a legal basis for further population exchange and for reuniting divided families (Vasileva, 1992: 345). In contrast with the early migration of Bulgarian Turks, the migration of Bulgarians in 1989 was caused by fears of communist repression. In May 1989 state and communist party leader Todor Zhivkov declared that Turkey should prove its democracy by opening borders to Bulgarian citizens, which was the official start of the new emigration wave as 369.839 people fled to the Turkish border (Vasileva, 1992). On the other hand, the Turkish ruling party under the leadership of Turgut Özal announced that Turkey would open its borders to Turks who were considered officially as "the racial kin" (Parla, 2006).

When considering the case of the emigrant Turks in 1989, it should not be forgotten that they were asylum-seekers and were given refugee status easier than many of the other asylum-seekers coming from the Middle East. According to Vasileva's (1992) analysis, this group of Turks migrated not only to escape from ethnic persecution, but also for cultural reasons. As explained by Parla (2003: 562), the "Turkish side's attitudes towards its 'racial kin' (soydaş) ranging from

welcoming to indifference to reluctant acceptance, contingent on the political and economic climate".

How were the Bulgarian Turks treated by the state? First of all they were welcomed by the government and by society. Both the leaders of the time and the newspapers described them as a kindred people, though when the number of emigrants reached 300.000[24] the borders were closed. In addition, according to Parla (2006), just as they were persecuted in Bulgaria for being "Turkish" from 1984 to 1989, they were also persecuted and marginalized in Turkey for being 'Bulgarian'". They worked in low skilled jobs and they were paid less than the other denizens. Moreover, they were seen as foreigners and called "göçmen" or "muhacir" by the Turkish local people (Vasileva, 1992). The treatment might be amongst the reasons why, according to Vasilava's research, 42 percent of the 300,000 migrants turned back to Bulgaria. According to Parla (2006: 561), although nearly half of those migrants went back to Bulgaria, after the downfall of the Bulgarian communist government, economically motivated migrations from Bulgaria to Turkey have continued.[25]

Post-1990s Turkish migrants from Bulgaria come to Turkey mostly for economic reasons as the desire for permanent residence has declined. And unlike the 1989 immigrants, who were granted the option of double citizenship, the post-1990s

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[24] It is extremely hard to give precise numbers for these migration waves because both the Bulgarian and the Turkish primary sources are biased, each reducing or amplifying the figures as would be befit their ideological purposes (Kirişçi 1995; Vasileva 1992; Parla 2006).

[25] See (Parla 2006: 562) for chronological inflows of the Bulgarian Turks before 1989: (1) around 100,000 Turks immigrated following the agreement signed by Bulgaria and Turkey allowing voluntary resettlement in 1925; (2) around 155,000 left between 1950–1951, soon after the advent of communism in Bulgaria; (3) between 50,000 and 130,000 immigrated after 1968, following the treaty to unite separated families.

immigrants hold only Bulgarian passports, and, according to the most recent visa regulations, are required to exit and re-enter every three months (Parla, 2003: 564).

Ahiskas (the Meskhetian Turks) are another Turkish origin migrant group that was deported to Central Asia, along with seven other ethnic groups in the Soviet Union during World War II (Pentikainen and Trier, 2004: 6). Today the Meskhetian Turks are able to live in Turkey,[26] though they are deported from Georgia, which opposes their repatriation (ibid.). It is estimated that over 25.000 Meskhetian Turks reside in Turkey, including those who resettled in the country officially or illegally before and after the collapse of the Soviet Union (Pentikainen and Trier, 2004: 13). 12.000 Meskhetian Turks who arrived in Turkey prior to 1997 received status as "national refugees", securing them access to education, work, healthcare and prospects for citizenship (Sumbadze, "… Muslim Population…": 48). According to Aydıngün (2002: 190), even though the Meskhetian Turks did not acquire citizenship, they had positive informal experiences interacting with the government, working in the labor market and going about their daily lives. According to the research conducted by Aydıngün (2002), Ahiska Turks mostly residing in the city of Bursa are more integrated socially than the ones in Kazakhstan and Kyrgyzstan:

> The informal discrimination they faced in the post-Soviet republics pushed those facing bad conditions to migrate to Turkey. The informal welcome of the Turkish state and the local populations facilitated their integration to the life in Turkey despite important legal problems such as lack of Turkish citizenship. Unlike the Ahiska Turks interviewed in Kazakhstan and Kyrgyzstan, where they defined their situation as an exile situation, none of them use the term 'exile' to define their situation in Turkey. (Aydıngün, 2002:195, 196)

Lastly, if there is a difference in how the state perceives foreigners with Turkish origin and those without Turkish origin, this difference can be highlighted through an examination of relevant law. Moreover, to understand if Bulgarian and

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[26] Russia, Ukraine, Uzbekistan, Kazakhstan, Kyrgyzstan, Azerbaijan, Georgia are the other countries where the Meskhetian Turks are residing.

Meskhetian Turks feel integrated into society, we can closely analyze their statements and opinions. The news examined by the researchers working on Bulgarian Turks and Meskhetian Turks has depicted that these politicians refer to these migrants as "kindred" and "kin race". Moreover, the state is at the same time playing the role of the protector for these refugees who have escaped from assimilation and unequal treatment. Does the state then give more advantages to its "kin races" in terms of citizenship? Were they given easy access to refugee status? The answer to these questions is "yes", at least for migrants from the Balkans who are ethnically or culturally Turkish. In fact, in accordance with the mentality of the nation-building process that began in 1923, it would not be wrong to say that these groups have always been more privileged (Kirişçi, 2000).

3.3.2 Legal Migration: Migration of the Professionals, Students and the Retired

In the last twenty years there has been an increase in the number of foreign nationals arriving in Turkey for work or education. The institutions that regulate these migrants' stay in Turkey are the Ministry of Interior and the Ministry of Labor and Social Security.

In the 2000s there were approximately 150 to 160 thousand foreign nationals living in Turkey with residence permits (see table 7).

Table 7: Indicative Number of Migration to Turkey, 2000–2007

	2000	*2001*	*2002*	*2003*	*2004*	*2005*	*2006*	*2007*
Undocumented Migration	**94600**	**92400**	**82800**	**56200**	**61200**	**43841**	**51983**	**64290**
Illegal entries	51400	57300	44200	30348	34745	19920	18876	30120
Overstays	43200	35100	38600	25852	26455	23921	33107	34170
Asylum application	**5700**	**5200**	**3794**	**3966**	**3908**	**3914**	**4548**	**7640**
of which: Afghan	100	400	47	77	341	365	339	427
of which: Iran	3900	3500	2505	3108	2029	1716	2297	1668
of which: Iraq	1600	1000	974	342	964	1047	724	3470
Residence Permit	**168100**	**161254**	**157670**	**152203**	**155500**	**131594**	**186586**	**183757**
of which: work	24200	22414	22556	21650	27500	22130	22805	25475
of which: study	24600	23946	21548	21810	15000	25240	24258	22197
of which: other	119300	114894	113566	108743	113000	84224	139523	135365

Sources: Compiled by Ahmet İçduygu. UNHCR Ankara Office (2002-2007), Bureau for Foreigners, Borders, and Asylum at the Directorate of General Security of the Ministry of Interior (2000-2007).

The data for 2006 shows that the number of foreign nationals in Turkey with residence permits is around 187.000 (İçduygu, 2007/8). While 23,000 of these migrants stay on the basis of work permits, 24.000 reside in Turkey on student visas (ibid.). The migration of professionals, including those Turkish migrant professionals who were born and educated in Western Europe and later moved to Turkey because of better wages (Kaya, 2004) "is a strong sign of Turkey's increasing connectedness with the ever globalizing world" (Unutulmaz, 2006: 20). Another sign of globalization's influence on Turkey is the increasing living standards for foreigners who work and study in the country. To this we might also add the numerous exchange programs operating under agreements between the EU and Turkish universities. Ultimately, this influx of students and professionals cannot be disregarded. İçduygu (2006) reports that the number of residence permits granted for work and study purposes has been around 50.000 in the first five years of the 21st century.

In recent times, another type of migratory wave has regularly and increasingly targeted Turkey: "international migration of the retired"[27]. When this type of migratory wave is examined, one notices that many tourist resorts, including those in Alanya, Antalya, Bodrum, Marmaris and Didem, have become migrant receiving cities for retired European migrants. Although more statistical data and academic research are required, the number of retired Europeans in all of Turkey is estimated to be nearly 20.000 (Unutulmaz, 2006).

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[27] International migration of the retired generally demonstrates a circular characteristic. In other words, migrants spend only a limited portion of the year at the place of migration. Hence, it is still disputed in migration literature whether to view this phenomenon as a form of migration, or merely as a form of tourism (Unutulmaz, 2006) The fact that nearly the entire population of retired Europeans in Turkey have residence permits and majority of these persons reside in houses they purchased, and in consideration of the substantiality of the consequences they give rise to, it shall be best to classify them not as tourists but as resident immigrants (ibid.).

According to research conducted by Unutulmaz, resident permit statistics indicate that the number of elderly European residents in Alanya (the seaside city with the highest number of IRM) is between 5.000 to 7.000 (ibid).

IRM has become an important topic when we consider the fact that the Mediterranean cities of Turkey have been facing the type of migration that Spain faced 20 years ago. The retired prefer Turkey to other European countries because of the convenient house prices and the lower cost of living. Moreover, these migrants express that they find the culture and the climate favorable compared to the cities that they have worked and lived for long years. Although the Germans form the majority of the migrants in Alanya, there are also Dutch, Scandinavians, Irish and British migrants residing in these cities.

3.4 Conclusion: Critical Perspective of the Migration Policies Imposed by EU

How foreigners are perceived in Turkey by the state and by the public is not only determined by the immigration policies and the public's attitude towards the foreigners. The immigration policies of Turkey are also shaped by the process of integration to the EU and the EU's perspective on non-Europeans. It is possible to see that the economization and securitization of immigration policies, which is revealed as a part of the influence of EU on Turkey, leads Turkey to follow a similar approach to issues of migration and migrants' rights.

European immigration policies and practices have been increasingly driven by economic interests and security concerns. This has led to the politicization of transit migration (İçduygu and Yükseker, 2008).

> Whereas migration had for long been seen as a topic of economic policy and therefore, as a part of *economization*, with the end of the Cold War, it became framed as a security problem constructed around the fright of difference (*securitization*) (Gündüz, 75).

The economization of migration policies increased after the oil crisis of 1973, as the recruitment of migrants was restricted. However, reunification laws for the families were supported together with the recruitment of migrants to work in specific sectors such as in the agricultural sector, the construction industry, the restaurant trade, domestic cleaning and nursing (ibid.) The economization and securitization of migration policies gained more weight in the 1990s in line with the argument of Guiraudon, who emphasizes that a retrenchment of rights for migrants started in the 1990s−when economic liberalization gained pace globally. At least it has gained pace in Turkey with Özal's policies in the economic and social spheres. However, compared to many European countries, Turkey has become more liberal in its migration policies after the 1980s.

Apart from the economization of migration policies and the retrenchment of rights for foreigners, migration has also become an issue of security as migrants have become regarded as "threats" to the unity and identity of the nation. According to Aradau (2001) migrants, refugees and asylum-seekers have been depicted as "existential threats". In other words, there has been a need to create new enemies for the state and migrants have been used in this regard. Therefore, the EU not only tried to keep the "outsiders" outside but through the Europeanization and externalization[28] of migration policies of the neighboring countries such as Turkey

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[28] Externalization of migration policies is used in the sense that EU exports its own migration concerns and policies to the neighboring countries in the form of burden sharing and burden shifting. In other words, externalization is reproduction of the internal migration policies of Europe in the foreign policy and burden sharing with the countries which have borders to EU and establishment of migration management policies in the countries which are the countries of emigration (Doukoure and Oger, 2007:2).

and Morocco, the EU taught these two countries to manage and control migrants (especially transit migrants) so that the manageability of these migrants would make EU's burden lighter. The securitization of migration policies and exporting these policies to neighbor countries is a necessary path to follow since concerns on becoming an EU member pave the way for collaboration between the EU and Turkey. However, this phenomenon can also be seen as a form of "negative globalization" (Bauman, 2007: 7):

> "…On a negatively globalized planet, security cannot be obtained, let alone assured, with just one country or in a selected group of countries: not by their own means alone and not independently of what happens in the rest of the world"

Another point is that Turkey's membership negotiations with the EU are influenced by Turkey's status as a country of immigration and transit. For instance, in its recommendations on Turkey's progress towards accession in early October of 2004, the European Commission noted that:

> with over three million, Turks constitute by far the largest group of third-country nationals legally residing in today's EU […]the management of the EU's long new external borders would constitute an important policy challenge... managing migration and asylum as well as fighting… trafficking of human beings… would be facilitated through closer cooperation both before and after accession.[29]

Human Rights are often affected by the economization and securitization of migration policies. What kind of rights do the migrants have under these circumstances?

> "What seems to be ironic is that while most of the European countries tend to be advocating or actually adopting a range of restrictive control systems against the incoming migrant flows, their economies are able to absorb thousands of irregular migrants without any unbearable confrontation. Often relying on *restrictionist rhetoric of fewer benefits but more costs of immigration*, which in itself precludes a so-called rational assessment of immigration flows, these states emphasize that there is a need for continuous and strong intervention to restrict and regulate migration flows." (İçduygu and Yükseker, 2008)

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[29] See Commission of the European Communities, *Communication from the Commission to the Council and the European Parliament*, COM (2004) 656 final, Brussels, 6.10.2004.

Under the restrictions to cross borders and the restrictions that the migrants encounter when they cross the border such as not being given the work or residence permit reveal that externalization of migration policies bears their fruits at the edges of Europe. These transit countries see migration as problematic and a phenomenon to be restricted, to be kept under control while seeing migrants as foreigners, as temporary guests, as untrustworthy non-citizens. On the other hand, Düvell (2006) argues that the restrictions placed on transit migrants are debated amongst non-governmental organizations and civil society groups, since these civil organizations approach the issue from a human rights perspective and according to this view, "migrants who turn to dangerous routes or who are stranded in third countries are a direct consequence of EU immigration restrictions" (Düvell, 2006: 3).

While civil society and human rights organizations fight for the rights of migrants, and while national governments act according to economic and security concerns, how much burden sharing between the EU and Turkey occurs? Is it possible to talk about a massive retrenchment of rights for foreigners in Turkey? Do recent progressive changes in Turkish migration law signal that the EU has had a positive influence on Turkey?[30] While EU, UNHCR and civil society organizations promote migrant rights, it seems that their emphasis on burden sharing often translates in practice into burden shifting. This burden shifting places more pressure not only on countries of transit and first immigration, but also on the migrants themselves.

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[30] Before 2003 right to acquire work permits for those who are not of Turkish origin to work in specific jobs were forbidden to the foreigners. In addition to this, the changes made to the law on Settlement (1934) (although these changes are not sufficient to qualify as a complete rights improvement) can be accounted as improvements on the side of the migrants' rights.

After Turkey's acceptance as a candidate country for the EU, obligations regarding migration control in general and border control in particular have increased. Turkey is obligated to make political sacrifices as migration policies are often used as a tool of pressure from the side of EU (Doukoure and Oger, 2007: 25).

Looking at the other side of the coin, it is possible to see that although the EU does not completely share the burden (and in fact often prefers to shift it), there are positive measures that the EU has taken. For example, the EU has rightly criticized Turkey for its unfair treatment of migrants leading to self-questioning on the side of Turkey about what is wrong with the perception of the foreigners, which rights are not granted to them and how their hardships can be alleviated. Therefore, migration policies and migrants' rights could be issues on which positive steps are taken. Another positive effect of these criticisms and the responsibility that is given to Turkey in the name of burden-sharing is that with the help of ASAM, IOM and UNHCR the statistics on migration and the statistics that TSI rely on have improved. In short, all the debates with the EU and within Turkey about foreigners and migration has made the handling of irregular migration easier and drawn attention to human rights and the conditions of the migrants residing in Turkey.

