GOVERNING THROUGH UNCERTAINTY:

'REFUGEENESS' IN TURKEY

KRISTEN SARAH BIEHL ÖZTUZCU

BOĞAZİÇİ UNIVERSITY

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Kristen Sarah Biehl Öztuzcu

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The thesis of Kristen Sarah Biehl Öztuzcu
has been approved by:

Assoc. Prof. Nazan Üstündağ   _____
(Thesis advisor)

Prof. Dr. Ferhunde Özbay   _____

Prof. Dr. Ahmet İçduygu   _____

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Thesis Abstract

Kristen Sarah Biehl Öztuzcu, "Governing through Uncertainty:

'Refugeeness' in Turkey"

The basic objective of this thesis is to explore the meaning of 'refugeeness' in Turkey. First I examine the globalized discursive and institutional mechanisms, which have led to the production of a universalized and standardized 'refugee' identity that has come to be characterized as a condition of *homelessness*, *statelessness* and *loss of identity*. Such discursive constructions, it is argued, have a powerful effect, serving both as an essential tool for the normalization of territorialized nation-state belonging and depoliticizing and de-contextualizing the causes and experiences of human displacement. However, based on my field research in Turkey, I argue that *uncertainty* is also a constitutive element of 'refugeeness.' The detailed mechanisms set in place to determine refugee status, and the highly restrictive asylum policies of the Turkish state justified by 'security' concerns, situates refugees in an extremely unstable and uncertain predicament. This 'mood of precariousness' invading the everyday lives of refugees in Turkey, also has a powerful governing effect. Refugees arriving in Turkey are contained and de-mobilized through uncertainty and indefinite waiting, which in turn, can serve as a psychological deterrence mechanism against seeking 'legal' asylum.

Tez Özeti

Kristen Sarah Biehl Öztuzcu, "Governing through Uncertainty:

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Bu tezin temel amacı Türkiye'de 'mültecilik' kavramını irdelemektir. Bunun için ilk olarak *evsizlik, vatansızlık* ve *aidiyetsizlik* gibi anlamlar taşıyan, evrenselleştirilmiş ve standartlaştırılmış bir 'mülteci' kimliğinin oluşumuna yol açan söylemsel ve kurumsal mekanizmalar incelenmektedir. Bu gibi söylemler, hem ulus-devlet aidiyetinin normalleştirilmesinde bir esas oluşturmakta, hem de yerinden edilme tecrübelerinin siyasal bağlamını ve özgünlüğünü yok etmektedir. Türkiye'de yapmış olduğum alan araştırmaları, *belirsizlik* tecrübesinin de 'mültecilik' kavramının belirleyici unsurlarından biri olduğunu göstermektedir. Mültecilik statüsünü belirlemek için kurulu detaylı mekanizmalar ve Türkiye'de 'güvenlik' endişeleri dolayısıyla varola gelen aşırı kısıtlayıcı politikalar, mültecileri son derece *belirsiz* ve tutarsız bir durum içinde bırakmaktadır. Mültecileri gündelik hayatlarında hapseden bu 'belirsizlik hali,' hem Türkiye'ye gelen mültecilerin yönetişimini mümkün kılmakta, hem de 'yasal' yollardan sığınma talebinde bulunmaya karşı bir psikolojik caydırma mekanizması oluşturmaktadır.

Acknowledgements

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CHAPTER 1:

INTRODUCTION

The basic objective of this thesis is to explore the meaning of 'refugeeness' in

Turkey. My interest in carrying out such a study has three main sources. First of all,

academic research on foreign migration to Turkey generally, and refugees as a

subject category more specifically, is extremely limited. Generally known as a

migrant sending country in international migration trends, in the last two decades

Turkey has increasingly evolved into a migrant receiving and transit country

(İçduygu 2000, 1995; Kirişçi 2007). Since the 1980s, Turkey has found itself at the

centre of various migratory routes, receiving a steady influx of migrants from the

Middle East, Asia, Eastern Europe and parts of Africa. Located at the heart of a

troubled region, Turkey has received thousands of asylum seekers fleeing from

several major wars in recent years, including the Islamic revolution in Iran, the 1991

Gulf War, the conflicts in Bosnia and Kosovo, in Afghanistan and Iraq, and most

recently from countries such as Somalia and Sudan. Several reasons might account

for this increase. Firstly, Turkey is seen as one of the few stable countries in the

region. Secondly, Turkey's geographic location situates it as an important transitory

point on the migratory routes from Asia, the Middle East and Africa, on to Europe.

On the other hand, Turkey is one of the few remaining countries in the world

to maintain the 'geographical limitation' in the 1951 Geneva Convention relating to

the Status of Refugees.[1] This means that Turkey grants asylum only to refugees who have European origins, whereas non-European refugees are granted only temporary asylum in Turkey until a 'durable solution'[2] has been found. Security considerations, proximity to countries on its' Southern and Eastern borders marked by instability, and fears over becoming the European Union's 'dumping ground,' are key factors promoting the reservations over the removal of the 'geographic limitation' (Kirişçi 1996, 2001b, 2002, 2004). However, this measure has in no way prevented the increasing numbers of non-European refugees from coming into Turkey to seek asylum. Instead, Turkey has become an attractive destination on account of hosting one of largest refugee resettlement programs in the world, both through the United Nations High Commissioner for Refugees (UNHCR) and through private sponsorship programs, to Canada, Australia, and the USA.

But the application process for acquiring refugee status and being accepted for third country resettlement in Turkey is grueling. As chapter 3 explains, refugees may spend up to three years or even more waiting for their applications for refugee status and resettlement to be finalized by the UNHCR. While their case is pending, many of the people concerned do not know whether their case will be accepted, how long it will take or whether they will find a third country willing to accept them. Furthermore, during this lengthy and uncertain waiting period, asylum seekers must abide by the strict Turkish regulations on asylum, such as moving to a "satellite city"[3] appointed by the Ministry of Interior. As will be illustrated in chapter 4, both

[1] According to the UNHCR, as of September 30, 2002, these countries are Congo, Madagascar, Monaco and Turkey.
[2] Durable solutions consist of voluntary repatriation, local integration or third country resettlement.
[3] These cities are Adana, Afyon, Ağrı, Aksaray, Bilecik, Burdur, Çankırı, Çorum, Eskişehir, Gaziantep, Hakkari, Hatay, Isparta, Maraş, Karamam, Kastamonu, Kayseri, Kırıkkale, Kırşehir, Konya, Kütahya, Mersin, Nevşehir, Niğde, Sivas, Şırnak, Tokat, Van and Yozgat. Asylum seekers are

already have minimum resources and few, if any, supportive networks in these cities. This process forces many refugees to opt instead for a life of illegality in the major cities in Turkey. Despite the serious dangers involved, trying to enter Europe in the hands of human smugglers also becomes a much more attractive prospect. However, considering this surge of migration flows to Turkey and the pressing issues confronting refugees in Turkey, the growth in academic interest on this matter has been much slower to develop.

Apart from this shortage of academic interest though, the nature of the existing studies on migrants and refugees in Turkey was the second factor leading to my curiosity in examining the meanings attributed to the construct of 'refugeeness.' Much of the research that does exist has been conducted by scholars in the disciplines of political science and international relations, focusing on the legal and policy issues around migrants and refugees, and Turkey's security role at the frontiers of the European Union (Kirişçi 1996, 2001b, 2002, 2003, 2004; İçduygu 1995, 2000, 2003, 2005; Frantz 2003; Duvell 2006). Consequently, little attention has been paid to the lived experience of being a migrant or refugee in Turkey. This interest has been limited to a few journalistic accounts about the experiences of migrants living in Istanbul (Yaghmaian 2003; Çalkıvık 2003; Öcal 2005; Ekberzade 2006) and to a few anthropological and sociological studies investigating the migration patterns, living conditions, social networks and coping mechanisms of certain migrant groups living in or transiting through Turkey (Koser Akcapar 2004; Daniş 2006; Daniş, Perouse & Taraghi 2006; Brewer and Yükseker 2006; Shepherd 2006). Whether looking at migrants or refugees, these studies are mainly conducted within the framework of migration theories analyzing the social, political and

not issued residence permits for Istanbul unless there are critical circumstances related to health or safety that requires them to live in Istanbul.

economic causes of migration and integration patterns, and rarely take into account the forces which shape how narratives of 'refugeeness' are formed.

As will be discussed in Chapter 2, due perhaps to the involuntary nature of their migration, as well as the often violent events leading to their displacement, the question of identity remains to be one of the key points of analysis in the academic field that has come to be defined as "forced migration" and/or "refugee studies" (Zetter 1991). The main concern in such studies has been to challenge the assumed loss of identity and culture among territorially displaced people, as well as the singular categorizations of "the refugee", "the refugee experience" and/or "refugee needs" in policy, media and medical discourses. Anthropologists particularly, have worked to expose both the diverse historical and political causes that lead to displacement, and the breadth of social, political and cultural factors, which shape the displacement experience. Various ethnographic studies have described the experiences of refugee or internally displaced men, women and children who are living in camps, spontaneous settlements or countries of asylum, questioning the role of gender, age, status, cultural values, international agencies or host country policies in structuring the experience and self-identification processes of the uprooted (Bakewell 2000; Black and Koser 1999; Gardner 2002; Harell-Bond 1986; Malkki 1995; Valentine and Knudsen 1995).

This anthropological reasoning of trying to bring out the contextual differences was the last and most important reason why I chose instead to focus on the similarities across different refugee narratives about their experiences in Turkey. There is no doubt that forced migration has many causes, occurs in different contexts, acts upon different peoples, and lands them in different predicaments, bringing into being a variety of responses. But does this mean that one should, as

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Colson asks, "exclude the possibility of looking for commonalities across experiences" (2003; p. 3)? Lisa Malkki points to the de-politicizing and de-historicizing effect of using the term "refugee" as a singular category (1995). However, as important as it is to challenge such essentializations through ethnographic diversity, as Zetter (1991) demonstrates, labels have structuring consequences in real life. And it is by looking at such commonalities that one can see the ways in which "refugee" identities are produced through various governing techniques. Therefore, by looking at the narrative accounts of refugees from different racial, ethnic, religious and national backgrounds, my intention in this thesis is to conduct an ethnography of not an identity, but of legal, bureaucratic and political processes that produce this certain identity.

This thesis is also about language. However idiosyncratic one's experiences of events leading to or proceeding forced displacement may be, by virtue of becoming categorized as "refugees", women, children and men who are compelled to leave their homes under vastly different circumstances, become reconstituted as a new kind of people, or as Malkki puts it, an 'accidental community' (1997; p. 99). It is the concepts used in policy, which firstly define the nature of the personhood, rather than the subjective experience of the person fleeing. Therefore, the construct of 'refugeeness' (Malkki 1995) is taken to be the starting point of this inquiry.

Rather than looking at a specific institution of power, or power as a property or possession of a group, class or elite, in his groundbreaking studies examining power relations, Michel Foucault (1982) espoused the idea of studying power as a strategy and a technique. Furthermore, unlike previous Marxist or Gramscian interpretations, Foucault did not conceive of modern power relations as operating through force, exploitation, prohibition or consent. Rather, it was a question of

governance, and one of its most essential tools, he argued, was 'subject-making:' a

technique, which categorizes and marks individuals with a particular identity, and

with endows him with particular truths and meanings about this identity. This

technique, Foucault argued, required no force, as the truths and meaning about an

identity were also assumed, internalized and performed by the governed subjects. To

reveal the workings of these 'disciplinary technologies,' Foucault studied the various

institutional and discursive mechanisms which produced, categorized and excluded

particular subjects, such as the 'insane' (1973) and the 'criminal' (1975), and which

constituted them as possible objects of 'scientific' and 'truth producing' knowledge.

This study may be perceived in a similar light, as an attempt to uncover the

discursive and institutional techniques, which produce certain truths about

'refugeeness.'

Whether one looks at the countless media stories about refugees or at the very

definition of a 'refugee' in legal texts, *suffering* stands out as an essential truth about

'refugeeness.' Certainly, *suffering* is a very broad term, and as will be shown in

chapter 2 and 3, there are particular terms which come to mind when one thinks of

the *suffering* of a people called 'refugees,' such as homelessness, statelessness, fear

of persecution and/or post-traumatic stress disorder. In that sense, this thesis aims to

explore the particular representations of *suffering* in relation to refugees. Das and

Kleinman (1997) argue that *"technologies now exist to fashion the "real" in accord*

with the interests of power to a degree hardly imagined in the past. How we "picture"

suffering becomes that experience, for the observers and even for the

sufferers/perpetrators" (p. xii). As the following chapters reveal, the predominant

narratives of refugee law or refugee mental health, or the institutional practices of

refugee camps or Refugee Status Determination (RSD), serve as important

frameworks for so-called "refugees" to make sense of themselves, their experiences and their *suffering*. In this process though, many *sufferings* may be left unrepresented, and even new forms maybe produced: In Turkey, it will be argued, chronic *uncertainty* has become the defining mood of 'refugeeness.'

Notes on Methodology:

On April 24, 2006, while assisting an American medical anthropologist with his research on the coping mechanisms of African migrants and refugees in Istanbul who are diagnosed with Tuberculosis (TB), I discovered for the first time that there are refugees living in Turkey. In that sense, my decision to do research on refugees in Turkey was rather accidental and I basically went into the field knowing very little about refugee and migration related research both in Turkey and elsewhere. But on the very first day that I made this discovery, I also encountered an upsetting reaction by an American woman working with African TB patients in Istanbul. While this woman and the medical anthropologist I was working for were talking about his research project over lunch, I was chatting with the three Sudanese guys who this woman had set up to do interpretations for us. I asked them politely how it was that they came to Turkey, and within less than a second, the American woman warned me from the other end of the table in an aggressive voice saying "that is none of your business! You have no right to remind these people about their sufferings because of your selfish interests." Considering the thrill I felt earlier for having discovered my "field," her words came as a harsh blow. I knew that her reaction was exaggerated, but I also sympathized with her concerns. Hence her unexpected reaction had a

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central effect on my research focus and on how I conducted fieldwork from that day onwards. The first impact was that I simply refrained from doing any fieldwork at all for some time, until I felt content that I had done more thorough readings on refugee and migration literature. Secondly, from the very beginning I decided that I would limit my research to an exploration of narratives about Turkey and the present, and not delve into the sufferings of the past.

Luckily, despite this initial discouragement, only one month after my first encounter with refugees in Turkey, out of complete coincidence, I received a phone call by a friend who wanted to inform me of a job offer from his office that he thought I might fit. The offer was for a part-time "cultural orientation trainer" at the International Catholic Migration Commission (ICMC). ICMC is the 'overseas processing entity' for the US governments Refugee Resettlement Program. As the name suggests, all refugee resettlement applications from Turkey to the US are processed at ICMC, and those refugees who are granted resettlement in the US receive a three-day training course preparing them for the life and culture of the US, as well as their rights and responsibilities. Being an American citizen and having lived in the US for some years, my friend saw me as a good candidate, and I could not have been more excited for this coincidence, as it also seemed like an excellent opportunity for me to gradually enter the field, which I had somewhat been scared away from. During my one-year time at ICMC, I taught 17 classes, with each class having approximately 20 refugees. All class participants were either Iranian refugees of the Bahai faith or Iraqi Christians. Initially, I had hoped that taking this job would offer me more opportunities to learn about refugees' experiences of living in Turkey. However, the nature of my job was to talk about the future of the class participants in America, and not about their present realities. But more importantly, I quickly

became aware that my position as a teacher, and as an employer of an organization that held their future, was a powerful one, which would have a heavy bearing on any individual level interaction I pursued. I immediately noticed that when I asked some of my class participants individually about their stories, they recited them as if I were an asylum officer assessing their claims. Another issue was that almost all class participants lived in satellite cities, and were in Istanbul only for the period of the training. Coupled with my uncertainties over whether it was even ethical for me to request interviews with these people without the consent of the office, I decided that I would have to keep my ICMC experiences at the level of work.

In the meantime, in November 2006, I had started to volunteer at the Refugee Advocacy and Support Program (RASP) of the Helsinki Citizens' Assembly, a Turkish human rights NGO. RASP began as a small program providing free legal aid to asylum seekers on their applications to the UNHCR, but today they have become a central actor in advocating the rights of refugees in many realms. Compared to ICMC that had a much more formal and bureaucratic atmosphere, RASP was extremely welcoming towards refugees, having an open door policy for all, and their work was much more focused on the present conditions of refugees. My experiences here were instrumental in providing me with an in-depth understanding of all procedures and issues in relation to asylum in Turkey, and in particular, of the bureaucratic procedures for applying to asylum at the United Nations High Commission for Refugees (UNHCR). Furthermore, my work here allowed me to meet and interview with most of the key people, organizations and institutions working with refugees in Turkey. Initially my voluntary work at RASP consisted of mostly administrative work, and doing translations of their various reports and other publications, such as the tri-monthly newsletter, *Refugee Voices*. Then in March

2007, I participated in an NGO training program organized by RASP in Nevsehir, where there is a large Iranian refugee population. This training was an absolute eye opener. On the first day of the meeting, while making our way to the meeting room, more than thirty Iranian refugee families who had heard about our arrival showed up. Most were unaware of the actual purpose of our visit, which was to meet with local NGOs and officials to discuss strategies to improve refugee lives in the city. But knowing that RASP was an NGO advocating refugee rights, they each came with a long list of complaints, and I had been put in charge for taking note of them.

Excited by these experiences, when I returned to Istanbul I finally found the courage to begin interviewing refugees. During the following six months, I conducted semi-structured interviews with ten[4] refugees living in Istanbul. I was still undecided about what national group to focus on and simply decided to interview anyone who agreed to my offer. I met five of my informants through my work at RASP, and the remaining five were their friends. Though not a conscious decision, all my informants turned out to be male. Apart from one informant who was a French speaker, all other interviews were conducted in English. During our interviews, I mainly asked my informants to tell me about their stories of coming to Turkey, about what it meant for them to be a 'refugee,' about their experiences of living in Turkey and their aspirations for the future. In the mean time, I had also taken on a small research project at RASP examining the conditions of living for refugees in satellite cities. Over the summer of 2007, I conducted twenty-three[5] telephone interviews with refugees living across ten[6] different cities in Turkey, asking them approximately forty questions on issues relating to police procedures, housing, health, employment

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[4] Four Sudanese, one Somali, one Iranian, one Iraqi, one Mauritanian, one Nigerian, one Rwandan.
[5] 10 Iranian, 2 Iraqi, 3 Somali, 3 Sudanese, 4 Eritrean and 1 Congolese. 15 were male and 8 were female. All interviews were conducted together with an interpreter.
[6] Bilecik, Gaziantep, Hatay, Isparta, Karaman, Kastamonu, Kayseri, Konya, Nevsehir, Van.

and social assistance in satellite cities. Though the nature and intent of my interviews

in Istanbul and those for the satellite city survey were very different, I gradually

became aware of certain terms echoing throughout almost all interviews.

When I asked what it meant for them to be a 'refugee,' Yakup, a Sudanese

refugee living in Turkey since 2004, answered, "I feel that I am a stranger, a refugee,

a lost person, I am looking for myself."

Kevan, who is an Iranian refugee, living in Turkey for ten years, responded:

> A refugee is a refugee. I mean if you are a president and you are a
> refugee, you are a refugee. It is not just in Turkey, everywhere it is hard
> to be a refugee because a refugee means someone who has no homeland.
> This is also what I call, "a disaster of identification," which is really
> hurtful to people. And sometimes I feel that, I ask myself, "ok, where
> are you from now" and you feel that you don't belong to any country. I
> have peace inside, but sometimes because we are all human, and you
> know we become so depressed of our own experience and also what
> happening around us.

Amer, another Sudanese refugee who has been in Turkey since 2005 said:

> You know it is very painful. When you say refugee, it means you are
> without home; you are homeless. It's very, very hard for living; it is not
> easy, really. Even if they are offering you another place to live; you
> cannot forget your past. Because in your country you can do anything
> freely, but in other places, you cannot respect yourself and you cannot
> feel free as you are at your home. That is why it is very painful very.

Yussuf, an Iraqi refugee who arrived in Turkey with his wife and three kids, told me

that a 'refugee' is "a man with no hope, and no home."

