

T.C.

MARMARA ÜNİVERSİTESİ

AVRUPA BİRLİĞİ ENSTİTÜSÜ

AVRUPA BİRLİĞİ SİYASETİ VE ULUSLARARASI İLİŞKİLER
ANABİLİM DALI

**BORDERS AND BORDERING PROCESSES
IN THE EUROPEAN UNION:
A COMPARATIVE STUDY OF SPAIN AND TURKEY**

DOKTORA TEZİ

H. DENİZ GENÇ

İstanbul - 2013

T.C.
MARMARA ÜNİVERSİTESİ
AVRUPA BİRLİĞİ ENSTİTÜSÜ
AVRUPA BİRLİĞİ SİYASETİ VE ULUSLARARASI İLİŞKİLER
ANABİLİM DALI

**BORDERS AND BORDERING PROCESSES
IN THE EUROPEAN UNION:
A COMPARATIVE STUDY OF SPAIN AND TURKEY**

DOKTORA TEZİ

H. DENİZ GENÇ

Danışman: Doç. Dr. Erhan DOĞAN

İstanbul – 2013



7
T.C.
MARMARA ÜNİVERSİTESİ
Avrupa Birliği Enstitüsü

ONAY SAYFASI

Enstitümüz AB Siyaseti ve Uluslararası İlişkiler Anabilim Dalı Doktora öğrencisi Hatice Deniz GENÇ'in, "**BORDERS AND BORGERING PROCESSES IN THE EUROPEAN UNION : A COMPARATIVE STUDY OF SPAIN AND TURKEY**" konulu tez çalışması ile ilgili6.11/2013..... tarihinde yapılan tez savunma sınavında aşağıda isimleri yazılı jüri üyeleri tarafından oybirliği/ ~~oyçokluğu~~ ile başarılı bulunmuştur.

Onaylayan:

Doç. Dr. Erhan DOĞAN

Danışman

Prof. Dr. Sema ERDER

Jüri Üyesi

Yrd. Doç. Dr. N.Aslı ŞİRİN ÖNER

Jüri Üyesi

Prof. Dr. Ayhan KAYA

Jüri Üyesi

~~Yrd.~~ Doç. Dr. Selmin KAŞKA

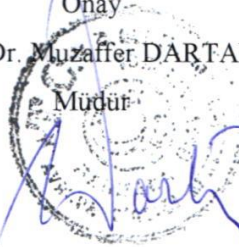
Jüri Üyesi

E. Doğan
S. Erder
N. Aslı Şirin Öner
A. Kaya
S. Kaşka

Onay

Prof. Dr. Muzaffer DARTAN

Müdür



15. Kasım 2013 tarih ve 2013/IX Sayılı Enstitü Yönetim Kurulu kararı ile onaylanmıştır.

ACKNOWLEDGEMENTS

First and foremost, I offer my sincere gratitude to my advisor Assoc. Prof. Dr. Erhan Dođan and to my supervisors Prof. Dr. Sema Erder and Asst. Prof. Dr. Nedime Aslı Őirin Öner. Without their support, encouragement and contribution, this thesis would not have been completed. During my studies, we worked as a team; we thought, discussed and worked together. I could not have imagined a friendlier or a more harmonious committee. I thank external members of my defense committee; Prof. Dr. Ayhan Kaya and Assoc. Prof. Dr. Selmin KaŐka. They have enriched my thesis by their constructive comments.

I thank my friends Ahu Kürk and Bahar Aydın for their continuous encouragement and Recep and Çiđdem Baysa for being there to share my anxieties and hopes about my thesis and academia. I thank my friends / colleagues at Bahçeşehir University; Günce Sabah Eryılmaz – for listening, commenting on and arguing my thesis and for our valuable discussions on philosophy of social sciences; Dinçer Dedeođlu – for his continuous support and friendship, Eren Özalay Őanlı – for arguing my thesis, for our discussions on methodology and for her valuable contribution to this thesis with the translation of Parliamentary speeches in TBMM.

I thank my parents; Őefkat Tuncer and Mehmet Naci Tuncer and my dearest husband Ibrahim Genç for their encouragement, support, patience and help. This thesis would not have been written without their continuous support but also encouragement and inspiration. I thank my sister, Demet Tuncer, who was always there on the phone, from Berlin, when I needed her support, counselling and recommendations. Lastly, I am grateful to my son Kerem Genç, who was born on October 9, 2007 – just a week later I began my PhD studies. He had to share my time, attention and affection with this thesis in the first 6 years of his life. I thank him for his understanding and patience and I dedicate this thesis to him.

Canım ođlum Kerem'e...

ABSTRACT

This study researches the borders, border policy and bordering processes against the movement of foreigners in the emerging EU region – state; in the EU member Spain and EU candidate Turkey between 1990 and 2010. The primary aims are to search for the nature of borders, bordering processes and the ‘others’ of this emergent region in order to discuss the nature, character and future limits of regionalization in Europe within the framework of border literature and new regionalism theory.

The borders of the emerging EU region – state have been erected mainly against irregular migrants. However, not all foreigners are being bordered against for the fear of irregular migration. For some groups of people who might also fall into irregularity and become irregular migrants; the EU borders are meant to be lax, while for the others, the EU is building almost a *Hadrian Wall*.¹ In order to find out who are bordered and othered against, the study trails behind two concepts used by the EU to implicitly categorize the foreigners who want to travel into its territory – *mala fide* and *bona fide*² – and searches them in the EU’s legislative database Eur – Lex. By the help of this categorization the study reveals the bordering and othering processes against the movement of foreigners in the EU and evaluates and discusses the nature, character and future limits of the emerging region – state. The findings of the analysis put forth that when its borders for the movement of foreigners are considered; with its desirable and undesirable non – Europeans, the emerging EU region – state resembles to a ‘Gated Community’ rather than a ‘Fortress Europe’.

¹ *Hadrian’s Wall* had been the most important and most impermeable frontier in the entire Roman Empire. With numerous towers on it, the 118 km – long Wall demarcated the northern frontier of the Roman Empire in northern Britain and it aimed to protect Roman civilization from barbarian invaders. Dating back to AD 122, parts of the Wall still stands today (Spedaliere, 2003).

² *Bona fide* means “acting or made in good faith without fraud or deceit” and “made with earnest intent” while *mala fide* means “with or in bad faith” in Latin (Merriam Webster, 2012: 1).

ÖZET

Bu çalışma, ortaya çıkmakta olan AB bölge devletinin, AB üyesi İspanya'nın ve AB adayı Türkiye'nin 1990 ve 2010 yılları arasında, yabancıların kendi ülkelerine hareketlilikleri karşısında uyguladıkları sınırları, sınır politikalarını ve sınır oluşturma süreçlerini incelemektedir. Çalışmanın ana amaçları, Avrupa'daki bölgeleşmenin doğasını, karakterini ve gelecekteki sınırlarını, sınır yazını ve yeni bölgecilik kuramı çerçevesinde tartışmak üzere ortaya çıkmakta olan bölgenin yabancılara karşı kurgulanan sınırlarının ve sınır oluşturma süreçlerinin doğasını ve bu bölgenin 'ötekilerini' araştırmaktır.

Ortaya çıkmakta olan AB bölge devletinin sınırları esasen düzensiz göçmenlere karşı oluşturulmaktadır. Ancak, çalışmanın bulguları AB'nin düzensiz göç korkusu nedeniyle bütün yabancılara karşı sınır oluşturma ve dolayısıyla ötekileştirme süreçlerine girişmediğini göstermektedir. AB, düzensiz göçmen olma ihtimali yüksek olan bazı yabancılara karşı sınırlarını geçirgen tutarken, bazıları için neredeyse bir *Hadrian Duvarı* örmektedir. Kimlerin sınırlandırıldığını ve dolayısıyla ötekileştirildiği ortaya çıkarmak için, bu çalışma AB'nin kendi ülkesine seyahat etmek isteyen yabancıları üstü kapalı bir şekilde kategorize etmek için kullandığı iki kavramın – *bona fide* ve *mala fide* - izini Eur – Lex veri tabanında sürmüştür. Bu analiz sayesinde araştırma, AB'nin yabancıların hareketliliğine karşı sınır oluşturma ve ötekileştirme süreçlerini incelemekte ve ortaya çıkmakta olan bölge devletinin doğasını, karakterini ve gelecekteki muhtemel sınırlarını tartışmaktadır. Analizin sonuçları, yabancıların hareketliliğe uygulanan sınırlar bağlamında; AB bölge devletinin, bir 'Avrupa Kalesi'nden çok bir 'Kapalı Yerleşme'ye benzediğini ortaya koymaktadır.

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	IV
ABSTRACT	VI
ÖZET	VII
TABLE OF CONTENTS	VIII
LIST OF FIGURES	XIII
LIST OF MAPS.....	XV
1. INTRODUCTION.....	1
2. BORDERING PROCESSES, IRREGULAR MIGRATION AND THE EU REGION – STATE	6
2.1. BORDERS, BOUNDARIES AND FRONTIERS	6
2.2. BORDERING AND OTHERING	12
2.3. BORDERS AND GLOBALISATION	15
2.4. REGIONS, REGIONALISMS AND THEIR BORDERS	19
2.4.1. The European Union: A Region – State?	26
2.5. IRREGULAR MIGRATION.....	30
2.6. BORDERS TO CONTROL IRREGULAR MIGRATION.....	36
2.7. METHODOLOGY	42
3. BORDERS AND BORDERING PROCESSES IN THE EUROPEAN UNION	56
3.1. EU BORDER POLICY.....	57
3.2. EUROPEAN UNION INSTITUTIONS AT EXTERNAL BORDERS	71
3.2.1 DG Home Affairs	73
3.2.2. Justice and Home Affairs (JHA) Council.....	75

3.2.3. Parliamentary Committee: Civil Liberties, Justice and Home Affairs (LIBE)	77
3.3. EU BORDERS AGAINST THE MOVEMENT OF NON - EUROPEANS	78
3.3.1. Borders before the Border: <i>Pre – Borders</i>	78
3.3.2. Physical Borders	87
3.3.3. Digital Borders	89
3.3.3.1 <i>SIS and SIS II</i>	91
3.3.3.2 <i>EURODAC</i>	96
3.3.3.3. <i>Visa Information System (VIS)</i>	99
3.4. WHO ARE <i>MALA FIDE</i> NON – EUROPEANS?	102
3.5. SOCIO - ECONOMIC AND POLITICAL CONTEXT IN EUROPE FOR IRREGULAR MIGRATION	106
3.5.1. Irregular Migration to the European Union.....	110
3.6. EU AGENCY FRONTEX AND IRREGULAR MIGRATION TO EU ...	114
3.7. EU BORDERING PROCESS.....	118
3.8. EU REGION – STATE: ‘A GATED COMMUNITY’	128
4. BORDERS AND BORDERING PROCESSES IN SPAIN.....	139
4. 1. GENERAL PRECONDITIONS	141
4. 1.1. Making of Spain, its Economy and Geography	141
4.1.2. EU Membership	149
4.1.3. Migration Dynamics in Spain.....	155
4. 2. BORDER POLICY OF SPAIN.....	161
4.3. BORDERS AND BORDER MANAGEMENT IN SPAIN	173
4. 4. BORDERING AGAINST WHOM? WHY?	180
4.5. BEING THE FRONTIER OF THE EMERGENT EU REGION –STATE?	198
5. BORDERS AND BORDERING PROCESSES IN TURKEY	208
5.1. GENERAL PRECONDITIONS	209
5.1.1. Making of Turkey, its Geography and Economy	209
5.1.2. EU Candidacy.....	217

5.1.3. Migration Dynamics.....	225
5.1.3.1 <i>Irregular Migration</i>	226
5.2. BORDER POLICY OF TURKEY	231
5.3. BORDERS AND BORDER MANAGEMENT IN TURKEY	248
5.4. BORDERING AGAINST WHOM? WHY?.....	270
5.5. IMAGINING TURKEY WITHIN THE BORDERS OF THE EMERGENT EU REGION – STATE: WHY NOT?	279
6. CONCLUSION	288
APPENDIX 1: LIST OF INTERVIEWS	312
APPENDIX 2.1: QUESTIONNAIRE, SPAIN	314
APPENDIX 2.2: QUESTIONNAIRE, TURKEY	316
APPENDIX 3.1: CONSULTANTS ON <i>BONA FIDE</i> AND <i>MALA FIDE</i>	318
APPENDIX 3.2: DG HOME AFFAIRS ORGANIZATIONAL CHART	319
APPENDIX 4: MINISTERS’ AND MPS’ SPEECHES IN <i>CONGRESO DE LOS DIPUTADOS</i>	320
APPENDIX 5.1: MİSAK – İMİLLİ	323
APPENDIX 5. 2: MINISTERS’ AND MP’S SPEECHES IN <i>TBMM</i>	325
APPENDIX 5.3: OTHER SPEECHES AND REPORTS IN TURKISH.....	331
BIBLIOGRAHY	333

LIST OF TABLES

Table 2.1.Types of Irregular Migration Flows	35
Table 2.2 Mechanisms of Immigration Control	38
Table 3.1 Preparatory Bodies for JHA Council	75
Table 3.2 Estimated number of the irregular foreign resident population in the EU in 2002, 2005 and 2008 in Mio persons	112
Table 3.3 Relevance of Pathways to Irregularity in the EU Member State	114
Table 4.1 Ministers for Foreign Affairs and Cooperation, their term of office and the number of speeches they made before the Congress	164
Table 4.2 Ministers of Interior, their term of office and the number of speeches they made before the <i>Congreso de los Diputados</i> , 1988 – 2010	167
Table 4.3 Successful Transactions to EURODAC by Spain	176
Table 4.4 Former Spanish Colony, Latin American Countries and their places in the EU Visa Lists	182
Table 4.5 Number of South American immigrants in Spain	187
Table 4.6 Largest Immigrant Communities in Spain	194
Table 4.7 Bordering Processes in Spain between 1990 and 2010	198

Table 4.8 Bordering Processes in the emergent EU Region – State and in Spain	204
Table 5.1 Ministers for Foreign Affairs, their term of office and the number of speeches they made before <i>TBMM</i>	233
Table 5.2 Ministers of Interior, Turkey, 1989 – 2010	240
Table 5.3 Countries whose nationals are exempt from or subject to visa in entering Turkey	251
Table 5.4 Countries, nationals of which are eligible for <i>e – visa</i>	254
Table 5.5 Turkey’s Bordering Processes, 1990 – 2010	278
Table 6.1 Comparison of Bordering Processes of the EU, Spain and Turkey	300

LIST OF FIGURES

Figure 3.1 European Communities and External Borders	73
Figure 3.2 White list	82
Figure 3.3 Black List	82
Figure 3.4 SIS Entries on the basis of Schengen Agreement Articles 95 – 99	94
Figure 3.5 Fingerprint Transactions to EURODAC, 2003 - 2010	98
Figure 3.6 <i>Bona Fide</i> in EU Legislations, 1990 - 2012	103
Figure 3.7 Estimated numbers of international migrants in Europe, 1990 - 2010	109
Figure 3.8 Asylum Applications in the EU Member States, 1990 and 2010	109
Figure 3.9 Volume of Geographical Irregular Migration Flow to the EU in 2011	118
Figure 3.10 The Countries where VIS becomes operational	126
Figure 4.1 Foreign Population, Spain, 1996 – 2010	157
Figure 4.2 Foreign population by continents of origin, Spain, 1996 – 2010	158

Figure 4.3 Foreign Population by countries of origin, Spain, 2010	158
Figure 4.4 The number of boats arriving to Spanish territories, 2001 – 2010	161
Figure 4.5 Visas issued by Spanish consulates abroad, 1991 – 2010	166
Figure 4.6 Interior Ministers' Speeches in <i>Congreso de los Diputados</i> related to Borders, 1990 – 2010	167
Figure 4.7 Interior Ministers' Speeches related to Borders and Irregular Migration as the predominant theme in them, 1990 – 2010	170
Figure 4.8 Coastlines Covered by SIVE	179
Figure 5.1 Interior Ministers' speeches, Turkey, 1990 – 2010	241
Figure 5.2 Predominant theme in the speeches of Interior Ministers in Turkey, 1990 – 2010	242

LIST OF MAPS

Map 3.1 Schengen Area	58
Map 3.2 Migratory Routes to the European Union	118
Map 3.3 Borders of Europe	131
Map 4.1 Spain	139
Map 4.2 Mediterranean and Mediterranean Countries	148
Map 5.1 Turkey.	208

LIST OF ABBREVIATIONS

AFSJ	Area of Freedom Security Justice
AKP	Adalet ve Kalkınma Partisi (Justice and Development Party, Turkey)
ANAP	Anavatan Partisi (Motherland Party, Turkey)
APEG	Appalachian Partnership for Economic Growth
ASEAN	Association of Southeast Asian Nations
CATS	Article 36 Committee
CEECs	Central and Eastern European Countries
CEPOL	European Police College
CHP	Cumhuriyet Halk Partisi (Republican People's Party, Turkey)
CIRAM	Common Integrated Risk Analysis Model
CIREFI	Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration
CIS	Centro de Investigaciones Sociológicas (Center for Sociological Research)
CIS*	Commonwealth of Independent States
COE	Council of Europe
COREPER	Committee of Permanent Representatives
COSI	Council Standing Committee on Internal Security
DG	Directorate General
EASO	European Asylum Support Office
EC	European Communities
EEC	European Economic Community
EIL	Enforcement of Immigration Legislation (Statistics)
EU	European Union
EMCDDA	European Monitoring Centre for Drugs and Drug Addiction
ETA	Euskadi Ta Askatasuna (Basque Homeland and Liberty)

EURODAC	European Dactylographic System
EUROPOL	European Police Office
EUROSTAT	Statistical Office of the European Communities
EUROSUR	European Surveillance System
FAO	Food and Agricultural Organization
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
GBT	Genel Bilgi Toplama Sistemi (General Data Collection System)
GRITIM	Grup de Recerca Interdisciplinari sobre Inmigracio
ICMPD	International Centre for Migration Policy Development
IOM	International Organization for Migration
IPA	Instrument for Pre – Accession Assistance
JHA	Justice and Home Affairs
LIBE	Parliamentary Committee Civil Liberties
MP	Member of Parliament
NAFTA	North American Free Trade Agreement
NATO	North Atlantic Treaty Organization
NUTS	Nomenclature of Territorial Units for Statistics
OECD	Organization for Economic Cooperation and Development
OHAL	Olağanüstü Hal Bölgesi (State of Emergency Region)
OSCE	Organization for Security and Cooperation in Europe
PKK	Partiya Karkaren Kurdistan (Kurdistan Workers’ Party)
POLNET	Polis Bilgi Sistemi (Police Information System, Turkey).
PP	Partido Popular (Popular Party, Spain)
PPP	Policy Practice Perception (Approach)
PSOE	Partido Socialista Obrero Espanol (Spanish Socialist Workers’ Party, Spain)
RAU	Risk Analysis Unit (FRONTEX)
RP	Refah Partisi (Welfare Party, Turkey)
SCIFA	Strategic Committee on Immigration, Frontiers and Asylum

SEA	Single European Act
SHP	Sosyal Demokrat Halkçı Parti (Social Democrat People’s Party, Turkey)
SIRENE	Supplementary Information Request at the National Entry
SIS	Schengen Information System
SIS II	Schengen Information System II
SIVE	Sistema Integrado Vigilancia Exterior (Integrated System of Exterior Surveillance)
TBMM	Türkiye Büyük Millet Meclisi (Grand National Assembly of Turkey)
TEC	Treaty on European Communities
TEU	Treaty on European Union
UNHCR	United Nations High Commissioner for Refugees
VIS	Visa Information System
WTO	World Trade Organization

1. INTRODUCTION

In the last decades, we have witnessed tremendous changes and transformations in the natures of many issues that we have been born into. On the one hand, we have witnessed de – territorialisation accompanied by re – territorialisation in the form of regionalization, on the other we have witnessed an unprecedented increase in the volume of international migration. All these developments related to borders, which have also been transforming.