Both in public and in academic debates, one could argue that migratory flows have not accelerated at a pace comparable to the relatively free-trade flows and free-capital movements. Indeed, this may imply that the conservative positions of nation-states towards immigration still persist in this age of accelerating globalization. However, this side of globalization might be a form of "negative globalization" as it is named by Baumann (2007). For instance, there are still severe restrictions on the free movement of labor and the free movement of migrants from Romania and Bulgaria to the EU: "Access to British jobs for Bulgarians and

Romanians has been restricted since they joined the European Union in January 2007"[31]

The victims of negative globalization are unfortunately those migrants who are adversely affected by the economization and securitization of migration policies. Such migrants include asylum-seekers, refugees and economic migrants, all of whom are motivated to work in another country for a better life.

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[31] http://press.homeoffice.gov.uk/press-releases/work-restrictions-continue accessed on 11th of April 2009

CHAPTER 4

FOREIGNERS IN TURKEY: PERCEPTION OF THE STATE

AND SELF-PERCEPTION

4.1 Introduction

This chapter has two main parts. In the *first* part changes to migration laws will be highlighted and in the *second* part views of the migrants and their discourses as foreigners will be presented. How foreigners are perceived in Turkey can be analyzed by examining changes to Turkish law. Since justification behind changing the laws is important in showing perception of foreigners by the state, parliamentary minutes and official reports will also be examined in order to understand the mentality behind the alterations.

While explaining the legal changes, *first of all*, the question if these migration policies have any relation to securitization will be posed. *Secondly*, in terms of the laws and their implications, three theoretical approaches will be emphasized: *First*, irregular migrants and the "deliberate negligence zone of the state"[32] parallel to the experiences of the transit migrants at IIMP will be underlined; *secondly*, foreigners who are living "in a sovereign state which is trespassing international norms"[33] will be elaborated in line with the views of the social workers in migrant organizations and narratives of asylum-seekers and refugees; *thirdly*, foreigners as

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[32] Tsai, Kelle (2002) Back-Alley Banking: Private Entrepreneurs in China, Cornell University Press.
[33] See Guiraudon Virginie and Gallya Lahav (2000) "A Reappraisal of the State Sovereignity Debate: The case of Migration Control", Comparative Political Studies, 33; 163.

"Natashas" or "benefiters/ corrupters of the institutions of citizenship"[34] with the narratives of the circular migrants and migrants who acquired Turkish citizenship through marriage will be enlightened; *fourthly*, Turkish origin migrants who are perceived both as the kin race and "external positive other"[35] of the nation and lastly the experiences of migrants as students or professionals will be elucidated.

4.2 Harmonization of Turkish Immigration Policies with the EU *Acquis*

Turkey has taken many decisions in order to tackle illegal migration, trafficking and the smuggling of migrants. When the language of the state becomes intertwined with national security, national identity, public order and cultural identity, the consequence is that the securitization of migration policies prevails and human rights of the migrants is deemed a secondary concern. Although not stated in the laws explicitly, the ideas behind some of the laws reveal that the securitization of migration is one of the most important issues.

Firstly, the most prominent law still regulating migration and asylum policies in Turkey is the Law on Settlement (Law no 2510, dated 14 June 1934). According to this law, individuals who are eligible for legal migration are of "Turkish race or culture". In line with this law, the differentiation between foreigners and those who are eligible for migration comes to the fore: "Foreign Kurds, Arabs, Albanians; other

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[34] Honig, Bonnie (2001) "Democracy and the Foreigner" by Princeton University Press

[35] In comparison with other migrants Bulgarian Turks and other Turkish origin migrants cannot be named as stepchildren of the nation, however, the difference between those migrants who came with the exodus of 1989 and the ones who came afterwards mostly as economic migrants is that the second flow of migration has not been as welcome as the first one and there are also other reasons to conclude that even though Bulgarian Turks in general have been treated with warm feelings by the society and social help by the state, there are some wrong doings and unplanned disorganizations on the side of the state which will be told in detail in the related section of this chapter. (Shorten; Break up the preceding into multiple sentences)

Muslims who speak languages other than Turkish and all foreign Christians and Jews cannot be given nationality declaration documents. And they cannot be given immigrant paper. They all will be treated as foreigners." (Ülker, 2008). Although there were amendments to this law[36] in September 2006, the definition of the foreigner did not change: Those who are not of "Turkish descent and culture" are still deemed as ineligible for migration. This aspect in reality causes discrimination against those who are not of Turkish origin. Among the migrants who have been advantaged in comparison with the other non-Turkish and non-Muslim migrants are the Ahiskan Turks and Bulgarian Turks.

The drafted new law of Settlement, which has been prepared to replace the Law of Settlement, can be seen as a part of Turkey's EU harmonization efforts (İçduygu, 2007). However, the changes have remained limited and the parliamentary debates are full of discussions about Bulgarian Turks and the positive changes prepared for the Gypsies who were not formerly considered as citizens.

Secondly, another change was made to the Turkish Passport Law (Law No. 1764, dated 24 July 1950) in which the conditions for foreigners to obtain entry visas for Turkey are outlined. There are three groups under this category: Those who require visas at the entry, those who are exempt from visas for a period and those who can obtain sticker-visas at the entrance (İçduygu, 2007). Moreover, there has been more convergence with the EU Acquis in terms of the negative visa list.

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[36] Behind the amendments there was the reason to change the derogative addressing to the Gypsies and the fact that they were not included as citizens. The amendments in 2006 changed the status of Gypsies.

Thirdly, the main legal instrument that determines the residence and working status of migrants is the Turkish Law on Foreigners (Law No. 5683, dated 15 July 1950)[37] According to this law, foreigners must apply for a residence permit that is issued by the local police department after a thorough examination[38]. If the applicant has a valid work permit or sufficient financial sources and demonstrates no intention to disturb public order, a residence permit may be issued initially for one year that can be renewed for a period of three years and then again for a period of five years. It is often the case that a work permit is a pre-requisite for a residence permit.

Fourthly, there have been changes in the Law on Activities and Professions in Turkey reserved for Turkish citizens (Law No. 2007, dated 16 June 1932). According to this law, foreign citizens were not entitled to practice many professions.[39]

The new law on the Work Permits of the Foreigners (Law no. 4817 dated 15 March 2003) allows work permits to be issued to individual foreigners and makes the Ministry of Labor and Social Security the sole authority responsible for granting work

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[37] In addition to that the law on the Residence and Travel activites of foreigners of the same date (Law No. 7564) regulates the conditions for residence and settlement of foreigners.

[38] According to the article 7 of the Law, applicaitons for residence permits by the following persons will be refused without consideration: a) persons coming to practice a profession prohibited to foreigners; b) persons not in position to conform to Turkish law, customs or political conditions or persons engaging in activities not in conformity with these c) persons clearly unable to secure legally the material support necessary fort he duration of their desired stay in Turkey d) persons who have entered Turkey illegally and e) persons whose presence in Turkey is disruptive of the general peace and tranquility

[39] Only Turkish citizens may work as state employees in Turkey. Until recently, for the sake of the general welfare, the practice of certain other professions was also prohibited to foreigners. These included law, medicine, dentistry, nursing, pharmacy and working as a notary public. Apart from the professions listed here, some other occupations had been prohibited to foreigners according to the provision of the "Law Regarding Trades and Services Related to Turkish citizens in Turkey" no. 2007 of 11 June 1932. Foreigners for example, could not work as itinerant salesman, musicians, photographers, barbers, typesetters, middlemen, clothing and shoe manifacturers, stock brockers, sellers of State monopoly products, interpreters and tourist guides, transport workers, or construction, iron, and wood workers. Foreigners are also prohibited from working at water, lighting and heating installations, either temporarily or permanently, and at loading and unloading sites. They could not work as drivers, day laborers, watchman, janitors, waiters or household help or as singers or entertainers in bars, nor as veterinarians or pharmacists (İçduygu, 2009).

permits. Before this law, various ministries and government institutions could grant work permits. Furthermore, nullifying the Law on Activities and Professions in Turkey Reserved for Turkish Citizens (No. 2007 of 1932), the new Law allows foreigners to work in many professions that they were not allowed to work in before, including domestic work. Lastly, this law aims to prevent illegal employment by issuing high fines for both the employer and the employee.

Despite all the liberalization of the Law on work permits, to obtain work permits is still a prolonged and tortuous process for the migrants. To get a work permit can take at least 90 days, except for some companies founded by Foreign Direct Investment where the application process is shorter (Zijlstra, 2009: 42). Moreover, in order to get a work permit the migrant needs to possess a 6-month residence permit and the employer should pay for the application and extra taxes. Since it is harder for the employer to hire a migrant because of this arduous process and cost burdens, they prefer to employ the migrant illegally. However, for the employees of Turkish origin there is a special provision which enables them to obtain work permits much easier than non-Turkic foreigners (Jefroudi, 2007: 7).

On the status of refugees and asylum seekers two important legal documents are of high concern for both Turkey and EU: The 1994 Regulation on Asylum and the Geneva Convention on the status of Refugees and Asylum Seekers (1951). "In order to tackle the unprecedented influx of asylum seekers from the Middle East and to take over refugee status determination from the UNHCR a new regulation was adopted in

November 1994."[40] (İçduygu, 2007: 208) This regulation is entitled "Regulation on the procedures and principles related to mass influx and the foreigners arriving in Turkey or Requesting Residence Permits with the Intention of seeking Asylum from a third country". With this regulation Turkish authorities have taken the responsibility of granting refugee status – previously the responsibility of the UNHCR- into their hands. This new regulation has recognized two categories of asylum seekers: The *first* is those who come from Europe and those who can benefit from the protection provided by the 1951 Convention. The *second* group is non-European asylum-seekers who are seeking to be settled to a third country. However, the problem with this regulation was that there was five-day time limitation for the asylum-seekers to give their claims to the nearest police station. There had been collaborative efforts with UNCHRAO (UNHCR Ankara Office), MOI and MOFA (Ministry of Foreign Affairs) which had paved the way for positive improvements in the application of the Regulation (ibid.). In 1999 the Turkish government increased the five day limit for application to ten days.

Although the lifting of the time limitation has been a positive improvement, not having lifted the geographical limitation to the Geneva Convention, Turkey was subjected to many criticisms in the international arena and has experienced many problems with migrants, especially those coming from the Middle East. By limiting the application of the 1951 Geneva Convention to certain geographic areas, Turkey hoped to immunize itself from inflows from unstable countries, which in today's case are Iran, Iraq and Afghanistan. However, before 1951 Turkey had unease with the

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[40] For a detailed discussion on the 1994 Regulation on Asylum, see Kirişçi (2001; 1996-b).

migrants who came from non-European countries such as migrants fleeing the Soviet regime. Historically, Turkey saw the Soviet regime as a threat and with this perspective the migrants were not welcomed from Soviet countries. Later, especially towards the end of the 1970s when turmoil reached a peak in the Middle East, Turkey started considering the Kurdish migrants, who were oppressed by the regime and who had to flee to Turkey, as threats to its unity and security. However, also as a result of the criticisms from both the EU and other international communities, Turkish authorities, being pragmatic and flexible, have granted non-European asylum-seekers some form of protection (Kirişçi, 1995).

The procedure for asylum-seekers and refugees is that if their asylum applications to the Turkish authorities and the UNHCR are processed and accepted they can resettle in a third country. If their applications are rejected they have to return to their homeland. In addition, according to the new law on the work permit of foreigners, only those asylum seekers and refugees who have residence permits of at least six months may have access to legal employment opportunities under specific conditions. But as will be demonstrated in the following sections which focus on the problems asylum-seekers have in obtaining work permits, theory has not completely translated into practice.

4.3 The Effects of the Harmonization Efforts in Migration Policies

In attempting to harmonize its migration policies with the *Acquis Communautaire*, Turkey has altered illegal migration laws, adopted new best practices of border management, taken steps to lift the geographical limitation on the Geneva Convention

and provided better facilities and social support for the migrants (İçduygu, 2007). In consideration of these four objectives, it seems that changes to state policy mostly reflect an illiberal desire to forcefully combat illegal immigration. However, positive steps such as giving foreigners the chance to work in more professions and providing better protection for the asylum-seekers and refugees are evidently indicators of a more liberal approach to migration. On the other hand, making it harder for migrants to become citizens through marriage implies some problematic views the state might have adopted.

The first significant improvement was the approval of the draft Law on Work Permits for Foreigners (Law no. 4817, dated 27 February 2003), which was related to irregular migration and its labor outcomes. The law aims to ensure that work the permit process in Turkey is in accordance with international standards, in particular those of the EU. One important aspect of this law is to prevent the illegal employment of foreigners by issuing fines. In addition, it allows foreign workers to practice all professions. According to the previous legal arrangement, foreigners were not able to engage in domestic work.

Another significant positive step in the area of asylum was made under the 2005 Action Plan for Asylum and Migration, which aims to incorporate some procedures from the EU Asylum Laws such as "subsidiary protection", "tolerated aliens", and "residence permits based on humanitarian grounds" into the Turkish asylum system (İçduygu, 2007: 210). Moreover, as indicated in the Action Plan, the implementation of the principle of "non-refoulement" is an issue of concern, however, according to the constitutional provision that guarantees "all actions and

measures taken by the administration can be appealed before justice" and all aliens in Turkey may appeal to administrative justice against a deportation. According to İçduygu (2007), in order to implement the principle of non-refoulement and the decisions taken in the 2005 National Action Plan, the principles set forth in the European Convention on Human Rights and other relevant international agencies should be applied in a full-fledged manner.[41]

Another important change was made to the Citizenship Law. This change had serious consequences as there had been a significant decrease in the number of migrants who had acquired citizenship through marriage from 2003 to 2004 from 7500 to 1500 (see table 8). This decrease was due to an amendment made to Article 5 of the Citizenship Law (Law No. 403, dated 11 February 1964) on 4 June 2003) that had implications for combating irregular migration. The new legislation "foreseeing that married couples from different nationalities must live together for three years after their wedding to obtain Turkish citizenship" was enacted to discourage arranged marriages. Under the previous legislation, many foreigners could obtain their residence and work permits via arranged marriages. The current situation reveals that it is much harder to acquire citizenship for foreigners. Although these decisions were taken to comply with EU regulations on illegal migration, this law has this illiberal perspective viewing the migrants as potential cheaters. The stories of the migrants in the forthcoming sections will better illuminate this perspective.

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[41] According to Gisbert Brinkmann (2004: 196) "although article 1A(2) of the 1951 Geneva Refugee Convention provides a definition of the term "refugee", there is currently wide variance amongst the Member States as far as the interpretation of this definition is concerned. Since the refugee convention does not cover all aspects and situations faced by asylum-seekers, some Member States provide subsidiary or complementary protection to certain asylum-seekers, such as in the case of non-state actors of persecution."

Related to these legal changes, the parliamentary discussions reveal major concerns over saving the institution of citizenship and preventing "fake" (arranged) marriages. In my opinion, these concerns do not only stem from a desire to comply with international regulations. According to the official report of the parliament dated 4th of June 2003, AKP representative from Sivas, Selami Uzun have stated:

"What is aimed with these changes in this law is to protect the prestige of the institution of marriage. Especially in some of the regions in our country some foreigners who are coming to our country are involved in illegal relationships which deteriorate societal morality and social health, hence harming the institution of marriage. These people make fake marriages in order to move freely and they want to continue their illegal relationships by benefiting from the rights of the citizens and after they gain citizenship they get divorced. Therefore, in the first article of the proposal, and changing the fifth article of Citizenship Law, the fact that one cannot become a citizen automatically after marriage has been decreed under law. In order to gain the right to citizenship one has to stay married at least three years and has to be living physically together during this period. Therefore, Turkish citizenship is elevated to the respected, prestigious level that it deserves, and misusage of the institution of marriage is avoided."