This overarching sense of loss of identity and of homelessness in these

narratives is what initially triggered my interest in understanding the mechanisms

that lead to the production and internalization of this universalized and standardized

'refugee' identity. However, my visit to Nevsehir and the satellite city surveys I

conducted also opened my eyes to the particular experiences of 'refugeeness' in

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Turkey. Increasingly, I became aware of the representation of Turkey as an *uncertain* and wasted space. Amer said:

> When I came here, I think that I will be here maybe six or seven months, and then I will be moved from here. But now I am here for three years and also now my age will became 33, no 34. Three years took from my head a lot. And for nothing! And maybe if I am in my country, if there is no war, or if I am allowed in another country maybe, in these three years I could have done something else for myself. Right now these three years are lost for nothing. That is why I am very angry. And this will not come back again.

The language of *uncertainty* resonated in the comments made by almost all the refugees I met in Nevsehir. A young couple from Iran who were both painters, commented, "We have no rights; we are useless, not human. We have forgotten out humanity here. I don't know myself here anymore. If they told us 'one year, two years,' we would be ok. But the uncertainty, the fear of being rejected is tormenting." A young Iranian woman who had arrived with her brother and mother told me, "the temporariness, the uncertainty, these are what cause problems. I would have learned the language; I would have worked, made a life here. We thought it was temporary."

It was the recurrence of this 'mood of precariousness,' as I have termed, which sparked my interest in exploring at the commonalities in the 'refugee experience' across different ethnic, national, religious and racial groups. However, because of this choice, my thesis does lack ethnographic depth. I do not offer a dynamic view of the 'refugee' subject, nor do I explore how they make sense of and manage *homelessness* and *uncertainty*. But as said, my experiences of working in the field have been quite complex: initial insecurities over entering the field; practical concerns over finding refugees living in Istanbul due to satellite city regulations; my indecision over what particular national group to study; my various working experiences and the particular perspectives and knowledge offered in these NGO

settings. Yet, I am convinced that my particular focus in this thesis on the institutional, administrative and policy settings impinging on refugees' lives in Turkey, as well as the arguments I pursue, are a natural product of these field experiences.

Chapter Summaries:

In the following chapter, I examine the historical trajectory of the term "refugee" and illustrate the manner in which the rise of the refugee problem coincided with the rise of the nation-state. Here I make comparisons to the figure of the "immigrant", and reflect on how the discourses around both figures function in naturalizing/normalizing territorialized nation state belonging. Yet, I argue that the category of the 'refugee' has a more particular and powerful role, as the notion of *statelessness* is key to an understanding of 'refugeeness.' In other words, both the legal definition of a refugee, and the remedies to the refugee problem are always defined in state related terms. *Statelessness* and *homelessness* become synonymous through the figure of the "refugee." Therefore, the remaining parts of the chapter reveal how refugee law, media representations of refugees, and more generally all refugee relief efforts, are based on an understanding that refugees *suffer* because they are *stateless*, hence *homeless*. Furthermore, I examine how this particular construct is unable to account for displacements and *sufferings* caused by new political realities, such as rising communal violence and deepening poverty, or the situation of internally displaced persons.

Chapter 3 deals exclusively with the administrative and bureaucratic procedures associated with applying for refugee status and third country resettlement

in Turkey. The purpose in this emphasis is to reveal how technologies which aim to reduce the *suffering* of so-called refugees, can actually lead to new forms of *suffering*. Based on the Turkish experience, I argue that *uncertainty* has become a very significant cause for *suffering* among refugees. Various technical issues, such as lack of full information on procedures, the long waiting periods, interrogative styles, or translation problems are described as some of, what I have termed, the 'external uncertainties' associated with the application procedures. I then look into the 'internal uncertainties,' which are mainly the product of cultural variations in the interpretation of such terms as 'persecution' or in the styles of narrating personal history and trauma. Despite the ambiguities that emerge throughout these bureaucratic procedures though, it will be argued that the meticulous techniques established to develop the 'truth' behind an applicants claim, have a powerful role in reshaping refugees' representations of their experiences in accordance with the standardized legal and medical discourses.

In chapter 4, I examine how the bureaucratic *uncertainties* described in the previous Chapter are further multiplied, and even legitimized through the Turkish state's discourses on securitizing migration. An examination of the historical developments in asylum policy in Turkey, as well as the current practices, will be explained in order to illustrate the manner in which migration in Turkey is seen as a threat to national security. All non-European asylum seekers wanting to make an application to the UNHCR in Turkey must abide by strict regulations of the Turkish state. They must live in an allocated "satellite city," regularly sign in with the police, and must always get permission from the police to even temporarily leave their city. The social and economic well being of refugees in these cities is highly volatile. In many cases, coupled with the *uncertainties* of the application processes described in

Chapter 3, refugees may end up "choosing" an even more precarious existence living 'illegally' in Istanbul or trying to smuggle into Greece. But in the eyes of the Turkish authorities, being illegal, or being caught while trying to smuggle through borders, are criminal activities, justifying even more exceptional state practices such as unjustified police brutality and/or prolonged detention in so-called 'foreigners guesthouses.' Due to such mechanisms, it will be argued that this *uncertain* predicament of refugees has a self-perpetuating and self-justifying effect.

CHAPTER 2

SETTING THE SCENE: THE RISE OF THE REFUGEE

Holocaust survivor Rabbi Hugo Grynn described the 20th century as 'an

extraordinary period of movement and upheaval' and, said that the 'twentieth century

will be known not only as a century of great wars, but as the century of the refugee'

(Kushner and Knox 1999, p. 1). Unfortunately, statements such as Grynn's have

proven terribly accurate, because even in this first decade of the 21st century, "the

refugee" continues to be a major social and political reality, as exemplified in the

most recent refugee crises in Sudan, Somalia and Iraq. The events which initially

marked the beginning of the 'century of the refugee' can be dated to the First World

War, during which time, the idea of international cooperation to protect and promote

the rights of refugees was espoused, by the founding of the League of Nations for

Refugees in 1921. However, the scope of the League of Nations was limited only to

the Russian refugees fleeing the Bolshevik Revolution. Similarly, the consecutive

establishment of the United Nations High Commissioner for Refugees (UNHCR) in

1951 and the drafting of the Geneva Convention Relating to the Status of Refugees

were originally intended for dealings with the European refugees of the Second

World War. However, in 1967, the Protocol Relating to the status of Refugees

removed all temporal and geographic limitations. Hence today, the label of "the

refugee" has become a well-defined, universalized category, lending itself to an

entire legal field dedicated to ensure the protection of refugee rights; to a vast and

complex network of institutionalized assistance, composed of host governments,

UNHCR and other UN organizations, as well as local and international NGOs; and to an academic research field, specifically founded to study the various sociological, psychological, political and economic conditions of "refugees."

The main events giving rise to the mass refugee displacements throughout the early 20th century came as a result of the attempts to replace the old multi-ethnic European Empires with the new world order of nation states. Under the ascendant nationalist logic that tried to neatly divide the continent into coherent territorial states, each inhabited by ethnically and linguistically separate homogenous populations, hundreds and thousands of people who seemingly did not belong nor fit the 'one state, one culture' principle (Gellner 1983), were forced to flee their homes, or face the threat of extermination. Nonetheless, the phenomenon of human displacement should not be simply attributed to the 20th century and the attempts at building nation-states. In fact, as Nevzat Soğuk (1999) exposes in his elaborate Foucauldian study of "the refugee" in Europe, history has always been marked by occurrences of large-scale human displacement, though the terminology and ways of constructing such displacements have been different. Compared to the events marking the beginning of the 20th century, displacement and refugee occurrences in the previous centuries, in terms of both the size of the displaced population and their significance to the host country, remained limited in its' magnitude (ibid. 60).

However, as Soğuk contends, the numbers were not the only factor determining the seemingly lesser occurrence of refugee events. Each epoch's ideals and political realities determined the meaning of human displacement and how it was termed (see also Sıcakkan 2004). Therefore, depending on the location, as well as the prevailing relations (i.e. the associations between rulers and ruled) and institutions at the time, a whole host of terms, such as *exile, asylee, émigré, fugitive* and *banished*,

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were available to discuss human displacement (Soğuk 1999, p. 65). These terms did not necessarily represent mutually exclusive, distinct ontological experiences, but were rather amorphous. Behind this relative "permissiveness" of the vocabulary on displacement, Soğuk argues, lies the fact that; *"there was no pressing need for clear-cut formal distinctions across various experiences of human displacement,"* because, "*human displacement, including refugeehood, was not perceived as a compelling enough phenomenon to impel the host countries to act in a concerted and systematic fashion in order to control human displacement closely"* (ibid. p. 61). In other words, human displacement had little practical relevance in the process of governance.[7]

In the modern world defined by nation-states and citizen subjects, bound by territory and community, a particular form of human displacement became problematized in the figure of the 'refugee.' This discursive shift came as a result of a rationality that links people and place, state and home. Therefore, *statelessness* became the defining trait of human displacement, and in turn, the solution to the problem of human displacement also became one about returning the refugee safely to his/her 'home', or finding him/her a new 'home' in some other state. As many have argued, this particular perception of human displacement and the refugee condition has been instrumental to the task of normalizing territorial nation-state belonging as a given and natural way of political organization and cultural belonging (Soğuk 1999; Malkki 1995; Aleinikoff 1995). For in the 'normal' modern world, where everyone belongs to his or her proper (ethnically, linguistically and culturally)

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[7] At first sight, this might rightfully appear as a Eurocentric approach. Human displacement was not limited to events in Europe. However, certain key techniques to manage mass displacements (such as refugee law, refugee camps), which have now become standardized and globalized, were a product of events taking place in Europe. Both politically and economically, Western Europe and North America also continue to be the prime movers in setting up the refugee regime (Keeley 2001).

state, and where ones' state is identified as one's home, through the figure of the 'refugee', *statelessness* has become automatically identified as *homelessness*.

The 'Immigrant' and the Politics of 'Place-Making'

Certainly, this implicit link between home and state cannot be attributed solely to the rise of the "refugee". Under the nation state system, both a particular form of human displacement (statelessness) and a particular form of human mobility (across state borders) became problematic. In other words, not just the 'refugee,' but the more general category of the 'immigrant' also emerged as a necessary 'other' in the process of imagining and socially producing a territorially, culturally and ethnically bounded nation state. Upon their founding, nation-states were granted the privilege to control who enters their country as immigrants and refugees with the intention to settle and take up citizenship. Hence, depending on that country's citizenship ideals – i.e. whether it is territorially, religiously, racially or ethnically defined-, historically, states have preferred to admit persons that are likely to strengthen a country's imagined sense of national identity and cohesion (Brubaker 1992; Cohen 1999). This fixed association between people and place, state and home, under the nationalist logic, has proven to be an extremely powerful conceptual framework that has led to a series of other related, spatially conceived dualities such as home versus abroad, us versus them, or center versus margins.

However, many present-day scholars scrutinizing the issues of transnationalism, diaspora and globalization have begun to argue that this privilege of the sovereign nation-state to include and exclude based on a territorialized

understanding of identity and belonging is being massively challenged by globalizing

forces and the changed context of migration. For the past two decades, global

innovations in telecommunications and transportation have led to a proliferation of

cross border flows in people, materials, and cultural ideas, and of transnational

networks. Increasing mobility and deterritorialization in the 'age of migration'

(Castles and Miller 1999) stands as an important challenge to the assumed fixity

between spaces (territory), people and identity (culture). In particular, the

development of 'transnational communities', groups who operate in social fields that

transgress geographic, political and cultural borders, have come to present a powerful

challenge to traditional ideas of nation-state belonging (Castles and Davidson 2000).

For the transnational migrant, home and host society have become a single arena of

social action, which they move between freely. Even among Diaspora communities,

where communal consciousness and solidarity was perceived as deriving solely from

strong links to and a nostalgic identification with a homeland, many argue that

'home' has now become near irrelevant (Cohen 1999; Tsagarousianou 2004).

Instead, their readiness and willingness to engage themselves with the building of a

transnational 'imagined' (Anderson 1991) community, i.e. through diasporic media,

has become their defining trait.

     Various new labels have been developed to explain what is described as

emergent modes of transnational personhood. Yasemin Soysal (1995), in her

pioneering study of the European guestworker[8] experience, argues that a new and

more universal concept of citizenship, that of 'post-national citizenship', has

unfolded in the post war era; one whose organizing principles are based on universal

personhood rather than territorialized national belonging. Likewise, Faist (2004)

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[8] They are non-citizens but have attained a relatively safe permanent resident status.

raises the issues of 'dual nationality' and overseas participation in 'homeland politics' as important challenges to the legal and political conceptions of citizenship. Therefore, transnationalism and globalization has afforded new insights against the supposedly normal condition of being attached to a territorialized polity and an identifiable people. In turn, this increasing deterritorialization of identity is assumed to have resulted in a significant "crisis of representation" for the modern state.

While the context and extent of migration has changed to a great extent under globalization, leading to significant changes in the meaning and institution of citizenship and belonging in contemporary nation states, there are various problems with this 'emancipatory' literature that sees the deterritorialized aspect of transnational bonds as somehow liberating the individual from the nation state. Both receiving and sending states continue to impinge on the everyday activities of transnational migrants. The state, both in terms of its presence (i.e. whether state policies are immigrant friendly or not) and its lack (i.e. of any kind of institutional support for immigrants, asylum seekers and refugees) has a determining effect on the incorporation patterns of migrants and their ability to form a transnational space (Daniş, Perouse & Taraghi 2006, Soysal 1995). Moreover, states have a very significant role in discursively producing migrant identities. For instance, even in the supposedly most "immigrant-friendly" multi-cultural and multi-ethnic countries in the West, such as the US (Ong 1999) and Canada (Mountz 2003), the state operationalizes mechanisms that categorize migrants along a spectrum of desirability. A combination of various factors, such as race, culture, economic worth (consumption power and self-reliance) and mode of migration (legal or not) determine whether a migrant is a 'deserving citizen' or not. In turn, this particular perception shapes the everyday reception and socialization of migrants in the host

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society. This process of 'cultural citizenship making' (Ong 1999) also has legal repercussions, where the 'undeserving citizens' find themselves variously classified as 'illegal' or 'deportable' (Coutin 2000; De Genova 2002; Peutz 2006).

As with citizenship practices, in relation to membership and collective identity, globalization and transnationalism have had a contradictory impact on notions of state sovereignty, the ultimate control over a bounded territory and populace, as well. Soysal (1995) admits to this tension surfacing between the two institutionalized principles of the global system in regard to immigration: national sovereignty and universal human rights. Hence while universal human rights principles bound states with a greater level of responsibility towards foreigners, the principle of national sovereignty means that states continue to have the discretion in allowing or rejecting the entry of aliens. The same conflict arises in relation to asylum, where on the one hand, there is the universal principle that states should respect and protect human rights by offering asylum to aliens fleeing persecution, on the other hand, there is the nationalist principle that states should primarily serve interests of the national community of people whom sovereignty derives from (Statham 2003).

The repercussions of this tension are becoming more visible by the day. While migration flows across the world steadily increase, there is a growing reluctance on the part of industrialized countries in wanting to allow immigrants into their communities (Castles and Miller 1999). Increasingly the issue of migration has come to provoke a sense of crisis, being viewed by many as a "security threat" to national welfare systems, cultural and national identities, as well as domestic peace and stability (Harris 2002; Joly 1996; Lutterbeck 2006; Nadig 2002; Richmond 1995; Sassen 2002). In the aftermath of 9/11, these perceptions of threat have further

intensified as immigration, particularly from the south, has increasingly been linked to international, and especially Islamist, terrorism (Sassen 2002; Statham 2003). This growing fear of non-Western migration has led most Northern countries to resort to fortified border policing measures and restrictive legislation, practically blocking all means of legal entry.

This growing restrictive immigration rhetoric and policies of border control that currently dominate in the West, attest to the fact that migration continues to afford new resources for rearticulating the sovereign state in multiple sites of policy and conduct. Joppke (1998) argues that the popular conception of migration as a threat to the integrity of the nation state is a convenient response. Such a view assumes migration as an external event, with passive states as receivers forced to respond. More importantly, it obscures the fact that modern states have actively helped produce what they seek to contain: it was the creation of states which created the notion of international migration; territorial rule, in comparison to personalistic dependencies of master-servant rule, allowed new spaces for mobility; states continue to recruit labor migration; and most of today's refugees and asylum seekers are a product of the turbulence of post-colonialism and nation-state building on the south-eastern periphery of the modern state system (ibid.).

Saskia Sassen (2002) adds to these points the fact that the global north needs migrants. The demographic deficit forecast for the Global north (an aging population, as well as an increasingly well educated population unwilling to do the 3-D[9] jobs) reveals that migrants and refugees will continue to fill an important void. Although in the post 9/11 world, the migrant, the refugee and asylum seeker from the global south has been constructed as a negative, undesirable subject leading Western states

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[9] Dirty, Dangerous and Demeaning.

to build higher fortresses, the demand for low-wage labor from the South continues. This ongoing need also explains why migration to Northern countries continues at every cost (i.e. through illegal and increasingly life-threatening means). On the other hand, it is also important to note that the somewhat drastic change of interest in immigration in the 1990s in Europe and North America represented a shift in perception, rather than the real significance of the phenomena (Castles 2000). Increasingly, the rising anti-immigration discourse in the West has taken the form of 'symbolic politics' (Faist, in Statham 2003; p. 168-169) serving as a convenient outlet for expressing other grievances, such as unemployment and crisis of the welfare state.

<div align="center">The Abnormality of the 'Refugee'</div>

In Foucauldian terms, the nation-state system can be conceived as a powerful regime of order and knowledge that has come to be seen as natural (Malkki 1995). Though globalization and transnationalism present serious challenges to state sovereignty, as discussed above, both through discursive and institutional means, states continue to naturalize the imagined ethnical, cultural and national links between places (certain territories) and people. Hence 'the immigrant foreigner' continues to be perceived as a significant challenge to this neat categorical order of nation-states. However, for reasons, which will be discussed below, both discursively and institutionally, there has been a tendency to single out the "refugee" exclusively as it presents a more particular and powerful subversion of this system.

First of all, compared to the so-called 'economic migrant,' whose motive to migrate can be reasoned through explanations of either the push-factors caused by

individualistic desires for income maximization (neo-classical economics) or in the pull-factors of labor demands of modern industrial states (i.e. dual labor market theory and world systems theory) (Portes 1997), the refugee condition is constructed as something "abnormal". For the immigrant whose motive to migrate is supposedly purely economic, it is easier to assume a more unproblematic grounding within a certain territorial space called 'home' to which he/she may return at will, and an associated identity and community to which he/she will continue to belong to. In that sense, the economic migrant still functions within the 'national order of things' (Malkki 1995). Compared to the economic migrant, the refugees' deterritorialization has a more particular nature: he or she was a victim, forced to leave his/her 'home.' Hence the prospect of returning 'home' is out of his/her control. Therefore, the label of the refugee is encoded with notions of homelessness, helplessness and a loss of community, identity and history. Within the 'national order of things,' refugees are people who *can no longer be* classified (i.e. by their 'original' state) and they *cannot yet be* classified (i.e. until they are returned 'home' or a host state grants them citizenship). This approach assumes that "refugeeness" is a highly *uncertain* state, or in anthropological terms, it is a state of 'liminality,' of being 'betwixt and between' (Turner 1969), which in turn makes "refugees" abnormal and 'polluting' (Douglas 1964).

Secondly, immigrants are generally problematized in relation to cultural identity and integration issues whereas the problematic aspect of a 'refugee,' is almost always portrayed in state terms. Refugees are a problem because they are 'stateless' (hence statuse-less), so until refugees are 'incorporated' as citizens into their host state or returned to their state of origin, they remain a problem. In that sense, it could be argued that the content of the term 'refugee' only makes sense

when it is juxtaposed to its opposite, 'the citizen.' One is either a citizen, a legal

member of a recognized state, or one is a refugee, an 'empty citizen,' lacking not

only a 'home', belongings and meaning, but more importantly, lacking the proper

political representation of a state (Soğuk 1995; Sıcakkan 2004).