Borders have gone through a deep transformation, which changed their role and functions as well as the understandings and perceptions about them. Besides the traditionalist understandings about the borders as only physical lines that separate states and shape all forms of interaction and make cross-border links possible, contemporary understandings about borders, which consider them as social constructs and argue that they separate, enclose and exclude at a number of spatial and social scales, have emerged. Contemporary border studies have put forward that borders are socially constructed and managed by a bordering process and they affect the daily lives of the people. Scholars have argued that besides the hard borders of the states, the physical lines that separate them from other states, there are also invisible soft borders that are difficult to cross. Besides calling the establishment and management of both hard and soft borders as the bordering process, contemporary scholars also emphasized that there is always an ‘Other’ in this process and they argued that bordering is also a process of Othering.

Moreover, the age of globalization has witnessed the rise of regions. Regional cooperation and / or integration are giving birth to the examples of re – territorialization in the course of de – territorialization of nation – states: new regional regimes, regional economies, regional political systems or regional organizations are emerging in many parts of the world. As new regionalism theory puts forward, EU – Europe presents the closest regional arrangement to a

region. According to the theory, there is high degree of ‘regionness’ in Europe and the EU is assumed to be the regional institutional polity – ‘the region state’ of this region.

While regionalization bore fruit in Europe and borders, their functions, the way they are bounded and the understandings about them have been transforming, another deep transformation has also been taking place in the nature and dynamics of the international migration. As a result of many pull and push factors, the volume of international migration has reached to unprecedented levels especially in the last three decades.³ Due to the incremental restrictions introduced since the 1970s, it has also mostly become a flow of migrants, who are at some point in their migration conflicted with migration laws and fall into irregularity. This irregular form of international migration or simply irregular migration became one of the most popular issues in the Western recipient societies, whose states have launched a quest for control. They increased immigration controls, proliferated themselves with new mechanisms and tools, and have made their immigration policies more restrictive. With these attempts, they tried to regulate the international migration they received and to curb irregular migration.

The paths of these three issues, borders, international migration and regionalization in Europe have intersected at this exact point when EU Member States, most of which have long been immigration countries, have chosen to employ borders as instruments of immigration regulation and control to prevent irregular migration to Europe. This desire has become the very basic dynamic of European integration on borders. In other words, the borders of the emerging region – state have been erected mainly against irregular migrants. With its huge pile of legislation, various agreements and with its respectively new Border Agency, the FRONTEX; the EU has worked for fortification at the external borders, which are increasingly policed, wired, filled with surveillance cameras

³ While persistent demand for foreign labor in advanced industrial economies, wide and growing economic and demographic disparities between the developed and the less developed countries and deepening of ties and relations within the transnational migration networks pulled people; political, ecological, economic and demographic pressures and violent conflicts pushed them to migrate.

and patrolled by either Member States' forces or by FRONTEX forces against the infiltration of unauthorized irregular migrants. Moreover, controls are strengthened at other layers of borders such as in airports, customs offices, passport checks and controls. A restrictive visa regime has been applied and by various databases, the EU has tried to prevent irregular migration. However, not all foreigners are being bordered against for the fear of irregular migration. For some groups of people who might also fall into irregularity and become irregular migrants; the EU borders are meant to be lax, while for the others, the EU is building almost a *Hadrian Wall*⁴.

As the study puts forth, the EU determines its desirables and undesirables by implicitly categorizing the foreigners who want to travel to its territory as *mala fide* or *bona fide*⁵ people. *Mala fide* non – Europeans are the foreigners who are considered that they might fall into irregularity after they enter into the EU territory. Though there are exceptions, the EU is trying to make its borders impermeable for the so – considered *mala fides* while it tries to make them lax for the *bona fides*. With this implicit categorization and its practice at the borders, the EU region – state does not resemble a 'Fortress' but increasingly a 'Gated Community', where only so - considered *bona fide* non – Europeans are welcome.

In line with these, this study firstly examines the borders and the bordering processes against the movement of foreigners into the European Union - the closest example of a region – state. In the light of the findings, it comparatively examines the border policies, border management and bordering processes of Spain and Turkey, which are located at the actual physical borders of the EU. As every bordering process is also an othering process, this study searches the 'others' of this emergent region and with its comparative dimension, it aims to

⁴ *Hadrian's Wall* had been the most important and most impermeable frontier in the entire Roman Empire. With numerous towers on it, the 118 km – long Wall demarcated the northern frontier of the Roman Empire in northern Britain and it aimed to protect Roman civilization from barbarian invaders. Dating back to AD 122, parts of the Wall still stands today (Spedaliere, 2003).

⁵ *Bona fide* means "acting or made in good faith without fraud or deceit" and "made with earnest intent" while *mala fide* means "with or in bad faith" in Latin (Merriam Webster, 2012: 1).

find and explain the reasons of congruities and incongruities between Spanish and Turkish bordering / othering processes with those of the EU.

Based on qualitative research, the first aim of the study is to examine the nature, character and limits of the emergent region in treating foreigners. Moreover, likewise the region – state itself, its borders and the bordering processes are still under construction and as Member States establish these borders together, finding out how Spain negotiates its priorities at the borders and in the bordering processes of the emerging region – state against the movement of foreigners is of particular interest in this study. That is because Spanish experience is expected to shed light for EU – candidate Turkey on its own quest in negotiating its priorities at these borders and bordering processes against the movement of foreigners.

Apart from this introductory chapter, this study is composed of four chapters. Chapter 2 presents the conceptual framework and methodology of this study. In this chapter, borders, bordering and othering processes, regionalism, regionalization, ‘regionness of Europe’, EU’s emergence as a ‘region – state’ and irregular migration to Europe as well as the relationship between these phenomena have been unpacked and analyzed in the light of contemporary border literature, new regionalism theory and irregular migration literature. Methodology, research design and research questions are also presented in the chapter. Chapter 3 examines the borders, border policy and bordering processes in the European Union. In this chapter, the study trails behind two concepts used by the EU to implicitly categorize the foreigners who want to travel to the EU territory – *mala fide* and *bona fide*– and searches them in the EU’s legislative database Eur – Lex. By the help of this categorization the study reveals the bordering and othering processes in the EU and evaluates and discusses the nature and character of the emerging region – state. Following Chapter 3; Chapter 4 and Chapter 5 analyze border policies, borders and bordering processes against the movement of foreigners in Spain and in Turkey in the period between 1990 and 2010. Lastly, Chapter 6 includes the comparison of Spain and Turkey in terms of borders and bordering processes, concluding

evaluations for the borders and bordering processes of the emerging region – state against the movement of foreigners, Turkey’s participation in this regionalization, and theoretical and conceptual implications for the new regionalism theory and contemporary border studies.

2. BORDERING PROCESSES, IRREGULAR MIGRATION AND THE EU REGION – STATE

Borders, boundaries and frontiers; though they are used interchangeably in many texts, they mean different processes for a political entity. They also describe different impediments when the movement of foreigners is considered. The first part of this conceptual and methodological chapter studies borders, boundaries and frontiers, the bordering and othering processes, regionalism, regionalization and the emergence of the EU region – state, borders of this region - state and irregular migration thoroughly. After a thorough examination of these phenomena, their relationship in Europe has been unpacked and analyzed. The second part of the chapter lays down the methodology and it presents the research design of this study.

2.1. BORDERS, BOUNDARIES AND FRONTIERS

The discussion on borders raises a terminological question. In the border literature, different usages of concepts such as border, boundary, borderline, barrier or frontier are found and sometimes these concepts are used interchangeably. According to the literature on geography the concepts of boundary and border are interchangeable and they basically mean “the line of separation” (Newman, 2001: 151). In the dictionary, boundary is defined as “something that indicates or fixes a limit or extent” (Merriam – Webster, 2008). The same dictionary defines border as “an outer part or edge” (*ibid.*). Following these definitions, it can be said that the concept of border seems to be something more tangible, which draws a clear, definite separation line and which is more suitable for the border literature that is built in the field of international relations. On the other hand, the concept of boundary seems to denote something less tangible, a line of separation but can be penetrated. Therefore it is believed that this concept is more suitable for the border discussions, which

have sociological character, such as inclusion and exclusion discussions on different social groups within a society (Newman, 2001).

Another concept in this literature is frontier. According to Anderson (1997) among these concepts, it is the frontier that has the widest meaning. Originally related to the military, the term meant the zone in which enemies were faced. While, in the English dictionary of Merriam – Webster (2008) it is defined as “a region that forms the margin of settled or developed territory” and as “a line of division of between different or opposed things”, the dictionary on International Relations, defines it “a zone of contact between two entities or social systems” (Evans and Newham, 1998: 185). It is told that it tends to “signify contact zones between one civilization or culture and another” in the international relations (*ibid.*). The term is vaguer than border and boundary. However, when it is employed, the difference of the systems between the units that it separates is also believed to be highlighted. According to Newman (2003)⁶, the concepts border and boundary are used interchangeably in the early border literature to refer the line that is demarcated and implemented by a government, while the frontier is “the area or the region in close proximity to the line and within which development patterns are clearly influenced by its proximity to the boundary” (*ibid.*: 126). Anderson (1998: 9), on the other hand, uses frontier in a way synonymously to the border and says that “it means the precise line, at which jurisdictions meet, usually demarcated and controlled by customs, police and military personnel”. Different explanations are also found in the literature. This study agrees with Agnew *et. al.* (2003) on the essentially contested natures of these concepts and it follows Newman (2001) in taking border and boundary as almost synonymous, with the latter also connoting sociological issues of inclusion and exclusion in a group or a society. Frontier, on the other hand, is taken, as the area, which is marked by its proximity to a

⁶ Dating back only to 1750s, political geography is about borders, orders, territory and power. According to Agnew *et. al.* (2003: 2) political geography is about “how barriers between people and their political communities are put up and come down; how world orders based on different geographic organizing principles (such as empires, state systems and ideological – material relationships) arise and collapse; how material processes and political movements are re-making how we inhabit and imagine the ‘world political map’”.

specific border; which separates the political entity from the Other that is believed to be very different from its own system, culture or civilization.⁷

Though they explain the basic differences between frontiers, boundaries and borders, these definitions fall short of describing the real, contested and the dialectical nature of the borders. It is indeed an arduous attempt to give a precise answer to the simple question of ‘what is a border?’⁸ According to Balibar (2002: 75) borders can not be attributed “an essence, which would be valid in all places and at all times, for all physical scales and time periods”, because they are much more than being simple lines on the maps. They have their own histories and they are political processes as well as being institutions.

Borders are institutions because they are established by political decisions and regulated by legal texts (Anderson, 1997). They are also part of important political processes, firstly because, they are important definers of a state or any type of political form as physical limits and a demarcated territory are basic conditions for political authority and jurisdiction to be exercised (Anderson, 1997, 1998: 5-7). According to Weber (1964: 154) “a compulsory political association with continuous organization will be called a ‘state’ if [...] its administrative staff successfully upholds a claim to the monopoly of the legitimate use of physical force *within a defined territory*”. Furthermore, organizing and maintaining economic, social or political life would be unthinkable without the borders, which, from this perspective, are seen as the very basic constitutive institutions of a state. Anderson (1997) also adds that these limits have great importance in understanding the political life within them.

⁷ As Newman (2003: 127) notes, in due time, the idea of frontier has been replaced by the idea of borderland and it connoted “the diverse patterns of trans-boundary interaction, cooperation, integration and inclusion rather than confrontation and exclusion”. As a result, it is difficult to come across the term frontier in the contemporary studies. However, following the European Union, the study employs ‘frontier’, since the Union has been employing this term in its official documents and even in the name of its Border Agency.

⁸ According to Balibar (2002: 76) the theorist who is trying to define a border is in the danger of “going round in circles” because of the dialectical relationship between borders and what they delimit. In other words, borders define a territory in doing this they also “register the identity of [that] territory, while on the other hand. Conversely, to define or identify is nothing other than to trace a border, to assign boundaries or borders”

In addition to these characteristics, every discussion on borders is also related *to* the national identities. That is because by demarcating the territories that certain nations live, borders also register and confer the identity of that territory (Balibar, 2002, p. 76). As a result, despite the existence of much incongruence, borders refer to the national identities most of the times. This means that they function as “the basic markers of identity” (Anderson, 1997: 5). Similarly, Prokkola (2009, p. 22) notes that more than being only physical lines, borders become definers of identity through the construction of narratives by national bordering processes and practices. However, identities and borders have a deeper relationship than that. This relationship is dialectical in nature because while the borders mark the identity of the territory and confer it upon the nation living within this territory, defining an identity “is nothing other than to trace a border and to assign the border” (Balibar, 2002: 76). Therefore the identities are also related *to* the formation and the existence of borders. In other words: borders and identities are deeply and constitutively related *with* each other.

Furthermore, borders are instruments of state policy. They function as instruments of state policy when governments try to change the location and / or function of the borders or when they make policies, which aim to “protect and promote the interests of the state and to control mobility in and out of [their] territories” (Prokkola, 2009: 22). Lastly, the “‘border’ is a term of discourse”. Borders are used in different connotations by different literatures and they are understood differently in different contexts. What borders and frontiers are and what they represent are continuously constructed and reconstructed by the people “who are regulated, influenced and limited by them” (Anderson, 1998: 5-7).

In examining the border studies and borders in his masterpiece article ‘Boundary Studies in Political Geography’, Minghi (1963, 408) notes that much of the literature on borders was written during the world wars and the concern was on the nature of the borders whether they were ‘good’ or ‘bad’ from the militaristic point of view. Considering the territorial disputes between the

European states during and after the World Wars, it is understandable that the role of the state borders were about preventing military threat. They served in defending or protecting the territories of the states from the enemies, which were mostly the neighbours in the European continent (Bigo, 1998). In the literature, history and location of the borders were important topics as well as the problematique of how and according to which criteria the borders would be drawn. Similarly, Newman (2006, 174) notes that between 1920 and 1960, the political geographers were interested in categorizing world's borders according to the ways they were delimited and demarcated. They had two basic categories: "open" and "closed" borders and these categories depended on the nature of political relations between neighbouring countries. In these years, the scholars were treating borders only as "physical, static lines as the outcomes of political decision-making processes" (*ibid*: 175). The only dynamism attributed to them was in the times of re-territorialisation that took place during the wars and the negotiations after these wars. As a result of this approach, border studies delineated a modern world that was territorialised along rigid border lines. Boundedness and exclusion were the main ideas (Paasi, 1999).

However, the technological and political developments in the second half of the twentieth century have changed the role and the functions of the borders. The emergence of military aircrafts, atomic bombs, satellites, the blurring of the distinction between military frontlines and civilian zones, etc. have devalued the importance of borders for protection or defence understood in the traditional sense. In addition to these developments, regional integration projects, the European one becoming the most successful example, paved the way for the opening of borders for the free movement of goods, capital and services, though the free movement of people has only been achieved within Western Europe (Newman, 2001). Following these developments, states are no longer interested in changing the location of borders, but they are concerned over the functions and the purposes of them. The main concern is the control of transboundary flows and activities and the penetration of undesirable individuals, goods and information (Kolossoy, 2005). As a result of all these developments border

studies have started to focus on the functions of the borders rather than their location and history since 1960s. Newman (2006) notes that the studies in the 1960s analyzed the border regimes as well in order to understand whether the borders were permeable for the movement of people, goods and ideas or they served as barriers to such movements.

Despite these developments, the real turning point in border studies that many political geographers called as renaissance in the field, has taken place in the last decade. This renaissance and the increase in the volume of studies are seen as the result of the globalisation discourse and its borderless world argument. As is explained below, globalisation and borderless world argument basically enunciated that the borders of the nation-states have lost their barrier function and become irrelevant (Newman, 2006; Kolossov, 2005; Paasi, 2005). The discussion on these arguments about borders, nation-states and sovereignty brought many academics from various disciplines to the field. Besides those of political geographers, the writings of academics from disciplines such as political science, sociology, anthropology, history and law, flourished the field. In these studies, which are called as ‘postmodern’ (Kolossov, 2005: 622) academics brought new scales to the analyses and they have enriched the theoretical understandings on borders, frontiers and boundaries.

Lively debates within the academia brought new perspectives to the understanding and perception of the borders, boundaries and frontiers. Besides the traditionalist border scholars, who continued to perceive borders as “only lines that shape and modify all forms of interaction and make cross-border links possible”, contemporary border scholars have put forward that besides the hard borders of the states, the physical lines that separate them from other states; there are also invisible borders, which unlike the hard ones, are very difficult to cross (Paasi, 1999: 670). These studies ushered a shift in the border studies “from the exclusive focus on ‘hard international borders’ to the notion of ‘boundary’ as a line that separates, encloses and excludes, at a number of spatial and social scales” (Newman, 2003: 124). Discourse has also become very important within the contemporary border studies since these scholars

understand border as a process and they approach borders as social constructs. As a result, they are interested more in the way that “borders are socially constructed, managed and impact the daily life practices of the people” who are affected by them (Paasi, 1999: 670; Newman, 2006: 173). As Kolossov (2005, p. 625) notes, such an approach to borders help us understand how a political discourse defines the position and the role of particular borders in foreign politics and provide a new framework in understanding the developments in these borders.

Lastly it should also be noted that even the terminology that contemporary border scholars employ differ from the one employed by the traditionalist scholars. According to Newman (2006), the use of the concepts demarcation and delimitation causes an academic to be branded as traditionalist, and even worse as a determinist. Contemporary border scholars prefer to call border formation as ‘bordering process’ or ‘social construction of borders’ instead of ‘demarcation’ and they employ ‘border management’ for ‘delimitation’.

2.2. BORDERING AND OTHERING

Contemporary scholars approach border as a process and they call border formation as the bordering process. This process takes shape with the discourses, rhetoric and / or narratives as well as the perceptions and historical evolution of borders. The role of language and the discourse, in particular, come to the fore in the social construction of spatial demarcations and boundaries. As a bordering process is also a process of differentiating the self, there is a constitutive theme in every one of them: the Other. In this way, every bordering process turns out to be a process of othering at the same time (Paasi, 1996).⁹

The construction of borders, both physical and symbolic and the role of the Other in these constructions have been examined by many academics. For instance, Mason (1990, paraphrased in Paasi, 1996: 9) says that the discovery of

⁹ In these constructions Paasi (1996: 8) special emphasis on the *rhetoric*, which he explains as “forms of persuasive argument put forward by advertisers, editorialists and politicians”. According to him, rhetoric is not just a practice of individuals, but there are also rhetorics of groups, organisations, of social movements, of scientific schools and disciplines.

the Other has a history and it has an important place in social and cultural forms as well as in all symbolic and physical distinctions. The constructions of the divisions between ‘inside / outside’ and ‘here / there’ are all related with the categories of ‘we’ and the ‘Other’.

Writing on symbolic borders, Newman (2006: 172) says that invisible borders, which have already been there but have just been brought into the analyses, are about abstract notions of being different, others and othering. He adds that it is these invisible borders that determine “the extent to which we are included, or excluded, from membership in groups [...] ‘us’ and the ‘here’, being located inside the border and while the ‘other’ and the ‘there’ is everything beyond the border” (*ibid.*). Today, it is acknowledged that these borders exist in every group or in every society and they categorize and compartmentalize the people living in that society.