Table 8: Automatic Acquisition of Turkish Citizenship, 2000-2006

Year	Acquisition through mother or father	Through adoption	Jus soli principle	Through marriage	Total
2000	259	1	41	5 384	**5 685**
2001	230	n/a	57	7 630	**7 917**
2002	231	n/a	52	8 416	**8 699**
2003	659	n/a	n/a	6 912	**7 571**
2004	885	n/a	n/a	528	**1 413**
2005	772	n/a	n/a	417	**1 389**
2006	985	n/a	n/a	358	**1 347**

Source: General Directorate of Population and Citizenship, Ankara.

Uzun continues his speech giving examples from other countries such as France, Germany and USA:

"In some of the countries in EU and USA, especially in France, in order to obtain citizenship through marriage one has to stay married for 1 year and in this period there should not be any changes in the status of that person. In Germany, Switzerland and USA marriage does not affect the citizenship status. The foreseen implementation with this new law, does not contradict the international implementations, on the contrary it is compatible with them."

As a positive side of this new law on citizenship, Uzun underlines that men and women will be equal in obtaining citizenship with this law besides the other advantages:

"In short, acquiring Turkish citizenship through marriage diminishes the inequality between men and women, decreases bureaucratic burdens when withdrawing citizenship. Besides it is a proposal that saves the institution of marriage from degenerating. In all the countries of the world it is made more difficult for foreigners to obtain citizenship, and yet citizenship through marriage is not available all over the world. And if there is a condition as such then there are many provisions for it to be acceptable. This law is compatible with the international developments in the world. With this law, fake marriages will be prevented."

Recent changes made on 28 May 2009 to the Citizenship Law are liberal in character, particularly for individuals born out of wedlock or prevented from acquiring the same citizenship as their parents. The *first* improvement is that those who have acquired another country's citizenship will not be deprived of Turkish citizenship. *Secondly*, those who have renounced Turkish citizenship will be able to regain their rights to Turkish citizenship. In addition, citizenship by birth will be also acquired according to descent or place of birth even if the children are born out of wedlock. And lastly, if a child is born to a Turkish mother or father (out of wedlock) in Turkey or outside Turkey, s/he will be a Turkish citizen.

Another detail in the law is that if a child is born to a foreign mother and father in Turkey and is not able to obtain any citizenship rights from the country that

the mother or the father is from, s/he will automatically obtain Turkish citizenship. In the other articles of the law it is indicated that if a foreigner resides in Turkey for five years, s/he can acquire Turkish citizenship. Furthermore, individuals who bring industrial facilities to Turkey or who make contributions in science, sports or culture will also be able to acquire Turkish citizenship. Another liberal aspect of the law gives the chance to acquire citizenship to those persons who have lost their citizenship rights leaving Turkey without permission: They will be able to regain their rights to Turkish citizenship regardless of how long they have stayed in a foreign country.

There have been many discussions in the parliament about this new law on citizenship. One of the representatives, Beşir Atalay[42], has stated that there have been many changes to the Citizenship Law (No. 403) since 1964 according to the changing needs of changing times. These changes have also been made in accordance with changing international circumstances and with an understanding more based on jus soli rather than jus sanguinis (although both principles have remained influential). However, a recent change relies more on the jus soli principle, for a child born to a non-Turkish mother or father in Turkey will be able to acquire Turkish citizenship as the child will be heimatlos in the case of not being able to acquire any citizenship of the parents. According to Atalay, the number of years of residence for foreigners residing in Turkey will be changed in 2010. Under this change, both foreigners of Turkish and non-Turkish origin will face the same residency requirements for citizenship (previously Turkish and non-Turkish origin foreigners were required to

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[42] Minister of Interior

demonstrate residency for two and five years respectively). Another improvement in the law is the permission granted to Turkish citizens for dual-citizenship. This change was made in consideration of the migrants who moved to Germany or other European countries in the 1960s and who now want to acquire citizenship for the country in which they reside.

Double-citizenship is a policy criticized by nationalist movement party member Hasan Özdemir who asks this question: "While Germany does not allow Turkish citizens to have double citizenship why does Turkey allow this?" On the other hand, the citizens who have to give up Turkish citizenship in order to obtain the citizenship of the host country will benefit from the implementation of "blue card", which will provide them advantages in the area of social rights. However, they will not be benefiting from rights and duties such as political rights, eligibility to work public institutions and conscription to the army.[43]

Positive improvements in the citizenship and work permit laws, as well as sensitivity in applying the principle of non-refoulement, suggest that the understanding of citizenship is changing in Turkey with more inclination towards an inclusive citizenship. However, Turkey's strong motivation to tackle illegal migration interferes with this will to liberalize laws on citizenship and immigration. Although the principle of non-refoulement is often applied, it is not clear if this respect for the rights of migrants emanates from a natural awareness of the state or from the fact that

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[43] Nationalists are highly critical of this new change also. They are saying that it is against the Turkish values and culture to accept these changes and that it is morally wrong and damaging for the Turkish society. (For a detailed analysis for the speeches in the parliament see http://www.tbmm.gov.tr/develop/owa/tutanak_sd.birlesim_baslangic?P4=20419&P5=B&PAGE1=28 &PAGE2=&web_user_id=6899938)

Turkey is expecting to become a member of European Union and acts pragmatically to prove that it has done its homework.

4.4 Laws and Their Implications in Theoretical and Reel Terms

Laws on work permits, citizenship laws, the limitation on the Geneva Convention and the 1994 Regulation on Asylum all profoundly affect the living conditions of the migrants. In this section, the implications of these laws for each group of the migrants will be deliberated.

First, I will underline the theoretical approaches to migration adopted by scholars such as Honig, Benhabib, Eder and Tsai; later, I will make a different kind of analysis according to each category previously indicated. The theoretical approaches examined below (which seem to only belong to one category) are overlapping and may also be generalizable for other migrants as well.

4.4.1 Irregular Migrants: Foreigners in "Deliberate Negligence Zone of the State"

For irregular migrants it is possible to talk about a negotiation between the EU and Turkey since illegal migration and illegal labor are issues of high priority for both sides. Both the Turkish state and the EU do not appreciate what is uncontrollable and uncountable in the area of migration. However, the state has more than two faces while treating the foreigners. *First of all*, the state is trying to become a more enabling state, for instance by changing laws on work permits for foreigners. *Secondly*, it is also a neglectful state which does not find long-lasting solutions to

incomplete integration and other problems affecting migrants. While the state prefers to deal with migrants who are entering or residing illegally, the bribes collected by the police cause the state to lose its legitimacy.

In the eyes of Turkish and non-Turkish citizens, the state is not necessarily defined by its legitimate use of force, but by its illegitimate use of bribery and torture to solve short-term problems. Because the state does not exert its will to prevent illegal migration completely and besides there is the state which cannot exert its will because it is also not so willing to change the micro-system under which the employer, employee and the police are all benefiting from the illegality. Therefore, as underlined by Eder (2006/7), the case is that most of those migrants working illegally are acting under "the deliberate negligence zone of the state" (Tsai, 2002). Indeed, there are many "mutations" of the state as expressed by Eder (2006/7):

> "Enabling state which enable foreigners to work in a number of jobs; coercive, controlling state as well as a co-opted, corrupt, informal, criminal state which is creating circumvention strategies, resistance tactics and informal networks by many of the foreigners".

There are many examples of migrants who figure out how to protect themselves in this highly imperfect system. One migrant residing in Turkey illegally, for instance, has found a way to cope with the questions of the police when they ask for their passport. Ali (Ghanaian, 30 years old) says: "They asked for my passport and I said I left it in the house and they did not ask more." This "deliberate negligence" is not only valid for illegal migrants, but also for those circular migrants who are coming and staying for a limited time. One of these migrants who had stayed in Turkey for some time by working in elderly care, as a babysitter and in a shop in Aksaray told how they planned to act when the police came because they worked

without residence permits. Dilara (Crimean Turk, 28) told her story on how they were trying to cope with the treatment of the police:

> "We said we are customers there. Because we were afraid and so we started looking at the clothes as if we were customers. That was the thing to do as we decided in case the police came. So we just looked around and silently got out of the shop."

Another migrant from Moldova, "Lara", was a victim of the system which caused the exploitation of the migrants working illegally. Such migrants are unseen, unheard and unnoticed by anyone who puts the law into practice. And they are more vulnerable to each kind of threat from being left without any financial security to being threatened by the police. Lara (Moldovian, 63 years old) for instance, worked as a domestic worker for two months but her employer refused to compensate her so she was unable to leave the country even though her visa had expired.

Many of the migrants who were interviewed in IIMP were irregular migrants. When they were asked how they sustained their lives they gave this simple answer, which I could not understand at first: "Grace of God". They were mostly without jobs claiming that there was no other organization to help them get food or medicine. Mostly their visas had expired yet they continued to stay in Turkey. One of the migrants complained that he had been interviewed by other researchers or journalists many times but this changed nothing.

Michael (Nigerian, 20 years old) and John (Nigerian, 19 years old) are both living in Tarlabaşı. What they said about Tarlabaşı was interesting: "Tarlabaşı is like a city in Africa. More or less living like in Africa". When asked about the attitudes of the people, they said that people on the Anatolian side are kind, while people in Tarlabaşı are impolite and unwilling (or unable) to communicate. When they have

health problems, they are sent to St. George Hospital and examined while IIMP pays for the doctors and medicine.

When they were asked if they had felt any discrimination as a foreigner, John said: "In the bus you have to give them the place because you are a foreigner. I am talking about the color. Because you are black you have to give them space". Moreover, they said that they had trouble making friends. John brought a different explanation saying "Turkish men are hot-tempered and jealous". This might have been because he encountered coarse treatment from the Turkish men when he was approaching Turkish women.

Maria (Filipino, 44 years old) has been residing in Turkey for five years taking care of two children in Antalya and earning a good wage (800 dollars plus the allowance of 100TL). She has come here crossing from Lebanon on foot walking five days to Syria and then to Antakya. She is planning to save money for the future and then leave for Philippines at the end of a year. Later she will try to go to Canada. She worked in various places before this job (in Ortaköy, Ümraniye and in Ankara). Once she had a problem with an employer in Ümraniye who was always shouting when she was not in a good mood. She has not had many interactions with local people because she goes out just once a week. When she was asked if she had any cultural shocks she said "I am very observant, I am never shocked". It seemed that after a hard journey, stressful working conditions and having to live at the edges with an illegal status, nothing is shocking or bewildering. Since Maria has the problem of tracheocele, she is coming to Istanbul for a check-up every three months to Saint George Hospital and

she gives IIMP as the reference. If there were not civil society organizations such as IIMP, these migrants would certainly be less healthy and live in worse conditions.

Hervik (Nigerian, 40 years old), gave the same answer as John and Michael when he was asked how he sustains himself: "The grace of God". This answer may imply that these migrants see themselves not as agents but as people in need who have nothing to rely on but IIMP. This organization certainly brings a kind of religious dimension to the way they see life as a migrant. Hervik had malaria and he was cured here. When he was asked about his experiences as a foreigner he said that some young people are making life hard for them by trying to put up meaningless fights: "Sometimes when I am going to my house some boys at the road want to start up a fight. For no reason. It is the character of the Arab world." Furthermore, he underlined that Turkey is developed but he is aware that there is not enough jobs for the citizens and non-citizens (foreigners):

> "But Turkey is a very good place to be. Let there be jobs for foreigners and everybody. If there is a job in this country everything will be very okay for everyone. But for now there is no job. You cannot survive. You cannot pay… just imagine. Just to have job. All this embarrassment would be solved by jobs."

When Hervik was asked if he applied for residence and work permits, he said that his only concern was to survive so he could not think of these applications at the moment. When he was asked if he had faced any kind of discrimination, he said that there is a discriminatory practice if you are not a Muslim. Hervik said:

> "When I want to buy something from them …They ask me 'Are you a Muslim?'. I want to communicate with them. They ask 'Are you a Muslim?' When you say 'no' they will not talk to you. Religion does not demand this. In religion you are all one, Christian or Muslim."

As the upcoming migrant stories will illustrate,, Hervik is not the only migrant who complains about the discriminatory behavior based on religion by the people in general.

Pamela (Nigerian, 40 years old) says that she would prefer to be home (back in Nigeria) because there is no help for them here. She is aware of the high population in Turkey and the high level of unemployment. So she said: "You cannot blame the government because they do not give foreigners jobs when the citizen is in need of the job also."

Another migrant, Judith (Lebanese, 41) has engaged in domestic work and earned some money for two years. However, she just had a baby and she cannot work now. When she was asked about the interactions with the police she said that the police only ask for money and they are mostly around during the time of Ramadan. She added that she would have liked to get the residence and work permits but she did not have the necessary contacts. Judith said:

> "I want to stay here for work but I cannot go out that much. I am sometimes afraid to go. Police might catch us. We are illegal, we need to get the permits but it is difficult because I do not have … Because some people here help with that but we do not have the contacts so we cannot make it. Some who have wars in their country they can have some privileges but we do not have war so we cannot apply for asylum."

What Judith said was explanatory in terms of how bureaucracy works in the life of the migrants. Not every procedure has to be legal, which means that calling the migrant "illegal" is not only ethically wrong but also wrong practically because sometimes state organizations perpetuate the illegal status of the migrants.

Laura (Ethiopian, 36 years old) said that she was caught by the police three years ago when she wanted to cross over to Greece. She claimed that she was from

Somalia so they did not deport her. She tried five more times. She had to stay in the Edirne guesthouse[44] for one week. When there was one person shot in her flat, police took her to the police station and she stayed there for 12 days. She said she was from Somalia and they let her go. Her future plan is to go to Hatay and register to the police. However, in contradiction to her stated intention to go to Greece, she also plans to return to the UNCHR in Ankara.

Ali (Ghanaian, 30 years old) is one of the irregular migrants who came to Istanbul to find a job. He is happy to live here as he goes to the mosque and is able to practice his religion without any restraints. However, there are some elements that he does not like to see in people and that are not parallel to his interpretation of Islam. As he is a graduate of theology in Ghana he has professional knowledge on Islam. One occurrence that bothered him was that he had worked for one week and was not paid. The employer is still avoiding him. What he is saying about this issue is that "It is haram according to Islam". Ali explains the situation thusly: "The employer does not pay because he knows that there is no place to apply for the migrant to defend their rights the next day". Ali said:

> "Most of them are good Muslims and they do not cheat but I worked for 1 week and they have not paid me. Construction work. He promised me 25TL for a day. 130TL for a week. I tried to contact him but he said he could not get his money from the bank. What he is doing is not 'Güzel Islam'. I think he is not a good Muslim."

He also makes this comparison between the Europeans and the Muslim countries saying that the same thing would not happen to him if he was living in Europe. What he thinks about Europeans is that "They are not Muslims but they do not cheat." In line with these ideas, he actually plans to go to Europe but one of the

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[44] Detention centers are called as guesthouses.

things he finds best in Turkey is that he can pray at the times he has to pray, he would not be able to do that in Europe when he has to work during the praying times. If he does so, he says that in Europe he would be considered as detrimental to the economic interest of the employer. Ali said:

> "It is credit for them that you are a Muslim because it is not good for economy. I am very happy because I use my work time to pray. But in Europe you do not get the opportunity. That is the only one thing that I like about being in Istanbul."

When he went to the mosque and people called him to read verses from the Koran, they were surprised to see that he could do it. However, he asks "Why would they be surprised? Do they think we live like animals?"

Another migrant, Halil (Ghanaian, 30 years old), revealed that he has to encounter different people with different attitudes. While some children throw stones at him, both police officers and ordinary citizens call him "zenco" (pronunciation of a word in a degenerated way which means "black"). If they want to have fun with him or show their friendliness they say, "Hey Obama!"

While Halil, Ali and I were going around in Tarlabaşı we went inside a photograph shop to buy film and there I observed that Halil and Ali were good friends with the owner of the shop. They were calling each other "arkadaş" in Turkish which means "friend". The owner of the shop was making jokes and they were laughing all the time.

In the future Halil plans to go to Finland because this country provides scholarships for African students.

When Halil was asked if he received any help from the municipality or from other organizations besides IIMP, he said that he once met a person in the mosque

who directed him to the municipality where food for the aged was provided. He went there once and they gave him food but he could not eat it. And they said "It is very haram to waste this food." He did not go there again.