Refugee law explicitly propagates this understanding of the nation-state as a

pre-given, 'normal' way of political organization. As defined in the Geneva

Convention on the Status of Refugees, a refugee is:

> An alien who owing to well-founded fear of being persecuted for reasons of
> race, religion nationality, membership of a particular social group or political
> opinion, is <u>outside the country of his nationality</u> and is unable or, owing to
> such fear, <u>unwilling to avail himself of the protection of that country</u>; or who,
> <u>not having a nationality and being outside of his former habitual residence</u> as
> a result of such events, is unable or owing to such fear is <u>unwilling to return
> to it</u>. (1951 Geneva Convention on the Status of Refugees, emphasis added.)

As the definition makes clear, the notion of being a refugee is reduced to state terms

(i.e. someone who has lost protection of his or her own state, and is located outside

of his or her state, and is in need of a new state for protection.) Therefore the

problem to be solved is related to loss of political membership. However as recent

critics have argued, involuntary migration is a very broad phenomenon, and this

particular formulation of the refugee is unable to encompass other, equally

significant forms of human displacement, such as people displaced due to natural

disasters, or due to human action, in the form of development projects, for example

water dams. Such people cannot claim asylum, as these acts do not fulfill the criteria

of *persecution*. Furthermore, a growing number of people in the Third World are

becoming 'internally displaced' (i.e. displaced within national borders). Not being

"*outside the country of his nationality*", an internally displaced person cannot seek

international protection. And even if such a person succeeds in crossing international

borders, he/she may easily be dismissed as an "economic migrant".

This differentiation between 'refugees' and 'economic migrants' presents serious challenges, for in many cases people decide to migrate in response to a complex set of threats, hardships and opportunities (Papadopoulou 2004, 2005; Crisp 2003). In the present world, conflict, poverty and human rights abuses are closely interrelated (Collinson 1999). Over the last century, the root causes of human displacement have changed to a significant extent. Beginning with the standardized and internationalized establishment of the 'refugee' in the 1950s, and up until the 1980s, refugees were mainly products of independence struggles and of national liberations, or were people fleeing from actual or feared persecution by fascist and communist governments. But in recent years there has been a significant evolution in the root causes of displacement. Today, most of the world's refugees are coming from countries affected by armed conflict and communal violence, such as in Afghanistan, Burundi, Columbia, Liberia, Sierra Leone and Somalia (Crisp 2003; p. 76). In that sense, the legal definition of a refugee is unable to reflect the plight and suffering caused by today's new political realities (Sıcakkan 2004).

Not only the root causes of displacement, but the global commitment to refugee protection in the world has also changed to a considerable extent. As already mentioned, the growing trend in the 'securitization' of migration is perhaps the most important reasoning behind increasingly restrictive asylum policies. However, many have also argued that the initially generous humanitarianism of the liberal states in the West was actually matched by geopolitical interests, which is why the decline in interest in refugee protection coincided with the end of the Cold war (Crisp 2003; Keeley 2001). During the Cold war, various Western countries, especially the US, had a highly favorable, near open-door policy for people fleeing from communist countries, and there was a generous outpour of international aid to developing

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countries hosting refugees, with again an underlying aim of containing the communist threat. Today, however, many of the world's largest refugee populations are of little geopolitical significance to countries in the West and asylum is granted on very strict interpretations of what is required under international treaty obligations (Loescer 2001). Yet with 'zero immigration' policies becoming the norm in most Western countries since the 1970s, asylum is becoming one of the only means of legal entry into Europe and North America for Non-Western migrants. This has led both to an overburdening of the asylum system with dubious claims, and to a growing suspicion that asylum is merely another form of economic migration (Gibney 2000).

Despite the images of fleets of refugees arriving on the shores of Europe and North America, most of today's refugees actually continue to be hosted in developing countries in Africa, Asia and the Middle East. Between 1992 and 2001 developing countries accommodated on average more than seventy per cent of world refugees. At the beginning of 2002, around nine million of the worlds' twelve million refugees were to be found in Asia and Africa (Crisp 2003). Yet, there is a growing reluctance among developing countries to host refugees as well. Local developments within these countries, such as unemployment, population growth, environmental degradation, and the impact of structural adjustment programs such as reduced public spending, has resorted to resentment towards refugees for receiving free food, education, healthcare and other services. Hence not only in the West, but in developing countries as well both governments and opposition parties have started mobilizing popular support by promoting nationalist and xenophobic sentiments, blaming their country's ills on the presence of refugees, asylum seekers and illegal migrants (ibid.).

As described above, the situation of internally displaced persons and the increasingly blurry lines between voluntary versus forced migration are just a few examples, which demonstrate the various problems of defining refugees and human displacement merely in state related terms. Yet, the solutions to the 'refugee' problem today continue to be conceived in state terms as well. It is commonly said that there are three "durable solutions" for refugees: voluntary return to country of origin, settlement in the country of asylum or resettlement in a third country (Stein 1988; p. 50). It is clear that these solutions are about making sure that the individual does not go without membership in some state. As explained above, up until the 1980s, there was mainly an 'exilic bias' (external settlement of refugees) in solutions sought for the refugee problem, but currently there is an increased move toward 'source control' bias, with voluntary repatriation and return 'home' becoming the favored solutions. Several anthropologists have taken issue with this assumption that return 'home' is an automatic and natural process, and that it involves less dynamic or extreme processes of adjustment and integration for refugees than if they were to enter a foreign society (Black and Koser 1999; Al-Ali and Koser 2002; Newman 2006). Certainly, in war-torn societies, social and political violence works to redraw societal lines and redefine identities. After violence, "home" can become an unfamiliar place. Hence the condition of displacement may persist despite returning "home". As Malkki (1999) rightly argues, "One would imagine that mass displacements occur precisely when one's own, accustomed society has become 'strange and frightening' because of war, massacres, political terror, or other forms of violence and uncertainty (…) The 'making strange' of the asylum country often corresponds to the assumption that the homeland or country of origin is not only the normal but ideal habitat for any person, the place where one fits in, lives in peace,

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and has an unproblematic culture and identity" (p. 509). In this light, 'voluntary repatriation' stands as a term loaded with connotations about what constitutes 'home'. The term 'voluntary' in itself is also dubious, as it overshadows the questions of who decides the return; whether it is really a practice of free will; and whether the person has the option to act otherwise (Bakewell 2000).

Apart from these three durable solutions though, refugee camps, which are normally intended as a temporary solution, continue to be a reality for most refugees in the global south. These camps were first established to manage the mass displacements towards the end of the Second World War, but have also had a determining effect on our understanding of the term "refugee" as we use it today. This camp setting, Malkki (1995) argues, allowed for the standardization of managing human displacement. Hence, like the 'insane' (Foucault 1973) and the 'criminal' (Foucault 1975), in these camps, the 'refugee' became a knowable and nameable figure, and an object of scientific research and documentation. In that sense, the refugee camp functioned as an important technology of power, disciplining and controlling the moves of people, as well as allowing the possibility of their discursive representation (Malkki 1995; p. 498-500). These camps continue to exist in the global south, whereas increasingly in the developed countries of the North, reception (or rather detention) centers, where asylum seekers are held until their asylum applications are completed, can be seen as new sites where such technologies of power are produced (Rajaram and Grundy-Warr 2004).

These institutional developments, ranging from refugee law to refugee camps, have had a massive impact on the discursive understanding of "the refugee." Therefore, compared to the culturally diverse "immigrant," today, the "the refugee" has almost become a universalized culture and identity (Marx 1990). Some have

even sought to codify the distinct stages of the "refugee experience" (Stein 1981).

Various anthropologists, on the other hand, have worked at great lengths to challenge such essentializations. In her comparative study looking at the identification processes of Hutu refugees living in a town setting versus a refugee camp in Burundi, Malkki (1995) found that depending on local/spatial conditions after displacement, there were radical differences in the meanings that the Hutu refugees ascribed to national identity and history, to notions of home and homeland, and to exile as a collectively experienced condition. Narratives by camp refugees, revealed an impassioned construction and reconstruction of "home," their history as a "people" and their current standing as a nation in exile. In other words, exile did not necessarily erode collective identity, rather, the Hutu refugees responded to their displacement from the *national order of things* (from Ruanda) by constructing another nation (The Hutu nation). In contrast, the town refugees dissolved all national categories in the course of everyday life and identified themselves in a more cosmopolitan and worldly way. For the town refugees, the term "refugee" reminded them of the stigma, and the social and economic problems endured in exile. Hence instead of taking on 'refugee identity,' town refugees resorted to what Malkki calls, a 'pragmatics of identity,' inhabiting multiple and shifting identities in order to get on with everyday life. Like the camp refugees studied by Malkki, Julia Peteet's (1995) study finds a similar refusal among Palestinian refugees to accept a deterritorialized existence and identity. Peteet argues that they too try to establish a historical and cultural inventory of a relation to Palestine. However, unlike the Hutu refugees, among the Palestinians, the term "refugee" was rejected because it implied a passive acceptance of the status quo and suggested the possibility of resettlement elsewhere. As Malkki (1995) rightly argues such discrepancies in the self-identification

processes reveal the role of local everyday conditions, such as spatial isolation, in determining the constructions of identity and nationness in exile.

Furthermore, these studies attest to the fact that refugee identity, and the experience and meaning of exile is not uniform. However, their purpose should not be mistaken as romanticizing the creative constructions of culture and identity in displacement. Rather, their aim is to question such notions of 'home', implicitly criticizing the founding notions on which both anthropological theory and international policy are built – i.e. that there is a fixed, static and pre-existing relation between people and place, and uprooting and removal from a national community necessarily leads to loss of identity and culture. Instead, they reflect the changing personal, historical, social and political contexts through which 'home' is continually redefined. Their aim is to expose that culture and identity constructions continue in exile and that they are highly variant depending on both cultural factors and local conditions in exile. Hence the meaning and lived experience of exile is not standard and universal, but is rather fluid.

When seen in this light, the underlying power effects of a so-called humanitarian event become much more obvious. The various efforts to standardize and universalize the 'refugee' and the 'refugee experience' have a powerful depoliticizing effect as they eradicate cultural, historical and contextual specificities (Malkki 1995; Soğuk 1995). Institutionally standardized and discursively essentialized understandings of the 'refugee' reduce territorially displaced people to a 'bare life' (Agamben 1998), having no political existence. This conception of the 'refugee' as 'bare life' is integral to the continuation of the political order. Indeed the legal and humanitarian actions taken by refugee activists to solve the problems of persons displaced by poverty, war or persecution are well intended. However, by

being centered on the idea of returning refugees to 'normality' in their 'homes,' most problem-solving refugee protection efforts, including the immense literature on both refugee law and the psycho-social needs of refugees, rather than problemitizing the political oppression or violence that produces massive territorial displacements of people, naturalizes the discourse on refugees, either contributing to the globe's territorial divisions or locating the "problem" within the bodies and minds of people classified as refugees.

Such remaking of the 'refugee experience' is particularly strong within media representations of refugees, which work to reinstate an understanding that associates particular forms of suffering with 'refugeeness.' Refugee imagery tends to be of two kinds: Either of 'floods' of people crossing borders and toppled on top of each other in the density of refugee camps, or of refugee mothers and children (Malkki 1992, 1996). Regardless of what cultural, racial or national background the refugee has, such images tend towards documenting experiences and activities that are understood to be universally human. The former kinds of images reaffirm the chaos and disorder associated with being displaced from one's 'home.' Furthermore, they reinstate *statelessness* as identical with *helplessness*. Images of refugee women and children, on the other hand, express a certain horror and powerlessness, being human in the most basic, elementary sense. From whatever background they come, "refugees" are just human. Therefore, against such images the viewer identifies with the represented person on a basis of compassion and shared humanity. This visual standardization of the 'refugee' as basically human, Malkki argues, *"*hides the political or political economic connections that links viewers' own history with that of 'those poor people over there'" (1996; p. 388-9). Such images again obscure local political and historical contexts, "retreating instead to depoliticizing, dehistoricizing register of a

more abstract and universal suffering" (Malkki 1995; p. 13). In other words, the fundamental inequalities and injustices of the current social order become concealed behind the veil of basic humanity.

Chapter Conclusion

Instead of taking it as a given that the world consists of naturally distinct and spatially detached 'peoples and cultures,' divided between 'us' and the 'others', Gupta and Fergusson (1992) suggest that we should try to understand how such differences are produced and anchored to specific locations in the first place, within interconnected and shared spaces. With this point in mind, the purpose of this chapter has been to expose the various mechanisms of "place-making" through which states continue to naturalize links between people and places. Within these difference producing relations, the "immigrant" has become one of the most important discursive figures in legitimizing the separations of "home" versus "abroad" and "us" versus "them." Certainly, increased mobility and transnationalism in a globalized age has had a serious impact, challenging these dichotomies, and collapsing naturalized nation-state belonging. However, as it has been argued, this detteritorialization of identity has not actually weakened the nation-state, but on the contrary, the state is being reconstituted, restructured and re-territorialized in response to the growing complexity of processes of governance in a more interconnected world. Even though universal human rights standards may weaken state's privilege in deciding who to accept and not, through discursive productions of identity, states continue to legitimize and legalize exclusionary practices against immigrants, such as

deportation and detention. While "the immigrant 'has become perhaps the quintessence of these difference producing relations, the particularly problematic and liminal position attached to the figure of the "refugee" demonstrates the importance of also looking at the processes through which a universalized identity is produced, and how this standardized identity continues to legitimate nation-state belonging. Henceforth, I have attempted to reflect on the various discursive and institutional practices, such as legal definitions, refugee camps and media representations that gave rise to the global figure of "the refugee." The various ethnographic studies presented, aimed at revealing how the meaning and experience of 'refugeeness' and exile is highly variant. However, these examples were not sighted as a celebration of the current condition. Instead, the aim was to expose how the attempts at standardizing "the refugee" and "the refugee condition" also work at reinstating nation-state belonging. More specifically though, my focus throughout has been on exposing how these forces shape the language in which the suffering of people called "refugees" is represented. Refugee law and media representations of refugees were sighted as examples of techniques, which reduce the suffering of "refugees" to one of *statelessness* and *homelessness* or to a more *abstract/human suffering*. In line with these arguments, my goal in the following chapters is to examine how these commonality-producing and essentializing techniques in relation to "the refugee" manifest themselves within the Turkish context.

CHAPTER 3

REFUGEE STATUS DETERMINATION AND THIRD COUNTRY

RESETTLEMENT: SUFFERINGS OF A BUREUCRATIC PROCEDURE

The previous chapter briefly described the series of events giving rise to the highly

formalized and globalized refugee regime. It was specific events and specific groups

of people, such as the Russian refugees of the First World War and the Holocaust

victims of the Second World War, which triggered the growing concern for, and

discourse of, 'the refugee.' However, the instatement of the 1951 Geneva

Convention, and more particularly its 1967 Protocol, which removed all temporal

and geographic limitations in the definition of a 'refugee,' represented a significant

trend of moving from the group level to that of the individual in most proceedings

regarding refugees. In some countries of the geopolitical south where refugees are

mainly housed in rural refugee camps, refugee status does continue to be granted on

group levels, termed as *prima-facie*, meaning that the conditions in the country of

origin are such that all those leaving the country can be considered refugees.[10]

However, in most urban settings where refugee camps are not involved, refugee

status is granted upon an individual basis. In other words, based on the definition of

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[10] For instance, currently all Iraqi nationals who can prove they come from South or Central Iraq are
granted refugee status.

the 'refugee'[11] established in the Geneva Convention, the founding document of international refugee law, the person must prove that he or she has a well-founded fear of persecution for reasons of race, religion, political opinion, nationality or membership of a particular social group. The process in which it is determined whether a person should be recognized as a refugee and granted international protection based on this criteria, is called Refugee Status Determination (RSD).

In most Northern/Western states, there are particular state agencies that administer RSD. In most of the developing world though, the United Nations High Commissioner for Refugees (UNHCR) has an extensive role in conducting RSD.[12] In Turkey too, the UNHCR carries out all RSD, though there are some peculiarities that have to do with Turkey's ongoing position on maintaining the 'geographical limitation'. The next chapter will present a more in-depth examination at the Turkish governments' procedures on asylum and its' impact on the everyday lives of refugees in Turkey. However it should be mentioned here briefly that in Turkey, since 1994, there has been a two-tiered RSD procedure, or the so-called *parallel procedure.* What this means is that all asylum seekers in Turkey of non-European origin have to undergo Status Determination twice: once by the Foreigners, Borders and Asylum Police Officers of the Ministry of Interior (MOI) to determine if they are 'genuine asylum seekers' and should be granted temporary residence permits; and once by the UNHCR to determine whether they are 'genuine refugees' and should be granted resettlement to a third country. With the EU Accession process, there have been discussions regarding the full transference of all RSD to the Turkish state, though they have been rather slow to develop. The UNHCR still continues to be the main

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[11] See page 14.
[12] For instance in 2004, the UNHCR conducted RSD in eighty countries (Kagan 2002; 3).

actor in determining refugee status in Turkey, and generally all MOI decisions are made in close cooperation with the UNHCR. Therefore, although comparisons with the MOI would have been rather interesting in terms of examining the effects of the same procedures practiced in two very different institutional settings, the remaining parts of this chapter focus solely on refugees' experiences of RSD conducted by the UNHCR.

Before examining these experiences though, a note should be made on both the basics of how refugee status is determined and of the stages involved in the RSD procedure at the UNHCR. As already stated, the principal definition of a refugee is that contained in the 1951 Geneva Convention which identifies five criteria that must be met to qualify as a refugee:

- Well-founded fear
- Persecution
- Reasons of race, religion, nationality, membership in a particular social group or political opinion
- Outside country of nationality/former habitual residence
- Unable or unwilling, for fear of persecution, to seek that country's protection or to return there.

The first two criteria are perhaps the most elusive. The predominant motive for an application for refugee status must be *fear*. In their evaluations, decision makers must consider both the 'subjective' and the 'objective' element of this fear. In practice, any expression of unwillingness to return, or even the mere fact of having applied for refugee status, is taken as sufficient to establish the subjective fear. However, this subjective fear must also be 'well founded,' i.e. supported by objective circumstances in the applicants' country of origin. In other words, the decision maker must develop a detailed understanding of the applicant's background, profile and experiences, which should be evaluated against external and reliable information on the conditions in the country of origin.

The second criterion is that the fear must relate to *persecution*. This concept is not explicitly defined in the 1951 Convention as the drafters intended that all future types of persecution should be encompassed by the term. But it is generally understood to comprise of "serious human rights abuses or other serious harm often, but not always, perpetrated in a systematic or repetitive way."[13] Thirdly, there must be a *nexus* between the persecution and one or more of the five reasons stated in the Convention. In other words, if a person has suffered from a general climate of violence irrespective of his/her race, religion, nationality, political opinion or particular social group, this would not qualify for refugee status. Finally, investigation is done to confirm that the State is unable to provide protection (i.e. because there is no state, or the state in the persecutor, or the state supports the persecutor) and that there is no 'internal flight alternative.'[14] If the applicant is found credible, and there appears to be a 'reasonable possibility'[15] that the applicant would face harm if returned to country of origin, then the person is granted refugee status.