According to Paasi (1996) these divisions are socially constructed through discourses, rhetorics and narratives by the individuals, be they members of social groups and movements, politicians, researchers, or academics. Similarly, Carr (1986: 152) mentions about the role of the individuals for telling the narrative of ‘we’ on behalf of it and adds that this narrative may be articulated or formulated by one or more of the group’s members and then it is accepted and subscribed by the other members of the community. Very often, the rhetoric is about the unification of the group, expression of what it exists for, where it has come from and where it is going; in addition to these, what makes the rhetoric acceptable for the people is the social power roles of the constructors (Paasi, 1996, 9).

Similar to the construction of ‘we’, discourses, narratives and rhetorics play important roles in the construction of ‘the Other’. Writing on the ‘Other’ and the ‘othering process’ in Europe, Dalby (1990, quoted in Paasi, 1996: 11) says that the discourse of the Other is about the perpetual discussions and understandings about identity and difference within the Western tradition. It is believed that dichotomies and categories such as past and present, us and them, friends and enemies, good and bad, all have found a place for themselves in the

European discourse on the Other. In addition to these dichotomies, the understanding or the belief of the superiority of the European culture and identity over other cultures and identities is inherent in these discourses (Paasi, 2001).

Paasi (1996) applies James Aho's dimensions for the construction of the visions of evil to the construction of the Other.¹⁰ According to Aho (1990, Paasi, 1996: 13) there are five dimensions in the construction of the visions of evil: naming, legitimation, myth making, sedimentation and ritual. When these dimensions are applied to the construction of the Other, it can be said that the Other is labelled in the first place, these labels are legitimated and the Other is mythologized. Aho (1990: 22) notes that sedimentation takes place when "[the] word and myth come to have lives of their own, detached from the original act of myth making and evolve into autonomous parts of the everyday stock of knowledge taken for granted by a society" (Aho, 1990: 22). Finally, performing these myths and keeping them alive through rituals is the last step in persisting the Other. Paasi (1996) contributes this scheme by adding one more dimension: *spatial*. As he notes all definitions of Other include a spatial dimension, as in most of the cases, the Other is believed to live somewhere else, *there*. Even if the Other lives in here, 'we' is understood differently from it. Following these lines, he also notes that Othering is also found in geopolitical scripts and in the writings in political geography, in the sense that the territory of 'ours' is different from 'theirs' and it is separated by 'our' borders. Following these lines of thought, it can be said that besides being basic markers of identity, borders are also markers of others and this makes every bordering process is also a process of othering. Writing on bordering against mobility, Van Houtum and Van Naerssen (2002, 125) say that exclusionary attempts to secure and govern one's 'own' economic welfare and identity have become widely shared just ideas about borders. As a result, since the definitions of 'own' and the self are directly related with the definition of 'Other', practices of othering have become

¹⁰ In his scheme, Aho (1990) talks about a process of reification, which takes place when "people experience their created social world in a false or nonfactual way" (Paasi, 1996: 13). In other words, their imagination, words and ideas come into life and haunt their constructs.

important aspects of bordering. Van Houtum and Van Naerssen (2001) examine the relationship between borders and others, and they say that bordering processes have paradoxical character, since on the one hand they aim to erase territorial ambiguity and claim a homogeneous identity for the nation – states, on the other they contribute to the creation of spatial and identitarian differences as well as fixating them. Following these lines, it can be said that bordering is a discursive process, in which identity issues, border policy and the border management are employed as the most important instruments.

2.3. BORDERS AND GLOBALISATION

Due to the presumed effects of the globalisation on borders, border studies have made a peak in the 1990s. Having agreed on the fact that globalisation has an important impact on the nation-states and its institutions, the academics cannot agree on the nature of this impact. For many academics, globalisation weakens the sovereignty and the authority of the nation-states and as a result cripples its institutions and renders them irrelevant; for others, nation-states have devised new strategies to cope with globalisation and the institutions of the nation-state have gone through a transformation to keep up with the contemporary global world.

Globalisation is a fuzzy concept. It has become the catch – word in the academic debates and has been discussed intensively. Many academics defined the concept. The most referred one is that of Giddens'. Having seen globalisation as a consequence of modernity, Giddens (1991: 64) defines it as “the intensification of world wide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa”. He also adds that this process is a dialectical one, in which localities or local happenings may act differently from the direction given by the distant relations (*ibid.*). For Lechner and Boli (2004: 4) globalisation is “the set of processes by which people become connected in more and different ways across greater distances”, for McKeown (2008), it is explained as the “increasing flows,

expanding interconnections and fragmentations, or time-space compression that overcomes older separations and distinctions”. And lastly, for Waters (2001: 6) globalisation is “a social process in which the constraints of geography, economic, political, social and cultural arrangements recede, in which people become increasingly aware that they are receding and in which people act accordingly”.

Globalisation is believed to bring tremendous changes for the economic and political ordering of the world. It is widely believed in the academia that globalisation is one of the main determiners of the contemporary developments. Following this line of thought, Schierup, Hansen and Castles (2006: 5) call it as the “great transformation of new times”. As Castles and Davidson (2000: 6) note, it is used within the framework of the current trends, which are:

“(1) the emergence of a global economy based on the activities of transnational corporations and on international markets for capital, commodities, services and futures; (2) the very rapid introduction of new information technologies that are revolutionizing communication, production and trade; (3) the formation of regional economies and markets characterized by the free movement of capital, goods and labour across nation – states’ borders; (4) the development of supranational institutions and legal norms to regulate economic and political relations; (5) the growing significance of democracy and human rights as near universal norms of governance in the international community; (6) the emergence of a global commitment to a common set of values and standards of the Good as a result of global information transfer and cross-cultural awareness”.

All of these current trends also indicate other strong arguments and facts about globalisation, these arguments say that it weakens the authority of the nation – states, renders the ideology of distinct and autonomous cultures ineffective and causes mobility of people across borders (*ibid*, 1-2). The authority of the nation – states and their abilities to cope with the contemporary trends are indeed decreasing and they cannot organize politics, economy, social relations and culture on their own within their borders anymore. In particular, the economic activities, which have increasingly taken a transnational form, have become uncontrollable for the nation – states and this shows the limits of their authority (Campbell, et al., 2010). Following these lines, it can be said that globalisation

has had a thwarting impact on the nation – state model (Castles and Miller, 2003).

Such a thwarting impact also affects the institutions of the nation – states. Simply, they are becoming ineffective. Being one of those institutions, borders have been expected to become irrelevant. One of these expectants, Kenichi Ohmae (1991), a renowned business and corporate strategist, has put forward one of the most discussed and questioned argument on globalisation and borders. According to him, a supranational economic power, the Interlinked Economy, has been established and “it has become so powerful that it has swallowed most consumers and corporations, made traditional national borders almost disappear” (Ohmae, quoted in Castles and Davidson, 2000: 16). In another book, he argues that the four I’s (Investment, Industry, Information and Individual) have weakened the power of states to control and maintain the economic activity within their borders as well as the control of the borders themselves (Ohmae, 1995; 1992).

Following a similar line of thought, several academics equate globalisation with “deterritorialisation”, which is highly related with borders (Lechner and Boli, 2004; Holton, 2004; Campbell, *et al.*, 2010). Lechner and Boli (2004, 4) explain deterritorialisation as the process of breaking the constraints of physical space on social relations. When using this term, Campbell *et al.* (2010) refer to the global networks that go beyond the limits of traditional borders and they say that the term is used in the contexts which social and economic activities and exchanges are sustained without the constraining effect of the borders. In sum, deterritorialisation explains the process in which the effect, authority and the sovereignty of the nation – states on their territories and their borders are decreasing. In the face of transnational networks and their activities, international borders are indeed becoming porous and they are not able to fulfil their traditional role as barriers to the movement of goods, ideas and people as well as determining the extent and power of the state (Wilson and Donnan, 1998, 1).

Leaving aside the issues of sovereignty and authority, borders are no longer able to constrain high volume of cross – border flows, which is seen as one of the most distinctive features of globalisation. These cross – border flows may be of any kind, flows of investment, capital, trade, ideas, cultural products and people (Castles and Miller, 2003). The flow people, in particular has become a key characteristic of globalisation. Despite their inabilities of constraining these flows, unlike the presumptions of Ohmae and many other academics, the borders of the nation – states are not coming down or disappearing and they have not become obsolete. The world is not becoming borderless. On the contrary, everywhere, the borders, both physical and societal, are being strengthened and highlighted (Ganster and Lorey, 2005; Newman, 2000; Brunet – Jailly, 2005).

Interestingly, borders are not being strengthened against an aggressive neighbour or because of ideological divisions as in the far and near history; or against the mobility of capital, services and goods and for their regulation. In most cases, they are erected and designed to become impermeable against the international mobility of people.

International population movements have increased in volume and have ramified since the 1970s. When merged with the stumbling situation of the nation – state model in controlling the activities on its own territory, migration and migrants become more visible in the Western societies. In the name of controlling the movement of people, which has become one of the basic functions of cross – border activities of the states nowadays, borders are erected against the neighbouring states from where international migration grows out or international migrants transit (Bigo, 1998).

However, borders do not target all types of international migration and all international migrants. In general lines, they are closed and designed to be impermeable for the irregular migrants. International borders are increasingly fortified, policed, wired, filled with surveillance cameras and patrolled by gendarmerie forces against irregulars. Controls are strengthened at microborders such as in airports, customs offices, passport checks and controls. When they are

not found enough, nation – states are building Walls on the border. Soft borders are also being made impermeable by arrangements such as extraterritorialisation, complicated asylum and refugee procedures, residency permits, citizenship regimes or limited labour quotas. In line with these, it can also be said that due to globalisation, paradoxically both deterritorialisation and reterritorialisation are taking place. This re – territorialisation mainly takes place in the form of regions and regionalisms.

2.4. REGIONS, REGIONALISMS AND THEIR BORDERS

Similar to the other issues that this study covers, as a result of globalization, regions and regionalism have become popular phenomena among the politicians, academics and the business community since the late 1980s. A large part of globalization studies argues that the process has eroded the state territoriality by crippling its authority on the control of that territory. It is argued that a process of de – territorialization is taking place in which the social and economic relations governed by the state are increasingly detached from its territory and the states have been losing control of their borders. Interestingly, besides de – territorialization, globalization also triggers a simultaneous or even dialectical process of re – territorialization, both as a result and as a reaction to itself (Jessop, 2000; Schrijver, 2006; Wunderlich, 2008). These processes are believed to ‘hollow out’ the nation – state as well as reshaping and transforming this territorial organization to different geographical scales (Jessop, 2000, p. 26). In line with these processes, political and functional organizations that had been located at the national level are increasingly dispersed to different geographical scales, one of which is the ‘Region’. Regional cooperation and / or integration are giving birth to the examples of re – territorialization in the course of de – territorialization of nation – states: new regional regimes, regional economies, regional political systems or regional organizations are emerging in many parts

of the world. In other words, in the age of globalization, among many other things, we also witness the rise of regions.¹¹

Very often a region is described as a group of countries in the same geographically specified area (Mansfield and Milner, 1999, p.589). Gregory (2000: 687) defines region as “a more or less bounded area possessing some sort of unity or organizing principles that distinguish it from other regions”. Defining them as ‘zones’, Fawcett (2005: 24) notes that the central feature of regions is their size; in her view “regions are smaller than the international system of states, but they are larger than any individual state or non – state unit”. Keating (1998, p.8) on the other hand discerns six different territorial social systems, constructed at different spatial levels: the global, the continental, the state, the regional, the local, urban or municipal and the neighborhood. Despite these and many similar definitions, which areas shall be called as regions is still a controversy (Mansfield and Milner, 1999). Rather than the size, proximity or geographical ties, the academics tend to call the areas as regions when there are cultural, economic, linguistic or political ties between a group of countries in that area. Therefore, basically, a region is a territory, whose residents have common characteristics and ties such as cultural, linguistic, economic or political (Keating, 1998; Wunderlich, 2008; Fawcett, 2005).¹² More than that, social constructivists bring ‘identity’ into their analyses and say that the countries with a common identity comprise a region whether they share the same geographical location or not (Kupchan, 1997).

Regions are believed to exist since time immemorial, but rather than being spatially and functionally fixed, they have been created and re – created in the

¹¹ Unlike a very common misperception, the process of globalization does not bring sameness between places (Schrijver, 2006). On the contrary, it causes territorial differences and diversities to be highlighted and sustained. As the process gathers pace with causing the world become more and more interconnected with transforming the international system and structuring, the rise of regions emerges as an example of these attempts by localities. Basically, political and economic functions, which have been administered by nation – states, are being located at different geographic levels including the regional in the face of crises of national economies and the nation – state.

¹² According to Gregory *et al.* (2009: 630) the term ‘region’ is used to denote “(a) an area or zone of indeterminate size on the surface of the Earth, whose diverse elements form a functional association; (b) one such region as part of a system of regions covering the globe; or (c) a portion of one feature of the Earth, as in a particular climate region or economic region”.

course of history. They are historical, cultural, political and economic structures and their form and function change from time to time to adapt new realities. In that sense, region is a process in itself. Furthermore, like all other territories, regions are social constructs (Keating, 1998; Mansfield and Milner, 1999; Gregory, 2000; Paasi, 2010).¹³ They are socially constructed from both inside and outside by a regional process, in which actors such as politicians, institutions, entrepreneurs, journalists, teachers, voluntary associations are assumed to take part in articulating meanings related to the regions. A spatial entity becomes a region by the contribution of various practices such as discourses, relations and connections to history, culture, economy and politics, which in the end give a different meaning to the existing context of that entity. Many social processes, economic ones in particular and the capacities and interventions of the state prepare the ground for cultural and political processes that pave the way for the construction or ‘making’ up of a region. Regions are produced and reproduced by its inhabitants, performed by politicians, journalists, newspapers and they ‘come into being’ through infrastructures, systems of transports, and all forms of mobility (Paasi, 2010, p. 2301). Nature, the landscape and the related symbols are also crucial likewise the borders. In such a regionalisation process, borders assign important roles; they guide political activity as well as becoming influential in creating sociospatial distinctions and Othering (Paasi, 2010, pp. 2297 – 2300).

Today, in the age of globalisation, as de – and re – territorialization continues with increasingly hollowing out of the nation – state, various regions are being produced and reproduced in all over the world. The emergence of new regions and the acceleration of regional integration renewed interest for regionalism theories by triggering a new wave of regionalism in the mid – 1980s.¹⁴ Unlike the first wave of ‘old regionalism’, which was developed to

¹³ Geographical studies examine regions in three forms: as a given statistical or an administrative unit with a spatial frame; as bounded, contiguous constructs with boundaries and regions as a product of social practices and discourses (Paasi, 2010, p.2297).

¹⁴ Although there has been a renewed interest in regions and regionalism, none of these phenomena is new. While regions are believed to exist since time immemorial, regionalism can easily be traced back to the formation of the nation – states in two main waves since then: regionalism and the new regionalism.

explain the regional integration in Western Europe theoretically, the ‘new regionalism’ is not confined to Europe, it is a worldwide phenomenon.¹⁵ Very basically, it refers to the “current ideology of regionalism, i.e. the urge for a regionalist order, either in a particular geographical area or as a type of world order” (Hettne and Söderbaum, 2000: 457). It transcends free trade areas or agreements and it encompasses many issues such as economic, political, security, social and cultural. It is about a programme, strategy and most probably about institution building to organize, create, produce or construct a spatial entity in the form of a region. More than these the new regionalism has a political ambition: creating regional coherence and a regional identity. This is simply a quest for becoming a region (Hettne, 2002).

New regionalism has emerged within a new context, which has been taking place with the transformations in the world: the end of bipolarity, the decline of American hegemony, the erosion of nation – state system, the growing of interdependence and the increased pace of globalization (*ibid.*). For these reasons, it is different from the old one in several aspects. Firstly, unlike the old one which took place in a Cold War environment with a bipolar world order, the new regionalism is taking place in a multi-polar world. The old regionalism was a regionalization project from above, while the new regionalism takes place with voluntary participation of states, which aim to cope with the global challenges through cooperation. Therefore, the new regionalism is highly linked to global structure and globalization. In terms of economy, the old regionalism was protectionist. As this is not applicable in today’s globalised world economy, which dictates economic interdependency; the new regionalism is defined as ‘open’. The old regionalism had specific objectives, security, economic, etc. for the regional integration and cooperation. The new regionalism is a result of multi-dimensional societal processes which do not

¹⁵ As Wunderlich (2008) observes, there are two waves of regionalism; old and new regionalisms. The old Regionalism (the old regionalism) was developed as a theoretical framework to explain the regional integration in Western Europe and it was influential between 1950 and 1970. Early theories of regional integration, such as federalism, functionalism, neo – functionalism, and transactionalism are the main theoretical approaches within the old regionalism theory. By the mid – 1980s, the ‘new regionalism’ began to emerge with a new conjuncture taking shape as a result of the structural transformations in the world.

have one or several clearly defined objectives. Lastly, as the old regionalism was trying to explain the regional integration in Western Europe between 1950 and 1970, it dealt mainly with the relations between the nation – states, why and how they transferred their sovereignties. New regionalism, on the other hand, is a result and at the same time a reaction to the process of globalization in which it is assumed that many actors from different societal levels (state, non – state, NGOs, corporations, transnational actors) operate. Therefore the main concern of the new regionalism is definitely not the nation - states but it is about the regionalization of a particular geographical area (Hettne, 2002, pp. 325 – 326).

As a process, region is shaped both by endogenous and exogenous (globalisation and the structural transformation in the world) factors. Each geographical area has its own endogenous factors and the impact of globalisation as an exogenous factor differs in various parts of the world. Therefore regionalization processes and regionalisms that shape them differ in different parts of the world, making regions dissimilar.¹⁶ The concept of ‘regionness’ developed by Hettne (1999a, 1999b, 2002, 2005) and by Hettne and Söderbaum (2000) aims to transcend these differences and make regionalization in a geographical area comparable to others by looking at endogenous factors.¹⁷

¹⁶ The second wave of regionalism or ‘new regionalism’ is a world wide phenomenon. Very basically, it refers to the “current ideology of regionalism, i.e. the urge for a regionalist order, either in a particular geographical area or as a type of world order” (Hettne and Söderbaum, 2000: 457). Interpreted in this way, regionalism is about a programme, strategy and most probably about institution building to organize, create, produce or construct a spatial entity in the form of a region. Regionalisation, on the other hand, is the process that paves the way for “regional cooperation, integration, complementarity and convergence within a particular cross – national geographical space” (*ibid.*).

Neither regions nor regionalization processes are uniform. Many of them are products of unintentional regional cooperation be it economic or political while many are results of intentional regionalization projects Besides macro – regionalization processes such as EU, NAFTA and APEG in three core regions, Europe, North America and Asia Pacific, there are micro – regionalization processes such as NUTS regions in the EU, cross – border regional cooperations or development corridors in Africa as well as other regional organizations such as ASEAN or Black Sea Cooperation (Hettne and Söderbaum, 2000).

¹⁷ Hettne (1999a, 1999b) and Hettne and Söderbaum (2000) have developed a core concept of regionness, around which they have shaped New Regionalism Theory based on global social theory, social constructivism and comparative regional studies. As a concept, regionness helps to explain the degree of economic, political and social interaction in a specific geographical area, that make that area different from other areas.