He also had a few encounters with the police:

"Narcotics police is problematic. From the car they see us in Aksaray and saw black people. They started searching us. The only thing that is with me was Kuran. He started searching for my manhood. I began to say 'haram'. Almost three months now. It was annoying. He asked 'Are you a Muslim?' I have friends who have been subjected to torture." In their relations with the police they have managed to find a way to defend themselves although it is not very effective: "Once the police took Yamutu (his friend) and they left. They extort money from them. Sometimes they are very wicked. Sometimes they call 'negro' and I did not mind it. Then I swear to them in Turkish."

Halil, who is a friend of Ali, also discusses his experiences with police bribery:

"They would take money and leave us. Somewhere they stop and say 'get off'. I had 20, one had 10 and one had 50 so they took 80 from us. Even if it is our last money they can take it. Something annoying. … And the most funny thing was that they just moved away 1 meter and they came back to us just he saw every piece of foreign money with one guy. Western union receipt. So they said they have more money with them."

Another solution that they have in order to cope with the treatment of the police is that they do not go out late in the evening, for instance after 8 o'clock. According to Ali, one of the problems with the police is that they do not wear identification numbers, which prevents police who commit torture from being identified.[45]

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[45] So I told him that is the same problem with what happens to people on first of may, young people beaten up by a group of tourists and they cannot see their identiifcaiton number. If they identify their faces, then the police says "we were in another area at that time". So who is accountable and responsible fort he torture can never be clarified.

4.4.2 "Sovereign state which is trespassing international norms": Asylum-Seekers and Refugees

Under which conditions does the state trespass international norms? One of the most important issues of debate for Turkey in terms of trespassing international norms is the geographical limitation to the 1951 Geneva Convention that Turkey still maintains. Why has Turkey maintained the geographical limitation for so long despite criticism from the EU (as reflected in the progress reports) and the international community? According to Kirişçi (2005-a, pp. 355-7):

> "Turkish authorities have feared that the abolishment of the geographical limitation would bring even greater numbers of asylum seekers to the country, that would imply a reconsideration of Turkey's definition of national identity and even national security."

The fact that Turkey has not attempted to re-define its national identity since the establishment of the republic has created problems not only for the minorities living in Turkey but also for migrants coming from non-European countries. In this respect, The Law of Settlement is particularly problematic.

First of all, according to İçduygu (2007), Turkey kept the geographical limitation after the Second World War in order to prevent the arrival of asylum seekers migrating from the Soviet regime. *Secondly*, especially in the 1980s and 1990s, Kurdish refugees from Iraq and Iran posed a "threat" to the Turkish national identity. During this time, Kurdish refugees were settled along the border and not allowed to enter the country.[46] After the 2000s many asylum-seekers came to Turkey

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[46] "At the time of the Gulf War, 'when Saddam turned his helicopter gunships on the Iraqi Kurds, they tried to flee North over the mountains into Turkey- but the Turks refused tol et them in. They physically whipped them back at the border crossings…" (see Maggie O'Kane 'The most pitiful sights I have ever seen', Guardian, 14 Feb. 2003, pp. 6-16) quoted in Zygmunt Bauman "Liquid Times: Living in an Age of Uncertainity".

from Iran and Iraq – an unavoidable flow of migration prompted by the US invasion of Iraq and regional instability. Moreover, the opponents of the regime in Iran (having different religious, political and sexual preferences) have arrived in increasing numbers to Turkey.

Although the Turkish state wants to maintain its control over who enters the country and who participates in the society, its overriding concern centers on citizenship rights. Turkey as a sovereign state surrounded by supra-national forces in the process of globalization is unable to resist the winds of change, particularly in light of appealing EU membership prospects. The European states also want to keep their sovereignty in terms of migration policies and that is why western European countries are applying different migration policies when compared to the more tolerant migration policies of the Mediterranean countries.

> "The state can decide who enters, who participates in the general will and who can become part of the nation and naturalize, it can legitimately prefer its own legislation … More importantly, national security, public order, public health and safety are deemed as legitimate reasons to restrict liberties involving foreigners" (Guiraudon, 2000: 167-8).

What happens if a "sovereign" country violates international norms? The case in Turkey is that asylum-seekers who cannot get the refugee status cannot benefit from free health services, housing and food. In general, those migrants staying illegally have to survive by bribing the police and dealing with their arbitrary behavior.

Views of the social workers in ASAM and interviews conducted there in Kayseri also confirm the fact that the Turkish state trespasses international norms in terms of treatment of asylum-seekers. An asylum-seeker who had to flee Iran because

of his sexual preference and who has gained the refugee status later (He is living in Kayseri which is one of the pilot cities for asylum-seekers and refugees) said:

> "I do not get help for my diabetes. And my psychology is not good. I cannot get help for that. Sometimes UNHCR gives me insulin if I ask. Every time I go to Ankara, they give insulin."

If Turkey accepts the fact that it is an immigration country and acts in accordance with the Human Rights regime in the area of migration, it has to take new measures to protect the borders, develop new tools to manage migration and take into account the protection of asylum-seekers. Moreover, Turkey has to respond to the sometimes one-sided demands of the EU. When the issue is asylum-seekers and refugees or undocumented workers not many states are ideologically ready to become a country of migration:

> "Asylum-seekers and undocumented entrants are a problem because they are uncontrollable- undocumented migrants because they evade controls altogether, or get around them by entering short-term visas and overstaying and asylum-seekers because they are claiming to be refugees- people who should not be refused entry." (Schuster and Solomos, 2004: 279)

England and France are just two examples of those countries whose acceptance of asylum-seekers have declined year by year. Moreover, their criteria to accept asylum-seekers are stricter. England, for instance, has received fewer and fewer asylum-seekers even at the time of New Labor (Schuster and Solomos, 2004: 280); France has been giving priority to those asylum seekers who have health problems rather than those who are politically under threat in their home country (Fassin, 2001). The same restrictions are also operative in the USA, which is more

suspicious of foreigners and asylum-seekers after the tragic events of September 11, 2001.[47]

In order to get a clear perspective of the hardships faced by asylum-seekers in Turkey, interviews were conducted with social workers in ASAM (Association for Solidarity with Asylum-Seekers and Migrants) in Kayseri. They were asked questions on the problems which asylum-seekers and refugees in Kayseri experience as foreigners (both in their daily life and also with NGOs) and at the bureaucratic level (with the municipality, security forces and UNHCR). They explained that the major hardships asylum seekers face are typically related to health and housing concerns, as well as a lack of adequate income.

According to one of the social workers at ASAM, the most important problem the migrants experience is that they are isolated and not integrated into social life. According to him the most important reason behind this isolation is that it takes a long time for Turkish people to accept living ("ortak yaşam") alongside foreigners. Moreover, Turkish people often display prejudice toward foreigners because these people have left their own countries and they have different religions. One way to respond to failed integration and social prejudice is to offer foreigners social activities and educational courses. In line with the interviewee's ideas, it is true that the social activities and courses for the asylum seekers and refugees are very limited. Besides, people's awareness should be raised about why these asylum-seekers had to leave their own country and come to Turkey.

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[47] For the hardships that the asylum-seekers are facing in US, see Welch and Schuster "American and British Construction of Asylum-Seekers: Moral Panic, Detention, and Human Rights" pg 138-158 in eds. Brotherton, David C. And Kretsedemas, Philip (2008) "Keeping out the Other: A Critical Introduction to Immigration Enforcement Today".

The state's attitude toward foreigners is illustrated by the geographic limitation placed on the Geneva Convention and the Law of Settlement, which does not accept migrants who are not of "Turkish origin and descent". According to Harun Abakay[48] Turkey's restrictive migration policies, particularly toward people from the Middle East, are influenced by the country's geo-strategic position. Also related to the cases in which burden is not shared with EU, the perspective of the state is as such: "The least I help, the least they will be coming with an intention to settle."

Another ASAM worker in Kayseri Hilal Kavafoglu[49] explained Turkish people's attitudes towards foreigners by comparing Kayseri to the other cities where even an outsider in Kayseri from another city is seen as a part of "out-group":

> "In Kayseri, even someone from another city is considered as a foreigner, moreover there are Iranians, Mauritanians, Iraqis, Afghanis and Somalians coming here. Because they are black, Turkish people are staring at them. They are saying that in Istanbul these people are not facing the same treatment. One of the Iranians told: 'For me there is no difference between Kayseri and a city in Iran'."

When she was asked about the major problems of the asylum-seekers in Kayseri she gave examples such as work permits, housing and extent of the waiting period for the refugee status to be given. *First* of all asylum seekers do not have work permits. They typically work illegally washing dishes or doing construction work while women are tailoring. Some can improve their Turkish and work as waiters in third class restaurants. The *second* problem is housing because the rents are paid on annual basis in Kayseri. Asylum seekers could pay the rent if it was monthly but it is harder for them to pay annually. They generally reside in the worst districts where

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[48] Social worker in ASAM in Kayseri.
[49] She does not work there anymore but during the time of the interview which was April 2009 and May 2009 she used to work there.

rents are low. However, asylum seekers also need to stay close to the city center because they cannot afford public transportation. They also need to live in a central location because they are obliged to register at the police station three times a week (Monday, Wednesday and Friday) in order to prove that they are residing in the pilot city. Furthermore, asylum seekers have to carry their documents with them at all times, otherwise the police can take them into custody. *Thirdly*, asylum seekers who have come to Turkey fleeing political oppression might have to wait for three or four years to have their applications processed. In fact, some have been waiting for ten years.

The waiting period in the pilot city creates major problems for the asylum seekers. Housing, health problems and not having work permits are problems that become worse the longer they have to stay in the city waiting for a decision from the UNHCR. When they first arrive, their passport information is sent to UNHCR and there is a possibility that they will have to wait for one year before the first interview. After the first interview, in which the asylum seekers explain their reason for entering Turkey, depending on the situation of the asylum seeker, s/he waits for an answer. If the asylum-seeker has a serious health problem or if their lives are under threat, this information is given to UNHCR. Then if they are accepted and it is decided that they will be going to Australia and Canada (it can be one month or 12 months) there is a document given by the Australian consulate which says "we will call you within a year". This additional waiting period may create deeper and more prolonged uncertainty for the migrants.

Fourthly, while they are exiting they have to pay a residence fee for every six months that they had stayed, which can amount to nearly 175 TL. Kavafoglu says: "Sometimes when they are completing their documents on exiting the country their debt might have reached 9 billion liras for instance. Even if s/he has worked, s/he would not be able to pay this money." Kavafoglu adds that sometimes the security forces in Kayseri can exempt them from two of the payments, though this is an arbitrary decision which changes from police officer to police officer.

Each month UNCHR sends the quota for each city and those who come and show their documents cannot immediately register because of the quota. The majority of the migrants in Kayseri are Iranians, Iraqis and Afghans. The number of Afghans is about to exceed those of the Iraqis.

As Kavafoglu explains in line with the views of Abakay, considering the integration with the local people, sometimes the owners of the houses are calling ASAM and asking them when the migrants will leave Kayseri. Some people also think that migrants are the cause behind increasing rents in Kayseri. Those people who are economically well-off do not ask for help from ASAM such as some Iranians who have sufficient money to sustain themselves and are able to rent a house.

Kavafoglu underlines the perspective of security in the eyes of the state that applies the principle of non-refoulement but at the same time does not give refugees some of the rights they are legally entitled to. Kavafoglu says "There are not many laws concerning asylum seekers and besides this, the definition of the refugee in the Turkish system is very much different from the definition of UNHCR" What they are trying to do is now to form their own reception center in Kayseri and UNHCR is no

longer going to be the helping mechanism for the asylum seekers. Because UNCHR wants to contract its forces. Kavafoglu says:

> "All the legal officers are decreasing in number. UNHCR and EU both saying that Turkey should take its own responsibility now. And Turkey is saying that it will not be doing this if it is not approved by EU and UNCHR. There is a paradox. On the one hand EU is not accepting the asylum seekers. Other than Australia, Canada or USA there is no other country they can go to."

Kavafoglu sometimes complains about the inertia in the situation of the asylum seekers. "I feel that sometimes nothing changes and I cannot do much. Sometimes we cannot find a place for them to stay and they are coming here and sitting till eight o'clock."

Economically, ASAM supports refugees by taking money from the UNHCR in order to give clothes or food to the migrants. For health service payments, the migrants are directed to the "Kaymakamlık" (District Governorship) where they are living. The Melikgazi foundation (one of the districts) sometimes gives money to the migrants so that they can pay for medicine. Sometimes the district governor pays for medicine but this is rare.

One of the organizational problems is that there are too many migrants arriving in one day and there is a difficulty in deciding whom to help. Kavafoglu says:

> "Once there was this girl who wanted to move to another city and she asked money from us to travel there so we gave her the money, however I saw her buying things from a cosmetics shop and I was surprised. Another thing is that sometimes they escape from our eyes, because of organizational difficulties. There were times when 400-500 people came here. Sometimes there are 70 coming here each day."

In the case of the education of the children of the migrants there are not many organizational problems. Kavafoglu reveals that the children of the asylum seekers

are registered for the schools here with others and that they are able to learn the Turkish language and they are able to adapt really fast, in six months. However, they cannot receive a diploma unless they are Turkish citizens.

Lastly, Kavafoglu made comments on the situation of the homosexuals who had to live in Kayseri for a while. Since Kayseri can be considered as a conservative city being a homosexual is not very well welcomed by the people living there. This is considered mostly as a stigma. "They are happy to be gone to the third country" says Kavafoglu "Because they have serious problems here. There was a nice guy who was homosexual and he was dressing in a feminine way also putting on makeup, lipstick. So I told him 'Here is Kayseri and be careful about your appearance because people do not appreciate things like that in here'. He said he is very comfortable there in Canada having no problems while going on the street, not being disturbed by anybody and living in a free environment."

I interviewed two refugees and one asylum-seeker all from Iran at the office of ASAM in Kayseri. Two of them fled to Turkey because of religious persecution and the hostility shown to Christians and Bahais in Iran, while the third came to Turkey because he had been tortured for his sexual preferences.[50] And lastly, I conducted an interview with another refugee, Khafiye, in a hairdresser's in Kayseri, which was her

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[50] For a detailed account of the Iranians residing in Turkey see unpublished thesis of Judith Zijlstra (2009) "The Benefits of Being Azerbaijani: Ethnic Identifications and the Usage of Ethnic Capital among Iranian Migrants in Turkey". Zijlstra shows in her thesis how the ethnic capital and the linguistic capital that the Azerbaijanis have made it easier for them to benefit from the "ethnicized migration policies of the Turkish republic" and ethnicized character of Turkish citizenship leading them to settle in Turkey who, instead, were actually planning to stay as transit (temporary) migrants in Turkey.

place of work. She also escaped Iran because of political repression, though she did not discuss this repression in detail.

Khalid (Iranian, 38 years old) waited for 9 months for the main interview and he slept in the park for 3.5 months. He was working for a person who stayed in Holland for 10 years and who had a restaurant in Kayseri. However, the employer told him that he cannot work there any longer because the Turkish government does not let refugees work.

In line with the ideas of Abakay and Kavafoğlu, Khalid said that there are limited services for the asylum seekers. He claimed that there are some courses of Turkish language, tailoring and sewing dresses but these services remain limited.

Khalid also claimed that the health services are insufficient:

"If you are sick they send you to the state hospital. You do not pay the visit for 15TL. But if you receive prescription you have to pay and in the meantime two months ago I went there and they gave me a paper so I had to give this paper to Kaymakam's social works branch. They did not accept that. Like me there were so many refugees. As a translator I went with them. And I took that guy who had to pay 90 TL and that organization would not accept that. Police station gave them the letter so they can take the money back after the treatment, they gave them a letter to be given to kaymakam. The refugees must take that paper with them in order to … but they do not pay. After couple of months maybe couple of weeks they received the letter from the court that they have to pay themselves."