In order to start an application with the UNHCR in Turkey, all asylum applicants must first get a *registration appointment* which can be obtained through one of the UNHCR offices in Ankara or Van, or through one of their implementing partners that have offices in seven cities across Turkey.[16] During the *registration interview* the applicant is questioned about basic bio-data and provided with an *asylum seeker certificate* and a date for the asylum interview. Either prior to or during registration, the applicant is also informed about Turkish temporary asylum

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[13] UN High Commissioner for Refugees, *Interpreting Article 1 of the 1951 Convention Relating to the Status of Refugees*, 1 April 2001, p. 5. http://www.unhcr.org/refworld/docid/3b20a3914.html
[14] In cases where the persecutor is a non-state agent, it is examined whether the applicant could not have safely settled elsewhere in the country.
[15] UN High Commissioner for Refugees, *Note on Burden and Standard of Proof in Refugee Claims*, 16 December 1998. http://www.unhcr.org/refworld/docid/3ae6b3338.html
[16] The Human Resources Development Foundation in Istanbul, Bilecik, Kutahya and Eskisehir or the Association for Solidarity with Asylum seekers and Migrants in Nevşehir, Kayseri and Aksaray.

procedures and the requirement that he or she must first register with the police in his/her designated *satellite city,*[17] in order to continue procedures at the UNHCR. On the *interview* day, the applicant undergoes a lengthy session of questioning by an *eligibility officer*, being asked in great detail about reasons for leaving his/her country of origin, and why he/she cannot return. After the interview, an independent decision committee reviews the eligibility officer's recommendation, and the final decision is mailed to the applicant. If refugee status has been granted, then the applicant's file will be transferred to the *durable solutions* division. If it is rejected, a standard letter of rejection is sent to the applicant along with a standard list of check boxes representing categories of rejection reasons. The client has a right to send an *appeal* letter within 30 days. This time a different legal officer is assigned to the case, who then decides if a *second interview* is necessary. If the case is rejected again after the 2nd interview, the case will be *closed*. If there is new evidence available, or new developments pertaining to the application, they will be reviewed to decide whether the case shall be *reopened*.

As stated in the previous chapter, there are three 'durable solutions' applicable in refugee situations: voluntary repatriation, local integration or resettlement. For most recognized refugees, unless there has been an immediate seize-fire or a change of political power, the question of returning to their country of origin is out of question. Due to Turkey's application of the 'geographical limitation', in the case of Non-European refugees arriving in Turkey, there is neither the possibility of local integration. Therefore, almost all recognized non-European refugees in Turkey must also apply for third country resettlement, which involves a

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[17] Issues related to Turkish temporary asylum procedures and 'satellite cities' will be covered in Chapter 4.

separate set of applications to a number of countries accepting refugees recognized in Turkey.

The following sections of this chapter focus on refugees' experiences of these procedural stages of RSD and third country resettlement. While the first section focuses on what I have termed as 'external uncertainties,' which is associated with the entire application process, from registration to resettlement, the second section will examine the 'internal uncertainties' associated with the differences in styles of narrative during the process of determining refugee status.

Misguidance, waiting and uncertainty

Although the UNHCR, Turkish authorities, and NGOs working with refugees such as RASP, HRDF and ASAM, have created various brochures and pamphlets to inform asylum seekers about RSD in Turkey, most asylum applicants remain uninformed about the details of asylum procedures in Turkey. Potential refugee applicants who are caught while entering or exiting the country illegally, and who are then held in so-called 'foreigners' guesthouses' awaiting deportation, are rarely made aware of their right to claim asylum. For reasons which will be explained in the next chapter, the police are generally suspicious of asylum applications made by people caught at borders (i.e. Greece and Turkey), arguing that most are not "genuine refugees," but are rather "economic migrants" using asylum as a strategy to prevent being deported.[18]

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[18] Based on a personal communication by the Chief of Foreigners Department of the Edirne Police Office (30 May 2008).

For those who are smuggled into Turkey, the smugglers can play an important role in deceiving asylum seekers about the application process and giving them false expectations. For instance, newcomers are frequently advised to tell particular stories regarding their reasons for flight, saying that this will automatically grant them refugee status and an entry to Europe or America. Such exploitative practices may also emerge within the migrant communities themselves. Only recently, a client of RASP admitted to deliberately submitting incorrect information to the UNHCR, in the hope of receiving a more favorable decision. It also became clear that the client received this incorrect information from an UNHCR-recognized Sudanese refugee in Istanbul, who was providing deceptive information to Sudanese applicants in exchange for monetary gain.

Most refugees arriving in Turkey are unaware of the uncertainties and length of the asylum application process. Amer, a Sudanese refugee who has been in Turkey for over three years, had traveled to Libya and from there he paid a smuggler to be taken to Italy, but found himself in Turkey instead. When he first arrived, he came across some Ghanaians who helped him out in finding the UNHCR office and offered him a place to stay. I asked Amer what he knew about becoming a refugee in Turkey when he arrived:

> I knew that when you go there, to the UNHCR, they will accept you and you will not stay too long here or too much time in Turkey. If they reject you, you will write your appeal and after that they will accept you. My Ghanaian friends told me about the UN, and that all the Somali and Sudanese people, because they have a case, cannot be rejected. And at that time I have a hope, but until now …

Asylum seekers in Turkey must also register with the Turkish police and follow various government guidelines, such as getting a residence permit and residing in an allocated satellite city. Therefore, aside from the lack of information about the

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UNHCR procedures, governmental procedures can also lead to further confusion and misguidance, having heavy repercussions. Yakup, who is a recognized refugee and has been admitted to resettle in Canada, is required to pay a heavy fee[19] in order to leave Turkey:

> The time we entered Turkey, what I understood is just any person registers with the UNHCR as an asylum seeker in Turkey, they didn't tell us at that time to go and register with the Turkish police and we think that is the law. As refugees we don't know about the law too much as you know, so I understood that and didn't, but for my surprise now they put a penalty on me.

Although these problems of misguidance may eventually clear out, it is the long process of waiting for final decisions, which is perhaps the most painful aspect of being a refugee in Turkey. Most of the asylum seekers do not know how long it will take nor do they understand the reasons for the delay in decision-making. In order to start an application with the UNHCR, all asylum applicants must first get a registration appointment. The waiting period between pre-registration and registration generally takes a couple of weeks, but between registration and the first interview date, it can take several months, depending on the applicants' country of origin. Due to shortages in staff and interpreters in certain languages, some people are required to wait up to one year before their first interview. The time one must wait for the final decision is also highly variable. Not knowing when to expect a decision can be nerve wrecking, and there are very few channels to confirm the status of one's application. There is a UNHCR phone line that applicants may call for legal counseling during set hours, but considering that there are several hundreds of people awaiting decisions at one time, these lines are regularly busy. In June 2007, the

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[19] The issue on Turkish regulations on 'exit fees' will be covered more in-depth in the next chapter.

UNHCR office in Ankara launched a webpage,[20] which provides applicants with the latest information about their case status. However, for those applicants who learn from the webpage that their cases have been rejected, there is no information about the appeal procedure or the reasons for rejection. People are informed about their decision by post as well, and though the right to appeal is stated in the letter, the reasons of rejection are limited to a standard list of check boxes.[21]

These long waiting periods, coupled with the restrictive policies of the Turkish authorities on the movement and rights of refugees, can create tremendous emotional and psychological distress. Comments made by an Iranian husband and wife, who were both persecuted for their artwork in Iran, and had been waiting in Nevşehir for over a year for their UNHCR decision, were highly reflective of this psychology:

> Spiritually it is worst than Iran. We have no rights here; we are useless, not human. We have forgotten out humanity here. I don't know myself here anymore. If they told us, 'you must wait 1 year or 2 years,' we would be ok. But the uncertainty, the fear of being rejected is tormenting. Every Monday my husband tries calling the UNHCR. But there is only one phone line and it is open only between two to five o'clock. We thought our applications would be processed quickly. The Turkey that we saw on the TV was very different, whereas life in the provinces is completely different. I regret that I came. They don't count as human here. Life opportunities in Turkey are not that different.

Another Iranian woman also living in Nevşehir, who came to Turkey with her brother and mother, told me: "The temporariness, the uncertainty, these are what cause problems. I would have learned the language; I would have worked, made a life here. We thought it was temporary. All our friends have left, now it is just us. My mother had a nervous breakdown, her whole body is paralyzed."

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[20] http://results.unhcr.org.tr/
[21] See page 52.

Osman is a refugee from Mauritania, where he had been politically active against the state's racist policies and had been imprisoned a few times for this. His last arrest though lasted for three years where he and his friends were subjected to further racism and torture. One day he managed to escape prison and fled to Libya where he stayed for another five years. However, Osman's health had deteriorated from years of torture and imprisonment, and the racism in Libya was just as intolerable. Therefore, he paid a smuggler to be taken to Italy. Instead, Osman found himself in Istanbul, but decided to stay in Turkey and apply for refugee status. The endless waiting has been extremely frustrating for Osman:

> I can understand those who give up and decide to leave, because you make your application and start waiting, you call once in a while to check if there are any decisions, there isn't, and they tell you nothing. You don't even know what you are waiting for and they don't either tell you what it is about. I know people who made their applications in 2000 here in Istanbul, we are in 2008 and they are still waiting, there is still no answer. When I was going back and forth to Ankara for my application there were people waiting there, yelling, 'we have been waiting here for five years, you had better forget about it!" But I would reply, 'everyone has their special case, it must be different from case to case." Yet here I am, after so many years. The UNHCR is a very disorganized place; you have to wait so much. Even if you have been recognized as a refugee, you go there at 9.30 in the morning after a long nights' bus ride, they still make you wait at the door, and if I had not spoken a small bit of Turkish, how would I tell them my problem?

Unlike Osman, some applicants give up all together and opt for the "easier" alternative, such as enduring an 'illegal' existence in Istanbul, or trying to smuggle into Greece. BM (Black Man, as he wished to be called) is such an 'illegal' migrant from Nigeria, who gave up on his application to the UNHCR from the start. I asked him to tell me about his experiences of the application process:

> BM: The system was that I did not have so much hope in it. I don't know why, I went there, attended interviews, I was not accepted but I was told that I could appeal in 10 days time but I did not want to do actually. Before I knew what to do the 10 days had lapsed and I had sort of forgot

about the whole thing, I never bothered my self. So I decided to just let it go and continue with my life.

Me: Did they tell you why you were rejected?

BM: From what I can understand in the letter they sent to me, they said there was an inconsistency in my story.[22] I remember when I was having my interview at the UNHCR office the man was asking me question about my mom, about how I lost my mom or something like that. I think that was where it was, anyway whatever, I didn't get bothered by it. And I just let it go. Because when the letter came and said there were inconsistencies in my story, and I said well, just let it go."

BM had a good reason for not having any hope. He tells me about a friend of his who was a recognized refugee waiting in Turkey for 7 years:

Me: So you are saying that your friend waited 7 years to get accepted by the UNHCR?

BM: No he was accepted. But I remember there was a time when he went to the Canadian embassy but that was past 6 years also. He had to do some tests; he had to go to the embassy to answer some questions, which he did. He had to then do some medical check up which he did. And then they said ok on so and so date we will call you and he had to keep on waiting, waiting, waiting.

Me: So in the end then he didn't go as a refugee?

BM: No, he didn't go. Luckier for him he met someone, a football manager, he took him from here to Kosovo, then it was when he left to Kosovo I had a call from RASP, they said 'we have your close friend so and so a question?' I said, sorry he is not around. And they said can you deliver him this message, and what's it I said. It is about his refugee status. I said now almost after 8 years you call him? 'Can you contact him' he said, I said 'I will see what I can do.' So I called him. You know it is late, he is no more here and I don't think he will be leaving to come back… There is no need to come back…

As the story of BM's friend reflects, aside from the process of waiting to be granted refugee status, even after one is granted status, it is not the end. The resettlement process can be equally lengthy and uncertain. The USA, Canada, Australia and Finland are currently the main countries accepting resettled refugees from Turkey. Yet each country has specific eligibility criteria and the applicant must undergo another interview procedure in order to be considered. It is quite possible for one to be rejected for resettlement, and in that case, the application will simply be sent to

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[22] BM's case was rejected on grounds of 'credibility,' which is an issue that will be further discussed under the section 'Decision Making.'

one of the other resettlement country embassies. In case of rejection, applicants are generally not informed about the reasons. Abdurrahman, who is a recognized Darfurian refugee, met his wife, who is Somali, in Turkey. Because they got married after they were recognized separately, and because their marriage was a religious one, it formed a problem in their application for resettlement. First his wife was accepted to Finland and when he applied to join her, they were both rejected. Then they applied to Australia, but were asked to present a paper that he was single in Sudan before. Most refugees arrive in Turkey in an irregular manner, without identification documents, such as passports, birth certificates or marriage certificates. Furthermore, most refugees flee their countries because they are 'unable or unwilling to' claim state protection. In that sense, obtaining official documents from a country you have fled can be a very complicated issue. This was also the major obstacle to Abdurrahman and his wife having a civil marriage.[23] As a result, they were also refused from Australia, but finally got accepted by Canada.

Resettlement has become particularly problematic since 9/11, causing further uncertainties to refugees. For instance, all refugee applicants to the US who are processed at the office of the ICMC in Istanbul must provide fingerprints in order to have their criminal backgrounds checked and also their names are searched against an FBI checklist. Some applications may be suspended indefinitely if there is even a slightest resemblance of names. Reza and his wife are Iranian refugees of the Bahai faith and were in my cultural orientation class in January 2007. They were both very lively participants in the class, excited about the prospect of their new lives in America. But in April 2007, I unexpectedly came across Reza during my attendance at an NGO training organized by RASP in the city of Nevşehir. When Reza

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[23] The RASP publication, *Refugee Voices,* made a special issue about Refugees Marrying in Turkey. See www.hyd.org.tr (see winter issue 2007).

approached me I had not recognized him and only later in our conversation did he remind me that he was in my class. I was somewhat shocked having not recognized him. I remembered him being much younger, although it had only been three months since our class. He said to me that everyone else in our class had already left for America and only he and his family were left behind because something had gone wrong with his security check. I tried enquiring into his situation at the ICMC back in Istanbul, but the staff there said that they could not either ask about why his security check had not cleared as it was classified information. So they said that he would simply have to wait. Today, more than a year after seeing Reza in Nevşehir, he is still waiting and is still clueless about why he is considered a security threat. The waiting and *uncertainty* has had a heavy toll on his psychology: "We don't know our life. I don't know what to do. Every morning I wake up, I don't know what to do... The UN says ICMC, ICMC says FBI. Will it take a year, a week? At least tell me so I know… My hair got white here in Nevşehir"

The case of Reza is a rare incident as there is actually a very high recognition rate of Bahai refugees for resettlement to the US. But Iraqi refugees in Turkey have suffered greatly from the uncertainties of the resettlement process. From 2003 to 2007, all applications by Iraqi refugees to the UNHCR were frozen. Yussuf is an Iraqi Christian refugee and arrived in Turkey just before 2003:

> I had my interview 4 years ago, I would call the UNHCR, and they would say, 'the Iraqi cases are still not decided because we have no permissions, it is a political issue.' They told us to wait. In this time, I applied to Australia 6 times for a Humanitarian visa, and every time I said maybe I will be approved, maybe I will leave, there was hope. During 2003, 2004 and 2005, the immigration for Iraqis to these countries was too little, because they thought the conditions in Iraq will improve, and the people, the refugees, must return back, so they didn't give us the chance to immigrate, but in 2007 they opened the doors and now the hope is that we will go.

Seeing that the conditions in Iraq were nowhere close to improving, in January 2007 the US government set a quota to accept 2000 Iraqi refugees from Turkey. At the time of this change in policy I was working at ICMC, which is the main organization responsible for the facilitation of the refugee resettlement applications to the US. When the Iraqi applications started coming in, I was hearing from people working in the legal unit that a high percent of the initial applications by Iraqi refugees (who were mainly the Iraqi Christians) were being rejected based on the 'Material support to terror organization,'[24] a provision of the 2001 PATRIOT Act. What this implied was that if the applicant, at any time in the past supported a criminal organization, he or she was being rejected. So for instance, if a family member was kidnapped and the applicant paid a ransom to save the kidnapped relative, this will be considered as 'material support'. Such ransom payments were one of the main reasons behind the many rejections for Iraqi Christians. Yussuf explained to me:

> Criminal gangs are the kidnappers, they know that Christians they are peaceful people, and that they can't complain against them, and they have relatives abroad so they can pay it. So most of the Christians who are kidnapped, it is just for the money. And the kidnappers, they are not terrorists for Al Qaeda and others, because such people, they kidnap political people, diplomatic people and foreigners. The people that kidnap a Christian, they ask for 5-10.000 dollars, but when terrorists kidnap foreigners, they pay 200.000 dollars to set them free. So you see, the Iraqi refugees, they are not helping the terrorists, they are saving their children.

Since the US resettlement program for Iraqis was initiated in February 2007, the government has softened requirements on the 'material support' clause as too many people were being rejected and the US government was also under the pressure to meet its quota. But there continues to be odd rejections where families are put into very difficult situations and are not informed at all about reasons as in the case of

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[24] For more information and reports on "Material Support" see website of the Refugee Council USA. http://www.rcusa.org/index.php?page=material-support-issue

Reza. For instance Yussuf was telling me about two families he knew, in the first one, the parents, the 95 year old grand father, and three sons were accepted, but only their daughter was rejected. In the second family, all the family, parents, and two sons were rejected, while only the daughter was accepted.

Even if the resettlement application process runs smoothly, there are still many technicalities that could lead to unexpected delays. As mentioned earlier, Yakup was granted refugee status in early 2005, and soon after, he was also accepted for resettlement in Canada. But his departure to Canada was not so timely: "From the day of registration until after the decision, it took 15 months. And now I am waiting the same 15 months to go to resettle to Canada." He had already missed three scheduled flights to go to Canada: "The first time the problem was that I didn't finish registration with the police. But the second time there were two faults by the IOM[25], always making registration for my flight after the expiration of my Canadian VISA. This has happened twice."[26]

As the examples stated henceforth make clear, the entire asylum application process, beginning from the first day of registration, up until final resettlement, is fraught with uncertainties that are generally the product of bureaucratic technicalities. The side effects of these uncertainties are massive, some refugees simply give up on official mechanisms from the start, and others succumb to the various consequences, such as psychological and medical problems, huge financial losses and families being separated. In the following section, I would like to move on to some of the more specific aspects of the application and decision making process,

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[25] The International Organization for Migration are in charge of making travel arrangements for refugees resettling in the West.
[26] Yakup finally made it to Canada in July 2007.

in order to explore some of the 'internal uncertainties' that emerge as a result of the imposition of 'governing mentalities' in refugees' narration of their experiences.

The Asylum Interview

The most fundamental element of the RSD process is an applicant's testimony. It is well accepted that refugees who flee their homes, rarely have the opportunity to bring with them documents proving who they are, or any other factual proof regarding their persecution. In that sense, an applicant's testimony, or in other words, his or her narrative account regarding his or her fears and experiences leading to an asylum application, remains the determining element in establishing whether or not the events described are credible, and also whether or not the persons' reasons for fleeing his/her country matches convention grounds. Undoubtedly, sitting in a room with a stranger (or two if there is an interpreter) and having to recount traumatic and personal events over several hours, knowing that this will determine your future, can be stressful. As Turner (1995) notes:

> For a person who has faced persecution, violence and even torture at the hands of officials in his or her own country, it is inevitably the case that an official request to reveal hitherto deeply guarded secrets will be met with some hesitation. Yet it is often on the basis of such an interview that decision will be made about the individual's future status. This problem is compounded if the circumstances of reception involve unpleasant or overcrowded detention centers, prolonged detention, separation of the family unit, and very long delays in achieving a decision about status (p.61).