The concept of ‘regionness’ describes the process of regionalization or transformation of a geographical area to, more or less, a region in five degrees or levels by linking social, political and institutional aspects in this process.¹⁸ First of all, there is territoriality. A region is a territorial, geographical unit with delimitations and ecological characteristics. Secondly, the emergence or existence of a social system based on social contacts, transactions and relations of interdependence between its inhabitants, including the actors and agents, is believed to facilitate the emergence of a region.¹⁹ The third level of regionness is the emergence of a regional society, in which various actors from different societal levels strive to transcend the national space by using various processes of communication and interaction in several dimensions. They are supposed to share some norms and rules. State, non – state or transnational actors make up the regional society and they try to organize cooperation in economic, political or military fields at the regional level. The fourth level of regionness is the emergence of a regional community, in which “organizational framework facilitates and promotes social communication and convergence of values and behavior throughout the region” (Hettne, 2002: 328). Lastly and still hypothetically, the fifth level of regionness is the emergence of a new political entity – a regional institutionalized polity – a ‘region – state’ with strong actor – capabilities and decision – making structures.²⁰

As new regionalism theory tries to explain, hypothetical regional polity – ‘the region – state’ should be different from a nation – state in many respects.²¹ For instance, in terms of culture, there should not be cultural homogenization

¹⁸ Rather than aiming to put forward a stage theory that the five levels of regionness make readers assume so, the scholars Björn Hettne and Frederik Söderbaum try to develop a framework to understand and analyze the emerging regions in a comparative framework with regionness (Hettne, 2002).

¹⁹ According to Hettne and Söderbaum (*ibid.*) this social system and the interdependent relations between the inhabitants also make up a ‘regional complex’ that denotes the existence of an interaction or interplay between the actors and agents.

²⁰ In terms of culture, the region – state does not feed on only one culture, but from a plurality of cultures and in terms of political order, it is about “a voluntary evolution of a group of formerly sovereign national communities into a new form of political entity” (*ibid.*).

²¹ Issue of heterogeneity is one of them. While states pool their sovereignties, become part of a regionalization process voluntarily, cultural homogenization or imposition of only one culture can not be accepted. Therefore, heterogeneity in terms of culture, ethnicity and language has to be an indisputable characteristic of it.

and standardization of only one culture, but it should nestle on a plurality of cultures. Moreover, the political order of a region – state is assumed to be more democratic from any other international polity as member states are expected to pool their sovereignties voluntarily (Hettne and Söderbaum, 2000, pp. 458 – 468, Hettne, 2002).

For the purposes of this study the question of how different the borders of a region – state from those of a nation – state needs to be interrogated. Borders are much more than being only lines on maps. They are institutions; they define and delimit territories, mark the identities and become instruments of state policy. More than these, they are simultaneous processes: bordering and othering. They reflect the state – projected difference between “us” and “them”, between “inside” and “outside” and between “a friend” and “a foe”. According to nation – state ideology, the people inside the borders are considered to be the fellow – countrymen while the enemy is found at the outside. It is assumed that all borders such as identity, language or religion, solidarity, security, law and order and military confrontation as well as ‘otherness’ coincide with the hard borders of a nation – state (Bigo and Anderson, 2003, pp. 10 – 17). Following these lines, having restrictive, impermeable hard borders is one of the bases of a nation – state. This is the way that borders are imagined, constructed and projected by nation – states.

As new regionalism theory argues, borders of a region and its region – state are expected to be differently imagined, constructed, projected and enforced from a nation – state. Unlike the borders of a nation – state, the borders in a region – state are expected to be porous, permeable and / or open. That is mainly because a region – state devotes its emergence to the globalization. Globalization is marked by interconnectedness and by flows of goods, capital, services and people across the borders of the nation – states. In line with these, it is seen as the trigger of the changes in institutional and policy regimes to allow and further facilitate these flows. According to this reasoning, borders of a region – state are expected to be porous and permeable to allow all these flows. Restrictive and excessively controlled borders, which are believed

to demonstrate the power and sovereignty of a nation – state by delimiting its territory, are believed to be anachronistic and defunct today because they contradict with the very basic characteristics of globalization. In other words, restrictive and excessively controlled borders are features of the nation – state, that should not be copied by the region – state. Bordering process of a region – state is expected to be different; where the underlying assumption of the nation – state that all borders coincide with the hard, territorial borders and cultural essentialism is avoided. A more inclusive and less restrictive process is foreseen in order to bring out the potential of the geographical space out of which a hypothetical region – state comes.

2.4.1. The European Union: A Region – State?

Rightly or wrongly, Europe is often called as a region, and the EU is assumed to stand as the regional institutional polity of this region. EU, is indeed, believed to be the prime example of re – territorialization in the European continent. Integration continues at different levels, in the sub – national, national and supranational with triggering more integration but also setbacks at the same time. But is Europe a region? According to the indicators, it is very likely. The EU – Europe presents the closest regional arrangement to a region (Hettne, 2002, Hettne and Söderbaum, 2000). More than that as it happened in the old regionalism and regional integration in the 1950s to 1970s, according to new regionalism theory, which bases its assumptions on European integration, EU – Europe has the capacity to take the lead and serve as a paradigm for other regionalization efforts in the world.

Exogenous factors were always present in the long regionalization period of Europe. Cold War context, US support for the establishment of an internal market through integration and later globalisation can be discerned as the ones in the twentieth century. Endogenous factors, on the other hand, are examined by the ‘regionness’ framework. As a first level; there is a specific regional space ‘from Atlantic to the Urals’ in Europe. According to Hettne (2002), by 1300, Europe existed as an identifiable cultural identity and European peoples,

especially the elites, had common cultural practices, a common experience of higher education in addition to the growing social and economic relations between all inhabitants. Since then the volume and intensity of these relations has increased; in particular in the last 50 years, many European states have joined in the regional integration project EC / EU in several enlargement waves. Today EU has 27 Member States with covering almost 500 million people. There is a high volume of trade within the EU with a common currency and with common rules for market regulation. Ways of doing things in various fields from agriculture, research and development, information technologies to higher education are converging through common policies and enforcement. There are special socialization, education and exchange programmes such as SOCRATES and ERASMUS. All of these function effectively to deepen the social relations of the European inhabitants. It should also be noted that though the relations between the inhabitants of the EU Member States are deeper, this social system does not only cover them. It also covers the peoples of the current and future candidate states to the EU, the European states that are reluctant to join the EU or the ones treated within the framework of Neighborhood Policy.²² In the light of these developments, it is not wrong to concur that European inhabitants have interdependent relations and there is a translocal social system, a regional complex in Europe.

In addition to these, there is enough reason to believe that there is a regional society in Europe because there are commonly shared and promoted values and norms. Democratic values and practices, the rule of law, human and minority rights are the most prominent ones, which are not only shared but also exported to the candidates and neighbors. Furthermore, since 1960s there is a regional integration framework in Europe. This framework has its institutions, decision – making procedures and its own corpus of law. This framework does not only facilitate and promote social communication between peoples of its members, but it also necessitates communication and consensus among the

²² Currently, Turkey, Iceland, Former Yugoslav Republic of Macedonia, Serbia and Montenegro are candidate countries to the EU, while the potential candidates are Albania, Bosnia and Herzegovina and Kosovo under UN Security Council Resolution 1244. The reluctant European states are Switzerland and Norway, where people rejected EU membership in referendums.

bureaucratic elite and heads of government and state. As a result of this organizational framework and social communication; political systems, economic policies and understandings about security and security arrangements are converging and a regional community is emerging in Europe.²³

Lastly, Europe has its regional institutionalized polity, with distinct identity and actor capabilities as well as decision – making structures: the EU. EU has its own decision – making procedures and exclusive competence over many core nation – state functions, such as management of the economy (by the help of the economic and monetary policy with controlling single currency for the euro – zone countries), market regulation (competition policy), management of trade within Europe (customs union) and with outside Europe (by the help of the common commercial policy). In addition to these the EU has supporting, coordinating or complementary competences in the fields of social policy, economic, social and territorial cohesion, environment, agriculture and fisheries, consumer protection, transport, trans – European networks, energy, control of borders and immigration, technological development and space, development cooperation and humanitarian aid (Treaty on Lisbon, 2007). Besides these capabilities, there is the ‘EU *acquis communautaire*’, cumulative body of European Community Laws, which is supreme over national laws of the Member States. In terms of actorness, EU is definitely “something more than its constituent parts” (Hettne, 1999b:110). Despite failures and gaps in the fields of foreign and security policies, it is a recognized actor in many areas of international relations such as trade, economy and development. It is a member to World Trade Organization (WTO) and Food and Agricultural Organization (FAO) and it has an observer status in the UN. European Commission acts as the single negotiator on behalf of the member states in the WTO and other international economic negotiations. EU has developed relations with many countries such as US, Russia, Mexico and Canada besides the partnerships between African, Caribbean and Pacific countries. In the light of these

²³ Fascist regimes in Southern Europe disappeared, while communist regimes fell in Eastern Europe. Liberal democracies replaced these regimes, *sine quo non* of which is the institutions that guarantee democracy, the rule of law, respect for human and minority rights.

arguments and modeling, it is obvious that in terms of regionalization, exogenous and endogenous factors are at work in Europe. That's why there is enough reason to think that there is high degree of 'regionness' in Europe or Europe seems to rise as a region as the new regionalism theory argues.²⁴ In the words of Hettne "Europeanisation of Europe" is taking place (Hettne, 2002: 23).

Regionalization at the macro level or Europeanization of Europe should not be read as a retreat of European nation – states. On the contrary, Europeanization / regionalization of Europe / rise of Europe as a region rescues the European nation – states, which, otherwise, would not be able to respond to the fundamental changes brought about by the end of the Cold War and globalization (Wallace, 1994). Single Market Initiative, transformation of European Communities to a more political European Union, the introduction of euro with strictly regulated Economic and Monetary Union were all collective responses of the European nation – states to the challenges posed by globalization and transformation in their geopolitical landscape.

Following these discussions, there is enough reason to think that Europe with the EU is rising as a region. The borders of this emergent region – state are expected to become porous, permeable and /or open in order to let flows of goods, capital, services and people, which would bring out the potential of the geographical space out of which a region is rising. In the case of the EU, though flows of goods, capital and services are free to flow across the borders to a large extent, there are limitations and restrictions on the free movement of people. In particular, there are strict restrictions on the flow of international migrants, who at some point of their journeys are compelled to fall into irregularity largely because of these restrictions.

²⁴ As Europe is emerging as a region at the macro level, with its supranational institutions, own decision – making structures and law that is supreme over national laws, regionalization also takes place at the micro, sub national level.

2.5. IRREGULAR MIGRATION

Irregular migration has a complex nature. The concept defines the migration processes that have not been regularized by migration regimes. According to the International Organization for Migration (IOM, 2010b: 1) irregular migration is the “migration that takes place outside the norms and procedures established by States to manage orderly flow of migrants into, through, and out of their territories”. According to de Haas (2008: 13) it can be defined broadly as “international movement or residency in conflict with migration laws” and narrowly as “crossing borders without proper authority, or violating conditions for entering another country”. Triandafyllidou (2010: 2) defines it as the flow of migrants who are “at some point in their migration, contravene the rules of entry or residence” (*ibid.*). Differently from these academics, Vollmer (2011: 2) defines irregular migration and irregular migrants separately and explains the former as “the cross-border flow of people who enter a country without that country’s legal permission to do so” and latter as the people, who are “not entitled to reside there, either because they have never had a legal residence permit or because they have overstayed their time – limited permit”.

Despite the burgeoning literature on irregular migration, there is no clear-cut definition of the concept. Inexistence of a clear definition and terminology complicates the debates and further problematizes the phenomenon. A plethora of terms are employed by the academics, policy – makers and media when irregular migration or irregular migrants is the subject of the discussions. Besides the irregular, these include, undocumented, unauthorized, unlawful, illegal, clandestine, aliens without residence status, illegalized people, non – compliant or *sans papier*. Many of these terms are organically linked to illegality as the flow is very often called and mostly understood as ‘illegal migration’.²⁵ For many academics the term ‘illegal migration’ connotes with criminality and it demeans and discriminates irregular migrants (Triandafyllidou, 2010; Koser, 2005; Guild, 2004, Lahav, 2004). For many academics and human rights

²⁵ For a historical review of the birth of the idea of ‘illegal migrants’ and illegal migration see Düvell (2006, pp. 31 – 39).

advocates, such a labeling denies the humanity of migrants as it contradicts with the Article 13 of the Universal Declaration of Human Rights. Article 13 states that “(1) Everyone has the right to freedom of movement and residence within the borders of each state” and (2) Everyone has the right to leave any country including his own, and to return to his country” (The Universal Declaration of Human Rights, 1948). Although only emigration has been recognized as a fundamental right by the Article 13 (2), the right of immigration arises in parallel as the fundamental right of emigration can not be realized without immigration.

As Castles (2003) notes, international population movements have become one of the basic definers of the post – Cold War era. In line with this, the stock of international migration has increased 60 million in the last two decades and the international migration flows are believed to be growing. Irregular migration is a type of international migration and there is no single reason or single explanation for its existence and / or persistence. It is believed to be a result of complex factors such as “the will of individual migrants, economic factors, employers, politics and law” (Clandestino Research Project, 2009c: 2). Since the end of the Cold War, migratory pressures have been growing. At the same time, nation – states have been trying to restrict migration movements.²⁶ Very simply, in the face of restrictions migration movements are forced to take different paths to pass the barriers and restrictions (Düvell, 2006).

Irregular migration takes place when unwanted immigration is declared as unlawful and illegal as well as punishable by the states. This means that irregular migration does not take place on its own independently. Its emergence partly depends on the restrictive policies and regulations in receiving states and partly to the emigration pressures / push in sending countries (Ghosh, 1998).²⁷

²⁶ As Düvell (2006) notes international migration was largely unregulated until the second half of the nineteenth century. Any systematic management of the process was inexistent with only very few political interventions. The movement of people was restricted only in few cases such as binding people to the landlord, restriction of access to cities or restrictions by colonial powers on movement within and to their overseas territories (*ibid*: 22).

²⁷ Emigration pressures appear because of several push factors: economic factors (push of poverty and search for opportunities), political and ethnic oppression and internal violence, environmental degradation (Ghosh, 1998: 34 – 70).

In other words, it exists because more and more people want to migrate but there is lack of regular migration channels. When regular migration channels are inadequate or inexistent, would – be migrants are pushed into irregular ways and they fall into irregularity. More than that, the more restrictive the states make their immigration policies and control mechanisms, the more “migration is driven underground” and the more structural the irregular migration become (Düvell, 2006: 5). To sum up, the main reason for irregular migration is “the combination of restrictive immigration policies and expanding migratory pressures” (Djajic, 1997: 97).

Irregular migration has a clandestine nature therefore there are many unknowns, misperceptions and complexities about the phenomenon. One of the most common misperceptions is to think that irregular migrants are mostly heading from South towards North and the North is being overrun by poor unauthorized irregular migrants. However, according to the statistics, a significant number of people are also migrating within South in irregular ways (IOM, 2010c). Furthermore, irregular migration does not encompass only the undocumented residents and unauthorized entrants and workers, but a wide variety of issues such as refugees, asylum, asylum – seekers human trafficking and human smuggling, etc. that increase the complexities of the phenomenon even more.²⁸

Due to its clandestine nature irregular migration is not recorded as a result it eludes from statistical coverage that makes the data on stocks and flows of irregular migration imprecise (Clandestino Research Project, 2009a; Vollmer, 2011, p. 3). Furthermore, the existing data can not be compared as they come from fragmented sources (IOM, 2010c, p. 27). In the event of these

²⁸ Within this flow of irregular migration asylum-seekers and refugees have to be given special importance since in most of the times they do not have a choice other than moving in irregular or clandestine ways. At the same time, since the early 1990s there has been an increase in the number of people who apply for asylum without having a real need of international protection. With the hope of earning a permanent or a temporary refugee status to stay in the developed countries, these economic migrants have increasingly tried to use the asylum channel. In the end of the 1990s, the governments have started to apply more complicated asylum procedures in order to eliminate these economic migrants from the real asylum-seekers. Unfortunately, the developments and the practices of governments blurred “the distinction between migration control and refugee protection” (Koser, 2005: 8).

methodological deficiencies in probing the nature and the volume of the phenomenon, the size of the irregular migration can only be estimated.²⁹ According to World Migration Report 2010 by IOM, 10 to 15% of the world's 214 million international migrants are estimated to be in irregular situations (IOM, 2010c). It is suggested that the volume of irregular migration has increased in recent years (*ibid*, p. 28).³⁰

As Erder (2004: 119) notes, irregularity may occur in any stage of the migration process: “during cross border movements either in the sending country or receiving country or both, as well as in the destination country, at the stage of entry, during residence or in the course of various economic activities”. More specifically, a migrant can easily become irregular by “entering a country without proper authority”, through clandestine ways, with fake documents, remaining in a country after the expiration of the visa or work permit, through bogus marriages or studentship or “fraudulently self-employed”, entering by the help of human smugglers or traffickers, or by abusing the asylum system (Koser, 2005: 6).

Considering all these complexities, unknowns and the nested issues within irregular migration (such as clandestine entry and asylum – seeking), it is difficult to master the phenomenon. In order to understand the whole picture

²⁹ With so many unknowns, it is difficult to make clear and consistent estimations. Clandestino Research Project (2009a, p. 3 - 5) notes that there is a need to distinguish between guesstimates without foundation and serious attempts of estimation. According to Vogel and Kovacheva (2008) there are three kinds of estimates on the size of irregular migration; *high quality* ones that have been prepared by following scientific methods, *medium quality estimates*, which depend on a high number of documents and which rely on the best available empirical data, making estimations of minimum and maximum numbers and *low quality estimates* made by experts with unclear foundations. However, even the most serious attempts put forward by high quality estimates have important limitations because of the clandestine nature of the phenomenon (Vollmer, 2011).

Another point is to be aware of the difference between the estimates on irregular migrant population and irregular migration flows. While there have been many serious attempts to produce scientific estimates for the size of irregular migrant populations in many countries, there are very few scientific estimates on the size of irregular migration flows. It should also be noted that because of the limitations on accessing relevant data, these estimates have serious methodological limitations (Kraler and Reichel, 2011). Border apprehension statistics are the most frequently used data for estimating the size of irregular migration (Jandl, 2004; Kraler and Reichel, 2011).

³⁰ According to the academics and statistics, global economic crisis caused a major decline in the irregular migration flows. However, it is also noted that because of the crisis many migrants have lost their jobs to which their work and residence permits have been tied. Many of these migrants, regular once or irregular since the beginning have continued to stay on in the destination countries fearing that they might not be able to return when the economies begin to recover (IOM, 2010c).

thoroughly, it is important to distinguish between irregular migration flows and irregular migrant population and the dependency between them. While irregular migration flows are “[the] events or processes that influence the size and composition of the stock of irregular migrant population in a particular geographic unit and over a particular period of time” (Kraler and Reichel, 2011: 100), irregular migrant population (stock or residents) are the people who are residing in the country unlawfully without a legal residence permit or people who are violating the terms of their entry or stay (e.g. irregularly working student – visa holders) (Clandestino, 2009a, p. 2). Net irregular migration flows directly affect the size or the stock of the irregular migrants in a given country.