His complaints were mostly about not giving asylum seekers the right to work:

"If you allow refugees to work here then it is very good, better than not allowing them to work. Why? Because you know most of the refugees they come and they do not know these people and they come from completely different backgrounds. You do not know what they are facing. I heard many refugees who did not have money and then they go and steal. Committing crime. It is something laughable. Going to the shops and stealing chicken for instance, these kinds of things. He was held but why? He stole something. And he stole the chicken and put it under his coat. Poor man. … If they allow them to work…"

İbrahim (Iranian, 20 years old) was a Bahai and was quite desperate about the general attitude of the local people towards him and also about the attitude of the police. He had a serious health problem and this was one of the reasons why he was not happy about the services provided to the asylum seekers. He arrived eleven months ago and was residing in Kayseri from the very beginning. He was interviewed in UNHCR in Ankara three months ago and he is waiting for an answer. His remarks were clear-cut and without any ambiguity. Ibrahim claimed that "Turkish people would prefer that Iranians were not here" and he added that they do not rent houses to Iranians although they get more money (twice as much from what they normally get from Turkish people) and on an annual basis which makes it harder for the migrants to pay. İbrahim said:

> "The way that the police treat is very bad. Refugees here are not very happy, they are far away from their country. Far from their families, they have so much pain to tolerate things. When they counter that kind of treatment from the police it is very hard for them. You know sometimes refugees tell 'we are not animals here, we have houses, so much money, we are working but we do not have any other choices but to come to Turkey, to go another country'"

He also stated that there were no services and no help for Iranian refugees:

> "Services are important subject to ask. Because as refugees we know that we have some rights here. They must pay us some money, they must give us… houses, food, something like this that they do not give us. It is illegal. I would like others to know that we do not receive anything. We are on our own."

Muhammed (Iranian, 31 years old) also had complaints because he could not reveal his identity freely as Kayseri is conservative about homosexuality. So he had also made some interesting remarks in terms of how he is treated and perceived by the local people. His remarks were:

"People are nice here but when they understand that I am gay they change... Almost all the neighbors do not know that we are gay… We tell them that we came for political reasons…People should understand that people like me are human. We are not different."

Muhammed also complains about the residence fee, which is more than he can afford. Sometimes his friends from Australia and Canada send him money to help pay the fee. Muhammed said: "I cannot work, I do not have money, cannot go to university, I cannot stay one more year. I cannot go to the market, I usually stay in the house. Another problem is this, no work no study."

The last interview in Kayseri was conducted with Khafiye (Iranian, 36 years old). Although in the beginning it was difficult for me to gain her total trust, she revealed some truths about life in Kayseri for the refugees. She came from Iran because of "problems with the government". She was married there but told that she had lost her husband. She was also working as a hairdresser in Iran. She now works for 50-60 liras as refugees are able to work with their cards provided by the police. She has been living in Kayseri for two years and has applied for refugee status one year ago and is now planning to go to the US. However, when she was asked if she would have preferred to stay in Turkey rather than go to the USA, she revealed that she would have stayed if she had money and if she was living in Istanbul. She found Istanbul more modern and Istanbul women "cleaner and more elegant" in terms of appearance. She claimed that she was not aware of ASAM and did not get any help from another organization. She came to Turkey by train (she was coming quite often) and brought some money with her and paid an annual rent of 1500 euros, however, the owner of the house asked for 600 euros, which she has not paid yet. She also complained about foreigners being overcharged for rent.

As her answers might suggest, Khafiye is not integrated socially in Kayseri. She does not talk to many people except her colleagues who were there during the interview and does not have much interaction with the neighbors. In a normal day, she goes to work, goes to prayer (she did not want to give details on what praying "dua" consists of, but the girl working with her said that the Iranians were gathering in the evening and it was their social activity) and finally goes home.

Khafiye also received no medical help from the Turkish state or from the UNCHR. The police gave her a piece of paper on which it was written that she could get economic support to pay for the doctor, for medicine, for food and for clothes. Then, she went to the doctor and was examined. However, after going to the doctor for her examination, she received a full, non-discounted bill in the mail.

Khafiye does not like when the customers are bargaining and saying things like: "take this money –which is less than the real amount- and put it in your pocket, do not tell your boss, s/he will not know". There is another thing that she could not get used to: People do not say hello when they come in and when they go out. Khafiye says: "In Iran everybody salutes each other". Another oddity she found was the way men treat their wives in the hairdresser's; she thought the men were behaving rudely. And finally, she was angry when some neighbors said the following to her when she was having a barbecue: "USA is sending money to you so that you can make 'mangal' (barbecue) and eat meat every day."

In short, Khafiye's story illustrates how the Turkish people in general are unaware of the challenges that refugees face. Simply put, the Turkish people are not empathetic toward foreigners. They generally might think that the migrants are not

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having many troubles, which is a thought far from reality. However, being misunderstood or unjustly judged bothers foreigners although the general picture drawn does not prove that they are totally victimized by the society. To deal with this difficult situation, many refugees have found consolation in friends who are going through the same troubles, while others find consolation in work or religion belief.

In addition to the experiences of the Iranians it would be enlightening to consider how the Iraqis are treated. Although the researcher has not conducted many interviews with asylum-seekers from Iraq, the work of Danış et al (2006) highlights differences in how various Iraqi-origin asylum-seekers (Kurds, Turkmens and Assyro-Chaldeans) are treated. *First* of all, according to Danış et al (2006: 499), the Turkish government does not consider Iraqi Kurds trustworthy. This perception is rooted in the belief that Kurds participate in human smuggling and other criminal activities (2006: 483). Moreover, Turkey has never granted Iraqis refugee status and instead has referred to them as "temporary guests for humanitarian reasons" (peşmerge). This occurred when the Iraqis escaped from Iraq after the 1988 massacres of Saddam Hussein. Looking at the case of the Turkmens, the state shows its milder face when compared to the Kurdish and Assyro-Chaldeans, as the police demonstrate tolerance towards the undocumented Turkmen migrants in their daily face-to-face interactions. *Secondly*, as mentioned by Danış et al., Turkmens arriving up until 1991 could easily acquire Turkish citizenship, although it has become more difficult to acquire citizenship and even get a residence permit since 2000, as the Turkmens point out. Danış et al. (2006: 526) states that "This policy is probably related to the population politics of the Turkish state that prefers the Turkmen to stay

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in Iraq rather than to immigrate". *Thirdly*, in dealing with Assyro-Chaldeans, Turkey practices "deliberate indifference" by ignoring their rights and needs (ibid.).

As illustrated by the interviews with the social workers and the migrants themselves, housing, food and health are the greatest concerns for the asylum seekers and refugees. Moreover, because the refugees are often socially incompatible with the host society, and because there are few social activities for them to join, they waste a great deal of time in isolation. Many of the migrants from Iran for instance have dedicated themselves to sports (jogging and walking) in İnönü Parkı[51] in the mornings, creating some activity out of nothing. The civil society organizations helping these migrants have limited opportunities for these migrants. But without them their situation would have been worse, especially for those who are economically deprived. As observed from the interviews, they have limited contacts with the Turkish people and they mostly prefer to spend their time with people of the same nationality.

4.4.3 Women foreigners as "Natashas" or "benefiters and corrupters of the institution of citizenship"

Behind the changes in the Law of Citizenship in 2003, which made it harder to acquire citizenship through marriage, there was the idea to tackle illegal migration. These changes, which were made under pressure from the EU, specify that a married couple should live together for three years before a foreign spouse can acquire citizenship. Although the so-called reason behind the law was prevention of illegal migration for both the EU and Turkey, the other reasons as explained above aimed at

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[51] It is an old central park in Kocasinan where there is also a race track to walk.

preserving Turkish culture, the sacredness of marriage and compliance with international norms.

What was the main idea behind this law? Although the main idea seems to be preventing illegal migration, making it harder for foreigners to acquire citizenship (especially foreign women in arranged marriages) also implies that some foreigners should not have easy access to citizenship if they have the intention to "intrigue" the state.[52] From the state's perspective, the institution of citizenship should not be corrupted by foreigners who want to "devalue our institutions" (Honig, 2001: 91):

> "Such loveless marriages are seen doubly dangerous (certainly more dangerous than all the other loveless marriages in the nation) because they disenchant two of the nation's most beloved institutions: the institution of marriage, which foreign brides are supposed to help prop up, as well as the institution of citizenship, which is supposedly damaged when immigrants acquire it improperly"

Turkish parliamentary minutes also confirm the view that parliamentary members had in mind to save the "institution of marriage" by preventing fake marriages so that the "prestige" of the Turkish citizenship would be restored.

Besides these ideas behind the law, as Honig states:

> "Foreigner women are figured as *exemplary wives* who can save the institution of romantic marriage, they inevitably fail and then they also are reflected as *betrayers* of that and other ideals: The self-interested *corrupters* of increasingly devalued institutions whose downfall can now be safely attributed to the institutions' abuse at the hands of *untrustworthy outsiders* who never really loved us but were only out to use us all along." (ibid.).

As emphasized by Honig (2001), this is "citizenship without consent" (Shuck and Smith, 1985) in the eyes of the state. This is the kind of understanding which makes the foreigner an "external negative other" (Petersoo, 2007: 120).

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[52] This is the perspective of the state. State facing the foreigner, claiming that the foreigner cannot easily trick the state in order to gain rights.

Experience of one of the migrants interviewed is a very good example of how foreign women are perceived in Turkish society. Zemfira (40), who is a Crimean Turk, said:

> "I was going to Gaziosmanpaşa and I realized that I was on the wrong bus. So I asked the driver if the bus is going somewhere else. As he saw me he said 'you bitches you come here from Asia and Russia and you have contaminated the Turkish people here.' I was so embarrassed. Could not say anything and got out of the bus.'"

What can be inferred from Zemfira's speech is that there are some people in Turkey who see foreign women as corrupters of Turkish culture and religion. Just because they look like foreigners they are accused of corrupting the values of the Turkish society. The accuser who is the Turkish bus driver is actually reflecting a perspective which has been adopted by some parts of the society. The reality that the migrants have gone through and their perception in the host society reflect a real irony: There is a huge gap between the self-perception of the migrants and the perception of the Turkish people, just because they appear like foreigners and they have an accent. The fact that they feel attachment to Turkey because it represents freedom and a place to earn a living does not change the harsh social reality they face.

I believe that two news stories published this year and one article written by Yıldırım Türker explains the perspective towards women in Turkey in a precise manner. Although the main aim of this thesis has not been the feminization of migration, I strongly believe that foreign women should be able to feel more comfortable working and taking holidays in Turkey. The question of how society's mentality might change is the main problem. However, at this point I would like to draw attention to an article written by Türker on the murder of Pippa Bacca, who had

been traveling the world with her wedding gown, which was a symbol of peace. His

article explains the perspective towards foreign women sharply and realistically:

> "Those who have been raped have been foreigners in the family albums. They are tourists. Or they are residing in this country as a part of their jobs. Or they are the foreigners who have given their hearts to this country. They cannot get rid of this ambivalent position that they are situated in and hence they are treated roughly. When the burning desire for these foreigner women and the feeling of crumbling hate explode, the way this news is announced to us is really full of implications and thundering. While reflecting these news it is so easy to see that the media is trying to hide this Turkish men "reflex" in an embarrassed manner."[53]

Another perspective is from Azeri Nesrin Cavadzade, who had come to

Turkey from Azerbaijan when she was in primary school and grew up here. She came

here in 1990s and she tells her experiences in 1992 with these words:

> "It was the time when the suitcase trade and the way Russian women were perceived in a different way. It was 1992 and I was in fifth grade. I said 'My mother tongue is Russian' in the classroom. It was a disaster. I had three years in which I cried each day. Because I said so, people started to call me "Natasha". It was very difficult. If I had stayed in Baku, I would not be so much eager to gain success… I had a terrible migrant psychology. To speak Turkish as good as a Turk and to be as good as whoever…"[54]

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[53] By Yıldırım Turker published on Radikal Newspaper on 14/04/2008. For the news see Radikal "Türkiye'nin Maganda yüzü Alanya'da ortaya çıktı" published on 27 May 2009, the article is named "The Bully Face of Turkey Showed up On the Beach" ("Türkiye'nin Maganda Yüzü Plajda Ortaya Çıktı" telling about how a Turkish man refused by a foreigner woman wants to force her to be with him and then caught by the police. Another news very similar to this was published on Vatan Newspaper on 26 April 2009 which tells how four or five "maganda"s had disturbed a Danish woman tourist and how she had to leave the beach as she was disturbed by them.

[54] "Tam bavul ticaretinin, Rus kadınlarının başka türlü algılanmasının başladığı dönemler. 1992, ilkokul 5'teydim, "Anadilim Rusça" dedim. Felaketti, her gün ağladığım bir üç sene geçirdim. 'Nataşa' denmeye başlanmıştı bana öyle dediğim için. Çok çok zordu. Muhtemelen Bakü'de kalmış olsaydım bu kadar başarıya koşullanmış bir çocuk olmazdım. Ama burada liseyi birincilikle bitirdim, Şişli Terakki'den mezunum. Feci bir göçmen psikolojisi içinde yaşadım. Türkçe'yi en az Türkler kadar iyi konuşmak, en az bilmem kim kadar iyi olmak..." published on Radikal on 25th April of 2009. An interview with Bahar Cuhadar.

A criticism of the law is made by an interviewee who had become a Turkish citizen before the laws were changed in 2003. Sveta (Russian-Turkish citizen, 40 years old) said:

> "Now they are giving the citizenship status after marriage of three years. All the girls have a bad psychology. They are being followed. Okey, Turkey is European but Europe does these jobs in a kinder way. People are now afraid to live with their husbands. The police are visiting their houses unexpectedly. This is very rude."

Sveta underlined several times that Turkey was changing the laws in order to Europeanize and harmonize with the laws of Europe. However, in her view, Turkey and Europe do not share the same culture. Consequently, Europeanizing the laws did not produce good results and the implementations remained insufficient because, in her words: "They are Europeanizing the laws but they do not have the European culture. If they had, then the laws would be harmonized easily."

The 2003 change to the citizenship law certainly reflects the strict position of the state towards "those foreigners whose aim is to corrupt the institution of marriage". Indeed, the institution of marriage is regarded as "sacred" by Turkish parliamentarians. From the state's perspective, this might be considered an efficient way to deal with illegal migration; however, the "spirit of the law" reveals how foreigners are seen as "corrupters". The way the laws are implemented, either by the public officers at the immigration office or by the police, is not a direct reflection of Turkish culture but a manifestation of the state's perception. Ultimately, in order to save this sacred institution, the state violates the privacy and freedom of countless individuals.

Sveta admitted that she was feeling like a foreigner although she had become

a citizen. She made very extraordinary and striking remarks about how she was

perceived by the people:

> "I do feel like a foreigner. Sometimes they see me and they understand I am a foreigner and they want to use me as if they will all benefit from me. They treat their own people differently and us differently. That has always been like this. Either they will use you, or will tell lies or benefit from you. Not all the people are same. Because I am Russian they think I am a prostitute and nothing else comes to their mind. Men are like that. If I am not manly enough they think that everything can happen. It is because they do not have the European culture."

When Sveta was asked about the advantages of being a citizen in Turkey, she

said that she is not disturbed by the police anymore and revealed that there are indeed

advantages. She described Turkey as a major country which cannot survive without

immigration and as dependent on the foreigners in terms of trade and labor force.

Sveta said:

> "I feel comfortable now. Police does not disturb me. During the times when people could get their visa in six months, everything was all right. There are even more advantages for the foreigners, believe me or not. You know Turkey is a big country, it cannot be without migration. If you kick them out of the door they will come inside from the window. But without foreigners, this country cannot do anything because lots of things depend on the foreigners. For instance, Laleli is a center for trade where foreigners reside." On the other hand, she was not happy with the present situation of the foreigners residing in Turkey. According to Sveta state was not providing better conditions for foreigners to trade elevating the taxes and not promoting what is good for interests of both Turkey and the foreigners. She said: "This is a give and take relationship; you will buy from me for your children so that I can send money to my children. That is how it is."