In many cases, the idea of self-confession and disclosure of personal testimony maybe quite foreign to the applicants. Being forced to remember the traumatic events leading to one's ultimate flight can also be very painful. Amer tells: "My interview

was about seven hours. They are asking me about many details, about many things in my life in Sudan until I get here. I feel pain, really, remembering my brother, my family and what happened to them, it feel me sad really. I feel very, very sad, until now." Recounting such personal memories in the strictly bureaucratic atmosphere at the office of the UNHCR is neither that comforting. For Osman, both the people and the climate at the UNHCR were extremely cold and discomforting:

> The people at the UNHCR Istanbul office and at RASP, they are kind people, but in Ankara, they are not at all hospitable. When you arrive in Ankara you have already traveled a whole night on the bus; regardless of whether it is summer or winter, snow or rain, you arrive there at 5 in the morning and wait until the doors are opened. People pass in front of you, the UNHCR people, and not one person comes by to you and says 'come sit inside.' We sleep, wait for hours in that cold, and they just walk by"

Undoubtedly, giving testimonies of persecution and suffering can have therapeutic effects (Cienfuegos and Monelli 1983). However, the testimony recorded during the RSD involves a component of judgment on the side of the eligibility officer. Therefore, the nature of the questioning in the interviews can feel more like criminal investigations to some applicants. Although there are guidelines in relation to the conduct of eligibility officers during RSD interviews,[27] there have been reports of incidents when interviews have involved questioning techniques that were aggressive, condescending, culturally or otherwise inappropriate, and which elicited feelings of humiliation, fear or confusion in the applicant, leading, frequently, to

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27 *The Procedural Standards for Refugee Status Determination under UNHCR's Mandate* (Hereafter referred to as *Procedural Standards)* is a document, which provides detailed guidelines regarding the UNHCR's RSD procedures. In relation to conduct during the RSD interview, the Standards make several recommendations to eligibility officers such as creating an environment of "trust and respect" during the RSD interview (section 4.3.5); informing the applicant on their rights and obligations (confidentiality, the applicants' obligations to cooperate and tell the truth, the right of the applicant to make preliminary comments or ask questions) (section 4.3.5). It is also stated that questions during the interview should be open-ended, non-confrontational, and that the applicants should be given an opportunity to clarify or explain any gaps or inconsistencies (section 4.3.6).

miscommunication.[28] Osman recounts his experiences with one officer who has gained quite a reputation for being hostile and judgmental:

> "He had a very aggressive style, he did not respect my rights, he did not even give me permission to go to the toilet or take a break when I requested. He did not believe the things I told him, for instance he did not believe that Muslims in Mauritania make music, and spoke to me in a condescending manner, saying things like 'You are Muslim, you cant make music.' This really upset me. He was answering me always in a critical way. I am the one sitting there, telling him about my problems, but he did not believe me and kept questioning whether I was being truthful. It took me about two to three days after the interview to get over the interview. I kept thinking of him. I was really mad at him."

Osman's claim for asylum was later rejected by this officer, and when he and his legal advisor at RASP examined the detailed reasons for his rejection, Osman noticed that the eligibility officer had written things very differently than Osman had told him. Although it is the obligation of the eligibility officer to allow the applicant to clarify all gaps or inconsistencies during the interview, as in Osman's case, in practice this may not always be the case. In that sense, the asylum interview in itself can create an emotional struggle comparable to the experience of the persecution told.

However, such miscommunications do not always mean that the eligibility officer is simply insensitive or hostile, as there are several technical matters that can complicate the RSD interviews.[29] Eligibility officers are required to conduct the interview and write-up detailed transcripts at the same time,[30] which can hamper the overall quality of the interview. Having to work with translators can also lead to very important miscommunications. There are certain guidelines about working with interpreters, such as the use of trained and qualified interpreters, and gender

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[28] See "An Evaluation of UNHCR Turkey's Compliance with UNHCR's RSD Procedural Standards." An online report published by the Refugee Advocacy and Support Program, Istanbul, Turkey.
[29] Ibid.
[30] *Procedural Standards* Section 4.3.8.

sensitivity in choice of interpreters.[31] But finding qualified interpreters in Turkey who speak languages such as Tigrinha, Amharic or Peulh, or Arabic speakers who are familiar with the Sudanese and Somali dialects, is already so difficult to come across, that these guidelines can become somewhat of a luxury. As a result, unqualified and untrained interpreters may be used. There have been many cases where clients of RASP have complained about serious communication problems with interpreters, i.e. how they were unable to understand the particular dialect, or how they felt disrespected (e.g., attitude, treatment, side conversations with the eligibility officer) and intimidated.

Narrating Trauma

If one is to put aside these technical issues of questioning methods or interpreting, there are other problems with the RSD process that can be located at the anthropological level. In their ethnographic study of appeal cases for asylum in the United States, Shuman and Bohmer (2006) argue that proving one has suffered persecution can be a complicated task; narrative representations of trauma and persecution can be variously structured by both local/cultural discourses for talking about trauma, struggle and displacement, and by demands of the legal and bureaucratic cultures of the local offices handling asylum applications.

As the Geneva Convention definition clearly states, in order to be considered a refugee, a person must have a fear of persecution that is politically motivated (i.e. related to your political opinion, religion, ethnicity, nationality or membership in a

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[31]*Procedural Standards* Section 2.5.1.

particular social group). However, both within and across cultures, there can be different interpretations of what may be considered 'political' and 'persecution'. Shuman and Bohmer (2006) note: "To prove that the persecution against them was politically motivated, applicants for political asylum need to be able to describe the motivations of their oppressors as well as their group affiliations as part of the public suppression of dissent. This model of persecution is not only ethnocentric in its obvious ties to Western historical examples of persecution and dissent, but is also narrow in its understanding of persecution, membership in groups, and public life" (p.404). This argument regarding the culture-specific interpretation of 'political persecution' becomes particularly visible in refugee claims based on gender related persecution. Until recently, acts such as domestic violence, forced marriage, honor killings, denial of education, female genital mutilation and trafficking were perceived as 'private' and 'cultural' events, and were not acknowledged as persecution, or not considered to be linked to a 1951 Convention ground.[32]

Aside from the issue of what constitutes 'political persecution' though, the asylum process can also be complicated by assumptions regarding how persecution is narrated. This does not mean that applicants are expected to use a particular terminology. As stated in the UNHCR's *Handbook (1992),*[33] "The expressions 'fear of persecution' or even 'persecution' are usually foreign to a refugee's normal vocabulary. A refugee will indeed only rarely invoke 'fear of persecution' in these terms, though it will often be implicit in his story" (Article 46.) In that sense, the applicant is not expected to know or understand whether he or she was persecuted on

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[32] In 2002, the UNHCR published a set of guidelines on "Gender Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees"
[33] *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees.*

Convention grounds. Instead, it is the eligibility officers' duty to search for all clues in the applicants' narrative, which imply political persecution and an inability to claim state protection in the home country. However, considering that eligibility officers have only a limited interview time where they must assess the applicants' claim without a prior knowledge about the claim or the background of the applicant, it is usually very difficult for them to overcome expectations about what an accurate refugee testimony should look like. As for the applicants, who are generally unaware of the legal definition of being a refugee, or who have different expectation regarding the nature and purpose of the account, they may go off in tangents, talking about details they themselves find important or relevant. This issue of relevance and the clashes of cultural conventions for representing experiences are vividly elicited in some of the examples sited by Shuman and Bohmer (2006): "Driven by a desire to present themselves as credible, some claimants emphasize loyalty to their homelands rather than fear of return, and others draw upon memories of a time when life itself was more coherent. For some applicants, describing oneself as a victim of persecution is incompatible with recovering a sense of dignity or personal integrity following a trauma" (p. 406).

Decision-Making and the Credibility Issue

These clashes between styles of self-narration can lead to several complications, such as the applicant being found "non-credible." Generally in making an assessment of the asylum claim, the eligibility officer tries to establish the connection between persecution and one or more of the convention grounds, which is referred as the

nexus. But if there is no connection, for example the applicant faces harm that may reach the level of persecution due to a generalized climate of violence, the applicant may be rejected because his/her claim is not related to the 1951 Convention criteria. Another very important determinant in the evaluation, though, is the issue of 'credibility.' In assessing overall credibility the main measure is that the facts alleged are 'plausible' or have 'a reasonable degree of likelihood.'[34] This is established by examining *internal credibility* (coherence and consistency in the applicants' story) and *external credibility* (coherence between the story, the evidence presented by the applicant, and common knowledge or generally known facts about the situation in the country of origin). And a main tool for examining such consistency is by repeatedly asking many questions about dates and minor details. Summarizing the difficulty in determining the credibility of a refugee applicant, Kagan (2002) notes the following:

> An applicant's credibility is often central to refugee status determination because refugees rarely have independent evidence with which to back up their claims. Credibility assessment is perhaps the most difficult part of refugee status determination, because it requires interpreting flaws in testimony provided by nervous people speaking to a foreign institution, often in a foreign language, and across a cultural divide. Often, the most vulnerable refugees — trauma victims, women, people lacking education, and people who have learned to fear official institutions — have the most trouble giving complete, detailed and coherent testimony. (p. 28 - 29)

As stated earlier, when an applicant is rejected, he or she is sent a standard letter of rejection with checkboxes listing:

> ➢ The harm you *suffered* or fear you have is not related to any of the five Convention grounds listed above.

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[34] Because of the practical difficulties asylum seekers face in producing corroborative evidence, decisions are made according to a low standard of proof (Handbook 11). The applicant must prove his claim beyond 'reasonable doubt' and the decision maker must allow the applicant the 'benefit of doubt.'

> ➢ The events you described to us during your interview do not demonstrate that you have *suffered* or will *suffer* treatment so severe as to amount to persecution.
> ➢ You are able to obtain adequate protection from the authorities in your country of origin.
> ➢ Your testimony was not credible for the following reasons:
> - Due to material inconsistencies with your own statements or those provided by persons with related claims.
> - Due to material inconsistencies with the country of origin information,
> ➢ Your testimony was not found plausible.

The first two reasons of rejection illustrate both how important suffering is to the concept of a 'refugee' yet also how it is based on a very particular understanding of suffering that is reduced to individualized persecution. When reasons of rejection are examined in the Turkish case, credibility does seem to be the decisive factor as a high percentage of applicants are rejected on the credibility issue;[35] therefore in most cases it is the last two checkboxes that are marked. Naturally, narrating disrupted lives and traumatic memories in a clear and coherent manner is a difficult task irrespective of culture. When an authority, such as the UNHCR, doubts a claimants' description of their experiences because they are "inconsistent" or not "plausible," this disbelief may generate further emotional and psychological distress in the asylum seeker. And in many cases, as Amer's account illustrates, it is at this point where applicants are made aware of the contradiction between considering themselves to be refugees and having to prove it.

> Me: How did you decide to leave?
> Amer: Me, because there is nothing, because before I leave Sudan me and my mother and my sister we are separated. I loose them.
> Me: How?
> Amer: I loose them during the bombing, because nighttime there is burning, there is bombing, there is attacks. You don't know yourself where you are. We separate during that conflict. In that time I don't have

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[35] This information is based on the experiences of RASP legal advisors who regularly state that most of their cases are rejected on credibility grounds. Although there are no accessible statistics for the Turkish case, in Cairo, it was reported that in the first half of 2002, credibility based rejections were as high as 75 percent of total number of rejections. (Kagan 2002)

information about them. We escaped to a place near, we hide ourselves there, after that for three days we are searching and searching me and my friends. We didn't find any relatives, any friends. Something like that...

Me: All this sounds so terrible, what happened then?

Amer: It is like you are watching action movie, like movie about Vietnam and America, in the forest, there is fighting, there is burning, something like that, you are in the middle and suddenly you find yourself alone. Dead people, burning…

Me: You earlier said that you were rejected after your first interview, and that you were not found credible. How did that feel?

Amer: Really some times I feel those people don't have minds. Why I lie to them, for what I lie? If I have a possibility to live in Sudan I will not come here to lie. Why I will lie to them? But I don't know. There is something wrong; really there is something wrong.

But from my side, really, I swear, every word I tell them is true. Really. I can guarantee that. And I can tell them if they want I will take them to Sudan, if there is a guarantee of my life, I will take them to anyplace I have been.

I am surprised; I am really surprised when I find that decision.

Efforts to Reduce Uncertainties

As described thus far, whether due to miscommunications or the clashes in cultural conventions in narrating persecution and trauma, the process of being recognized as a refugee and finding a 'durable' solution is fraught with *uncertainties*. Many NGOs and human rights' advocates have taken on board these issues to smooth the progress of applications and reduce the uncertainties and its' side effects. In this section I would like to briefly touch upon two particular forms of assistance based on my experiences of working at a Turkish NGO providing these services: Refugee legal aid and refugee mental health support. Aside from doing work on advocacy and training[36], one of the main purposes of the Refugee Advocacy and Support Program, which was founded in 2005, is the provision of legal counseling to people interested

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[36] RASP has been organizing 3-day NGO trainings in various cities across Turkey. They also run an interpreter's training course depending on demand.

in applying to, or who already have a case at the UNHCR. The office has made available detailed information brochures about the process of applying to asylum in Turkey in various languages. For clients waiting for their interview date, legal advisors offer preparatory interviews to help the client understand which factors are most relevant to the UNHCR interview. Over several hours, the client is given detailed information about the Convention definition of a refugee and the purpose of the interview at the UNHCR. Then the legal advisor listens to the clients' story about leaving his/her country and discusses the legal analysis of the claim (i.e. whether the advisor thinks it meets the Convention). The advisor also explains the importance of credibility, consistency and plausibility during the UNHCR interview and how country of origin information is used.

Another service offered by legal advisors is the preparation of testimonies, chronologies and legal submissions in support of selected clients' applications. The purpose of the testimony is to provide the decision makers with the list of relevant and important information relating to the asylum applicants' claim. As stated in the offices *Manual for Refugee Legal Aid Advisors*: "the client is the author of the testimony, and your role is, as an advisor/editor, helping the client to clarify and order the events in a meaningful way" (3). The 'meaningful' way is generally written in five parts, consisting of background information, events surrounding persecution, flight, conditions in country of asylum and conclusion. The objective of preparing a testimony is also to describe the factual (i.e. sequence of events), emotional (i.e. emotions before, during and after flight) and cultural (i.e. applicant's position in family and society, level of education, etc.) contexts of the claim. The *Manual* also offers a list of 'stylistic tactics,' "to help the client to construct a more persuasive and credible testimony than he/she would be able to create alone" (p.16). The asylum

interview at the UNHCR consists of many questions related to dates, and even if clients' cannot be expected to remember all dates, the applicants are generally questioned so that they can remember events chronologically. Therefore RASP legal advisors also help clients in preparing a chronology, which is a summary of key events relevant to the claim, and which might assist the decision maker in understanding crucial events in a minimum amount of time. Legal advisors also prepare a document called a 'legal brief', which includes compelling legal arguments and country of origin information in support of the claim that the client falls under the 1951 Geneva Convention definition of a refugee.

Aside from legal aid, RASP has also initiated a program to provide mental health counseling to clients.[37] It is widely accepted that most refugees are people who have suffered from various traumatic experiences leading to their ultimate flight. Such trauma can have severe psychological impacts, where some applicants simply cannot accurately recount their experiences in specific terms. Therefore, it may be very difficult to provide a coherent testimony when very little is remembered or where there are many inconsistencies due to memory failure. In such cases, mental health assessments of refugees play an important role. It is stated in the UNHCR *Handbook:* "while a refugee may have very definite opinions for which he has had to suffer, he may not, for psychological reasons, be able to describe his experiences and situation in political terms" (Article 46.). In light of this, asylum officers receive various trainings on the symptoms of various mental health conditions such as, Post Traumatic Stress Disorder (PTSD) and depression. So when they are listening to the applicants' story, they are aware of the kinds of emotional responses and memory

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[37] This service is not limited to RASP. ASAM has psychologists working in their Ankara, Kayseri and Nevşehir offices. HRDF has a psychologist in their Istanbul office, while the social workers employed in their branch offices in Eskisehir, Kutahya and Bilecik try to assist in setting up appointments with psychiatrists in state hospitals.

failure that can be triggered by trauma. Since an accurate and credible narrative of past events is crucial to ones' case, it is indeed important not to immediately discredit an applicant who is unable to correctly remember everything, or is simply very reluctant to talk. In that sense, awareness of PTSD and the psychological impacts of trauma and various forms of violence (such as gender based or child abuse) can be quite critical in shaping the final outcome of the application. In such cases, asylum applicants may be referred to a psychologist or a psychiatrist for assistance in remembering certain events or being able to comfortably talk about traumatic events. In that sense, aside from providing regular therapy and psychiatric support for the mental well-being of the client, the therapists and psychiatrists working for RASP also play an important role in preparing mental health evaluations which are submitted to the UNHCR to support the client's claim, including such statements as "this person can't remember dates in chronological order because of trauma, please consider this in your evaluation."

Without a doubt, the impressive work done by both legal advisors and mental health professionals aim to minimize the uncertainties of the bureaucratic procedures described thus far, and can have life saving consequences. As can be seen, determining whether a person is a "refugee" or not is no easy matter, requiring detailed research into both the applicant's personal background, and conditions in his/her country of origin. The valuable work done by legal advisors can ensure that applications are fairly evaluated. Likewise, the work of mental health professionals with refugees can both have a comforting and therapeutic effects, and can also prevent erroneous 'credibility' assessments, by pointing out to the medical or psychological reasoning behind memory failure. Nevertheless, it is also quite clear that the underlying purpose of both interventions is to assist refugees in transforming

their narratives about their experiences and suffering into a language legible to dominant Western legal and medical discourses. In that sense, inadvertently, these efforts also contribute to the process of standardizing and essentializing the 'refugee experience.'

Chapter Conclusion

In this chapter I have attempted to expose the intricacies and uncertainties associated with the processes of RSD and third country resettlement, and to reflect on refugees' subjective experiences of these bureaucratic procedures. Anthropologists frequently point out how many forms of technology, such as Medicine, which by definition serve to meet basic human needs, can also serve various ideological needs, by averting the social origins of suffering and distress. As Das, Kleinman and Lock (1997) point out in their edited book, *Social Suffering:*

> The technological interventions they authorize as "treatment" at times are effective, but all too regularly bureaucratic responses to social violence intensify suffering… Cultural responses to the traumatic effects of political violence often transform the local idioms of victims into universalized professional languages of complaint and restitution – and thereby remake both representations and experiences of suffering. Existential processes of pain, death, and mourning are metamorphosed by these historically shaped rationalities and technologies, which again, all too regularly, are inattentive to how the transformations they induce, contribute to the suffering they are meant to remedy (p. x).

As the examples stated in this chapter have illustrated, the global refugee regime might be considered as such a technology, which was created in order to reduce the suffering of the people who came to be defined as "refugees." However, as the various examples stated in this chapter have elicited, the various techniques developed to establish the 'truth' behind a person's individualized claim through legalistic discourses, or over establishing past 'trauma' through medicalized

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discourses, frequently lead to further sufferings. In my view, *uncertainty* has become the defining characteristic of this new form of suffering: different administrative mechanisms, such as interrogative asylum interviews and 'security checks' are a constant reminder to claimants of the precariousness of their status. As revealed, due to various technical and cultural matters, it is very difficult to draw a black and white distinction between 'genuine' versus 'abusive' claimants. Yet, despite the flawed nature of refugee determination systems, which are evident in the wide variation in recognition rates across states, the power of these procedures are vast. Not only are representations and even experiences of *suffering* by a people called 'refugees' remade in a manner so that it looses all political relevance and becomes a mere object for gaining legal recognition, in everyday language the authority of officials to determine the 'refugeeness' of an asylum seeker is so upheld that anyone who fails such recognition becomes the de facto inverse – the 'illegal immigrant,' with all its connotations of criminality.

CHAPTER 4

MIGRATION SECURITIZATION AND THE 'ILLEGAL' MIGRANT:

TECHNIQUES OF LEGITIMIZING EVERYDAY UNCERTAINTIES

The control of who enters a country as immigrants and refugees with the intention to

settle and take up citizenship has long been a privilege of the sovereign state.

Historically, states have preferred to admit persons that are likely to strengthen a

country's national identity and cohesion (Cohen 1999; Brubaker 1992). However, as

discussed in Chapter 2, in a globalized world characterized by increasing migration

flows and improved international human rights standards, it is becoming increasingly

difficult for states to practice such discriminatory laws. Nevertheless, the sidelining

of the 'national unity bias' does not mean that immigration policies worldwide are

becoming much more liberal. On the contrary, we are witnessing, perhaps, an era

characterized by the most restrictive immigration policies the world has ever seen. In

that sense, it is possible to argue that only the rhetoric has changed from being one of

'national unity' to one of 'national security.'

The increasingly popular 'securitization' approach to migration has taken a

particularly heavy toll on asylum and refugee issues. The Geneva Convention lists a

host of rights that must be granted to recognized refugees, ranging from protection

issues to socio-economic rights. However, there are no enforcements in relation to

these provisions; therefore, considerable scope exists for governments to perceive

their obligations broadly or narrowly. As Loescher (2001) states, "No supranational

authority exists to enforce the rules of the international refugee regime, and few if any safeguards are built into the law itself to prevent abuse by states or to compel the governments to administer international refugee law in a consistent and fair manner" (p.139). In other words, states are given the discretion to decide how much material assistance, administrative attention and legal aid they provide to refugees. For instance, the Universal Declaration of Human Rights states that every individual has "the right to seek and enjoy asylum" when in danger. However, while refugees have a right to seek asylum, states do not necessarily agree that they have an obligation to grant it (Loescher 1993; Zolberg, Suhrke and Aguayo 1992). Therefore, governments are free to tailor refugee determination procedures that fit their own administrative, judicial and constitutional provisions.