As one of the main concerns of this study is a type of irregular migration flows, *geographic inflows* to irregular migrant stock in the EU and their restriction through a bordering process, it is important to understand the types of irregular migration flows and their relevance in increasing the irregular migrant stock in a given country. Kraler and Reichel (2011) identify three basic types of them: geographic flows, demographic flows and status related flows.³¹ Geographic flows are the geographical migration movements. They are the physical movements of crossing international borders. In other words, they are “the unauthorized entries into the countries over [their] national borders” (Kraler and Reichel, 2011:101). Demographic flows are the vital events of birth and death that affect the demography of the irregular migrant population. Lastly, status – related flows, are the status – related circumstances that make a regular migrant irregular, or visa versa (Kraler and Reichel, 2011: 100 – 103).³²

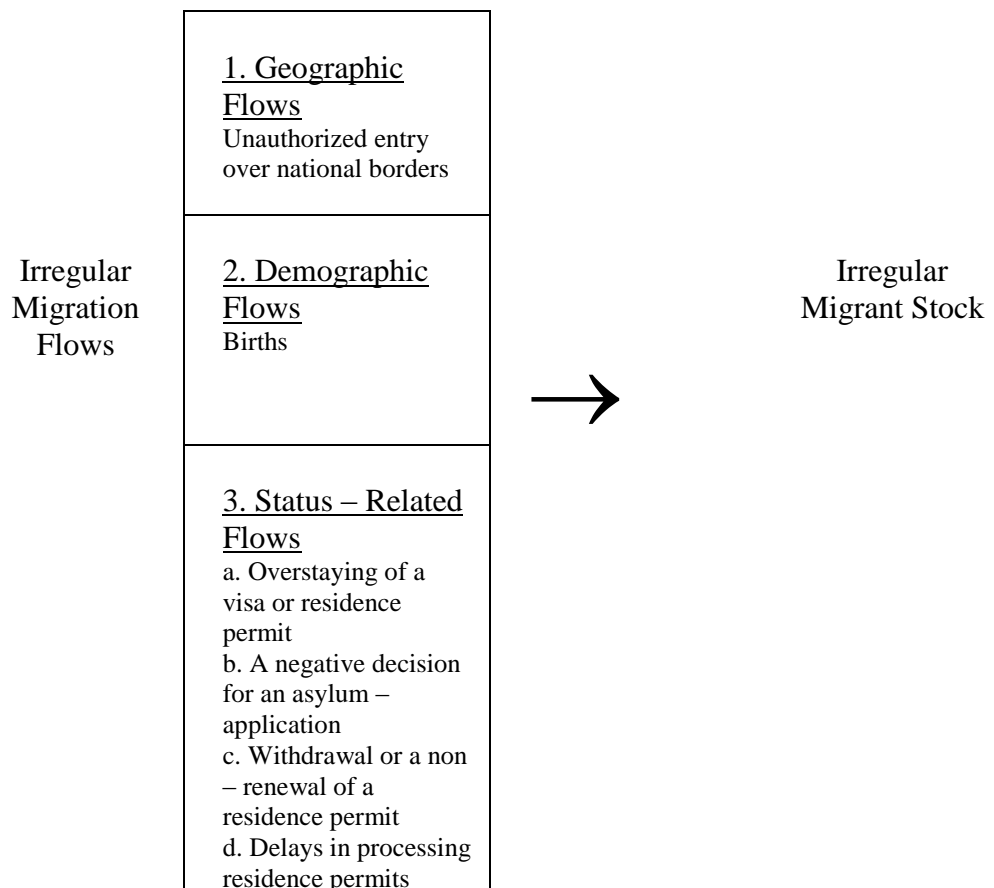
In many analyses irregular border crossings or in other words geographic flows are mistakenly taken as synonymous with irregular migration. In fact,

³¹ Irregular migration flows are grouped into two: in – flows and out – flows. While irregular entrance (geographic), births (demographic) and overstaying visa, status withdrawal, temporary lack of legal status (status related) flows are in – flows to irregular migrant stock in a particular geographic unit, out – flows are emigration, return, removal, onward migration to a third country, deaths (demographic) and regularization (status related) (Kraler and Reichel, 2011: 101). For its purposes, this study focuses only to irregular migration in – flows.

³² Kraler and Reichel (2011: 102) numerate five distinct status flows (inflows) to the irregular migrant stock in the EU: “(1) the overstaying of a visa or residence permit, (2) a negative decision in a status determination procedure, notably in the context of the asylum system, (3) a withdrawal of a residence status, (4) a non – renewal of a residence permit and (5) a temporary lack of a legal status because of delays in processing applications for residence permits”.

according to many academics and experts it is almost impossible to be sure of the exact impact of irregular migration flows on irregular migrant stocks due to the unavailability of data (Kraler and Reichel, 2011). Nevertheless, recent studies with scientific foundation, solid methodology and clear delimitation of the geographical area tend to show that rather than the geographical flows (irregular border crossings) status related flows, primarily the overstaying of visas constitute the major irregular migration flow to the irregular migrant stocks (Düvell, 2006; Cornelius, 2004; Clandestino Research Project, 2009a).

Table 2.1.Types of Irregular Migration Flows



Source: Based on Kraler and Reichel, 2011: 100 - 103 and Clandestino Research Project, 2009c.

Lastly, it should be noted that irregular migration is an important phenomenon that draws public attention and mobilizes public spending in the form of control mechanisms. It needs to be investigated further because in all receiving societies, there is a common need of gathering reliable data, without

which neither making functioning policies nor taking functioning political actions is possible.

2.6. BORDERS TO CONTROL IRREGULAR MIGRATION

Due to globalisation and global developments, the world has changed at an unprecedented pace in the last two decades. Political entities, their borders and migration flows have taken their shares from these changes. Rather than the transformation in the nature of borders, the transformation that international migration has been going through has aroused attention because it became more visible as it has mostly taken an irregular form and its volume has reached to unprecedented levels in the last two decades.

While many factors pulling and pushing would – be migrants to pack and set for the road, approaches and perceptions of the members of the Western recipient societies about international migration in general and irregular migration in particular, have also been changing. Simply, in the words of Castles and Miller (2003: 10) “[the] spectre of uncontrolled migration became a public issue in the West”. Moreover, increasing levels of international migration was accompanied by globalism, global economic depressions high – levels of unemployment and various other social problems in the recipient societies (Brochmann, 1999)³³. As a result of this complex web of relations and factors, Western industrialized recipient states have launched a quest for control, they increased immigration controls, proliferated themselves with new mechanisms and tools, and have made their immigration policies more restrictive. With all these they tried to regulate international migration they received, while curbing irregular migration.

The paths of borders and international migration have intersected at this exact point when many Western industrialized governments, including EU Member States prioritized external control mechanisms and employed border

³³ Many academics observed changes in the nature of international migration. Despite continuation, by the 1990s international mobility has taken new forms, most apparent of which are circular migration and irregular migration (Boswell, 2005; Castles, 1998).

management among them as their foremost instrument in regulating international migration and controlling irregular migration. As a result immigration regulation is increasingly conducted by the border policy and the borders became the primary tool in controlling irregular migration. In other words, they became the primary instrument of immigration regulation.

Every country's historical relationship with migration is different; therefore the preconditions for controlling and regulating migration are also different. As a result of these divergences, states employ various policies and mechanisms to control and regulate immigration. Labor quotas, border controls, visa restrictions, carrier liabilities, data bases for potential immigrants, identity checks, workplace inspections or development aid are examples of these mechanisms. However, with growing numbers of immigrants / immigrant communities and their increasing visibility in the recipient societies as a result of the populist politics, there is a widespread belief / perception in the recipient societies that immigration policies and their mechanisms are not efficiently working in controlling and regulating international migration in particular irregular migration³⁴.

Brochmann (1999) examines and analyzes immigration control policies and their mechanisms in a comprehensive and a compact framework, in which she makes a differentiation between external and internal policies on the one hand and between indirect and direct policies on the other³⁵. External control policies and mechanisms are those that are visibly employed by the states "to

³⁴ As it can be inferred, the main concern of immigration control is the irregular migration. Irregular migration is an issue with utmost priority for almost all governments in the developed countries including the EU member states. Its clandestine nature adds another ring to the chain of fears of the members of the receiving society about international migration and migrants, who 'flood' or 'invade' their societies. Boswell's words explain concisely the mainstream approach to immigration control and its relationship with irregular migration, in her words immigration control refers to the policies, mechanisms and tools "to exclude irregular migrants or unwanted foreign nationals through entry restrictions, border control, detention and deportation" (Boswell, 2007: 590).

³⁵ Though there are many articles and books on migration policies and the examination of regulations in a country or several countries within a comparative framework. Three books Hammar (1985), Böcker, *et al.* (1998) and Brochmann (1999) are the most influential ones for the purposes of this study. While Hammar (1985) and (Brochmann (1999) limit their comparative examination with European countries, Böcker, *et al.* (1998) have a wider universe in their research by also including US and Canada.

control entry before departure or arrival” while internal control policies and mechanisms are the ones that are exercised after the entry until the alien becomes a citizen (*ibid*: 12). Brochmann (*ibid*: 15) also categorizes these policies and mechanisms according to their characteristics of being either *explicit*, meaning public policy; or *implicit*, “hidden [...] more or less systematic malpractices of public policies”.³⁶

Table 2.2 Mechanisms of Immigration Control (Brochmann, 1999: 14)

	Direct / Explicit	Indirect / Implicit
External	<ul style="list-style-type: none"> * Entry restrictions / border control * Visa schemes * Carrier liability for transporting undocumented migrants * Computerized data bases on unwanted persons * Legislation against illegal trafficking * Preventative measures abroad: safe havens, information campaigns, readmission agreements 	<ul style="list-style-type: none"> * Erratic handling of entry restrictions / elements of arbitrariness * Indistinct definitions of the ‘needs of the nation’ * Preventative measures abroad development aid, direct foreign investment, reducing trade barriers
Internal	<ul style="list-style-type: none"> * Deterrent measures during periods of application and examination * Internal surveillance * Regulated access to ID cards * Regulated access to housing, social benefits, health care, education * Temporary residence, denizenship, naturalization * Amnesties * Employer sanctions * Remigration incentives * Repatriation and deportation 	<ul style="list-style-type: none"> * No non-enforcement of deportation / tolerated illegal status – administrative discretion in deciding on residence and employment permits, etc. * Ethnic community formation and cultural recognition * Policies and opinions building that facilitates initial integration and durable settlement, or conversely, social segregation or discrimination

As it can be seen from Table 2.2, there are various mechanisms for regulating and controlling immigration. Their primary objective is to regulate international

³⁶ According to Minderhoud (1998, 12), governments employ three kinds of instruments to regulate international migration. The first type of instruments is about “the right to stay in a country and it regulates the right of entrance and stay as well as the forced expulsion of immigrants”, “the second group of instruments concern the inclusion and exclusion of immigrants from access to the labor market or to the services of the welfare state”, while the third type of consists “special facilities offered by the governments to make entrance or the departure of immigrants more attractive such as housing or tax facilities, affirmative action, education or emigration facilities and premiums on departure” (*ibid.*). Minderhoud (1998) also introduces three sub-categories to the first type of instruments, measures before the border, (visa and pre-flight checks), measures at the border itself (border controls) and the measures inside the country (internal police checks).

migration. As they complement each other, internal and external mechanisms should be employed together to achieve this aim efficiently. More than complementing, these mechanisms have *interplay* between themselves. It means that the way one of them devised and implemented affects the way the other is projected and enforced. They have a deep interaction, they are tied or bound each other and for a better regulation of immigration, regular or irregular, they have to be employed together efficiently within the framework of a humane policy guideline that take the realities of international migration, both pull and push factors into consideration.

Usually, in line with the hypothesis above, states try to employ a comprehensive approach, in which almost all of these policies and external and internal control mechanisms are employed together to achieve effective results in regulating immigration. However, for several reasons, many governments fail to employ them together. Specifically, the internal controls are believed to be ineffective in many recipient societies because they are inadequately implemented or enforced. According to several academics, internal controls do not work in United States, Canada, in many European Union Member States, in China, in Brazil and etc. (Castles and Miller, 2003; Cornelius and Tsuda, 2004; Minderhoud, 1998).

According to Cornelius and Tsuda (2004) two hypotheses; the '*gap hypothesis*' and the '*convergence hypothesis*' are capable of explaining the current state of affairs in immigration controls. In their view (*ibid*: 4), that many recipient countries, including United States, Canada and Members of the EU are experiencing significant immigration control problems because "significant and persistent gaps exist between [their] official immigration policies and actual policy outcomes" (*ibid*: 5).³⁷ And as a result, a convergence is taking place at

³⁷ These gaps, which are widening, appear as a result of *flawed policies* (implementation of policy instruments that fail to deter irregular migrants in addition to low rate of interior enforcement of immigration laws, together resulting with the unintended side effects such as the emergence of phenomena like human smuggling or human trafficking), *macro – structural reasons* (the existence of huge demographic imbalances between sending and receiving countries, emergence and persistence of a stable demand for foreign labor" in many recipient societies and transnational migration networks that facilitate migration), *domestic and international political constraints* (pressure of 'client politics' in liberal democratic states and international political pressures, such

the macro – level of immigration control and immigrant integration policies of the advanced industrial countries³⁸. Basically they put forward that “the general features of [these countries’] immigration systems, such as the criteria for admitting legal permanent immigrants, use of temporary worker programmes and emphasis on external border control versus internal enforcement” increasingly bear resemblance to each other (*ibid*: 16)³⁹. According Cornelius and Tsuda (2004: 16 – 20), a convergence at the macro – level of immigration control policies and immigrant integration policies is taking place as a result of five main factors: *parallel path development*, when the countries devise their policies independently but since they face the same challenges and problems, the policies inevitably become similar or they become similar because they are the products of similar political institutions, policy- making regimes, public opinion trends and patterns of interest – group politics; *policy emulation*, in which governments examine the policies and regulations of other countries and they tend to borrow those policies with effective results; *regional integration*, where integration influences policies of the states that take part in it; *global events and geopolitics*, when international political and economic events, such as Arab oil embargo in 1973 or 9 /11 attacks affect immigration and immigrant policies and lastly *public opinion*.

In the light of all these arguments and hypotheses in the previous pages, an obvious one of these trends in the field of immigration regulation is the prioritization of external control mechanisms over the internal ones. Brochmann (1999) enumerates external control mechanism as entry restrictions / border control, visa schemes, carrier liability for transporting undocumented migrants,

as UN, ILO or regional organizations such as European Union) and lastly because of *ambiguous policy intentions* (meaning that officially declared policy is different from actual intentions) (Cornelius and Tsuda, 2004: 7 – 15).

³⁸ Though the academics call this phenomenon as convergence, they are also cautious to remind that they have examined only 11 migration receiving industrial countries but they have reached a consensus with the other contributors to the volume about the resemblance that the immigration control and immigrant integration policies of these countries increasingly bear to each other in important ways. In addition to these, the academics also note that rather than the emergence of a global convergence, which would be very ambitious in their view, they argue for the emergence of regional convergences in the fields of immigration control and immigrant integration (*ibid.*).

³⁹ Since micro – level policies, which are detailed regulations, procedures and mechanisms by the help of which macro – policies are executed, change frequently, they are not stable enough to evaluate whether there is convergence or not.

computerized data bases on unwanted persons, legislation against illegal trafficking and preventative measures abroad: safe havens, information campaigns and readmission agreements. Among these mechanisms, governments primarily rely on border control at their actual borders and visa regimes and carrier liabilities as the pre – border instruments. Secondly, they tend to introduce harsh legislation about human trafficking and human smuggling as well as deepening their relations with source and transit countries about readmitting their citizens, setting up of detention centers and making their own borders impervious.

Basically, excessive reliance on border controls – both at the pre - borders and at the actual borders - to regulate, control and prevent irregular migration by governments is carried out by placing overemphasis on borders themselves. However, since borders are not mere lines on the maps, but they are also institutions and political processes and such a bordering process has detrimental effects on the character of the political community and on the elements of the recipient society. That is because every bordering process is also an otherization process as it aims to prevent a group of people's entrance. In that way, bordering labels them the unwanted and thwarts the perceptions of the members of the recipient societies about not only irregular but also regular migrants. Similarly, from the point of immigration control, Brochmann (1999: 3) notes that:

“Immigration control carries with it various forms of costs – social, economic and political – for the state and for the society, some of which are visible in the short run, others only traceable over a longer time perspective. Some costs are easily connected to the control system. Border police budgets, expenses attached to public administration of immigration etc. Other costs are more subtle or ambiguous, and difficult to relate directly to immigration control, like the price attached to a more ‘controlled’ society generally speaking, and possible xenophobic reactions towards “visible” ‘foreigners’ who are believed to be unwanted”.

This trend has long been internalized by many EU Member States, most of which have been immigration countries. In line with this internalization, EU integration in the fields of immigration and borders have been given shape with these preferences.

2.7. METHODOLOGY

For a nation – state, its borders are much more than being simple lines on the map. They are political processes, institutions and basic markers of identity as well as being othering mechanisms. According to the assumptions of the new regionalism theory, borders and bordering processes of a region – state are expected to take place differently from those of a nation – state with putting different functions forward. As the theory argues, the borders of a region – state are expected to become porous, permeable and /or open in order to let flows of goods, capital, services and people, which would bring out the potential of the geographical space out of which a region is rising. In the case of the EU, though flows of goods, capital and services are free to flow across the borders to a large extent, there are limitations and restrictions on the free movement of people. The EU has worked for fortification at the external borders, controls are strengthened in airports, customs offices, passport checks and controls, a restrictive visa regime has been applied and by various databases, the EU has tried to regulate mobility – movement of non – European persons into its territory. However, these restrictions and limitations do not apply to all non – Europeans. For some of them, the EU borders are meant to be lax, while for the others, the EU has been building impermeable borders with multi – layers.

Following these lines, this study firstly examines the borders, border policies and bordering processes against the movement of foreigners in the emerging EU region – state. As every bordering process is also an othering process, this study searches the ‘others’ of this emergent region – state in order to discuss its nature, character and the future limits. Moreover, with its comparative dimension, it aims to find and explain the reasons of congruities and incongruities between Spanish and Turkish border policies and bordering / othering processes with those of the EU within the framework of new regionalism theory in order to come up with fresh thoughts on Turkey’s quest for EU membership in the light of the Spanish experience in befitting itself within the ‘borders’ of this emergent EU region – state. In line with this subject matter, the main research question of this study is: *‘Who are bordered against and as a*

result othered in the EU, Spain and Turkey?’ And ‘What do these bordering processes mean for the nature, character and for the future limits of the emerging region – state?’ In order to shed light on Turkey’s quest for EU membership in the field of borders against the movement of foreigners, this main research question is accompanied by the question of ‘What can Spanish experience at borders and in the bordering processes against the movement of foreigners into the emergent region – state tell for Turkey’s quest for EU membership?’

In order to find answers to these research questions, this study has a comparative research design. As Hollifield (1992: 17) explains, comparison is not bringing a collection of cases together. As Sartori (1994: 15) clarifies that “comparative” means explaining rather than describing. This study compares borders, border policies and bordering processes against the movement of foreigners in Spain and Turkey in the light of those of the EU region – state in order to explain who are bordered against and othered in these three entities; what these processes mean for the nature, character and future limits of the EU region – state and how Turkey might take place in the regionalization of Europe by complying with the emerging EU region – state’s bordering processes. To these ends, not only the examination of borders, border policy and bordering processes of the emergent EU region – state but also understanding how Spain adapted to the EU Border Policy and bordering / othering processes against the movement of foreigners to benefit itself within the borders of the regionalization in Europe are crucial. That is firstly because Spanish experience at the borders and bordering processes of the emergent EU – region – state’s borders and bordering processes against the movement of foreigners concretizes the findings on the EU region – state’s bordering processes and it is also believed to illuminate Turkey’s road in negotiating for itself during its candidacy. Therefore by comparing, the study aims to explain how a candidate country located at the edge, neighboring to irregular migration producing countries likewise Spain, might participate within the borders of the emergent EU region – state by empierring the most impermeable borders against the movement of foreigners.

In every comparative study, there is a negative correlation between explanation and abstraction, and the depth of description. In other words, when the studies include and try to compare more countries, their level of explanation will increase but the depth of the analysis will decrease. Such a study will not be able bring specificities of the cases as well as their contexts into the analysis. With keeping this in mind, this study delimits itself with only three cases – EU region – state, Spain and Turkey. Borders, border policy and bordering processes of the EU region – state is the reference point for the other two cases.