Like all the other migrants interviewed, Sveta believed that the biggest

problem for foreigners was the work permit. In terms of the work permits given, she

explained that some exceptions would be made for the Ahiskan Turks, though these

exceptions did involve bribery:

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"They do not give the work permit first. Even if they give, they give to those who they know. You have to pay a lot in order to take the permit… The people who they know at the Foreigners' Office… If you know one of them, they are bribing you for 3000 dollars. A normal Ahiskan can take it easily but they also bribe them a bit. Sometimes they ask for 1000 TL to make you into an Ahiskan Turk."

The state's foremost concern is to prevent undocumented migration so that the foreigner cannot "devalue" the institution of citizenship or benefit from rights through "cheating" the state. Society's foremost concern is that "Turkish values and culture should not be contaminated by the foreigners who are devoid of the same values". These two views both represent the edges of a sword. Yet, there are many people who fall in the gray area in between these extremes, people who regard foreigners as guests in need of rights, jobs and tolerance. The mentality behind the laws reveals that the state's perspective might include also prejudices which lead to misbehaving towards foreigner women. Whether this mentality has roots in Turkish culture or stems from the efforts to Europeanize in line with the Acquis, the central concern should be migrants' rights.

4.4.4 Regular Migration: Turkish origin migrants: "Kin Race" and "External Positive Other"

According to the Law of Settlement, those "who are of Turkish descent and culture" are considered migrants. Turkish Bulgarians are amongst this category for they have always been considered "brothers in fate" (Vasileva, 1992: 349) or a "kin race". According to Çelikel, legally their category is the migrants/exchangees. Their status as migrants has given them some advantages in terms of socio-economic and citizenship rights. However, it is important to note that even if the "kin-race" has

always been given a hand by the state, it does not mean that all the migrants from Bulgaria who have come at different times have been met with similar treatment by the state.

Erder (2009: 43-52) categorizes migration from the Balkans into three groups: 1) Balkan Migrants as Founders (1923-1949); 2) Balkan Migrants in the time of Cold War (1951-1952); 3) Balkan Migrants after the end of the Cold War: 1989 Bulgarian Exodus and Returnees. According to her perspective Balkan migrants who came after 1949 are somehow not given as much importance as those who have come during the implementation of settlement policies of the Turkish nation-state. Since the first Bulgarian migrants were the elements to homogenize the nation and were seen as constructive in the nation-building process, they were given a unique mission and place. On the other hand, the ones who came during the cold war were met with prejudice by those who had anti-communist sentiments (Erder, 2009: 50). Moreover, even though these people were still called a "kin race", with the beginning of the Cold War there are implications proving that they were started to be seen as "External Turks" (Dış Türkler) (ibid.).

According to Parla (2006: 545), from the beginning of the republic, Bulgarians were perceived as "indivisible and inseparable from Turks … and that they are a part of their blood brothers in Turkey" (Şimşir, 2009: 284). In spite of this perspective, which keeps Bulgarians apart from all other migrants, there were some traits they possessed that did not comply with mainstream society's understanding of Turkish culture. In the words of Parla (2006: 563): "after being persecuted in Bulgaria

by their government because they were Turkish and Muslims, they have been marginalized in Turkey by the local population because they were Bulgarian".

When assimilation by state policies gained pace and the Bulgarian Turks were called infidels, refugee camps were built in some cities in Eastern Thrace in the European part of Turkey and in the suburbs of Istanbul and Bursa (Vasileva 1992: 349). Therefore, they could benefit from the status of refugees unlike other foreigners of non-European origin and non-Turkish origin.

Another striking fact about the Bulgarian Turks was that those who came between 1984 and 1990 were perceived differently. Those who migrated in 1989 came because of political repression by the Bulgarian government while those who came after 1990 migrated mostly for economic reasons. The 1989 migrants were granted double citizenship while the ones who came after 1990 only held Bulgarian passports and had to exit and enter every three months (Parla, 2003: 564). Here the Turkish state applies another double standard, one which may have caused many migrants after 1990 to return back to Bulgaria. These migrants did not find what they had expected to find in their imagined motherland.

It is true that Turkish origin migrants in Turkey have always benefited from the advantages that the non-European migrants and those who did not have "Turkish descent and culture" could not enjoy. However, this does not mean that they have been warmly embraced by the state as they had escaped from the assimilation of 1989. The so called "kindreds" were promised housing, for instance, according to the Law of Settlement of 1934. However, some of the houses in which these migrants

were to be settled were not completed,[55] either because of economic deficiencies or because of the fact that promises given to Bulgarian Turks were overstated at the time. Many of them who came at the time of the collapse of the Soviet Union were given rights to citizenship, but when their numbers reached a certain point the doors were closed. However, migration continued illegally afterwards.

Most of the debates in Turkey's Parliament on the changes made to the Law of Settlement in 2006 were about the Bulgarian Turks and the problems that persisted with the investments made for their housing. Şenol Bal who is a member of the Nationalist Movement Party, for instance, talks about two problems related to Bulgarian Turks: *First*, the Bulgarian citizens who marry Turkish citizens can obtain citizenship only after three years. The ones who cannot obtain a right to citizenship can stay in Turkey only with a residence permit and a work permit and therefore, he claims that these rights are not sufficient for them. *Secondly*, Bal argues that Bulgarian Turks (who now number 10.000) can only get 65 TL in retirement funds from the state and cannot benefit from the social rights to healthcare. This is amongst the debates on Bulgarian Turks and this speech of Şenol Bal shows that Bulgarian Turks as kindreds or as Muslim brothers and sisters are the "external positive others" and also "internal positive others" to whom the Turkish state would have preferred to give more opportunities and rights. However, even to "the kindreds" the state has not been as generous as one would expect.

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[55] See
http://www.tbmm.gov.tr/develop/owa/tutanak_sd.sorgu_yonlendirme?Donemkod=&Yasama_yili=&Baslangic_Tarihi=&Bitis_Tarihi=&sorgu_kelime=iskan+kanunu

The most striking fact is that in the official reports of the parliaments about the changes to the Settlement Law, those items related to the Bulgarian Turks that are at the forefront are: How Bulgarian Turks are glad to have Turkish surnames; how they are conceived as a part of our nation and how the Turkish state is pleased to embrace them since they ran away from the assimilationist and discriminatory practices of the communist era; and how certain housing promises given to them could not be kept.[56]

In this context, the interviews conducted proved that those who came in the time of exodus were luckier than those who came for economic incentives after 1990. Although the number of interviewees is not sufficient enough to make generalizations, one can clearly see how these migrants perceive Turkey, why they came and what they had expected. It is also possible to explain how they are treated by the state and the local people, as they are very much forthright while verbalizing their comments, dreams and disappointments. These comments do not only belong to the Bulgarian Turks but also to Crimean Turks.

When Ayşe (Bulgarian Turk, 49 years old) was asked about the daily hardships she encounters as a foreigner interacting with the local people. She said:

> "They are saying that we have disturbed them because their men are looking at us. There is jealousy. They are asking 'How come you have your breakfast and make up and leave for work? We are leaving the house just like that.' They are doing the same job and feeling pressure because their men are giving us as good examples to them."

Ayşe said that she had never felt like a foreigner in Turkey as her childhood dream had been to live in Turkey. She said: "I do not feel like a foreigner here. I feel as if I was from here because I am a Muslim and I am happy to live in a Muslim state.

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[56] See
http://www.tbmm.gov.tr/develop/owa/tutanak_sd.sorgu_yonlendirme?Donemkod=&Yasama_yili=&Baslangic_Tarihi=&Bitis_Tarihi=&sorgu_kelime=iskan+kanunu

My dreams since my childhood have come true." Ayşe's daughter works in a factory from 8.00 AM to 19.30 PM and she is not receiving social security insurance while she receives the minimum wage.

There are tensions between Bulgarian Turks and other migrants such as those from Moldova. Tensions also exist with the native Turkish people who see the Bulgarians as "people who are stealing their jobs":

> "Those who have headscarves are saying 'we would have jobs if you had not come here'. Okay. We found ourselves work. They can find, too. They are saying Bulgarians do not work. Why would it be so? I have been in the domestic work for many years. One of the house owner said that she would prefer Moldovans because they work for less money. Their money is less worth than ours. Their situation is worse than ours."

Ayşe has been working away from her husband and son for years. They had to turn back from the border in 1989 as the borders were closed after the entry of 300.000 migrants. Later she stayed for seven months and tried to come here again. However, they were not allowed to come and so she came illegally because she had to spend a lot of money going back and forth and so preferred to stay. Besides, her husband told her that she could easily find work in Turkey but he would not be able to work. When there was the amnesty she took her daughter with her to Turkey.

Another migrant with Turkish origins is Dilara (Crimean Turk, 28 years old), who also said that she felt like a foreigner on the street as people stared at her. She wanted to have a work permit but she gave up because she did not want to deal with collecting the documents in Crimea, where there were many bureaucratic hurdles and burdens.

The laws have changed for migrants from the Ukraine. Those who enter with a tourist visa could enter and exit every two months. However, after the change, they

can only stay in Turkey three months out of every six months,[57] On the other hand, Dilara has just married a Turkish citizen and she does not have to leave the country anymore but has to cope with the unexpected visits from the police.

She told about how she felt when she first came here for her job in Crimea as being a teacher in the kindergarten did not satisfy her economically. She says:

> "The first time was the hardest time. You do not know the language and you know nothing. So you have a lot of hardships. I wanted to leave everything and go away. Then I got used to it slowly. I was looking after an old woman in Kadıköy for two months."

Later when she re-entered the country after two months of work taking care of an old lady, she started to work in a shop. There they were always waiting for a visit by the police. Dilara said:

> "When I was working in the shop, there was a girl working there for three years. She spied about another girl to the police. Her name was Sasha. She was staying here for four years. Police came and took our passports. I was frightened and what happened is that they deported her. They did nothing to us. They told us 'you know that you cannot work here without permission'. So we were saying that we are customers there, we were pretending to look at the clothes around. So many times the police came and we pretended to be customers and leave without being noticed."

When she was asked what she would for work if she was in Crimea her answer was:

> "I was working in a high school there. I was earning 30, 40, 50 dollars. But I quitted it because money was not enough and I was having hardships. I was staying with my aunt. My mother did not want me to come here but I gave a struggle of three years in order to come. I applied for passport and came with a mother's friend who was here to work. She was always guiding me."

Kadir (Bulgarian Turk, 25 years old) came with his family when he was five years old as a result of the mass deportation of Turks by the Bulgarian government in 1989. When he was talking about experiences that shocked him he said that it was

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[57] http://www.ukrist.net/default.asp?iLang=tr&iItemId=18 accessed on 5 August 2009.

hard for him to adapt to lifestyle differences. For instance, he could not understand local Anatolian accents. Secondly, he was shocked by the abundant consumption of tea, which Bulgarians only drink in large quantities during the winter. He said: "Apart from these minor social-cultural differences, I almost never felt like a foreigner in Turkey. This is mostly because I identify myself as a Turk and see Turkey as the 'motherland'." Therefore, his views were similar to those of Ayşe, who also identified herself as a Muslim and a Turk and who was happy to be in her motherland.

Kadir also added that those who moved to Turkey in 1989 did not face significant problems in getting citizenship rights. He said:

> "Turkish government either because of nationalistic or political reasons has provided them citizenship rights together with residence and work permits at the time. However, ones who moved after the big exodus in 1989 faced many difficulties in Turkish bureaucracy. My uncle, who moved to Turkey in 1996, received his Turkish citizenship in 2005 and worked here without a work permit during these 9 years."

He also added that he never faced discrimination and on the contrary "people feel sympathy towards his background and he cannot remember any situation in which he felt stress expressing his origins". He also stated that his parents saw Turkey as a kind of Utopia "with all problems solved, as a heaven as compared to the totalitarian Bulgaria". He said:

> "My parents felt disappointed when they faced with Turkey as an underdeveloped country with economic problems, political instability and terror, in 1989. I am still disappointed about Turkey when I compare to Bulgaria, an ex-communist country which is now a part of European Union. I think this is the main reason of Bulgarian Turks returning to Bulgaria in 2000s."

Parla (2007: 159) also differentiates between the migrants who came as a result of the 1989 exodus and who came in the post-1990s. According to Parla, those

migrants who came in the post-1990s were not imagined as a part of the nation in terms of "social and legal reception" in spite of their ethnic identification as Turkish.

As the preceding analysis illustrates, Bulgarian and Crimean Turks have lived through the worst problems such as economic deterioration and assimilation. As a result, most of them thought that Turkey would save them from their former troubles. Whether content or disappointed with life in Turkey, they have always seen this country as the motherland. "The motherland" also conceived them as the "external positive other": *First,* they were seen as constructive elements for nation-building. *Second,* those who came during the Cold War were sometimes welcomed with suspicion, which underlines "external" status of Bulgarian Turks rather than the "positive" status they had had before the Cold War. In addition, those who turned back to Bulgaria after the collapse of the Soviet Union are cases proving that they have not found what they had expected in Turkey in terms of cultural affinity and integration with the local people.

Despite these changing circumstances and emphasis on the external Turks, Bulgarian Turks are better off compared to the Gagauz Turks, who complain about their unequal situation despite being Turk.[58] As Keough (2003) indicates they are not "soydaş" or "kin" therefore they were not granted privileges that were given to the Muslim communities who migrated from the former Soviet Union countries. On the other hand, there are the Turkmens, whose migration history can be divided into two eras corresponding to different legal and social circumstances: pre-1991 and post-1991. Finally, although it is difficult to draw a general conclusion from all the

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[58] For details see Kaska (2003)

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discussions about Turkish or Muslim origin migrants, it would not be wrong to say that the state modifies its policies, even to "soydaş" or "kin", which are either more welcoming or more restrictive depending on the socio-economic circumstances and the demands of the EU vis-à-vis illegal migration. In other words, even if the migrants are of Muslim or Turkish origin, the state has not shown unconditional tolerance. As argued by Honig before, the state focuses on what it can achieve through the migrant. In the case of Turkish origin migrants, they were seen as useful components of the nation building process. Later they became a source of cheap labor (migrants from whom the state could benefit economically). All these changing perceptions also incorporated suspicions arising from the Cold War environment, which caused the state to prioritize communist "threats" that could come as a result of immigration from Bulgaria.

4.4.5 Regular Migration: Migrants as Students or Professionals

Most of the regular migrants who stay in Turkey with residence and work permits have had milder problems compared to those migrants with Turkish origin or compared to undocumented migrants from Africa and Iran. Their problems mostly have been on the social level –in terms of interactions with the society- rather than on the economic level.

Pablo (Columbian, 26 years old) who is completing his master's degree in international relations in Istanbul, made a comparison between Istanbul and the Anatolian cities in terms of the behavior of the migrants:

"In Istanbul people are used to seeing foreigners all day. Istanbul is a city that has been visited by thousands and millions of foreigners every year. People are very kind of not aggressive but create a division between foreigners and Turkish. They put kind of a distance. When I go to different places when I go deeper inside the country, because of the fact that there are not many tourists, people are very much friendlier and the fact that they have not seen many tourists and the fact that they are not so touristy like Konya and Urfa, like Kars."

He made some comments on the difference of the Anatolian parts where he was surprised to see the effects of male-dominated society:

"Like religiosity and Islam being such a big power and such a big trend like a force in Turkey … has been very eye-opening for me. As you go to the east to the small towns I remember seeing pretty much no woman on the street or rather a woman. It was a completely male dominated society. And that was a very strong picture because where I come from is different you do not see these things…"

About the treatment he received at the police station and how he got his visa, he made some interesting remarks. They asked him if he was planning to get married with the Turkish girl who was his girlfriend and helping him at the time with translation. The perspective of the police is usually different towards people who want to get their visa, when the foreigner is a man with a Turkish girlfriend and it is different when the foreigner is a woman who has a Turkish boyfriend or fiancé[59]. The police seem to view marriage of foreign women with Turkish men as a normal situation while they might see the marriage of foreign men with Turkish women as abnormal. There might be two reasons for this perspective: *First,* the police feel that they have to protect the interests of Turkish girls who might be "trapped" by foreign

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[59] As I spoke with a friend who has an Italian fiance and who wanted to get his visa as they were going to get married, she verified my claims: Her boyfriend encountered suspicions from the police and the police again wanted him to confirm their relationship in a mistrusting manner. As a part of this informal conversation she told me these: "There were many foreign women with Turkish men, there, waiting to get their residence permits but the police did not look at them as carefully as they looked at us."

men; *second*, both in Islam and the under the previous Turkish citizenship laws, the woman seems to be the gender which has to be protected and saved.