The current climate of 'securitizing' migration has prompted governments towards narrower interpretations of who is a refugee and state obligations towards refugees (Loescher 2001). Despite heightened criticism by human rights activists, national security concerns have, in effect, legitimized various 'deterrence mechanisms' against potential asylum seekers, such as placing refugees in harsh, austere camps, deporting them to 'safe' third countries or overseas processing zones, irrespective of that countries human rights record. Undoubtedly, such security measures have a very real effect on the everyday existence of refugees and asylum seekers. First of all, security discourses frequently create divisions and suspicions within society. In many European and North American countries, the actual laws, practices and discourses on asylum have led to the conflation of migration, illegality and criminality (Story 2005). On the other hand, the various security measures, such as prolonged detention or highly intrusive investigations, can have profound health and psychological impacts on already tormented refugees (Lacroix 2004). The

impact of this 'securitizing' approach to migration on the everyday experiences of refugees in European and North American countries is relatively well documented. In the following sections though, I would like to throw light more specifically on the Turkish experiences, as there has been little academic interest on this subject.

Turkish Asylum Legislation

As stated above, concerns over strengthening national identity and maintaining national unity, have had a strong impact on the immigration practices of nation-states. Since the founding of the Turkish Republic in 1923, the immigration policies of Turkey have showed very clear tendencies in this respect. Until recently, the only law on immigration and asylum in Turkey was the Law on Settlement (Law 2510), which was adopted in 1934. During the early years of the Republic, this law served as a massive tool for the construction of a new and homogenous Turkish national identity, as it only favored immigrants or refugees of Turkish descent/ethnicity and culture to settle and integrate in Turkey (Kirişçi 2003). According to Article 3 of this law, a 'refugee' was defined as a person who had arrived to seek asylum as a result of compulsion and who had the intention to stay in Turkey temporarily. Those of 'Turkish descent and culture' on the other hand, could decide to settle permanently. After signing and ratifying the 1951 Geneva Convention on the Status of Refugees and its' 1967 Protocol, Turkey was forced to revise this narrow definition of a 'refugee.' Nevertheless, by holding onto the 'geographical limitation', Turkish

authorities were still able to maintain a selective criteria, by only allowing refugees of 'European origin' to seek asylum and settle in Turkey.[38]

The 1994 Asylum Regulation

As briefly discussed in the previous chapter,[39] until 1994, Turkey did not have its own national regulation on asylum. Prior to the 1980s, most refugee movements to Turkey were rather small, and the refugees came mainly from European countries. The UNHCR branch office in Ankara, which was established in 1960, had a good working relationship with Turkish authorities as they did RSD for both European and Non-European refugees, and also made sure that they were either promptly resettled to Western countries or repatriated to their countries of origin once conditions had been improved. Therefore, the presence of refugees and the questions over their social and economic integration did not form a particular concern for Turkish authorities (Kirişçi 1996, 2001).

In the 1980s, however, Turkey saw its first massive flow of non-European, hence non-Convention, refugees, which were Iranian refugees fleeing the Khomeini regime. Initially, the Iranians did not pose a problem either, as most entered the country legally through tourist visas and found their own ways to third countries. Very few approached the UNHCR to seek asylum. Then in the late 1980s and early 1990s, Turkey saw a sudden and dramatic growth in numbers of refugees and

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[38] Though it exceeds the scope of this thesis, it should be stated that in practice, 'European' refugees are also rarely granted permanent settlement. Seemingly, the Law on Settlement continues to form the ideological background in most of Turkey's asylum practices (Kirişçi 2002, 27). For instance, almost all the 'European' refugees coming to Turkey, the major groups being the Bulgarians in 1989, the Bosnians in 1997, and the Kosovars in 1999, were either allowed to stay temporarily on an unofficial basis (as 'guests')[38] or those who had 'Turkish descent' were allowed to benefit from the Law on Settlement. Hence, to date there are actually very few officially recognized 'European refugees' in Turkey. The actual number of people who are recognized as "refugees" by the Turkish state is said to be around only 30 people (20 of them are Chechen, some Azeris).

[39] See page 20.

migrants arriving from both European and non-European countries. The Iraqi refugees started entering Turkey in mass during the 1988 Iran-Iraq war and the Gulf war of 1990-1991. In 1989, Turkey also received about 310.000 Bulgarians. In 1992, an estimated 20 to 25,000 Bosnians, then in 1999, approximately 20.000 Albanians from Kosovo sought refuge in Turkey (Kirişçi 2002). Although smaller in numbers, refugees also started to arrive from countries such as Afghanistan, Palestine, Somalia, Sudan and Sri Lanka. However, most of there refugees were entering the country illegally and without any identity documents. After arrival, they would generally head directly to the UNHCR to make their applications and while waiting for their applications to finalize, they would settle in major cities without registering with the police. Therefore, it became increasingly common that UNHCR recognized refugees would arrive in airports in Istanbul or Ankara, ready to depart to their resettlement countries, without having any legal presence in Turkey (Kirişçi 1996).

Growing refugee movements was not the only concern that the Turkish state had in relation to the movement of foreigners in Turkey. The collapse of the communist regimes in Eastern Europe created a particular wave of migration to Turkey as well. The economic problems confronted by post-Soviet states, coupled with Turkey's highly liberal visa regime towards these countries, led to a significant rise in irregular migrant labor to Turkey (İçduygu 2003). Therefore, Turkish authorities became increasingly concerned that the movement of people in and out of Turkey was becoming less controllable. During the same period, the Turkish government was fighting a war in its' southeastern regions against the armed Kurdish separatist group, the Kurdish Workers Party (PKK). There were growing concerns over PKK activity and infiltration from Northern Iraq and Iran, which made the issue of border control a high security matter. Furthermore, there were growing disputes

between the UNHCR and Turkish authorities over definitions of an asylum seeker. The state view was that most Non-European asylum seekers arriving in Turkey were actually illegal/economic migrants. Therefore, Turkish security forces began deporting many persons that the international community considered as genuine asylum seekers or refugees, crippling the previously smooth working relations between the UNHCR and Turkish authorities (Kirişçi 1996).

Various human rights organizations and Western governments became wary of these deportation practices and there was growing international criticism against Turkey. In a somewhat reactive manner, in 1994, the Ministry of Interior (MOI), which is responsible for all dealings with foreigners in Turkey, rapidly prepared Turkey's first national regulation pertaining to asylum seekers and refugees, titled "Regulations on the Procedures and the Principles Related to Mass Influx and the Foreigners Arriving in Turkey or Requesting Residence Permits with the Intention of Seeking Asylum from a Third Country." The 1994 Regulation was intended to bring status determination under the control of the Turkish authorities and to introduce strict procedures for asylum applicants, and as Kirişçi (1996) notes, it represented "an effort on the part of Turkish authorities to replace the previous practice, which they have come to consider as too liberal and life threatening to Turkish security, with one that they believe will enhance their control over asylum in Turkey". In that sense, the 1994 Regulation may be seen as the first marker of the 'migration securitization' approach in Turkey.

In an effort to regularize all asylum applicants in Turkey and bring all status determination under the control of the Turkish government, the 1994 Regulation introduced various new guidelines and restrictions. Accordingly, all Non-European refugees who arrive in Turkey and apply to the UNHCR with a view towards being

resettled in a third country were required to file a separate "temporary asylum" claim with the Turkish government. This procedure has come to be termed as the 'dual procedure' because even though the examination criteria are the exact same (i.e. whether or not there is 'well-founded fear of persecution' based on one or more of the five Convention grounds), the Turkish procedure grants Non-European asylum seekers the status of 'asylum seeker' (hence the right to temporarily reside in Turkey) whereas the UNHCR application grants the status of 'refugee' (hence the right to seek third country resettlement). Though this ironic implementation of terminology (i.e. giving an asylum seeker the status of an 'asylum seeker' after he or she has been seen to fit the Geneva definition of a 'refugee') leaves much to wonder, the important matter here is that the 1994 Regulation emphasizes that as far as the Turkish government is concerned, the legally relevant and binding decision is the "temporary asylum" decision made by the Ministry of Interior (article 6).

The Regulation also introduced a variety of restrictions in relation to the timing and location of asylum applications. Most important, perhaps, was Article 4 which stated that: "Individual aliens who are either seeking asylum from Turkey or requesting residence permission in order to seek asylum from a third country shall apply within five days to any local governorate if they entered the country legally; and if they entered illegally, shall apply within five days to the governorate of the province where they entered the country." This 5-day restriction was greatly criticized by refugee advocates, who were concerned over the fact that asylum seekers were being rejected and deported for their delay without even looking at the substance of their claims. Asylum seekers were also generally wary about approaching the police or returning to border cities, fearing that they might be arbitrarily deported. However, the MOI's unyielding determination to control the

movement of all asylum seekers and refugees in Turkey did somewhat cool-down

towards the late 1990s due to heightened international criticism. In January 1999, the

5-day limitation was changed to 10-days and negative decisions were allowed to be

appealed at the administrative courts (Regulation 94/6169). Also, a number of court

rulings by both the Turkish administrative courts and the European Court of Human

Rights in favor of asylum seekers prompted the Turkish authorities to be more

cautious about their deportations (Kirişçi 2002). Therefore, by the late 1990s, it was

possible to see a resurgence of the 'good working relationship' between the UNHCR

and the MOI, with the UNHCR taking the lead in making RSD decisions and the

MOI, generally, following suit.[40]

The EU Process

As described above, the fragile relations between the MOI and the UNHCR were

very much shaped by the Turkish states' concerns over national sovereignty and

security in light of both Turkey's ongoing war in its' Eastern borders and its' new

found role as a country of immigration and transit. Given Turkey's bid for European

Union (EU) membership and its' geographical positioning as an external border, in

recent years the EU agenda has also started to play a very influential role in shaping

Turkey's asylum and immigration policies. As stated earlier, in most developed

countries of the North/West, immigration policy and discourse is characterized by a

growing conflict of interest between national security and international human rights.

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[40] The 1994 Regulation was somewhat hastily prepared without thorough planning on the logistics and
resources necessary for Turkish authorities to their own status determinations, for instance shortages
in interpreters in far off satellite cities was a major obstacle. Therefore the more cooperative stance of
Turkish authorities was also due to pragmatic concerns (Kirişçi 2002).

Due to the prospects of EU membership, these tensions have also had a strong bearing on the Turkish reality. In 8 March 2001, the European Commission adopted the *Accession Partnership Document* with Turkey, which set out some of the reforms that Turkey must undertake in order to be considered for EU membership. In relation to migration, the main conditions stated were that Turkey should:

- Align visa policies with that of the EU.
- Adopt and implement EU practices on migration, including admission, readmission and expulsion in order to prevent illegal migration.
- Strengthen border management and prepare for implementation of the Schengen system.
- Lift the geographical limitation to the 1951 Convention and develop accommodation facilities and support to refugees.

As these conditions make clear, on the one hand Turkey is expected to adopt the EU's restrictive immigration tactics so to crack down on the flow of illegal migrants passing through its long and porous borders on their way to Europe, on the other hand, Turkey must meet the demands of the European community by adhering to international humanitarian standards with regards to refugee protection (Frantz 2003).

In response to the Accession Partnership document, on 19 March 2001, the Turkish Parliament adopted the *"National Program of Action for the Adoption of the EU Acquis"* (NPAA). Under the section dealing with issues related to migration (Section 4.25 Justice and Home Affairs), Turkey agrees to take several measures regarding border control, visa regulations and its asylum system. In January 2005 the Turkish government also adopted a *"National Action Plan for Asylum and Migration"* (NAP) where the government confirmed the series of measures that will be undertaken to align asylum policy and practice with EU standards, including administrative and technical capacity development, training of specialized staff and

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changes in legislation. In both documents though, the only critical issue left open is that of lifting the 'geographical limitation.'

> Lifting the geographical reservation on the 1951 United Nations Convention Relating to the Status of Refugees will be considered in a manner that would not encourage large scale refugee inflows from the East, when the necessary legislative and infrastructural measures are introduced, and in the light of the attitudes of the EU Member States on the issue of burden-sharing (NPAA: Section 4.25).

> The issue of removing the geographical limitation must be solved in a manner that will not hurt the economic, social and cultural conditions of Turkey. Because Turkey is a country, which has been especially impacted by the mass population movements that have been steadily increasing across the world since the 1980s. (NAP: Section 4.13)

As exemplified by these statements and the historical developments explained in the previous section, potential refugee movements to Turkey continue to be perceived as a matter directly affecting national security (i.e. the aforementioned "economic, social and cultural conditions of Turkey"). The reason asylum poses a 'security problem,' Turkish authorities argue, is that there is simply no capacity to carry out status determination and refugee integration bureaucratically, organizationally or socio-economically (Kirişçi 2001). Since the early 1950s, Turkish governments have been aware of the highly unstable situation in the neighboring Middle Eastern countries. The political unrest in the Middle East following the end of the 2nd World War, primarily the 1967 war between Israel and its neighbors including Syria that displaced over half a million of Palestinians, has made Turkey fear that it would have to shoulder an enormous population displacement (ibid.). With current developments in Iran and Iraq, these concerns have only been exacerbated.

Furthermore, since the 1980s Turkey has seen a rapid and dramatic change in both the size and nature of migration flows to Turkey. Initially, most migrant flows to Turkey consisted of refugees from mainly Iran, Iraq, Bosnia and Kosovo, and

labor migrants mainly from the former Soviet states. In recent years though, a new form of migration is being witnessed in Turkey, as well as many Mediterranean and Eastern European countries, under the name of 'transit migration.' As İçduygu (2005) argues: "One can analytically argue that the term 'transit migration' is used for the phenomenon where migrants come to a country of destination with the intention of going and staying in another country. What makes the position of these migrants so unique is their own intention-based, so called 'temporary' character, in the country of transit, together with the largely 'irregular' –or 'illegality' based nature of their movement" (p. 8). In that sense, within the European regional context, all migrants who intend to travel to Europe, and do so in an 'irregular' manner by passing through the peripheral countries within or outside the European borders have come to be classified as 'transit migrants.' Because of this 'irregular' nature, transit migration has become a hotly debated political issue and there is growing pressure by EU states to stop transit migration into Europe.

Turkey's geographical terrain facilitates illegal entry and exit of the country and the extent of transit migration through Turkey is a well-documented phenomenon (İçduygu 2000, 2003, 2005, Duvell 2006, Manneart 2003). Therefore, the European concerns over transit migration have had a clear effect in shaping Turkey's EU membership conditions. Turkey's awareness of these European concerns is also precisely why in both the NPAA and NAP, the removal of the geographical limitation is conditioned on 'burden-sharing' and the success of the EU Accession negotiations. As stated in the first chapter, there is a clear EU trend in pursuing increasingly exclusive immigration policies, with some countries taking up a 'zero immigration' policy. Therefore, as borders get more difficult to cross, many migrants trying to make their way into Europe are becoming stuck in peripheral

zones such as Turkey. This is not necessarily limited to so-called 'illegal' or 'irregular' migrants. For instance in Turkey, all non-European refugees who wait several years before their applications and resettlement is finalized, may also be considered as 'transit migrants' (İçduygu 1996). Some of them, due to the uncertainties of the asylum application process described in the previous chapter, and the difficult living conditions in Turkey, which will be described below, may also drift into 'illegality.' Some, on the other hand, wait relentlessly to be resettled. But the zero-immigration policies also have a bearing on refugee resettlement rates. For instance, each year fewer European countries are accepting refugees from Turkey and their quota levels are extremely low. In that sense, for many migrants and refugees, who have no means or intention to go back where they came from, or to legally move forward into Europe, the supposedly transit state, is becoming quite permanent (Brewer & Yükseker 2006). These realities continue to feed into Turkish perceptions that they are becoming the EU's new 'dumping ground', and have a powerful reasoning behind Turkey's reluctance to change its asylum regime. Furthermore, there are so many contradictions and uncertainties within Turkey's journey towards EU membership that this realization, perhaps, has led Turkish authorities to hold onto the 'geographical limitation' issue as a bargaining chip.

The Lived Experiences of Turkish Asylum Policy

As stated initially, the sudden and dramatic changes in the flows of migration to Turkey and concerns over national security were some of the key developments, which led to the production of the 1994 Regulation. In a similar manner, the new

concerns and expectations associated with the EU process, as described above, has also culminated in the production of the most recent national legislation in relation to asylum. In June 2006, the MOI introduced the 'Implementation Directive' to provide very detailed instructions for the General Directorate of Security personnel on the implementation of the 1994 Regulation, such as formally defining the procedures of seeking "temporary asylum" and the specific rights, benefits and obligations of "temporary asylum seekers." In the remaining parts of this chapter I would like to discuss the experiences of asylum seekers and refugees in Turkey in relation to the rights and obligations stated in the 2006 Implementation Directive, and the realities on the ground, to illustrate the massive *uncertainties* caused by the hype over securitization concerns which continue to shape Turkish asylum policy and practice.[41]

The primary obligation of all asylum seekers in Turkey, and the condition on which they can have access to other rights, is that they must reside in places designated by the MOI.[42] These places are termed as 'satellite cities.' There are currently 30 of these satellite cities, most of which are located in the interior regions of the country. The number of cities selected and their particular locations, i.e. far from the sea and the European borders, reflects a clear attempt on the side of Turkish authorities to ensure that the asylum seeker and refugee populations in Turkey are manageable and controllable. Furthermore, all asylum seekers are obligated to pursue their temporary asylum requests with the 'Foreigners Police' in the province they were assigned to and must reside in that province until their asylum application has been finalized. Once they have registered and provided their fingerprints, asylum

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[41] In addition to interviews conducted with refugees living in Istanbul, this section uses data that was obtained in a 'satellite city' research project I conducted at RASP.
[42] Article 17 of the Law on the Residence and Travel of Foreigners in Turkey (law 5683)

seekers must regularly go to the local police to give their signature documenting that they are residing in the city. The frequency of these signatures is somewhat arbitrary, but generally all family members are required to sign in every day or every other day. Asylum seekers and refugees who want to leave their city of residence to travel temporarily to another place must apply for a 'temporary leave permit.'[43] As with the signature procedure, the practice can be quite arbitrary. The lengths of temporary leave allowed may change between 2 to 15 days, and are generally only granted if the person concerned has an appointment with the UNHCR, a legal representative or a doctor.[44] Generally asylum applicants do not have a say in the city that they will be assigned. One may apply to be transferred to another satellite city only if he/she has a relative elsewhere or has health problems, which cannot be treated in the current city of residence.

Section 19 of the Implementation Directive is titled *'Facilities which Applicants, Refugees and Asylum Seekers shall be provided'* and covers the issues of social, economic and health assistance as well as work permits. Considering how detailed the implementation directive is in terms of the 'temporary asylum application procedures,' (such as how to conduct interviews and file an application; procedures on taking fingerprints or on age determination for minors; conditions for granting residence permits; penalties for leaving satellite city without a permit) all which amount to a total of twelve pages, the section on social and economic rights is both extremely vague and limited to two short pages. For instance, on the issue of general assistance it is stated that, "assistance is provided to applicants, asylum-seekers and refugees, by local administrations and NGOs within the framework of

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[43] Section 17.
[44] Based on findings from the satellite city survey I conducted for RASP between April and June 2007.

their own legislations and practices." Furthermore, it is reminded that all assistance is temporary "until applicants, refugees and asylum seekers become self-sustaining," and depends on the availability of resources of the local organizations. In order to make such assessments, the Directive calls for yearly meetings of the necessary public offices in the provinces concerned. Local NGOs and international organizations are also invited to sharing the burden. Yet the general expectation stated throughout the Directive is that asylum seekers and refugees must cover their own accommodation and health costs.