In selecting Spain and Turkey to be compared in the light of the EU region – state, ‘most similar’ case selection strategy has been followed. Spain and Turkey have many similarities in terms of borders, migration histories and geographical position to the countries producing irregular migration have been selected to be examined and compared in the light of EU region – state.

One of the most prominent similarities is the geographical location of these countries. Both of them are situated on the North – South division and they connect less developed regions to the developed, industrialized Western Europe. This in turn makes both of them important transit countries for the irregular migrants who intend to continue to Western Europe.⁴⁰ According to İçduygu (2004: 295), Turkey is a “part of the European frontiers, representing a sharp, even brutal divide between the developed Europe and the much less-developed realms of North Africa and the Middle East”. In other words, politically instable and irregular migrant producing countries, such as Iran, Iraq, Afghanistan, Syria, South Caucasian countries and Turkic Republics lie in the hinterland of Turkey. Very similar to Turkey, Spain lies in a geographical location that connects economically less – developed and politically instable Northern and Sub-Saharan Africa to Western Europe.

⁴⁰ According to İçduygu (2002), there are four main sea routes besides many air and land routes that are effectively used by irregular migrants. In his words the sea routes are: “(a) from Maghreb directly to the southern coast of Spain, or via Spanish enclaves in Northern Africa Melilla and Ceuta, (b) from Turkey to Greece, Sicily, mainland Italy, (c) from the south-east Adriatic coast to Italy, especially Puglia and (d) from Egypt (or the Maghreb via Tunisia, sometimes via Malta to Sicily or mainland Italy” (*ibid*: 31). In terms of sea routes, Spain and Turkey are thresholds, important transit countries for the irregulars. Furthermore, their land borders and coastlines serve as a gateway to the more developed regions in addition to linking south to north (both in the cases of Spain and Turkey) and east to west (in the case of Turkey).

Spain and Turkey receive both transit irregulars and the irregulars whose first destination is these countries. Their migration histories also show similarity. Both of them were countries of emigration, which has changed for Spain very recently. It is believed that Spain has become a country of immigration in the last ten years, while Turkey is believed to follow the same path to become one. Related with this, both countries lack adequate and competent policies, institutions and regulations to deal with immigration. Lacking all these abilities, they also fail to manage irregular migration. As a result of these inabilities, both of these countries rely on the control at their external borders to cope with irregular migration (Düvell and Volmer, 2009, p.18).

Another similarity is found in the political history of these countries. Both Spain and Turkey have imperial pasts that provide them another source of migration. Spain attracts migrants from the former colonies and Turkey attracts migrants from former Ottoman territories. Moreover, links of culture and language with certain source countries exist for both countries. Spanish speaking Latin Americans prefer to migrate to Spain. Similarly, many people from the Turkic Republics migrate to Turkey.

Last, but not least similarity is the association / link of Spain and Turkey with the EU. Spain is a member, while Turkey is a candidate. The related EU legislation binds both of them in theory and the EU is an important source of impact on these countries. The studies made on EU enlargement, especially the ones in which ten Central and Eastern European countries have joined the Union, say that the EU – candidate relationship is an asymmetric one and since the candidates are demandeurs in this relationship, the EU has a tremendous impact and leverage on the candidate countries. Despite the existence of many studies that support this argument, this relationship has not been working in that way in the case of Turkey. However, the country is a candidate country and more than that it has a deep association with the Union. As a result, the country is definitely open to the impact coming from the EU. Spain, on the other hand, is a member, but it is not an ordinary member in terms of borders. Spain is the frontier of the EU, guarding its borders against the less developed countries. Considering the

fact that both of the countries have the characteristics of a southern migration system, their border and migration policies and arrangements have been incompatible with the contemporary migratory movements. This has started to change very recently for Spain, firstly as a result of the EU influence and secondly because of the changing migration dynamics in the country. Similarly, Kirişçi (2003) notes that Turkish asylum and migration policies are far from coping with today's migration flows. Border management is also problematic. As a candidate for EU membership, Turkey will be negotiating Chapter 24 on Justice, Security and Freedom, which includes related EU *acquis* on visas, asylum, migration, borders and border management. Preparations continue within the subcommittee levels and migration and border issues are increasingly discussed within the Ministry of Interior in due course of the EU accession process.

However, despite having these similarities, while Spanish Border Policy and its bordering processes have been in line with those of the EU with minor deviations, currently there is an obvious dissimilarity between Turkey's border policy and bordering processes with those of Spain and EU. Spanish borders have been increasingly highlighted 'in the fight against' irregular migration. Turkey, on the other hand, has chosen to further liberalize its already liberal hard border and visa regimes.

The study has a time delimitation of 20 years – the period between 1990 and 2010. 1990 has been chosen as the starting date as it marks the beginning of a new era after the *annus mirabilis* 1989 in many respects for the all cases here (EC/EU, Spain and Turkey) as well as for the whole world. Only two months earlier, on November 9, 1989, Berlin Wall fell down and it paved the way for the dissolution of the Soviet Union, which changed the world order radically and affected every aspect of international system.

Amazingly though the fall of Berlin Wall was naively believed to end the divisions and to lead to a borderless Europe, the course of events, developments and the policy choices of European leaders lead to an opposite, bordered, wired and a walled Europe. With their instruments and measures, European states tried

to curtail migratory movements and EU level has also been used to take common action in particular for the protection of Schengen Area, which is marked by free movement of people. Important Europe – wide agreements and conventions (which would become part of the EU *acquis* afterwards) on borders and migration, such as External Frontiers and Dublin Conventions were signed in 1990 and 1991. Similarly, Spain introduced Schengen visa requirements in 1991 (though it ratified the Agreement in 1993) and it signed its first bilateral readmission agreement with Morocco in the same year. 1990 is also a very important date for Turkey in many respects. Due to its geographical proximity to the Soviet Union, it has been deeply affected by its dissolution since 1990 and 1991. This development has changed the whole structure of migratory movements to and through Turkey. Many former Soviet citizens migrated to Turkey in addition to the ones involved into circular or shuttle migratory processes in the country.

While the dissolution of the Soviet Union affected migratory movements to the EU / EC, Spain and Turkey in the 1990s, 2000s marked by the increase in the levels of irregular migration to these countries and to the EU from less developed countries in Africa, Middle East and Central Asia. The EU continued to introduce legislation on borders as well as intensifying its efforts by establishing working groups and border management agency in the second half of the 2000s. This decade is also very important for Spain because as it is revealed by the in-depth interviews with Spanish bureaucrats, the country has become an immigration country by receiving more than 6 million migrants only in the 2000s. Similarly, migratory movements and processes in, to and through Turkey have also intensified in this decade and Turkey is expected to develop functioning migration management strategy and tools. That is why borders, border policies and bordering processes of the EU region – state, Spain and Turkey between these two decades brought under magnifier in this study.

The research method employed in this study is qualitative research. The main reason for the employment of this method is the nature of the phenomenon examined. Unlike the common misunderstandings, it is not possible to define and

understand 'border' with a clear unequivocal definition because borders are not only the hard lines that separate political entities from one another. Borders are processes and also institutions. In the words of Balibar (2002: 75) they can not be attributed "an essence' that is valid in all places and at all times for all physical scales and time periods". In that respect, border is a very complex and a subjective phenomenon. Moreover, as Balibar (*ibid.*) observes the theorist who is trying to define a border is in the danger of "going round in circles" because of the dialectical relationship between borders and what they delimit. When borders delimit they do not only define what they delimit but they also identify it. In that respect, as processes, borders are also othering processes delimiting and thereby separating 'our' territory from 'theirs' and thus creating a dichotomy of 'here' and 'there' but also 'us' and 'them'. Following this reasoning, the subject matter of this study, 'borders against the movement of foreigners' is far more subjective than the border itself because every political entity might have different reasons that drive them to erect borders against the movement of foreigners. In other words every bordering / othering processes has different reasons and it might other different groups of foreigners for different reasons. Following these lines, as the subject matter of the study is such a complex and a subjective phenomenon and as the research questions try to reveal the nature and the reasons of the convergences or divergences between the bordering / othering processes of the EU, Spain and Turkey the study needs interpretation rather than quantification. Moreover, in line with the nature of the subject matter and the research questions, the study is of an explanatory kind and rather than having a hypothesis to test, it aims to generate new hypotheses from the collected and analyzed data about the borders, border policies and bordering processes of the EU region – state, Spain and Turkey and also about Turkey's quest for EU membership that might be tested in future research. While the subject matter of the study dictates the collection of nonnumerical data, such as reports, documents and interview notes, the type of data analysis dictated by the research questions is the identification of patterns and themes in the examined cases. That is why qualitative research methodology, which meets all these needs, is employed in this study.

As a qualitative, comparative study, the study follows the other main studies on borders and bordering processes in adopting a so – called Policy – Practice – Perception (PPP) Approach thereby it unpacks and analyzes bordering processes in each case by examining these levels. PPP Approach has increasingly been employed in examining the bordering processes by the contemporary border studies.⁴¹ This approach builds its arguments on the thesis that borders are not simply “legal institutions designed to ensure the integrity of state territory, but products of social practice, the results of a long historical and geopolitical development and important symbolical markers of ethnic and political identity” (Kolossoff, 2000: 625).⁴² In this respect, the PPP approach brings different levels of scale to the analyses: border policies, their practice at the border and the perceptions of the border by the people (Van Wijhe, 2010). In addition to these, the questions of identity, belonging and identification are also dealt with and discussed. Analyzes at different spatial levels are also integrated in this approach (Kolossoff, 2005).

The first level of analysis under PPP Approach is the practice related to transboundary flows developed under the influence of the border. Here the focus is on informal transboundary networks in business, NGOs etc. It is noted that the scale, form and objectives of these transboundary flows depend on the national security understanding of the states or supranational actors and the role that borders play according to this understanding. Border regimes also have an important place in this level of analysis since border activity is determined by them. The second level of analysis is the border policy. Border policy and the degree of its permeability is the focus of analysis. The strategies of the state, supranational or regional actors to regulate, stimulate or limit border activities are studied. The third and the last level of analysis is the perception of the border, the evolution and the channels of social representations on the border

⁴¹ According to the approach, borders are the institutions that define the territory of the states and protect it from outside as well as being social constructs; products of social practice, in which discourses, rhetoric and narratives play an important role.

⁴² According to Kolossoff (2000) there has been a recent attempt to synthesize the traditional and contemporary approaches to borders, by retaining the functional approach of traditionalist scholars but merging it with the social construction of borders arguments of the contemporary border scholars.

regions, on relations between neighbouring states and regions, cross-boundary cooperation and ‘high’ and ‘low’ geopolitical discourse. According to Kolossov (2005, p. 620 – 628), the foci of these three levels, transboundary flows, border policy and perception of the border, are interdependent and looking for a hierarchy or primacy among them is useless since like circuit, they all affect each other and take place at the same time.

Mainly following the PPP Approach, after an introduction, the examination of cases is organized under three main titles: border policy, borders and their management and bordering processes. In the first level of analysis, border policy of each case is examined and analyzed. These analyses try to understand the main concern and guidelines of these policies – against what or whom they aim to erect borders. The second level of analysis focuses on borders and their management. In this level, the study examines the border regime and the legislation on borders as well as the public authorities responsible for their management. In line with the contemporary understandings about borders as social constructs and that they separate, enclose and exclude at a number of spatial and social scales, the study does not only focus at *actual physical borders*. They are treated as only one layer of borders against the movement of foreigners into the EU region - state, Spain and Turkey. Visas, consulates, carrier sanctions, actual physical borders, etc. all these instruments, which are employed against the movement of foreigners into the territory of the EU region – state, are conceptualized as first layer of borders - *pre – borders* in this study. Moreover, in all of these cases, there are virtual digital databases in which data of travelers are recorded. As the recorded data appear in later applications or attempts to enter into the territory of EU, Spain and Turkey, these virtual databases are treated as other layers of borders – the *digital borders*. The third and last level of analysis is the bordering processes in each case. As the main concern of the study is to find out the objects of bordering and othering processes in the EU region – state, Spain and Turkey and to discuss the borders and bordering processes of the emergent EU region – state as well as to generate hypotheses for Turkey’s quest of EU membership in the light of

Spanish experience of negotiation at these borders and bordering processes, among the levels examined, the focus is on this last level: the bordering and othering processes against foreigners. Readmission Agreements, which set out clear obligations and procedures for the authorities of the non – EU country about readmitting their irregularly residing nationals, have been employed by the EU increasingly. However, as Readmission Agreements can be enforced after non – Europeans enter into the EU territory and fall into irregularity, they are not considered as a layer of EU borders against the movement of foreigners in this study. Though the conclusion of a future Readmission Agreement between Turkey and EU is a topic of hot debates in the media, this study only explains the positions of the parties slightly without focusing the issue.

The data of this study have been collected by two qualitative data collection methods – in – depth interviewing and document analysis. In – depth interviews have been conducted in Barcelona, Istanbul and Ankara between August 2011 and November 2012. The researcher has been able to carry out 28 in – depth interviews for the study in total. The list of interviewees and the dates of interviews can be found in the Appendix. In order to conduct in – depth interviews and collect new documents about Spain’s borders, border policy and bordering processes against the foreigners, the researcher spent two months in Barcelona between August 1, 2011 and October 1, 2011. During this period she was affiliated with University Pompeu Fabra’s GRITIM - Interdisciplinary Research Group on Immigration. The researcher applied specifically to GRITIM and chose to carry out in – depth interviews in Barcelona; firstly because unlike the other research groups in Madrid or elsewhere in Spain, GRITIM has harbored several academics and PhD candidates, who have been working on EU and Spanish borders and the relationship between borders and migration. Secondly, though Barcelona is not the capital city of Spain, it is one of the most cosmopolitan cities of the country with a large number of regular and irregular migrants with migrant organizations thereby providing an open laboratory for a researcher working on borders and migration. In Barcelona the researcher has been able to carry out 13 qualified in – depth interviews with members of NGOs,

irregular migrants, bureaucrats and a Member of Catalan Parliament from *Partido Popular*. In Turkey, on the other hand, 14 in – depth interviews have been conducted between May 1, 2011 and November 1, 2012. In addition to these, the researcher interviewed with one of the senior strategic analysts of EU’s Border Management Agency, FRONTEX, Mr. Roman Fantini in Istanbul on May 9, 2012. The interviews were semi – structured as this form with its flexibility and open – ended questions provided enough room for the interviewees to explain their opinions on the subject matter. Semi – structured interview format also built trust among the interviewees, bureaucrats and police officers, in particular, who felt free to express their opinions after some time. Again in order to build trust, the interviews were not recorded, notes were taken. The list of the interviewees and the questionnaire can be found in the Annex.

In addition to interview notes, the study of documents, legislation databases and parliamentary speeches were undertaken. In the case of the EU, the study has examined EU legislation on borders, EU institutions responsible for borders, reports submitted by these institutions as well as the EU operations carried out at the southern borders. Moreover, interview notes with Mr. Roman Fantini were valuable in directing the attention of this study to two concepts *bona fide* and *mala fide* at EU’s borders. Upon the direction taken from this strategic interview, the study examined *Eur-Lex*, the EU legislation database, which consisted of 2.815.000 texts in August 2012. By examining the related EU legislation on borders and the *mala* and *bona fide* people at its borders, EU bordering / othering process could have been figured out.

In order to find out the aims and guidelines of the border policies and the bordering processes of Spain and Turkey, on the other hand, related legislation have been examined, related newspaper articles in two mainstream newspapers *El Pais* (Spain) and *Hürriyet* but also *Zaman* (Turkey) were perused. However, besides these data, the study examined Parliamentary debates, where Ministers for Foreign Affairs and of Interior addressed to Spanish and Turkish Parliaments and explained facts or the policy on borders in the period between 1990 and 2010.

Spanish Parliament *Cortes Generales* has two branches: *Congreso de los Diputados* (Congress of Deputies) and the *Senado* (the Senate). In Spain, all Ministers appear before the *Congreso de los Diputados* to explain their policy guidelines when their term of office began, the policy priorities in their field and when they are asked questions by the Members of Parliament about their Ministries. The study examined the speeches and answers of the Spanish Ministers for Foreign Affairs and of Interior at the *Congreso de los Diputados*. These speeches were accessed at the official database of *Congreso de los Diputados* at www.congreso.es and all their speeches (2562) were filtered according to their topic titles. The speeches were in Spanish and the quoted passages were translated from Spanish to English by the researcher.

In the same way, parliamentary speeches of Turkish Ministers for Foreign Affairs and of Interior between 1990 and 2010 were accessed at the official database of The Grand National Assembly of Turkey (*Türkiye Büyük Millet Meclisi*) at www.tbmm.gov.tr and their speeches (708) were later filtered in the same way as the Spanish ones were filtered. This substantial data set, which is believed to be brought into light with a comparative dimension with this specific focus for the first time, has not only helped in figuring out the aims and guidelines of the border policies of these countries but it also provided the main data for the examination of bordering / othering processes of these countries.

In examining the aforementioned datasets – primary documents from *Eur – Lex*, parliamentary speeches from *Congreso de los Diputados* and *TBMM*, legislation, interviews and secondary documents such as reports and newspaper articles, the study has conducted content analysis. Both categories of content analysis; conceptual and relational analyses are employed. The datasets were codified according to the rules of entry and exit, the bans on foreigners, groups of foreigners mentioned within the context of borders and time (1990 – 2010) in the first place. Firstly, by conducting a conceptual analysis, which examined the existence and frequency of the concepts, border, border control, visa, carrier sanctions, carrier liabilities, the study uncovered the predominant themes prevalent in the discussions around borders and the irregular cross – border

movement of foreigners in the EU region – state, Spain and Turkey. Secondly, relational analysis building on the conceptual analysis, examined whether these concepts existed together with one of the concepts irregular migration, illegal migration, immigration, migrant and a specific group of foreigners. The main focus of the relational analysis was on the groups of the foreigners who existed in the context of these paragraphs. Though content analysis is also a tool for converting qualitative data to quantitative data, the main concern of the study was to analyze the context and the meaning of the paragraphs in which the aforementioned concepts exist together.

After the interview conducted with Mr. Roman Fantini, the researcher focused on *mala* and *bona fides* of the EU region – state firstly. Then, though it is not stated in any part of the legislations or parliamentary speeches by the Spanish and Turkish Ministers, the study tried to find out who were considered to be *mala* and *bona fides* in Spain and in Turkey between 1990 and 2010 and whether these groups of people were congruent with those of the EU region – state.

As Yin (2009), Gerring (2007) and Golafshani (2003) explain, validity and reliability are important determiners for the quality of a qualitative research and they recommend researchers conducting this method to be concerned about these factors from very early phases of their research. In order to increase validity of this study, during data collection phase, multiple data collection methods have been employed and multiple data sources have been utilized (*data source* and *data collection triangulation*) and during data analysis phase, data on each case has been analyzed to build explanation and rival explanations have been addressed. In order to increase reliability of the study, on the other hand, for the cases on Spain and Turkey, very similar data sources were utilized, same data collection and reduction procedures followed and the interviewees were asked the same initial set of questions (Yin, 2009).

Despite the laborious efforts in this study, the study has two main limitations. One of them is the lack of in – depth interviews with the bureaucrats in the Ministry of Foreign Affairs in Turkey and in Spain. It is considered that these interviews would shed light on the foreign policy objectives of these

countries and their relationship with the foreigners thereby they would complement the findings. Another limitation of the study is the lack of analyses for citizenship regimes of Spain and Turkey. In the later stages of the research, it is contemplated that Spain and Turkey might behave inclusive towards those *bona fide* people, whom they share cultural, linguistic, religious and historical ties with. Therefore, if their citizenship regimes were examined and for whom they were more inclusive during the period 1990 and 2010 was sketched, the findings of this study would be strengthened.