In line with these comments, Pablo said:

"To get my visa extended I had to go to the 'emniyet müdürlüğü'[60] I had to pay some money and take some pictures. They asked me questions like 'Why do you want to stay here?'. His answer was: "Well I have a Turkish girlfriend and I want to be with her. I have vacations and I am studying in Colombia but …we are together. And they asked me 'are you planning to get married?' and I had to lie I had to tell them that we were planning to get married in order to get my residence permit.".

He also was not certain about how much fee he had to pay for the visa because he learnt from his friends that they were being charged arbitrarily:

"But they told me I have to pay 80 liras for that. And I discovered that it is very much whatever they feel like charging you. They invent the costs. Like for example depending on the country, depending on what you are doing, depending on so many things they just come up with a…so I ended up paying 140TL and 160TL which was depressing at that time. For example, a friend of mine who is a German was working here with the … and they charged him for 300 lira for a six-months residence permit. Everybody is different. Another guy from Kazakhstan, I know they charged him 90 TL. It is like how much they like you and …"

The common point among the foreigners residing in Turkey legally for work or studentship is that their comments on Turkish politics are not appreciated by the people in general. Foreigners are not expected to know a lot about Turkey's political, social and economic condition. There is the view that they cannot know much about Turkey so they cannot make comments that are critical of Turkish politics. In the class, Pablo felt the impression that because he is not a Turk, people suppose that he cannot know much about Turkey or he cannot be aware of the political events in Turkey. Pablo expressed his opinion over this issue by saying:

"I have gotten a lot even here in Koç University. It is like the idea that because I am not Turkish I should not be talking about Turkey. 'You do not know Turkey you do not know what feeling like a Turk is', so I was commenting the other day. I was

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[60] Police Station

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commenting on AKP and I said like I do not think AKP is completely bad, has brought many positive things to Turkey made lots of reforms. So there is always this nationalist view that I encounter."

One of the common views between two of my interviewees who are of European and Latin American origin was that they were both complaining about how they are seen as outsiders in terms of the ideas they suggested during discussions because these ideas were considered as the ideas of an "external other" (whose status as "positive" or "negative" is unknown in the eyes of the people) and who could not be in possession of insider knowledge. Yana (German[61], 26 years old) gave views similar to those of Pablo. When Yana was asked if she had ever felt discriminated against or if she had ever been identified as "the other", she replied: "Yes, when talking about Turkey's political situation (for instance Turkey's admission to the European Union or the Kurdish question), a lot of people would claim I could not really understand things because I am a foreigner."

Yana was also aware of the perspective of Turkish men towards foreign women and she felt disturbed by their behavior. However, her experiences were not completely negative because she felt the people were friendly and eager to communicate in Turkish. She said:

> "In general, Turkish people did not recognize me as a foreigner, so they constantly addressed me in Turkish. My experience was two-fold: On the one hand, people were very interested and friendly; no matter where I went, as soon as people figured out I am not Turkish, almost everybody tried to teach me some words (mostly "ben, sen, .."); surprisingly, almost every Turk seems to have an uncle in Duisburg or some aunts in Darmstadt or the like, and they were happy to share their ideas about Germany with me. On the other hand, I got really annoyed that for some reason I

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[61] For a detailed analysis of the transnational ties of the German citizens living in Turkey see Kaiser (2004) "German Migrants in Turkey: The 'other' side of the Turkish-German Transnational Space" in *Transnational Social Spaces: Agents, Networks and Institutions* (eds.) Thomas Faist and Eyup Ozguven, Research in Migration and Ethnic Relation Series.

can't explain, Turkish men tend to believe that every female human being is just waiting to be hit on, which is why they incessantly do it."

She also had some ideas about the living conditions of the gypsies and how people perceived them. She realized that the gypsies were the "internal negative other" whose living style by no means was appreciated by the society. Yana said:

"Another thing that really bothered me was the fact that beggars, such as those 'gypsies' (I know this is not what you are supposed to call them, but I just don't know the proper name...), are often perceived to be lazy; I quite often heard people saying something like 'They are on the street because they want to, they make lots of money like this' etc. Maybe I am naïve, but I just cannot imagine that a mother with a newborn baby voluntarily spending her evenings on Taksim square, so I wonder if that is because welfare is not very advanced in Turkey?"

A commonality between regular and irregular migrants is that they are aware of the economic, social and political problems Turkey faces as a developing country. Moreover, they are not shy in articulating these problems, which include: Unemployment for transit workers, lack of health care for asylum seekers, abusive and arbitrary police behavior toward circular migrants and the lack of a welfare state in general, which often surprises Western or Latin American migrants.

Marieke (Dutch, 22 years old), who worked as an intern in the UNHCR in Ankara, stated that she did not have many problems as a foreigner because she did not look like one. She said she could blend in easily. Nevertheless, when people on the bus or the street hear her speaking English they look at her twice. Moreover, while shopping it is almost a rule that they give her higher prices.

In the work place, Marieke realized that they do not want her to experience anything unpleasant. It might be both because she is an intern and she is a foreigner. She expressed her opinion over this issue as such: "I feel treated a little bit different. I feel that they do not want to bother me with more tasks that may not be interesting for

me. They include me but to a certain extent. So I am feeling a little bit like a visitor."

Therefore, she feels like a visitor or a guest who is not supposed to experience any hardship that might cause her to think negatively about her work place.

The biggest commonality between irregular and regular migrants is that those with residence and work permits are advantaged in the workplace because they can earn better money than their associates. The case might not always be like this but with Sergio, (Spanish, 33 years old) who is a Spanish teacher in Istanbul, the case is that he earns better money than his associates. He said: "In my experience, I've been treated in better conditions than my fellow Turkish colleagues. I get more money and more holidays than a Turkish person doing the same job." His biggest issue of complaint was about obtaining a work permit and the tortuous bureaucratic procedures. Besides, although he did not give any details, he did not appreciate the behavior of the police. Sergio said:

> "Bureaucracy in here is a nightmare. Applying for the residence permit is an adventure I wouldn't recommend to anybody. Paperwork in Turkey is really something to avoid if you can. People working for the government don't know, know wrong or simply don't care about their jobs. I specially detest police; their attitude towards the people is really counterproductive."

On the other hand, he did not experience any cultural shocks also because his friends are mostly like-minded people:

> "There are not many things that surprise me anymore. Besides, my life in Istanbul moves around very open-minded people in general. There are many things that I would change (traffic rules, some behaviors like not waiting in the queue…), but there are many things I would like to change in my own country too."

Hence, he was very much objective about the comparison between Spain and Turkey, as illustrated by the fact that he did not want to view the problems in Turkey from an orientalist perspective.

What he thought about the general perspective towards foreigners in Turkey was interesting because he considered the complexes that the Turkish people or the state might have in their encounters with foreigners. Sergio said:

> "Turkish people generally don't really understand why I'm here, having the chance of living in 'a better place' like Spain. Foreigners, and 'rich' countries, are over valued. Unlike UK (London), or other more cosmopolitan cities, Turkey (Istanbul) lacks of self-confidence towards the 'first' world and this can be felt in its relations with foreigners. Money doesn't make rich a country; people and values do."

Migrants who have residence and work permits –as a part of their jobs- have an advantage in terms of being able to communicate with Turkish people who have language skills. Therefore, their problems do not stem from communication difficulties but from realizing that they are seen as "an outsider" or an "external other" who should stay "neutral" when talking about Turkish culture. They also complain about bureaucracy in getting work and residence permits. While they are observing Turkey they can see the cultural gap between the Western and Eastern regions as Turkish culture is not completely homogenized. A masculine ethos not only prevails in the East or on the streets of Istanbul, but also when foreigners try to get their residence permits with a Turkish woman or man beside them. Foreigner try to be objective but inescapably they are also making comparisons with their own countries in terms of cultural and social differences. The ones who have the legal status, despite not having Turkish origins, seem to be the most fortunate migrants in terms of social networks and income.

4.5 Conclusion

In this chapter the following amendments have been discussed: the Law of Settlement, Passport Law, Law on the Residence and Working Status of migrants in the Turkish Law on Foreigners, Laws on Activities and Professions in Turkey reserved for Turkish Citizens, Law on Work Permits for Foreigners, 1994 Regulation on Asylum and geographical limitation to the Geneva Convention on the Status of Refugees and Asylum-seekers and lastly, changes made to the Citizenship Law in 2003 and 2009.In addition, the results of twenty-five interviews with migrants from five categories and theoretical approaches for each category by famous scholars were presented.

The amendments in the laws represent a positive improvement in the sense that there are concerns by the state for the migrants' rights and the precarious situation of the asylum-seekers and refugees. However, the state still preserves the policy of securitization of migration. It does not make decisions independently from the EU harmonization process or take its own initiative to alleviate the hardships for the migrants and create better policies of migration and asylum. This is apparent in the amendment made to the Law on Citizenship in 2003. On the other hand, the recent changes to citizenship in 2009 and future plans of change (such as giving equal time of residence to those migrants with Turkish and non-Turkish origin planned for 2010 and lifting the geographical limitation in 2012) are serious deviations from the nationalistic and securitization-focused agenda of the state.

Another positive step was taken in asylum regulation in 2004 when the time limitation for asylum-seekers was lifted under pressure from the international

community and the EU. Turkey is still criticized for postponing lifting the geographical limitation until 2012. Moreover, the progress reports of 2008 and 2009 are replete with criticisms and reiterations of the previously advised alterations, which include cases such as human smuggling and trafficking, illegal migration, and services available to the asylum-seekers and the refugees. Turkey, in response to these criticisms, suggests that there is a need for burden sharing with the EU and not burden shifting, as Turkey is the buffer zone (the transit country) between Europe and the Middle East.

According to İçduygu's (2007) analysis of Radelli's categories[62], the alterations to the laws do not represent a total transformation, but limited change and "absorption."According to İçduygu, (ibid.) absorption refers to adoption of new values and practices which are not deeply rooted and which do not necessarily mean that Turkey is amending laws as an immigration country. It might be the case that Turkey is adjusting to the demands of the EU.

Unfortunately, it is possible that Turkey is deliberately neglecting illegal employment and the exploitation of foreigners, trespassing international norms regarding the rights of asylum-seekers and refugees. There is also mistrust of outsiders who want to acquire citizenship through marriage. On the other hand, under the new laws fines are issued to illegal immigrants and their employers and Turkey is trying to provide better conditions for asylum-seekers, though international and non-governmental organizations have taken this responsibility more seriously than the state. Moreover, Turkey has implemented more liberal measures for those born to

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[62] Radelli (2003) talks about four possible outcomes of this process (retrenchment, inertia, absorption and transformation)

non-Turkish mothers and fathers in Turkey and treated the Bulgarian Turkish migrants as family ,giving them citizenship and a place to live after they escaped assimilation and repression in Bulgaria. All of the migrant categories, except the professionals and students, face problems getting work permits and securing access to housing and health services. For the circular migrants,, transit migrants and asylum seekers (the latter going through these problems more seriously if there is not sufficient help from the NGO in that pilot city) feelings of foreignness are the main problems that the migrants are confronted with. Interestingly, most of the transit migrants have become attached to the religion of the organization that they are getting help from. This is because they have no one else to rely on. Religious institutions are giving socio-economic and psychological relief to the migrants (Hirschman, 2003, cited by Danış et al.) (Mella, 1994, cited by Danış et al.). Religion gives foreigners a sense of belonging and a feeling of immunity from threat. However, the further effects of the religious organizations in helping migrants in precarious situations are beyond the scope of this research.[63]

Another interesting observation is that the changes made to the citizenship law in 2003 have been protested by circular migrants who have become or want to become Turkish citizens. The policy reflected in the laws, as can be observed from the speeches in the parliament, reveals that the Turkish state clearly gives importance to saving the institution of marriage from the "corrupt" influence of these migrants.

The Turkish origin migrants working as domestic workers face hostility by the people who see them as "stealers of jobs" or "attractors of the attention of their

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[63] For a detailed analysis on the effects of religious organizations on migrants' lives see Handlin (1973), Levitt (2001), Stelaku (2003), Ebough and Chafetz (2002) in Danış et al (2006) pp. 532-537.

husbands", while other Turkish origin migrants residing and working legally (also in professional jobs) are not feeling any contempt expressed by the people in any sphere of life. It can be deduced from this research that the treatment of foreigners is very much dependent on their socio-economic status and the environment that they are living in. This is valid for the Turkish-origin migrants who are living in poorer districts as much as those transit migrants of African origin living in Tarlabaşı. While the transit migrants of Muslim origin from Africa might be glad to be living in a Muslim country, those Bulgarian Turks interviewed expressed that they are content living in Turkey, despite its underdeveloped aspects and defects. Asylum-seekers and refugees, on the other hand, did not seem to view Turkey as a country to live in, but rather a place of temporary residence which had to be endured or tolerated. The reason for their perspective is that they are treated as "temporary guests." There is no intent by the side of the state to persuade them that in Turkey they would live comfortably and find jobs easily.

The next chapter will establish the connections between the theoretical chapter 2 and analytical chapter 4. Moreover, an interpretation of foreignness required in line with the theories explained in Chapter 2 will be developed in the last chapter.

CHAPTER 5

CONCLUDING REMARKS

5.1 Interpretation of Foreignness in Turkey

The purpose of this thesis was to answer the following questions regarding foreignness in Turkey: 1) How is the discourse of foreignness created by the state? 2) How do foreigners construct their own foreignness? 3) What are the consequences of legal amendments on the lives of migrants?

This thesis was a first attempt to address the "perception of foreigners in Turkey," and to increase awareness about regular and irregular migration by discussing the different aspects of foreignness in legal and social terms. The next step is to continue research on foreignness at the societal level. This line of research would focus on how foreigners are perceived by Turkish society and how their integration into society can be eased through the elimination of xenophobia. The aim of the thesis is to see the world from the foreigner's perspective and to understand how legal and social life converge or diverge in foreigners' lives in Turkey. The definition of "foreigners" in the Law of Settlement as those "who are not of Turkish descent and Turkish culture" has the real advantage of accommodating the foreigners and providing them with status in the host society. A secondary aim of this thesis, however, was to show the adverse consequences of this law in fostering discriminatory and exclusionary citizenship.

The discussion of foreignness is important for *two reasons. First,* because it shows how legal enactments affects the lives of the foreigners, and how democracy

and citizenship are inter-related issues. *Second*, because increasing international migration flows have fueled debates on citizenship and national sovereignty and underscored the importance of foreignness for migrants' rights. In the post-1980s, Turkey has been transformed into an important actor both as a receiving, sending and transit country of migration. During this period, Turkey has been a host state for foreigners who do not have Muslim or Turkish origins and for minorities from different countries and religious and ethnic backgrounds. In line with this increasing flow of migration, Turkey had to restructure its legal framework. Changing dynamics also affected the EU's overall migration policies, especially its demands for border control, the prevention of illegal migration and counter-trafficking and the protection of asylum-seekers. Even the laws on citizenship have been transformed within this context.

While doing research on this thesis, in addition to examining legal documents, I considered the views of the foreigners themselves. Semi-structured face-to-face interviews were conducted in total with 25 migrants both in Istanbul and Kayseri.

In chapter two, literature on the foreigner as non-citizen was summarized. . Also discussed were the informal meanings that are attached to foreignness, including their negative aspects which refer to the migrant as criminal, terrorist and threat. Besides these negative connotations, the foreigner as contributor to the host society and the relationship between state and foreigner were underlined. Turkish citizenship was examined in line with novel conceptions, such as cosmopolitan, post-national and transnational citizenship. Scholars' ideas on nation states, human rights of migrants and inclusive policies were compared and contrasted. Lastly, as deeply analyzed by

Simmel and Honig, many other formal and informal meanings attached to "foreigner" were explicated in detail.