Although international migration flows to Turkey are relatively recent, in Istanbul, various refugee and migrant communities have already established a presence in particular neighbourhoods.[45] Therefore, most newcomers to the city are able to find accommodation without too much delay. However, due to the shortage of social and community networks in satellite cities, as well as the little economic means of most refugees, particularly of those from African countries, finding accommodation in satellite cities can be a gruelling task. The first contact point for refugees arriving in satellite cities is the police, and during the satellite city surveys I conducted, many informants told me that the first thing the police told them was not to expect any kind of assistance in finding housing. The determination of the police not to help can reach extremes, as the story told by an Eritrean woman living in Isparta reflects:

> First they said 'we will not give you help.' We told them 'we have no money and no place to stay'. They sent us to a hotel for four days, and then asked us again to pay. We said we don't have any money. They took us to the station and checked all our pockets. They found little money, which was for our transportation. This has happened twice.

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[45] Such as the Kumkapı, Tarlabaşı, Dolapdere, Kurtulus and Zeytinburnu neighbourhoods.

A few of the satellite city informants I interviewed were living in accommodation facilities set up for refugees by charity organizations,[46] and some had been able to receive rent assistance by the Governorate or their local Municipality, but almost all had found these opportunities without the assistance of the police, after having to sleep in a park or bus station for several days. In some cases, I was told that the police would even refuse to register the asylum seeker until he or she had made a housing contract and paid rent, as the police did not want to be responsible in finding accommodation. The story told by one Sudanese refugee summarizes the situation:

> On the 5th of February 2007, I went to Karaman to register with the police. They registered me but told me that they had no place for me to stay or food. I slept three days in the bus station, and then went to the police again but they told me, "it is your problem and you have to figure it out yourself." Then I went back to Istanbul, went to RASP, and then went to Konya to be with friends there. I asked the UNHCR for a transfer letter, they sent me to Isparta. But because my fingerprint was in Karaman, they gave me 15 days to leave Isparta. June 27th 2007, I had my interview with the UNHCR. When I went back to Karaman, the police asked that I bring a housing contract and to pay for my residence permit in advance.

According to Turkey's Law on the 'Work Permits for Foreigners' (Law No. 4817), which has been in force since September 2003, asylum seekers and refugees are allowed to apply for work permits from the Turkish Ministry of Labour and Social Security, "so that during their stay in our country, they may contribute to the national economy and become self-sustainable." Firstly, though, the applicant must acquire a residence permit that is valid for at least 6 months, which involves its' own set of difficulties that will be described below. Secondly, the applicant must have found an employer interested in hiring, and willing to pay for the application and extra taxes. Local unemployment levels in most satellite cities are already high, hence working opportunities for asylum seekers and refugees, who generally don't speak Turkish

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[46] For instance in an NGO in Konya called Sevkat-Der has an accommodation facility, though the living conditions are not favorable.

very well, are already scant. Hence, it would be a rare chance to come across an employer willing to go through with such costly and complicated procedures. More importantly though, most asylum seekers are uninformed about this right or local police are unwilling to grant it. A Sudanese man living in Eskisehir told me: "We are not given permission to work legally. It is especially bad in the winter. There is availability of work, but you need to have papers. I didn't ask because I was scared. Previously friends asked, but they were denied, being told that they should not be working in the first place." For reasons explained above, getting formal work is extremely unlikely for most refugees living in satellite cities. Some are able to find informal work, but there are many instances where they are exploited and not paid for their labor. If such an issue occurs, they are not able to complain to authorities either. An Iranian refugee living in Van tells: "I worked a few times before but they refused to pay me. A friend who had a similar experience went to the police to complain and ask for help but they told him 'Why you are even working, you are not supposed to'."

The Social Assistance and Solidarity Fund (SASF), which was founded in 1986 as a poverty reduction scheme, functions under the authority of governorships and must provide services to all those, citizens and non-citizens alike, with financial difficulties within the borders of Turkey (health, education, shelter, food, clothes). The 2006 Implementation Directive also confirms this point, stating that all matters of social and medical assistance to refugees and asylum seekers will be done in collaboration with the SASF. Yet this role is left non-binding through the statement, "if their funds permit."[47] The budget allocated to these funds is already quite marginal and inconsistent. Furthermore, there are reports to suggest that there is a

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[47] Section 19, Health Assistance section, paragraph 3, in the Implementation Directive.

great deal of discretion in how the 'needy' is determined by SASF, which leads to arbitrary and inconsistent decisions in the granting of public relief to citizens. [48] In that case the prospect of receiving regular assistance from the SASF is probably bleaker for asylum seekers and refugees, than for citizens. As one Iranian informant living in Van told me: "When you go apply to the police they send you to the Valilik (Governorate) and then they say 'I can't even help my own citizens, how I should help you?'"A further problem, though, is that even before an asylum seeker can apply to the SASF, he or she must request the permission of the local police at the Foreigners' Branch. The Implementation Directive states that: "Applicants who request an examination or treatment, and are not in need of emergency health assistance, shall lodge his/her request to the Foreigner's Branch whom have the most information about the situation of the applicant. This request shall be evaluated by the Foreigner's Branch and shall be reported in written to the relevant Social Assistance and Solidarity Foundation."[49] In other words, police officers are given the responsibility to make all medical and social assistance referrals. For police officers that are trained in security matters, rather than social work, the question of whether they are suitable to 'evaluate' the health conditions of applicants or select those deemed 'appropriate' for social assistance, raises serious concerns. A comment made by the Edirne Chief of Foreigners Police confirms this point: "We are police officers and should only be responsible of security. But now we are becoming increasingly responsible of things like social and medical services, which we are not trained for."

Due, perhaps, to the frustrations associated with police forces in satellite cities having to offer social services, towards the end of 2007, the MOI issued an

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[48] See Keyder and Ustundag (2006) in *Social and Economic Priorities in Eastern Southeastern Anatolia,* Istanbul*:* TESEV.
[49] Section 19, Health Assistance section, paragraph 4, in the Implementation Directive.

internal memorandum to all the local authorities of satellite cities, which eventually

NGOs working with refugees became aware of. This memo was basically a reminder

to these authorities that, due to Turkey's geographical limitation to the 1951

Convention, Turkish authorities have no obligations to provide assistance to non-

European refugees and asylum seekers, and that all responsibility belongs to the

UNHCR. As commented by the legal administrator at RASP: "It states that, only, if

only, there is no support for them (refugees), you can consider supporting them,

which is not too far from what is said on the 2006 Implementation Directive, but it is

really sticking it to the UNHCR; basically they are saying 'it is their responsibility,

we are not going to take this on, these are not people who we recognize as

refugees'."

Refugees with health problems have been particularly hard hit by this

unyielding stance of the Turkish authorities. The Implementation Directive states that

all refugees and asylum seekers in Turkey are expected to cover their own health

costs, unless it is an emergency situation and they are truly destitute, in which case

they must be referred to the SASF. In the past, the UNHCR was providing

emergency medical care, but due to major budgetary cuts, they have had to terminate

almost all health assistance. As illustrated by the issuing of internal memorandum

explained above, there is an ongoing struggle between the MOI and the UNHCR,

each throwing the burden of social and medical assistance for refugees to one

another. As the accounts of a Sudanese refugee living in Isparta reflects, the impact

of these high level struggles on the everyday lives of refugees is extremely

frustrating:

> I am very sick and informed both the UNHCR and the local authorities.
> No one will help me. SASF said they will pay only 115 YTL. I went to
> state hospital myself, at the hospital they asked me to show UNHCR

> papers and a letter saying that the UNHCR will pay. They refused to treat me even with a residence permit. The first time was when my wife was pregnant and we went to hospital and she gave birth, they took my UN papers and the hospital called the UNHCR, which refused to pay. Then they did not let me leave the hospital unless I pay 250 YTL. The Turkish guy (a friend) paid for me. The second time I got sick. The hospital told me to go to Valilik (governorate). I got a stamped paper from there, which I had to take to police. But then police said you cannot use it, you are not allowed to get medicine through us as a refugee. They took my paper and said "Git" (Leave)!

The tragedy (or perhaps comedy) of the situation is reflected in the words of an Iranian refugee living with his family in Bilecik: "When you have a health problem, you call the UNHCR which tells you to go to the police and get a letter for the SASF. But when you go to police, they say 'Why should we give you a letter?' And when we go to SASF, they say 'Someone should send us a letter.' You tell me, what am I to do?" As can be seen, those who are in need are seriously misguided about where to go, leading some to simply give up in the end. As a Sudanese refugee in Eskisehir told me, "We tried to get permission from SASF. But they told us to go get permission from the Governorate and the police. This is like death, so we preferred to be sick."

As also stated in some of the anecdotes above, all social, medical and economic rights of asylum seekers and refugees in Turkey are dependent upon holding a valid residence permit. However, obtaining residence permits is a costly procedure,[50] which many refugees and asylum seekers are unable to afford. An Iranian woman living in Isparta told me:

> The day of registration they asked for money for my ikamet (residence permit), I told them I couldn't pay, they said 'ok, you don't have to have the kimlik.' But now because of this I cannot go to the hospital. When I got very sick, I asked the police to give me a letter for the hospital; they sent me to the governor. I went to the governor, they gave me a form to fill, then I went to muhtar but he said 'I can't sign it; you need a letter

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[50] In 2008, the cost of a six-month permit per individual is 354.80 YTL if over the age of eighteen, and 137 YTL for under the age of eighteen.

from the police.' But police said 'we can't give you a letter as you don't have a ikamet.'

There is in fact a law, which allows for residence fee exemptions for people who are destitute.[51] This too is a complicated procedure, as explained by a representative of the UNHCR Istanbul office: "First he will have to go to the Valilik (Governorate) to give a petition, than the Valilik will tell him to stay at his address, then one day the police will have to come by and check if he is really needy, then maybe he will be exempted." Especially after the MOI issued the internal memorandum, this exemption right has become near irrelevant as almost all requests are being rejected.

As the statement above by the Iranian woman in Bilecik confirms, police in most satellite cities do not force refugees to obtain a residence permit. But this does not mean that refugees are simply excused for living in Turkey 'illegally.' If, or when, an asylum seeker finds the means to obtain a residence permit, on top of the expected costs, he or she must pay an additional fine that corresponds to the length of time they have spent in Turkey without a residence permit. These fees can reach exorbitant amounts. And unless these fees are paid, even recognized refugees who have been accepted to a third country for resettlement are denied an 'exit permit' to leave the country. This issue became of particular concern when Iraqi refugees started being resettled in the USA after January 2007. As stated in the previous chapter, all Iraqi applications to the UNHCR were frozen between 2003 and 2007. Without any prospect of resettling, most Iraqi refugees in Turkey did not go their satellite cities and instead continued to live in Istanbul 'illegally.' But when the door for resettlement to the US was opened again, they were confronted with immense fines. Yussuf was all too familiar with this problem:

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[51] The Law on the Travel and Residence of Foreigners in Turkey (No. 5683), Article 88b

When the applicant get a visa for the US, before he go to airport to fly, he must have legal documents, to have legal documents, he must be legal with the Turkish government, to be legal with the government, he must pay the fines. Usually we Iraqis came to Turkey with one-month visa only, after that we became illegal. Therefore, a family of five must pay about 5.000 YTL per year, if he has overstayed two years 10.000, three years, then more… We have written to many organizations for help, but the government has said we can't. Most families have used all their money during their years here to survive. So it is difficult. Many are now trying to loan money from friends and people abroad, but still we are hoping that government will help us.

Aside from the problems associated with accessing rights in satellite cities, due to legislative restrictions or arbitrary behavior of police and other relevant authorities, the very presence of asylum seekers and refugees in satellite cities can also lead to some resistance by local inhabitants. Certainly, when small cities in central Anatolia, which have probably seen very few foreigners in their past, suddenly become inhabited by Iraqis, Iranians, Afghans, Somalis or Congolese, this may initially be seen as intriguing. However, locals are rarely aware of who a 'refugee' really is or why they have been made to live in their city. Especially in satellite cities, which have low-income levels, the prospect of 'foreigners' receiving cash or other kinds of assistance can lead to resentment.[52] In my visits to both Van and Nevşehir, I have met several locals telling me, after learning the purpose of my visit, that refugees were being paid several hundred dollars of assistance every month. In the NGO training program organized by RASP in Nevşehir, the foreigners' police chief commented on how the Iranian refugees in the city lived in better neighborhoods, were dressed well and walked around shopping malls, implying that they were in no need of assistance. One of the staff in the hotel I stayed in Nevşehir said to me, "How come they get to go to America, we are poor too." As the comments below by the

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[52] "Burdur refugees stirs up unrest among locals." http://www.todayszaman.com/tz-web/detaylar.do?load=detay&link=121185 9/4/07. "Burdur disturbed by refugees residing in city." http://www.todayszaman.com/tz-web/detaylar.do?load=detay&link=120204 23.08.2007.

RASP legal administrator highlight, local levels of poverty and unemployment in a satellite city can have an impact on how refugees are received. But the historically nationalist and xenophobic tendencies of the central government, also seem to have spread its' tentacles throughout the country:

> Local communities are quite resistant. "Oh they must be rich, she is wearing a leather jacket, why are they coming and knocking our door, we are so poor, they have more money then us" which is actually a legitimate concern when you are asking for international standards to apply for the reception of refugees. When these international standards are higher than the economic standards in place in Turkey as a whole, you hit resistance. From government, at different levels, there is a lack of understanding whom asylum seekers and refugees are. There is a feeling of nationalism that influences their approach to refugees and asylum seekers, migrants etc. Many people feel like, who are you, why are we helping you. There is a generalized fear of foreigners, goes hand in hand with nationalism or mistrust. 'You are black, you must be a drug dealer!' So there is discrimination and stereotypes involved, and that is coming directly out of government officials everywhere across the country.

Fartoun is a young Somali refugee who arrived in Turkey in 2004. In the 2007 winter issue of the *Refugee Voices,* a quarterly newsletter published by RASP for which I did translations and editing, Fartoun wrote an article titled "How will I go to my new home?" I would like to briefly refer to the story and words of Fartoun as they seem to capture all the pain, frustration and impossibilities imposed by the Turkish regulations on refugees. Although Fartoun was recognized as a refugee in 2005, he had to wait almost two years before he was accepted for resettlement. First Finland, then America, then Australia each rejected him. The embassies are not obliged to give reasons for rejection so Fartoun never knew why he kept getting rejected. Finally in January 2007 he was accepted for resettlement to Canada. In the meantime, Fartoun was assigned to go to his satellite city, Mersin. When he first arrived in Mersin, he immediately went to register with the police and informed them

that he had no place to stay, so the police held him in the station together with some

other African nationals:

> Some of the people were in the police station because they had
> committed a crime, and they were waiting for deportation. I shared a cell
> with them, although I hadn't committed any crime or done anything
> wrong. When I asked the police there why I was being held, they said
> that I had to stay because I didn't have the money for a hotel. I didn't
> know anybody in that city, but I had to stay there to sign in with the
> police everyday. So the police held me in the station for twenty days. I
> couldn't find any food there, and I couldn't find a mattress, so I slept on
> the wood floor. The police officers gave me two blankets, like they gave
> everyone else- one to put on the floor, and one to cover ourselves while
> we sleep.

While waiting for his resettlement arrangements to be cleared, Fartoun was told by

the Mersin police that he would have to pay a $2,750 fine to get a residence permit

and account for the time that he had been residing in Turkey 'illegally.'

> To get this kind of money to leave the country seems like punishment-
> like the kind of punishment in my own country. Even so, this hasn't been
> the most difficult time for me. That was when I couldn't find a house,
> and I had no food. It has been the most frustrating time, though, because
> I've been accepted as a refugee, but I've still had to go through such a
> long process to find any embassy. The kind of situation now- although I
> am living, the amount of money they are asking for me is very difficult,
> very hard. I feel sleepless at night. I sometimes loose control of myself. I
> can't count on myself. I talk to myself all the time, when I didn't use to
> do that.

The Choice Between Suffering as a 'Legal' or an 'Illegal' Refugee

Due to such ambiguities and uncertainties related to the lack of assistance by Turkish

governing bodies, to the costs of obtaining a legal status and the length of time it

takes to reach a decision on refugee applications, many asylum seekers and refugees

are forced to make a choice between a 'legal' versus 'illegal' existence in Turkey.

Staying 'illegally' in Istanbul is a particularly attractive option for all asylum seekers

and refugees, due to both the social-cultural networks and informal labor opportunities it offers. As an Eritrean woman who was assigned to live in Karaman commented: "The UNHCR gave me an appointment for one year later, so it is not worth going back to Karaman. I came back to Istanbul because there is no assistance from either police or charity in satellite cities, here at least I am able to work part time in a shoe factory."

Various NGO and church based programs in Istanbul play a very important role in substituting for the lack of public assistance programs for refugees in Turkey.[53] Although international migration to Turkey is relatively recent, many migrant communities in Istanbul have developed strong networks; and reside in particular neighbourhoods.[54] Therefore, newcomers to the city are rarely left on the street, and are quickly able to learn about work and assistance availabilities. Another very important point is that the ethnic and cultural diversity of Istanbul, enhanced by the large numbers of tourists visiting every year, can provide a sense of anonymity to most migrants (Daniş et al 2006). This sense of anonymity, or perhaps less visibility, can be particularly important for the refugees coming from Africa. The coordinator of the refugee psychosocial support program of HRDF commented:

> Especially for Africans there is the problem that a city like Istanbul can handle the Africans, but in a place like Eskisehir that has only a population of one million, if three or ten black guys walk around, they stick out like street lamps, and they get subjected to discrimination. Even if they are not subjected to physical violence, if, while walking, ten people turn their heads back to have a look at them, this is a form of social violence. Therefore they don't want to leave Istanbul. Here at least they can live with their own communities. The fact that they meet NGOs and people here that are sensitized to these issues is comforting too. But in small cities, it is really difficult.

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[53] For instance IIMP, Caritas, CAS-Der have a variety of food, health and education programs.
[54] For instance most Iraqi refugees generally live in the Dolapdere, Kurtulus and Osmanbey area; most Afghans, Iranians and Uzbek's can be found in Zeytinburnu and Aksaray; many West Africans inhabit the Tarlabaşı neighbourhood, while East Africans prefer Kumkapı and Aksaray.

As described in the previous chapter, the asylum application process generally takes several years. And for many, it is simply too long and too costly a procedure to go through with. Mahmoud, who is a Sudanese refugee I met in Kumkapı, made his application with the UNHCR in March 2008, but his first interview date is scheduled for April 2009. "I have applied but it is a long period, I am not waiting, I will go to Greece instead," he says, and ads, "many Sudanese give up, even some people that are recognized." For reasons explained thus far, the heavy cost of maintaining a 'legal' status in Turkey (i.e. residence fee costs, unemployment in satellite cities, long waiting periods and uncertainties over the final outcome of the application) impels many refugees to invest their money in smugglers instead. As the director of the Association for Solidarity for Asylum Seekers and Migrants (ASAM) commented to me, "Refugees arriving in Kayseri and Nevşehir are expected to make an advance payment of 2000 Euros for one year of rent. Then they must pay 1000 YTL for residence fees for a two-person family. Plus every month a minimum of 300 YTL for food, electricity, heating and water. That sums up to a bit more than 4000 Euros. The person thinks, 'I would rather pay 4000 Euros to a smuggler, and not have to wait. It is clean business, plus then I wont have to suffer for a year.' And now the earliest interview dates are for a year later, so he or she would have to wait at least three years before a decision is reached."