3. BORDERS AND BORDERING PROCESSES IN THE EUROPEAN UNION

As new regionalism theory presents, as a result of exogenous and endogenous factors, Europe has featured 'regionness' and it has been rising as a region. The institutional polity of this regionalization; the EU emerges as a region – state with its distinct actor capabilities, corpus of law and competences over many core nation – state functions. As new regionalism, puts forth such a re – territorialization in the form of regionalization also has a political ambition to create regional coherence and a regional identity (Hettne, 2002). In a nation – state identities and borders are deeply related with each other. Borders register and confer the identity of the people living within them, in doing these, they also expose the 'others' and give clues about the nature and character of the polity in concern. In other words, borders expose whom they delimit and thereby otherize. EU is different from a nation – state in many respects. But are its borders and bordering / othering processes against the movement of foreigners different? Against whom or what does it erect its borders? Does it behave differently or fall short of a emergent region – state at its borders? In order to generate new hypotheses about the nature, future limits and participation of other states in this regionalization, this section analyzes the border policy, borders and bordering processes of this re – territorialization in Europe.

EU external borders are explained with the phrase 'External Borders of the Member States of the European Union' and it is strictly underlined that Member States have their external borders and they are solely in charge of managing them. Though EU Member States are in charge of the management, the whole body of law on external borders is made at the EU level, likewise short – term visa regulation, asylum and return policies. More than these the management of virtual databases related to the borders and to the people caught at the external borders are both introduced and managed at the EU level. In addition to these, since 2006, the EU has an Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX).

Though the name of the Agency refers to the Member States in the first place, considering the European integration experience and how similar European agencies, which similarly tried to keep low profiles in the face of sovereignty anxieties of the Member States, later became supranational agencies with mandates and exclusive or sharing competences, this title is not convincing. FRONTEX is a European agency with a personnel made up of Eurocrats dealing with the risks and challenges posed at the EU external borders. More than these, regardless of how the issue of external borders are understood or dealt by whom within the EU; a non – European person encounters the EU, its border regime, its regulations, its visa and asylum regime, its agencies and its virtual databases when he wants to enter the EU territory. In other words, for a non – European person, who is knocking at the door, it is the legislation of the EU, which either opens the door or closes it. As a result, looking from the outside, whether they are openly expressed or not, the EU external borders exist. For these reasons, in this study the external borders of the EU Member States are referred as the EU external borders, legal existence of which is just a word game. Interestingly though the existence of EU external borders is open to discussion from the point of law, the existence of EU Border Policy, border management and as a result bordering processes are not. In order to trace EU bordering processes against the movement of foreigners and to discuss who are bordered and othered against at the EU borders and what this means for the emerging EU region - state, this chapter begins by examining the EU Border Policy.

3.1. EU BORDER POLICY

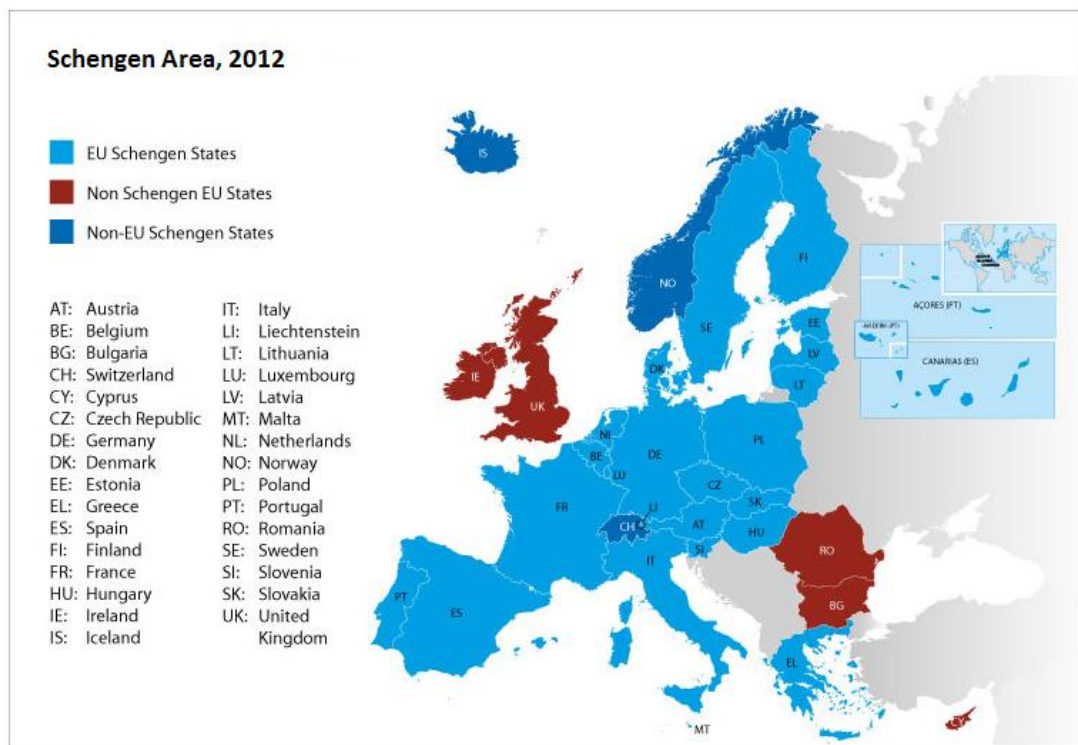
EU Border Policy is one of the most developed and established policies of the EU. The main aim of this policy is to guarantee and promote the EU citizens' right of free movement, which is one of the four freedoms lying beneath European integration. Schengen Regime lies at the core of the EU Border Policy, which is later supplemented by Dublin and External Frontiers Convention and enhanced

and furthered by the political guidelines and by the instruments adopted at the European Council meetings.

The Schengen Regime comprises the Schengen Agreement of 1985, the Convention Implementing the Schengen Agreement of 14 June 1985, Accession Treaties, and the Decisions of the Executive Committee and the Central Group on abolition of checks at internal borders and movement of persons, police cooperation and Schengen Information System (Schengen Acquis, 1999). The Regime has been incorporated to the EU *acquis* by the Treaty of Amsterdam (1997).

Having been signed between Belgium, Luxembourg, Netherlands, Federal Republic of Germany and France, Schengen Agreement and the Convention on its Implementation aimed to create a territory without borders where free movement of European persons would take place. These agreements set the main guidelines for removing checks and controls at the internal borders gradually. The territory delimited by the Schengen Regime is known as the Schengen Area.

Map 3.1. Schengen Area



Source: European Commission , 2012.

Schengen Area is the territory where free movement of persons is guaranteed by the Member States' removal of checks and controls at their borders with the other Member States. The number of countries that became part of the Schengen Area has reached to 25 with giving the chance of free movement to more than 400 million people.⁴³

The main concern of the Schengen Agreement was to ease intra – EC trade by removing controls at the internal borders.⁴⁴ However, under the influence of the end of the Cold War and the removal of strict controls on international movement of Eastern European peoples; the external borders, visas and the movement of non – European persons have become important concerns in the Convention Implementing the Schengen Agreement (1990). Therefore in addition to the common rules and procedures for removing controls and checks at internal borders, Schengen Regime has also introduced common rules and procedures at the external borders, for short stay visas and for asylum requests.

The Convention begins by defining what is meant by internal and external borders and in different chapters of Title II on Abolition of Checks at Internal Borders and Movement of Persons⁴⁵, it specified how the implementation would take place on crossing internal and external borders, visas, conditions governing the movement of aliens, residence permits and responsibility for processing applications for asylum.

According to the Article 1 of the Convention, the internal borders are “the common land borders of the contracting parties, their airports for internal flights and their sea ports for regular ferry connections exclusively from or to other ports within the territories of the contracting parties”, while the external borders mean

⁴³ Currently, the Schengen Area comprises 25 countries; all EU Member States except Ireland, UK, Bulgaria, Cyprus and Romania. In addition to the Member States, Norway, Iceland and Switzerland are also parties to the Schengen Area.

⁴⁴ Schengen Agreement is viewed as an early attempt to strengthen the border controls, but its *raison d'être* was to remove the problems that the truckers were facing when passing. In line with this, the Agreement mentioned external borders only twice in the Articles 17 and 24. While Article 17 was about preventing irregular migration, Article 24 was about the movement of goods from the external borders.

⁴⁵ Title II contains seven chapters: Crossing internal borders (Art. 2); Crossing external borders (Art. 3 – 8); Visas (Art. 9 – 17) and visas for long visits (Art. 18); Short term free movement of third country nationals (Art. 19 – 24); Residence permits (Art. 25); Organized travel (Art. 26 – 27) and Responsibility for examining asylum applications (Art. 28 – 38) – replaced by Dublin Convention).

“the contracting parties’ land and sea borders and their airports and sea ports, provided that they are not internal borders” (Convention Implementing the Schengen Agreement of 14 June 1985, 1990 in Schengen Acquis, 1999: 29). Crossing of internal borders has been regulated with only one Article, Article 2, which says “the internal borders may be crossed at any point without any checks on persons”. In the subparagraphs, it also notes that due to security reasons the contracting parties may decide to reintroduce national border checks for a limited period of time (*ibid*: 30).

Unlike the internal borders, the crossing of external borders has been given high importance and it has been regulated by 6 detailed articles in the Convention, namely Articles 3, 4, 5, 6, 7 and 8. It is important to highlight that in these articles, which set the common guidelines for the governance of external borders, there is a specific reference to the non – European persons.

The Articles note that the external borders “may in principle only be crossed at border crossing points and during the fixed opening hours”; “the contracting parties undertake to introduce penalties for the unauthorized crossing of external borders at places other than crossing points” and “the contracting parties shall ensure that [...] passengers on flights from third States who transfer onto internal flights will be subject to an entry check [...] at the airport at which the external flight arrives” (*ibid*: 32 – 33). For the Aliens’ crossing of borders and their stay for less than 90 days (3 months) Article 5 says that the aliens, who possess a valid document authorizing them to cross the borders, a valid visa or the documents which justify the purpose and conditions of the stay as well as the sufficient means of stay and of return including not having an alert to be refused and not posing a threat to the public security may be granted entry into the territory of the contracting parties (*ibid*, 34).

Article 6 of the Convention regularizes cross border management. Basically the article says that cross border movement at external borders is subject to checks by competent authorities of the contracting parties according to uniform principles. These uniform principles say that checks on persons for verification of travel documents, conditions about entry, residence, work and exit will take place.

In addition to those, there will also be checks to detect and prevent threats to the national security and public policy of the contracting parties. These checks will be carried out by the contracting parties according to their national law. Aliens will be checked thoroughly according to these principles while they are entering into the territories of the contracting parties. According to the article, the contracting parties undertake to deploy qualified border personnel, who will carry out external border surveillance between crossing points. Furthermore it is decided that an equal degree of control shall be exercised at external border controls (*ibid*: 36 - 37).

According to Article 7, the contracting parties will “assist each other and maintain constant, close cooperation with a view to the effective implementation of checks and surveillance”. In order to achieve these aims, they will “exchange all relevant, important information with the exception of personal data” and they undertake to harmonise the instructions given to the authorities responsible for checks as well as promoting standard training for this personnel (*ibid*: 37).

As it can be seen from these Articles, rather than the objects, vehicles or other things, external borders of the Schengen Area focuses on non – European persons. In that sense, about the movement of non – European travelers through external borders, three basic principles can be identified in the Schengen Regime:

1. No non – European traveler should access to the Schengen Area (with or without a short stay visa) if he might constitute a security risk for any one of the Member States
2. Entry from a Schengen external border means admission to the whole territory and a short stay Schengen visa issued by a Member State is recognized by other states for admission
3. After a non – European person enters to the EU territory, he is entitled to move within the whole of the territory for three months out of every six without a further control at the internal borders of the participating states (Schengen Acquis, 1999; Guild, 2001, p. 16).

In 2006, these principles were codified in a detailed ‘Community Code on the rules governing the movement of persons across borders’, which is also known as Schengen Borders Code (Council of the European Union, 2006c). According to the Code (2006c), while European citizens and their family members undergo a ‘minimum check’, non – European persons are subject to ‘thorough’ checks. These thorough checks comprise “a verification of the conditions governing entry, including verification in the Visa Information System (VIS) and, if applicable, of documents authorizing residence and the pursuit of a professional activity” (*ibid*: 3). For the stays at most 3 months per a six-month period, a non – European person has to provide a valid travel document, “a valid visa (if required), justify the purpose of his/her intended stay and have sufficient means of subsistence; shall not have an alert issued for him/her in the Schengen Information System (SIS) for the purpose of refusing entry; and he shall not be considered a threat to public policy, internal security, public health or the international relations of EU countries” (*ibid*:5). If he can not provide these documents or meet these conditions, his entry to the EU territory will be refused.

These principles and their developed and codified version in the Schengen Borders Code (2006) indicate that about the external borders, the focus of the Schengen Regime is on the non – European persons, but not on all of them, it focuses on the unwanted non – Europeans, who might constitute a security risk for any one of the Member States. Following these lines, it can be underlined that the external borders, in the way they are defined, codified and governed by the Schengen Regime aim to prevent unwanted non – European persons.

Schengen Regime has been incorporated to the EU *acquis* by the Treaty of Amsterdam (1997). Treaty of Amsterdam entered into force in 1999. After this date, Schengen Regime was enhanced, supplemented and furthered by many instruments adopted at the European Councils. The external borders are currently dealt within the ambit of Area of Freedom, Security and Justice (AFSJ). Since Amsterdam Treaty (1997), AFSJ has been gradually built by Tampere (1999 – 2004), Hague (2004 – 2009) and Stockholm (2009 – 2013) Programmes. Thus besides the Schengen Regime, the Presidency Conclusions of the European

Councils between 1999 and 2009 and these Programmes are important to understand the EU Border Policy.

Following the entry into force of the Amsterdam Treaty, in its Tampere meeting on October 15 – 16, 1999, European Council recognized the difficulty of ensuring freedom, prosperity and peace in Europe and it highlighted the necessity for the development of “common policies on asylum and immigration, while taking into account the need for a consistent control of external borders to stop illegal immigration and to combat those who organize it and commit related international crimes” (European Council, 1999: 8). The main focus of Tampere European Council was on migration. In line with this, the Presidency Conclusions treated external borders under the title of ‘Management of Migration Flows’, which called for more efficient management of migration at all stages (countries of origin and transit with campaigns and a common policy on visas and forged documents, as well as cooperation with consulates); coping with irregular migration at source; closer cooperation and mutual technical assistance between Member States’ border control services and full compliance to the Schengen acquis by the candidate countries (European Council, 1999, p. 3 – 6).⁴⁶

Important steps on the establishment of a common border policy as well as common immigration, asylum and irregular migration policies were continued to be addressed in successive European Council meetings in the first half of the 2000s. After Tampere European Council (1999), measures on the establishment of these policies were adopted in the Laeken (2001), Seville (2002) and Thessaloniki (2003) European Councils.

In its Laeken meeting, the European Council (2001) launched an initiative for more effective control of external borders:

“Better management of the Union’s external border controls will help in the fight against terrorism, illegal immigration networks and the traffic in human

⁴⁶ The bright side of the Tampere Programme was its aim for the fair treatment of legally residing third country nationals. However, in a couple of years it became obvious that “rhetoric did not result in policy shift and Tampere failed to make substantive institutional changes”, which might pave the way for reforms in the rights and conditions of the TCNs (Lahav, 2004: 47). While one of the main reasons for these inabilities was the restrictions on the Community institutions in acting these fields, another one was the reluctance of the Member States in introducing regulations in line with these policy priorities. However, progress took place in the other fields, which can be described to have restrictive aims over international migration.

beings. The European Council asks the Council and the Commission to work out arrangements for cooperation between services responsible for external border control and to examine the conditions in which a mechanism or common services to control external borders could be created. It asks the Council and the Member States to take steps to set up a common visa identification system and to examine the possibility of setting up common consular offices” (European Council, 2001: 13)

Following these assignments by the European Council in Laeken (2001), European Commission submitted a Communication, a proposal for a Common Policy on Management of External Borders. The Communication called for integrated management of external borders with at least five mutually interdependent components: a common corpus of legislation⁴⁷, a common co-ordination and operational co-operation mechanism⁴⁸, a common integrated risk analysis⁴⁹, staff trained in the European dimension and inter-operational equipment and burden-sharing between Member States in the run-up to a European Corps of Border Guards (European Commission, 2002: 13).⁵⁰ Meeting in Seville on June 21 – 22, 2002 European Council welcomed these plans and under the subtitle of ‘Gradual introduction of the coordinated, integrated management of external borders’ it defined the general political directions of and priorities for the EU external borders further:

“The European Council applauds the recent approval of the plan for the management of the external borders of the Member States, based on those three initiatives, which should, *inter alia*, help bring greater control of

⁴⁷ European Commission proposed to recast Common Manual on Checks at the External Borders with ‘best practices’; production of a Practical Handbook to be used by border guards; identification of principles and adoption of common measures on local border traffic in the short term – establishment of measures, standards and procedures to be followed by Member States in carrying out checks on persons in the medium term in order to enforce the common corpus of legislation, which already exists on external borders (European Commission, 2002, p. 14)

⁴⁸ European Commission recommended creating an External Borders Common Practitioners Unit that would be responsible for “acting as a ‘head of the common policy on management of external borders to carry out common integrated risk analysis; acting as “leader” coordinating and controlling operational projects on the ground, in particular in crisis situations; acting as manager and strategist to ensure greater convergence between the national policies in the field of personnel and equipment; exercising a form of power of inspection, in particular in the event of crisis or if risk analysis demands it” (European Commission, 2002: 15).

⁴⁹ Common Integrated Risk Analysis (which has later been established by FRONTEX and taken the abbreviation of CIRAM) is seen as vital to cover three different aspects of / “strategic lines of protection by external borders: in third countries, at the external border and within the common area of EU” (European Commission, 2002: 16).

⁵⁰ Communication of the Commission ‘Towards integrated management of the external borders of the Member States of the European Union’ was supported by Council of the European Union’s ‘Plan for the Management of the External Borders’ (Council of the European Union, 2002).

migration flows. It urges the introduction without delay, within the framework of the Council, of the common unit for external-border practitioners, composed of Member States' heads of border control, to coordinate the measures contained in the plan.

It also requests the Council, the Commission and the Member States, each within its respective sphere of responsibility, to implement the following:

before the end of 2002:

- joint operations at external borders;
- immediate initiation of pilot projects open to all interested Member States;
- creation of a network of Member States' immigration liaison officers;

before June 2003:

- preparation of a common risk analysis model, in order to achieve common integrated risk assessment;
- establishment of a common core curriculum for border guard training and consolidation of European provisions concerning borders;
- a study by the Commission concerning burden-sharing between Member States and the Union for the management of external borders” (European Council, 2002: 9 – 11).

Following these guidelines of the European Council, European Commission and the Council of the European Union continued bit by bit to build an area of freedom, security and justice in the EU with a common border policy. With regard to external borders, Tampere Programme boosted the EU's position and increased its role at external border controls in addition to a certain degree of harmonization in the field. European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) has also been established in 2004. FRONTEX prepares risk analyzes and assesses threats posed to the external borders. In addition to this very strategic assignment, it also coordinates Member States' operations conducted at the external borders.