In the third chapter, the brief history of migration for each category of migrants was summarized. The effects of EU policies such as economization and securitization of migration upon Turkish immigration policies were also assessed. The restrictive policies make migration a complex phenomenon. .Immigrants are seen as threats in line with European securitization policies which have gained pace in the 1990s. It could be said nevertheless that unlike many European countries and North America, Turkey has liberalized its policy on migration to some extent and is currently trying to be more self-controlled and more risk-averse, asking the EU to share the burden so that as a transit country, Turkey will not be receiving migration flows that it cannot "control" or be unable to provide better conditions for. However, it is more an issue of willingness to change a mind-set (being ready to take self-action in terms of migrants' rights) than an issue of sustaining the harmonization process with the EU. As one of the social workers at ASAM has revealed, the state does not show its mild face to foreigners because it does not really want an increase in migrants' numbers.

Last but not least, concerns of Turkey becoming a member to EU affect the process of immigration policies profoundly. Indeed, sometimes there is a stalemate between Turkey and EU in framing or applying policies. While the EU is both pushing for human rights for migrants and preventing illegal migration so as to serve its interests, Turkey shares the EU's national security concerns. Yet Turkey's lack of welfare benefits (even for its own citizens) makes it hard to provide better living

conditions for migrants. It is also important to mention that the externalization of EU migration policies is not an easy or inexpensive task as Doukoure and Oger (2007) have pointed out. It is reasonable to claim that Turkey cannot ignore issues such as membership to the EU while it also cannot give up its sense of national identity and concerns over security. However, the third factor that has to be considered is the rights of migrants. These dilemmas concerning EU membership, national identity and migrants' rights are the main challenges shaping Turkey's immigration policies. .

At the beginning of the thesis, a main argument was that the law of settlement has a pervasive affect on every immigration policy, on laws of citizenship and laws concerning foreigners. This law had many repercussions for foreigners who either applied for asylum or planned for a long-term settlement in Turkey. The facts that in 1988 and 1991, because of national security concerns, the Kurdish were not accepted as refugees and that there is discrimination towards Turkmens are just two examples demonstrating that the state has followed the Law of Settlement in its migration policies. Bulgarian migrants as exchangees and Ahiskan Turks have been given the legal status of refugee when they had to escape from assimilation and migrate to Turkey. Unlike these two groups, Gagauz Turks, who are Christian, have always been considered as "foreigners". Despite the legal changes in 2006, the spirit of the law remains the same, except for the Gypsies, who were previously not considered as citizens. Under the new law, the treatment of the Gypsies has significantly improved.

In addition, the Turkish state, although wishing to redefine national identity, has acted in line with securitization. As Kirişçi underlines, if there is a potential "threat" to national identity and security, the state will prefer policies which would

guarantee "national security". One of the examples of the securitization of migration is that refugees have to sign at the police station three days a week in order to show that they are not changing their place of residence, a policy which creates an impediment if they want to have a regular job.

The securitization of migration also results in the number of asylum seekers to be admitted to a country being decreased and that the quota for asylum-seekers shrinks as is the case in Britain and France. In the case of Turkey, the treatment of foreigners (asylum-seekers) is a subject of international concern and criticism. As seen from the progress reports, although the personnel to deal with migrants are being better trained, there are still violations of human rights.[64] These kinds of violations are not only seen in Turkey but also in European countries such as Italy and France. Looking at France, because Britain does not want any more illegal migration, French camps where irregular migrants resided have been depleted by police using force and even violence. Most countries violate the human rights of asylum-seekers and migrants arriving illegally. However, the main argument here is that no migrant can be deprived of the "right to have rights" because it is very likely that a migrant might be stateless, a citizen of no country..

This thesis has also found that migrants sometimes have nothing to rely on but civil society organizations and international migration organizations. For instance, transit migrants at IIMP who have given answers such as "grace of God" when they were asked how they sustained themselves were clearly establishing a connection between the organization and their religious affiliations. As they are left in the hardest

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[64] http://www.radikal.com.tr/?aType=RadikalDetay&Date=&ArticleID=956401accessed on 27.9.2009
"Polis hamile mülteciyi dövdü mü?"

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situations, this help from the organization strengthens their religious beliefs. Other implications include feeling grateful to these organizations, which give them a sense of solidarity and a place where their children can have education in English.

At this point, one can assume that migrants are not agents of their lives. Rather, they are "passive" since they do not seem to believe in themselves but are solely supported by these organizations. My argument is that the passiveness of the migrants is not such a cogent explanation, but that many migrants have set up rules in order to survive in an insecure environment. Some experiences of the migrants showed that transit migrants living in Tarlabaşı do not leave their houses after eight o'clock to be immune from police pressure; another migrant said that she claimed to be a Somalian so as not to be deported and planned for the sixth or seventh time to go to Greece; mothers who are taking their children to IIMP so that they can learn to speak English; circular migrants who have set up a whole new life in Turkey and are sending money back to their children left in their home countries. All of these migrants are agents of their lives and one cannot perceive them as passive even if some of them seem to rely on "grace of God".

Another important finding was that it is not only circular migrants who are acting in the "deliberate negligence zone of the state" but also transit migrants, asylum-seekers and refugees. Eder claimed that this is mostly true of circular migrants such as Moldavians. However, one can observe this in practice when examining transit migrants and asylum-seekers. Field work has shown that transit migrants find their own ways to cope with police pressure as much as asylum-seekers

who are sometimes adopting jobs illegally (as asylum-seekers are not allowed to work).

There are also crucial conclusions to draw from the detailed analysis of the laws. For instance, the change made in 2003 in the citizenship law certainly reflects the state's strict position towards "those foreigners whose aim is to corrupt the institution of marriage" for the institution of marriage is deemed as "sacred" by the Turkish parliamentarians. From the state's perspective, this policy is considered an efficient way to deal with illegal migration. However, the way laws are enforced, either by the public officers at the immigration office or the police, manifest a parallel understanding to the state's perception: In order to save this sacred institution, the violation of privacy and individual freedom are deemed legitimate.

Other important findings were about the Turkish origin migrants. Among the issues emphasized, the troubles that Bulgarian Turks and Crimean Turks historically went through were underlined. These migrants mostly dealt with problems such as economic deterioration and assimilation. As a result, most of them thought that Turkey would be their savior without any trace of their former troubles. .They came to Turkey either because they felt emotional attachment to their "motherland," or because they were escaping assimilation, or because they believed that they would find better jobs if they left behind economical hardships they encountered after the collapse of the Soviet Union.

From 1929 to 1949, when the nation building process necessitated bonds of Turkish and Muslim origin, Turkish origin migrants especially the Bulgarians, were seen as "internal positive other." Later, as Erder suggests, they were seen as an

"external positive other". The adjective "external" was especially stressed during the Soviet Regime when migration from Bulgaria was received with suspicions of spies of the communist regime. Here, Honig's views are persuasive: the state regarded Turkish and Muslim origin migrants as useful as these foreigners would promote nation building. .

Honig's analysis also applies to circular migrants who work in different sectors, such as domestic workers, sex workers and shuttle traders. They work in jobs for which there is demand, but for which Turkish women are not eligible because of cultural reasons or family ties. In addition to these jobs, Gözde's (2008) thesis focused on the post-Soviet "servants of tourism" who work in Antalya as shop-keepers, sales assistants, masseurs, tourist guides, clerks and entertainers. Foreigners working in these areas have become an indispensable part of tourism in Antalya. Either directly or indirectly, these foreigners are important elements keeping tourism on its feet, achieving the goals that the Turkish state has set to increase its number of tourists.

Another striking finding is that many of the migrants, both regular and irregular, complained about the difficulty of getting a work permit. Two of the transit migrants claimed that Turkey would be a better country if there was "employment for everyone," including foreigners. It is important to note that those who have work and residence permits do not have as many problems as the other migrants, especially irregular migrants. The problems of non-Turkish origin foreigners, who are staying in Turkey with a legal status, usually arise in a social context, for example, being shunned and ridiculed when they express their ideas about hot-topic political issues

in Turkey. However, this does not constitute a major problem in their everyday lives, because they are living in a better environment, one in which people communicate with them and tolerate their ideas.

Migrants who have residence permits and work permits as a part of their jobs-have language skills, which gives them an advantage in communicating with the Turkish people. Therefore, their problems stem from realizing that they are seen as "the outsider" or "external other" who should stay "neutral" on issues that they supposedly "do not know well about." This is one of the informal discriminatory practices. Migrants also complain about the bureaucracy preventing them from getting work and residence permits. Furthermore, they can see the cultural gap between the Western and Eastern parts of Turkey. An insular, masculine attitude manifests itself in the Eastern parts, even on the streets of Istanbul, and also when the foreigners apply for residence permits with a Turkish woman or man near them.

The assessment of foreignness by appearance, e.g., being called "Natasha" and being seen as contaminators of cultural and national values, being called "zenco/zenci" (African migrants), being isolated because of religious/ political or sexual preferences (Iranians), being seen as "strangers, aliens, threats, potential criminals, supporters of foreign powers", being called "stealer of jobs or husbands", being seen as an object (foreigner woman) and having to live with these unfair perception, being alienated from friends because of different opinions expressed about Turkish social and political issues, being seen as careless, worriless and not needy of the help the state gives to asylum-seekers who have come to the satellite cities, not being paid because of one's illegal status, hence being "easily replicable,

hirable and firable" like circular migrants, are just a few of the contradictions emerging between the construction of foreignness and the self-image of the foreigners.

In theory, granting universal rights to make citizenship more inclusive for migrants is possible, but to apply it to every country would not be so plausible, as each country has different immigration and emigration policies. Turkey has been an immigration country for almost 30 years, whereas Germany has been an immigration country for almost 50 years. However, Turkey does not have a settled migrant community from one specific foreigner category. Indeed it has different migrant categories, except the Bulgarian Turks, which do not constitute a majority. In this case, in Turkey the naturalization period could be shorter or ius sanguinis can evolve into ius soli. In Turkey, the principle of ius sanguinis is still pertinent while the ius soli principle is applied for migrants' children who might be stateless if they cannot accede to the citizenship rights of their parents. Thus, one can say that Turkish citizenship is slowly diverging from the ius sanguinis approach and moving toward a more human rights based regime (in line with Arendt's ideals). However, it still has exclusionary elements as Turkey does not see itself capable of adopting a cosmopolitan approach toward all kinds of foreigners from diverse nationalities. Turkey, like many European countries, does not admit that it is an immigration country in promulgating policies for immigrants as asylum-seekers. In short, Turkish citizenship contains hybrid elements: it possesses qualities of ius sanguinis that are tied to its historical formation as a nation-state (a strong element of "Turkishness"); it has elements of ius soli resulting from new immigration patterns and having to

comply with international human rights policies; it provides naturalization for long term residents, it does not allow the acquisition of citizenship through marriage automatically as a result of both domestic factors and EU demands to impede illegal migration (emanating from more pragmatic reasons rather than a consideration of migrants' rights). Hence, there is a way for Turkish citizenship to internalize a cosmopolitan understanding.

While granting rights to asylum-seekers and refugees, one option for Turkey would be to adopt an international human rights based system. This would end the criticisms made by the EU about the protection of the asylum-seekers. In practical terms, strong border controls would continue to be consistent with the EU acquis and also in accord with Turkey's own in not wanting to be overwhelmed by high numbers of asylum seekers from the Middle East and Africa. Following this argument, if Turkey could apply these policies while forming a humanrights based regime, no other external factor such as the prospects of EU membership would oblige Turkey to act differently. However, to achieve this requires a shift of vision regarding domestic factors and a new perspective of the state towards foreigners. This cannot be realized within a short time. Therefore, an environment fruitful for ideal migration policies would not arise if improved human rights are not granted to migrants. However, the EU also should be aware that their demands of Turkey should not be contradictory, on the one hand preventing illegal migration, while on the other hand allowing asylum-seekers to enter the territories of the transit country; on one hand cutting the flows of asylum-seekers to Turkey and on the other hand providing asylum-seekers better conditions such as international protection.

This thesis does not assess the distinction between those migrants who have become citizens and those who want to become citizens. . Secondly, because Ahiskan Turks and retired migrants could not be interviewed, this thesis does not yield a full-understanding of Turkish origin migrants and other regular migrants. How citizens and non-citizens experience foreignness would be an interesting topic for further research. A second research topic could be about the level of xenophobia in Turkish society and its relationship to the experiences of foreignness since this study has examined foreignness mostly at the individual and state level.

To conclude, I hope that my research has offered some valuable insights into a topic which was under-researched and that it will open new areas of research that are related to integration policies, xenophobia and the relationship between citizenship and foreignness which will apply political theory to the area of international migration.

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Appendices
Table 1. Profile of the Migrants Interviewed

	Name of the interviewee	Country of Origin	Gender	Age	Category as a migrant	Occupation	Date of the interview
1	Marieke	Holland	Female	23	EU citizen/ migrant with residence and work permit	Social Worker-Intern	26.03.09
2	MR1-Khalid	Iran	Male	38	Refugee	Unemployed	26.03.09
3	MAS1 İbrahim	Iran	Male	20	Asylum-seeker	Unemployed	26.03.09
4	MR2Muhammed	Iran	Male	31	Refugee	Unemployed	26.03.09
5	Yana	Germany	Female	26	EU citizen/ migrant with tourist visa	Student	31.03.09
6	Sergio	Spain	Male	32	EU citizen/ migrant with residence and work permit	Spanish Teacher	02.04.09
7	Dilara	Crimean Turk	Female	28	Migrant with Turkish origin	Domestic worker	07.04.09
8	Sveta	Russian	Female	38	Turkish citizen/ former circular migrant	Masseur	07.04.09
9	Ayşe	Bulgarian Turk	Female	49	Migrant with Turkish origin	Domestic worker	08.04.09
10	Pablo	Columbian	Male	25	Migrant with student visa	Student	15.04.09
11	Zemfira	Crimean Turk	Female	40	Circular migrant/migrant with Turkish origin	Domestic worker	05.05.09
12	Lara	Moldovan	Female	63	Former circular migrant	Domestic worker	05.05.09
13-14	Halil and Ali	Ghana	Male	30,28	Transit migrant/ irregular status	Unemployed	16.05.09
15-16	John and Michael	Nigeria	Male	19, 20	Transit Migrant/ regular status	Unemployed	18.05.09
17	Maria	Philippines	Female	44	Transit Migrant	Domestic worker	18.05.09
18	Hervik	Nigeria	Male	40	Transit Migrant	Unemployed	18.05.09
19	Pamela	Nigeria	Female	40	Transit Migrant	Unemployed	18.05.09
20	Judith	Philippines	Female	41	Transit Migrant	Unemployed	18.05.09
21	Tuana	Nigeria	Female	35	Transit Migrant	Unemployed	18.05.09
22	Leyla	Ethiopia	Female	35	Transit Migrant	Unemployed	18.05.09
23	Laura	Ethiopia	Female	36	Irregular/ transit migrant	Unemployed	18.05.09
24	Kadir	Bulgarian Turk	Male	25	Migrants with Turkish origin	High-skilled worker	08.07.09
25	Khafiye	Iranian	Female	36	Refugee	Hairdresser	14.08.09

Table 2. Overlapping Catogories of Migrants

Overlapping categories	Circular Migrants	Transit Migrants	Asylum-seekers and Refugees	Migrants with Turkish origin	Migrants who are staying with Residence and Work Permits
Circular Migrants	Lara, Maria			Zemfira, Dilara	
Transit Migrants		Laura Leyla Hervik Pamela Judith Tuana Halil and Ali			
Asylum-Seekers and Refugees			Khalid, İbrahim, Muhammed, Kafiye		
Migrants with Turkish Origin				Kadir, Ayşe	
Migrants who are staying with Residence and Work Permits/Migrants who have become Turkish citizens		John and Michael			Marieke, Sergio, Yana, Pablo, Sveta