However, the journey to Europe, whether by water or by land, is extremely dangerous. There are countless news stories about migrants dying on the way. The most tragic incident occurred in December 2007, when an overloaded boat smuggling migrants from the shores of Izmir to the Greek island of Chios sank and the dead bodies of forty-six Palestinian, Iraqi and Somali migrants were found, while

six were rescued.[55] Apart from the many risks associated with the process of

smuggling, if one is caught while making such an attempt, this can lead to further

threats and uncertainties as well. Turkish authorities are generally suspicious of

people who apply for asylum after being caught for trying to smuggle into Europe.[56]

This suspicion is reflected in the 2006 Implementation Directive (Section 13) where

there is a list of the conditions under which a foreigner/asylum seeker will not be

granted a residence permit, in order "to ensure that international protection is not

exploited and that people who are genuinely in need of international protection are

secured". The three conditions most relevant to the discussion here are:

- Those who apply after he/she was caught by security units because of his/her illegal presence in Turkey,
- Those who apply after he/she was deported due to involvement in illegal migration or a crime or was prohibited to enter Turkey, and somehow made it back into the country,
- Those apply after he/she was caught while trying to exit Turkey by illegal ways

Thus, if a person is caught while trying to smuggle out of the country, the position of

Turkish authorities on smuggling is very clear: it is an illegal activity. Clearly then, if

an asylum seeker, such as Mahmoud, is caught after trying to make an illegal entry

into Greece, regardless of whether or not he has an application with the UNHCR, in

the eyes of the Turkish authorities he no longer qualifies for a residence permit in

Turkey and a deportation order will be made in his name. Greek authorities caught

Mahmoud after he reached the city o Thessaloniki. Afterwards he was deported to

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[55] Sabah, 11.12.2007 "Göz göre göre ölüme" (Going to death knowingly)
http://arsiv.sabah.com.tr/2007/12/11/haber,345E526A0AA546158AB9C9FE8A392AB9.html. Bianet,
12.12.07 "46 Refugees Die in Boat Disaster." Bianet, 05.01.2008 "Ölen Göçmenleri Unuttuk Çünkü
Moralimiz Bozuluyor" (We forgot about the dead migrants because we get upset)
http://www.bianet.org/bianet/kategori/biamag/103935/olen-gocmenleri-unuttuk-cunku-moralimiz-
bozuluyor

[56] Comment made by Edirne Chief of Foreigners Police.

Turkey and spent 21 days in detention at the Edirne Guesthouse where the conditions for him were very bad. The police released him handing him a deportation letter advising him to leave the country in two weeks. Mahmoud has long over stayed his two-week permission and is waiting to save up some money to make another attempt to get into Greece.

Although in the short term staying in Istanbul may offer many economic and social advantages, being "illegal" bears many risks. For example, the large informal economy in Istanbul offers many working opportunities for migrants and refugees, but it also leaves them very vulnerable to exploitation. Many of my informants in Istanbul told me of cases where their employers failed to pay them for their labor. In such cases, they have been unable to complain, because doing this would put them in risk, as they are 'illegal.' And the employers take advantage of this very fact.

Being 'illegal' also makes one vulnerable to frequent police harassments. The more 'visible' groups (refugees from African countries) suffer from this the most. In 1993, there was a large-scale roundup of African migrants and asylum seekers in Istanbul. In order to crack down on illegal migration, several hundred Africans were arrested and taken to a UN camp in southeastern Turkey which had initially been set up for internally displaced Kurds (Frantz 2006, Brewer and Yükseker 2006). Ali, who is a Rwandan refugee and has lived in Turkey for more than 10 years, was among this group: "The Turkish authorities said that everybody had to apply to the UNHCR. At that time many people were lying about where they come from. They were saying they came from Somalia. Also there were people who were refugees but who did not want to apply here, because they knew they would have to wait 2-3 years."

On July 7th 2001, another such incident occurred. Between 250-300 migrants and refugees, all citizens of 11 African countries were picked up by police in several neighborhoods of Istanbul, detained for several days, and then dumped on the Greek border.[57] The Turkish Human Rights Association said that the authorities severely mistreated some of the Africans in detention, depriving them of food, clean water, and medical assistance (HRA, 2001). Greece refused them entry and forced them back to the Turkish side. Although Turkey eventually readmitted most of the Africans, three reportedly died and another three allegedly were raped while trapped in the border zone. BM was among the deported:

> BM: A lot of Africans were arrested from their homes, off the streets. They picked me up while shopping at the market. I was arrested for a week then deported to Greece. Actually we were the last group to leave detention because they made us sign some documents which we don't know what was written.
> Me: How were the conditions in detention?
> BM: You just eat dry bread, its cold, we drink water from the toilet… Don't have place to sleep. It was a very, very bad experience. And then the worst of it was that they took us to the border left us there, we don't know where we are… Even there are some guys who have passport with them, they have the visa in it, maybe it is expired, and they took it and tore it from the passport, we are very angry that what is our embassy doing for us?

There are countless other news stories of both Turkish and Greek border authorities pushing illegal migrants back and forth across the borders. Turkish border authorities frequently complain about Greek practices of dumping all unwanted migrants into Turkish grounds.[58] The Foreigners Police Chief of the Edirne province, which borders Greece, commented that: "Even some asylum seekers who have application in Greece are deported. There is documented evidence from conversations with detainees that they were forced to the other side of the border. There is also footage

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[57] The Christian Science Monitor, 03.08.2005. Africans get waylaid in Turkey. www.csmonitor.com/2005/0803/p07s01-woeu.html
[58] Milliyet, 29.07.2004 "Yunanistan, göçmenleri Türkiye'ye bırakıp kaçtı" (Greece dumped migrants to Turkey and ran away). www.milliyet.com.tr/2004/07/29/siyaset/siy02.html

from helicopters and border cameras." On the other hand, as with the 2001 incident, there are many reports to suggest that Turkish authorities are also guilty of such practices. Only very recently, such practices resulted in four tragic losses of life. On the April 23rd, 2008 the Turkish authorities attempted to forcibly deport sixty people of various nationalities to Iraq through the official border crossing. The Iraqi border authorities allowed only the forty-two Iraqi nationals to enter the country, but refused to admit the eighteen Iranian and Syrian nationals. The Turkish police then took the remaining eighteen, which included five Iranian refugees recognized by the UNHCR, to a place where a river separates the two countries, and forced them to swim across into Iraqi territory. Four men, including an Iranian refugee, drowned after this incident.[59]

There are also many reports of police exploiting the 'illegal' status of migrants. During Pope Benedict's visit to Istanbul in December 2006, very disturbing news was made public regarding a group of African migrants who were allegedly randomly arrested by police and then forced to carry the barricades at a site where Pope Benedict would be visiting.[60] But one could say that the level of police brutality against 'illegal' migrants in Istanbul reached its peak on the August 20th 2007, when a Nigerian man in the name of Festus Okey was mysteriously shot while in detention at the Beyoğlu Police Station on charges of carrying drugs.[61] My

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[59] See http://www.unhcr.org/news/NEWS/4811e23c4.html (UNHCR Press release - 25.04.2008), Bia-Net, 29.04.2008, The people forcibly deported by Turkish police drowned in the Dicle river. http://www.bianet.org/bianet/kategori/bianet/106622/polisin-zorla-sinirdisi-ettigi-multeciler-diclede-boguldu-iddiasi

[60] Aksam, 11.12.2006 "Polisin koleleri" (Slaves of the Police) www.aksam.com.tr/haber.asp?a=61159,3&tarih=11.12.2006. Radikal, 08.12.2006 "Sultanahmet'te kole muamelesi gorduk" (We were treated like slaves in Sultanahmet) www.radikal.com.tr/haber.php?haberno=206760

[61] Milliyet, 30.08.2007 (Place of Death: Beyoğlu Police Station) http://www.milliyet.com.tr/2007/08/30/son/sontur31.asp. Radikal, 09.09.2007 "Polisten Festus Okey açıklaması" (The police make a statement on Festus Okey incident) www.radikal.com.tr/haber.php?haberno=232406

interview with BM took place shortly after this tragic incident and most of our

conversation revolved around Festus.

> I have been here for some time, I know how the system works, I know it's very difficult, the immigration process and stuff like that, but for instance maybe police brutality has escalated to the point that, if you know what's happening there (in Tarlabaşı) at night every time, then you will never be surprised that Festus was killed at the police station. Because, for example, last year we were supposed to hold the African Cup finals. There was a gun shot somewhere in the neighborhood, the police men had to fire the shot, I think that bullet was meant to hit that guy (the Turkish guy) but when the report came out in the newspaper it was something explaining that it was an African who shot, so if the police could not take the responsibility for their action then deep shit! Even before Festus's death it was so common that the police take money, telephone, try to plant drugs on you if you refuse to give your money. Even there are some people who come from Africa to buy goods and stuff. If they happen to come across them (the police), they have to give away their money, if not it is a big trouble. There was a guy who was beaten up, sorry not one, two three guys. One was beaten up and taken to the hospital. For instance if he was not strong enough to take that beating, maybe he would have died or so. So when you get to that level, I was not surprised that Festus was killed. It is just that, it's unfortunate for him that he happened to be the one it happened to. Because it shows the kind of situation we are in here. As I was saying we are here and anything can happen. If I am going to my home, for example one time I confronted them, I mean they stopped me on the way, took my money, I was beaten just like that, you know, so my case is just on the side, it is nothing compared to other peoples' cases. A lot of things you can hear what people are saying while you are here. You don't know what can happen the next minute and you are just living with that everyday and night, can you imagine that? So it is what we are going through here, and that's how it is here.

> When Festus died I got involved in so many aspects of what is going on and what is happening. I have heard a lot of things and I witnessed some, like the police beat up a guy in his shop because he refused to give money. The story was that he was beaten up a long time ago. He was coming from the bank or somewhere with some money, and they told him if you don't let the money go then they said they were going to plant drugs on him, and he didn't want to go to jail for something he didn't do, so he had to let the money go. But since then they have been targeting him. It is true of course that there are people who are Africans, we don't dispute that, who are dealing drugs or something like that, and maybe they are the ones who are causing such problems. But now they see all Africans the same way, and they treat everyone the same way. Maybe they go to their houses to take money from them, or beat them on the street and get whatever they can from them. So treat everyone the same

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way. So that is what happened to this guy that day. I went there, I saw him, his eyes were swollen, his clothes were torn, he had to change his shirt, and the police told him you can't tell anyone what they did to him. And stuff like that…

I had gone to interview BM in his barbershop at Kumkapı. Several Nigerian and Somali customers came in and out of the shop during our interview so we had to take several breaks. At some point, a Gambian man and his wife came into the shop. He and BM were having a somber discussion about the events following Festus's death. BM had been trying to mobilize several African migrants to protest against Festus's death. The Gambian, with a serious and concerned looking face, was explaining to BM about why he did not want to talk to the journalists, why he did not trust journalists. He then turned to me and explained how one day some journalists stopped him on the street and told him to sit down somewhere so they could take his picture. He said "no, you should ask me first if I want a picture taken" but then apparently they somehow took a picture of him in some other context and his picture was in a paper with statements on the bottom saying things like, "he lives and works here, earns so much money, etc" None of which the Gambian had told him. Then he started telling me about how the police had increased the bribe rates to two hundred dollars. I enquired about this topic more and he answered: "When the police see a black man on the streets and arrest him, they take you to the station and threaten you that they will report that they found drugs in your pocket if you do not pay them a bribe. It used to be 50 dollars, then it was a hundred, now they ask for 200 dollars, tomorrow they will say 1000 dollars" After Festus's death the Gambian said that he feared "am I next?" But BM was trying to comfort him, saying, "I believe this time is different. Things have changed." But then after the Gambian left, BM confessed his own concerns:

BM: The issue of Festus has gotten to a point where you now live everyday and night, scared that you might loose your life. You don't know what can be, you don't even give damn about loss, and you just want that life goes on.
Me: Has the presence of police violence declined a lot after Festus's death?
BM: In fact it increased their arresting and detention. Even when the mayor of Istanbul is on the television saying all blacks are potential criminals, so imagine that. If that mayor is saying that, what do you expect the police to do?[62]

At the end of our interview, BM and I took a bus to Taksim, as he lives in the Tarlabaşı neighborhood. He told me that his first shop was actually also in Tarlabaşı but after the police roundups in 2001 in the neighborhood, he decided to move his shop to Kumkapı. But he continues to live in Tarlabaşı as, he said, there is at least less risk of being caught there at night. We spoke more about the murder of Festus, and BM commented that one of the major problems for migrants in Turkey was that they had no identification. He added that the Gambian man, who I later learned has been living in Istanbul for 10 years, was right in his concerns, because without a record "someone could just kill you, throw you in the middle of some where and no one would know who you are." Referring to the situation of other 'illegal' migrants and refugees in Istanbul, he said:

> You just want to be normal. The problem is we don't have any identity here. The first thing they ask when they see you, goes to our weakest point: "pasaport nerde (where is your passport)?' So this is your crime, you are illegal (Emphasis added). We have no record, no ID, we are nobody. I do not want anything to do with citizenship; I just want to have a record. For example not just a criminal, but also a normal person could have a record at the police. But only the criminals get a police record (Emphasis added). So they are only waiting for me to get into trouble so I can have a record. Nobody cares about you, anything can happen to you (Emphasis mine).

BM's last three sentences go to the heart of the criminalizing tendencies of current migration policies.

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[62] BM had the NTV news channel open on the television in the shop. The 5 o'clock news was showing the Mayor of Istanbul making a statement about the investigations regarding the death of Festus.

Chapter Conclusion

The purpose of this chapter was to reflect on the strong presence of the 'securitizing' and 'criminalizing' language in Turkish policy developments regarding migration and asylum issues. Satellite city regulations, treatment against 'illegal' migrants were important examples in this respect. But even the mere fact that all dealings with asylum seekers and refugees in Turkey, even social and economic rights, are left at the hands of police forces should be able to speak for itself. As was stated in Chapter 1, the 'securitization of migration' is a convenient response. Posing migration as an external threat to 'national security' serves an important political function: it justifies further state control and even gives the state the right to use any means necessary to protect 'national security'. In her comparison of the mechanisms of crime control and migration management within the United States, Story argues that such securitizing and criminalizing tendencies have a self-perpetuating and self-justifying quality. The examples in Turkey are only too clear: National security concerns, whether over the 'floods of refugees' waiting at Turkey's door or the 'uncontrolled' movement of people within its' territory, has led Turkish authorities to introduce highly restrictive legislation on asylum. Yet livelihoods in satellite cities are so *uncertain* that many asylum seekers feel forced to choose an even more precarious existence as an 'illegal' foreigner living in Istanbul or trying to smuggle into Europe. Yet such a move only further justifies exceptional state practices such as prolonged detention in 'foreigners' guesthouses' or deportations. The previous chapter examined the *uncertainties* associated with a particular procedure, that of Refugee Status Determination and third country resettlement. The goal of this chapter, however, was to reflect on more concrete *uncertainties*, such as arbitrary access to social and

economic assistance, or extreme police brutality for being 'illegal', which impinge on the everyday existence of refugees living in Turkey. In that effect, whereas the previous two chapters have tried to illustrate how narratives of suffering are depoliticized and de-contextualized through the workings of particular discursive and institutional means, the purpose of this chapter was to reflect on how suffering can also become legitimized through 'securitizing' and 'criminalizing' discourses.

CHAPTER 5:

CONCLUSION

Though the discourse of the 'refugee' is a relatively recent historical product,

marked by the developments at the beginning of the 20th century, today it has come

to serve as a powerful regime of order and knowledge in relation to the notion of

human displacement. The central mission of this study has been to expose some of

the workings of this regime. In particular, my interest has been centralized on some

of the globalized discursive and institutional mechanisms, which have come to

standardize the meaning and experience of 'refugeeness.' During my fieldwork

among refugees living in Turkey, I came across various commonalities in the

expressions they used to identify their experiences of being a refugee, irrespective of

the differences in their gender, national, political, cultural and religious backgrounds.

Therefore, instead of examining a particular group, I became increasingly interested

in understanding the actual construct of 'refugeeness' and its weight in prescribing

experiences and representations of these experiences.

Whether examining refugee camps or media representations of refugees,

there are countless studies pointing out to how 'refugeeness' has become

standardized as a condition of *homelessness*, *statelessness* and *loss of identity*.

Furthermore, it is generally argued that such discursive constructions have served as

an essential tool for the normalization of territorialized nation-state belonging.

Alongside such notions of statelessness, homelessness and loss of identity, though,

my field research reveals that *uncertainty* is also a constitutive element of

'refugeeness' in Turkey. The detailed mechanisms set in place to determine refugee status, and the highly restrictive asylum policies of the Turkish state justified by 'security' concerns, situates refugees in an extremely unstable and uncertain predicament. In that effect, one of my main goals in this thesis has been to illustrate the manner in which institutionalized efforts aiming to reduce the *sufferings* of a people identified as 'refugees,' can actually breed new forms of *suffering*, such as the unyielding 'mood of precariousness' felt in Turkey.

Another purpose of this study has been to reflect on the wasted lives produced as a part of this chronic *uncertainty*. Zygmunt Bauman (2004) points to how the order building practices and the strategies of economic progress characterizing modernity has led to the massive production of wasted, excessive and redundant humans. Refugee camps, due, perhaps, to their actual physical separation from other local settlements and communities, and their protracted existence, have received much focus as sites where such 'human waste' is both produced and disposed of. In this thesis, though, I have tried to reveal the lives wasted through the bureaucratic procedures set to identify 'genuine' refugees. Refugees are wasted twice; not only by the 'order-making' efforts back in their countries of origin, but also by the mechanisms which seek to identify and maintain their *refugeeness*. In that sense, one could argue, the procedures put into place to manage the 'human waste' of modernity, frequently lead to the production of even further waste (i.e. that of the disposable 'illegal migrant').

Despite the many uncertainties and ambiguities associated with asylum procedures across the world, most states in the West continue to justify such practices as necessary to distinguish 'genuine refugees' from 'economic migrants.' Due to the 'zero immigration' policies taking hold across most of Europe, and the

highly selective immigration practices in North America, asylum has increasingly

become the only means of legal entry into these countries for Non-Western migrants.

This has led both to an overburdening of the asylum system with dubious claims, and

to a growing suspicion that asylum is merely another form of economic migration.

There have been many efforts, however, by academics and refugee advocates alike,

to point out to the difficulties in distinguishing economic versus asylum migration.

These efforts are generally centered on the argument that due to the new political

realities in the global south, such as the rise in armed conflict and communal

violence, the causes of both migrations are becoming more and more intertwined.

My purpose, rather, has been to expose how the fragility of this fine line separating

legal (asylum) versus illegal (economic) migration is further intensified in countries

of transit and destination. In other words, the construction and re-construction of

such distinctions is an ongoing process, continuing even after the departure from the

country of origin. As exemplified by this study, the pain and suffering caused by the

indefinite waiting periods, the extreme uncertainties about the outcome of refugee

status and resettlement applications, as well as the heavy social and economic

sacrifices required under the Turkish asylum procedure, leads many 'genuine'

refugees to turn to 'illegal' migration instead.

Many refugee and human rights advocates are increasingly critical of

Western measures to close down borders, arguing that it prevents access to asylum

and blurs the distinction between illegal versus asylum migration. Yet the main

emphasis by such advocates is generally limited to the actual, physical deterrence

mechanisms, such as improved border policing technologies, prolonged detention or

extra-territorial processing centers. Through its focus on the *uncertainty* and the

'mood of precariousness' invading the everyday lives of refugees in Turkey, though,

this thesis has attempted to reveal what could be defined as the psychological deterrence mechanisms against seeking 'legal' asylum. Furthermore, in many studies examining migration and asylum policies in the European and North American context, there has been much focus on the notion of 'governing through crime.' As these studies illustrate, there is ample evidence to suggest that the methods of repressing, segregating and managing the unwanted through 'crime control,' have also come to define contemporary asylum and migration politics. The increasingly popular representation of migration as a 'security concern' and the growing focus on the 'illegality' of migrants are some of the strongest examples in that effect. My purpose, rather, has been to examine the notion of 'governing through uncertainty,' as the study of the asylum procedures and everyday realities in Turkey exposes how people can also be contained through uncertainty and indefinite waiting.

Certainly, the procedures and policies described in this thesis are not necessarily unique to Turkey. Refugee status determination is a universalized practice, and the securitization of migration has become a rising trend in almost all countries of asylum. However, there are three inter-related factors which make Turkey unique: Firstly, Turkey's strategic location at the crossroads between refugee producing countries and the EU; secondly, her persistence in holding on to the geographical limitation in the Refugee Convention; and thirdly, the presence of a very large third country resettlement program in Turkey, which sends most recognized refugees to the USA, Canada and Australia. For these reasons, Turkey remains a country of transit, and transition, for all refugees, which is why it presents such fruitful grounds to study *uncertainty* as a constitutive element of 'refugeeness.'

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