When the Tampere Programme expired in 2004, it was followed by another multi-annual programme to establish a strong AFSJ: The Hague Programme for the years between 2004 and 2009.⁵¹ As the impact of terrorist attacks of September 11, 2001 and March 11, 2004 was paramount in the Programme, 'threat of terrorism' was an important reference point for several measures proposed within the Programme.

⁵¹ Hague Programme was a compilation of Commission's and Council of the European Union's Plans for the establishment of an Area of Freedom, Security and Justice and it was adopted by European Council in its Brussels meeting on November 4 -5, 2004.

In the Hague Programme, Commission set out 10 priorities in order to strengthen AFSJ for the next five years. Developing integrated management of external borders was one of them. The Programme also mentioned about the creation of an effective visa policy with common consular offices, a virtual database on visas and integration of biometric identifiers to the visa applications. Hague Programme was adopted by the European Council in its Brussels Meeting on November 4 – 5, 2004.

Alike Tampere, Brussels Presidency Conclusions have dealt external borders under the title of ‘Management of Migration Flows’. Under the subtitle of ‘Border checks and fight against illegal immigration’, European Council called for “further gradual establishment of the integrated management system of external borders and the strengthening of controls and surveillance of the external borders of the Union”; it urged Commission and the Council to fulfill Schengen acquis and make Schengen Information System II (SIS II) operational by 2007; invited them to introduce a Community border management fund by 2006 and establish teams of national experts that are able to provide technical and operational assistance to the Member States about external borders when they are in need (European Council, 2004: 22 – 24). Presidency Conclusions underlined once more that “control and surveillance of external borders [fell] within the sphere of national border authorities” (*ibid*: 25).

Differently from the Tampere Programme, biometrics and information systems have an important place in the Hague Programme. In line with this, Brussels European Council Presidency Conclusions (2004) emphasize biometrics and information system and pave the way for them to be employed in the management of migration flows in particular those of irregular migration. European Council calls for the integration of all instruments including information systems to be used at different levels of borders and border controls. The Presidency Conclusions note that “the fight against illegal immigration should be strengthened by establishing a continuum of security measures that effectively links visa application procedures and entry and exit procedures at external border crossings” (European Council, 2004: 26). For these ends, European Council calls

for the interoperability of EU information systems and virtual databases and avails external borders and border controls of technological advancements.

During the application of Hague Programme, external borders of the EU have become more concrete and tangible with increasing EU involvement. Between 2004 and 2009, 50 joint operations and 23 pilot projects were conducted under the coordination of FRONTEX at the external borders. Biometric passports and Schengen Borders Code, which sets the common standards to be followed on the crossing of internal and external borders by persons, have been introduced. In 2008, the Commission put forward its Border Package, a proposal about the guidelines on integrated border management. Integrated Border Management is the combination of all control mechanisms and tools about the flows of persons into the EU. It includes measures at the consulates (visas), measures in non – EU neighbouring countries (measures at transit countries), measures at the physical borders and measures within the Schengen territory. In other words, Integrated Border Management is linking of all tools for border control from source to destination like a chain in order to prevent irregular migration.

With these aims, in the Border Package, the Commission has called for an automatic entry – exit system, for a system of surveillance at southern and eastern borders (the proposed system is called as EUROSUR) and new technologies that can be deployed for an integrated border management. In addition to these proposals on physical borders, proposals on a visa code and on a visa information system (would become VIS later) were also submitted by the Commission. Work continued for SIS II and integration of biometrics. Visa facilitation agreements were signed with several Western Balkan countries and with Moldova (European Commission, 2009c). In sum, the achievements of the Hague Programme in the field of external borders were numerous and together with Tampere, the Hague Programme enabled more coherent management of the EU external borders.

The last multi – annual programme to strengthen AFSJ, the Stockholm Programme was introduced in 2010. The Programme covers the years between 2010 and 2014. It has many priorities for developing and strengthening AFSJ. One of the main priorities is the quest for the introduction of an internal security

strategy. It is told that the strategy shall aim “to strengthen cooperation in law enforcement, border management, civil protection, disaster management as well as judicial cooperation in criminal matters in order to make Europe more secure” (European Council, 2010: 17). The Programme refers to external borders and crossing of borders by non – European persons under the priority area ‘Access to Europe in a globalised world’:

“Access to Europe for businessmen, tourists, students, scientists, workers, persons in need of international protection and others having a legitimate interest to access the Union’s territory has to be made more effective and efficient. At the same time, the Union and its Member States have to guarantee security for their citizens. Integrated border management and visa policies should be construed to serve these goals.” (European Council, 2010: 5).

As in the other programmes, external borders are used within the context of prevention measures against irregular migration. However, as external borders have indeed become more efficient and effective in due time by the help of the Tampere and Hague Programmes and as the need to facilitate “access to Europe for businessmen, tourists, students, scientists, workers, persons in need of international protection and others having a legitimate interest” is felt and expressed widely now, Stockholm Programme reflects these expectations.

The Programme discusses integrated border management of external borders and visa policy separately in detail. About the measures on integrated border management, there is a specific emphasis on would – be asylum seekers at external borders. The Union has been criticized heavily for the last few years because of the FRONTEX operations at Mediterranean during which potential refugees were believed to turn down before they found a chance to step a foot on the EU territory to submit their asylum applications. These criticisms seem to be effective as the European Council (2010: 26) notes that:

“The Union must continue to facilitate legal access to the territory of its Member States while in parallel taking measures to counteract illegal immigration and cross-border crime and maintaining a high level of security. The strengthening of border controls should not prevent access to protection systems by those persons entitled to benefit from them, and especially people and groups that are in vulnerable situations.”

In line with this reference, within the Stockholm Programme, the European Council requests Commission to “clarify the mandate and enhance the role of the FRONTEX” and “preparation of clear common operational procedures containing clear rules of engagement for joint operations at sea, with due regard to ensuring protection for those in need who travel in mixed flows” (*ibid*: 27).

The other priorities of Stockholm Programme related to external borders are: training of border guards in order to achieve a common approach to an integrated border management; support to third countries in order to enhance their management of their external borders, continuation of developments on automated border controls. It should be highlighted that Stockholm Programme shows clearly that information technologies are going to be one of the most important elements of EU Border Policy. More than it did in the Hague Programme, the European Council makes a special reference to information technologies in the Stockholm Programme:

“The European Council considers that technology can play a key role in improving and reinforcing the system of external border controls. The entry into operation of the Second generation Schengen Information System II (SIS II) and the roll-out of the Visa Information system (VIS) therefore remains a key objective [...] The European Council is of the opinion that an electronic system for recording entry to and exit from Member States could complement the existing systems, in order to allow Member States to share data effectively while guaranteeing data protection rules. The introduction of the system at land borders deserves special attention and the implications to infrastructure and border lines should be analysed before implementation. [...] The possibilities of new and interoperable technologies hold great potential for rendering border management more efficient as well as more secure but should not lead to discrimination or unequal treatment of passengers. This includes, *inter alia*, the use of gates for automated border control.” (European Council, 2010: 34)

For these ends, the European Council requests European Commission to present proposals for an entry / exit system in addition to a fast track registered traveller programme, to prepare travel authorization programme and to continue examining the automated border controls (*ibid*). Commission continues to work on these proposals. Very recently, a proposal on automated border controls has been submitted to the Council of the European Union.

All these developments, policy tools and increasing competence of the EU institutions in the field of borders have found their way into the Lisbon Treaty

(2009), which amended the Treaty on European Union (Maastricht Treaty - 1991) and the Treaty on the Functioning of the European Community (Rome Treaty - 1957). Articles 77 – 80 under Chapter 2 – Policies on Border Checks, Asylum and Immigration of Title V of the Treaty deal with the borders. Article 77 of the Treaty states that “the Union shall develop a policy with a view to (a) ensuring the absence of any controls on persons, whatever their nationality when crossing the internal borders; (b) carrying out checks on persons and efficient monitoring the crossing of external borders (c) the gradual introduction of an integrated management system for external borders.” As this article makes it obvious, not only the integrated border management has been inserted into the Treaty for the first time but also ‘monitoring’ in other words surveillance of crossing of external borders by persons has come to the fore in the EU Border Policy. The Treaty mainly codified the existing practices in the field of borders with the broad conception of integrated border management and it has also given enough space to the Union to act in the future (Rijpma, 2009).

Since external borders have become subject to European integration (1999), many common rules on their management have been introduced by a large pile of documents, regulations, proposals and plans. Rather than changing the aims of the EU Border Policy, these documents have mostly developed new measures and instruments to realize these aims. The main aim of the EU external borders, which are now better equipped with different and integrated tools, is still to prevent the entry of unwanted non – European persons into the Schengen territory. In that sense, the main understanding on external borders and their functions in the Schengen Regime have been maintained. However, as this aim has crystallized in the EU Border Policy since the incorporation of Schengen Regime to the EU *acquis* by the Amsterdam Treaty (1997), the need to introduce another complementary aim has emerged: filtering unwanted non – Europeans. This aim has also added a new function to the EU external borders. In order to prevent unwanted non – European persons, external borders have to function as a filter.

Unveiling these aims of the EU Border Policy, European Commission (2007d: 76) vaguely noted: “EU borders should be open but controlled and secure”. Roman Fantini (Senior Strategic Analyst at FRONTEX) clarifies this as follows:

[EU external borders have to be open for *bona fide* travelers, but they have to be secure for *mala fide* people (Interview, May 9, 2012)].

Following these lines, it is inferred that rather than objects, vehicles or other things, the EU Border Policy targets non – European persons. In targeting non - European persons, it aims to establish external borders that filter so – considered *mala fide* non - Europeans from *bona fides* and prevent the undesirable *mala fide* non – Europeans’ entry into the Schengen Area.

3.2. EUROPEAN UNION INSTITUTIONS AT EXTERNAL BORDERS

Since the introduction of external borders within the framework of European integration, European Communities have adopted quite a few number of secondary legislation to be enforced by the Member States. Most of these secondary legislations are Regulations. In the adoption of these secondary legislations, upon the general political guidelines defined by the European Council, European Commission initiates a proposal and the Council of the European Union and the European Parliament legislate together though their competences on AFSJ matters were almost always asymmetrical until recently.⁵²

⁵² Treaty on the Functioning of the European Union (Lisbon Treaty), which entered into force in December 1, 2009, has brought quite a few changes in the field of AFSJ. As the Treaty abolished the pillar structure, Justice and Home Affairs (JHA) matters (previously the third pillar) will be treated under the same procedures as those of the Single Market matters (previously first pillar). Therefore first of all, all matters formerly dealt under JHA are going to be subject to the judicial review of the Court of Justice (General Secretariat of the Council of the European Union, 2009, p.2). As usual European Commission has the right to initiate new legislative acts on these matters, however it is going to share its right of initiative with a quarter of Member States (A quarter of Member States share the right of initiative with the European Commission in only 3 areas: judicial cooperation in criminal matters, police cooperation and administrative cooperation).

In addition to these, the Treaty moved several JHA areas “from the consultation procedure with unanimity in the Council and only consultation of the European Parliament to the ordinary legislative procedure with qualified majority voting (QMV) in the Council and full co – legislative powers of the European Parliament” (*ibid*: 3). In other words, in many JHA areas upon the initiative of the European Commission, Council of the European used to decide unanimously (if it could) and it was only taking the consultation of the European Parliament. However, now

It should also be noted that until the Lisbon Treaty (2009), Court of Justice did not have jurisdiction over the AFSJ matters, by December 1, 2014, it will be reviewing the legislations judicially.⁵³

Legislations made by these European institutions aim “to establish common standards for the management of the external borders of the EU” (Apap, 2008: 4). Thus European institutions do not manage the external borders but they introduce measures and common standards for the Member States. EU External borders are managed and supervised by the Member States themselves. However, as it will be examined thoroughly, very recently EU has established a Border Agency, FRONTEX to enhance cooperation between Member States on borders and enable them to comply and to apply the common standards and measures introduced by the European Communities.

The legal basis of the legislative powers of European Commission, Council of the European Union and European Parliament is the Article 77 of the Treaty on the Functioning of the European Union (the Lisbon Treaty) (*ex* Article 62 of the Treaty Establishing the European Community (TEC) (European Union, 2006: 66). According to Article 77 (2), upon a Commission proposal (the right of initiative), the Council of the European Union and the European Parliament (co – legislation) adopt measures concerning:

“(a) the common policy on visas and other short-stay residence permits; (b) the checks to which persons crossing external borders are subject; (c) the conditions under which nationals of third countries shall have the freedom to travel within the Union for a short period; (d) any measure necessary for the gradual establishment of an integrated management system for external borders; (e) the absence of any controls on persons, whatever their nationality, when crossing internal borders (*ibid.*)”

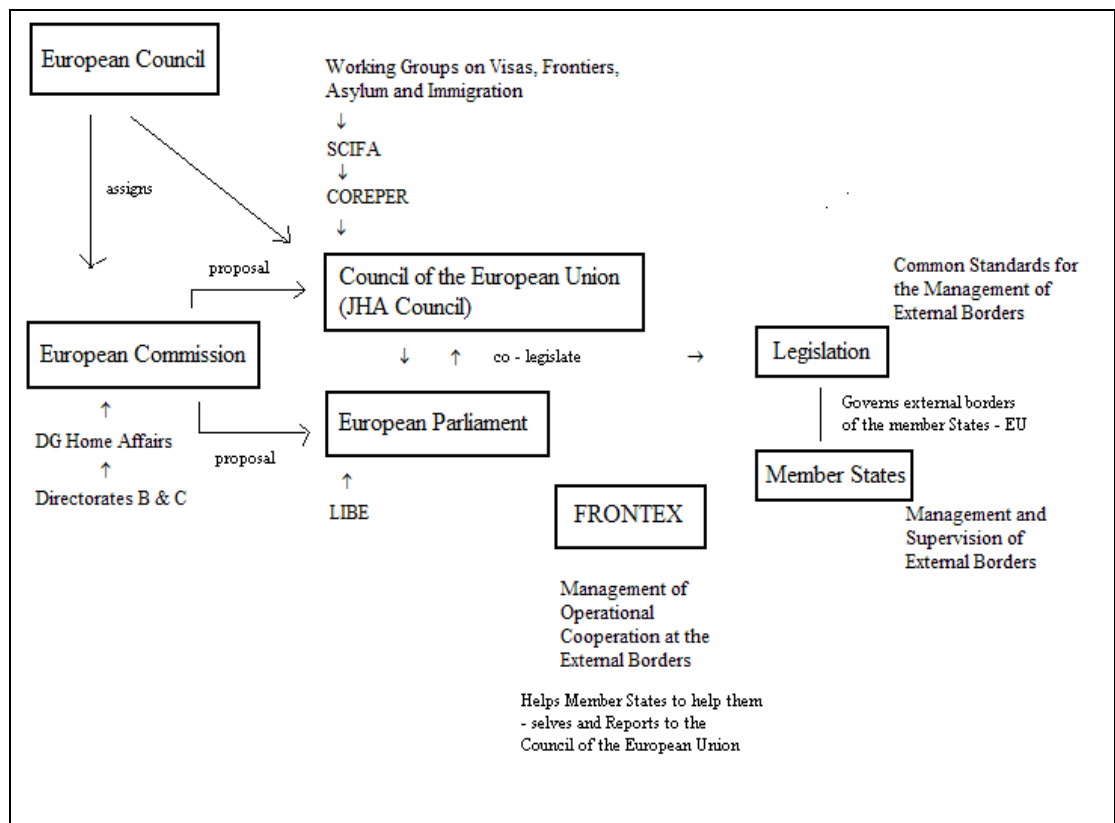
In adopting measures related to these issues, the European Parliament and the Council will act in accordance to the ordinary legislative procedure. Each of these European institutions have sub – divisions on AFSJ matters. In the European Commission, one of the 27 Commissioners is responsible for Directorates –

with the Lisbon Treaty, for many JHA matters, the legislative powers of the European Parliament have increased.

⁵³ According to the Lisbon Treaty (Art. 10 of Protocol 36) these powers of the Court of Justice and the European Commission will become applicable by December 1, 2014 (five years after the entry into force of the Lisbon Treaty) five years after the entry into force of the Treaty of Lisbon, i.e. 1 December 2014 (*ibid.*: 4).

General Home Affairs (Commissioner for DG Home Affairs) and Council of the European Union meets once in every two months in the configuration of JHA Council. Lastly, European Parliament has a permanent committee in charge of AFSJ legislation; the Parliamentary Committee Civil Liberties, Justice and Home Affairs (LIBE).

Figure 3.1 European Communities and External Borders



Source: European Commission, 2011j.

3.2.1 DG Home Affairs

DG Home Affairs is responsible for creating policies, measures and initiatives that contribute to the creation of an area of freedom, security and justice.⁵⁴ It deals with two main policy areas: ‘Migration and Asylum’, which include legal and irregular migration, integration, readmission and return) and ‘Internal Security’, which aims to prevent and fight against terrorism and organized crime, police

⁵⁴ The Commission is divided into several departments and services. These departments are called as Directorates – General (DG). Between 2010 and 2014, Cecilia Malström is the Commissioner responsible for DG Home Affairs.

cooperation and the management of external borders (including visa policy) (European Commission, 2011i: 1-2).

In addition to these policy areas, DG Home Affairs is also responsible for the EU agencies in the area of Home Affairs. The aim of these Agencies is to enhance cooperation between Member States about AFSJ matters. DG Home Affairs supervise, control and report them to the Council of the European Union as well as initiating proposals about them. These Agencies are FRONTEX, Europol, CEPOL, EMCDDA and EASO.⁵⁵ A new agency for the management of large – scale IT systems will also be established soon and it will also be under the DG Home Affairs supervision (European Commission, 2011h).

In the last two years, only in the fields of borders, visas and large – scale IT systems, DG Home Affairs has submitted 26 reports (excluding impact assessments), issued more than 100 notifications, conducted 5 studies, proposed more than 85 legislations with 80 of them having been adopted while 5 of them are still in the legislative process (European Commission, 2011j). Practically, DG Home Affairs does most of the work about JHA matters, including external borders and visas. Having more than 300 staff members, the DG has been divided into 4 sub – directorates under the Director – General. These sub – directorates are Shared Resource Directorate for Budget; Directorate A for internal security; Directorate B for Immigration and Asylum and lastly Directorate C for Migration and Borders. As it can be seen from the organization chart of the DG Home Affairs, each of these sub – directorates are also divided into several units.

Directorates B and C, the latter in particular, are of crucial importance for the purposes of this study.⁵⁶ Directorate B deals about Immigration and Asylum and within itself there are 3 more specialized sub units: immigration and integration; asylum and visa policy. Directorate C on the other hand deals with migration and borders. It has three sub units: border management and return policy; IT projects infrastructure and legal matters and large scale IT systems and Biometrics. This organizational structure makes it obvious that borders are being

⁵⁵ FRONTEX is the EU External Border Agency, EUROPOL is the European Police Office; CEPOL is the European Police College; EMCDDA is the European Monitoring Centre for Drugs and Drug Addiction and EASO is the European Asylum Support Office.

⁵⁶ See Appendix 4.2 for DG Home Affairs Organizational Chart.

dealt with migration within the DG. In addition to this, as the mandate of Directorate C is not confined to immigration and integration, it is inferred that what are being dealt together under this Directorate are borders and the irregular migration.

3.2.2. Justice and Home Affairs (JHA) Council

JHA Council meets once in every two months and it is made up of Justice and Interior Ministers of the Member State. Its meetings and discussions are prepared by preparatory bodies, which have specific expertise in the JHA matters. Currently, there are 19 such bodies, 2 of them being specific high level committees with remaining 17 specific working parties.

Table 3.1 Preparatory Bodies for JHA Council

Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) ^{*57}
Article 36 Committee (CATS)
Council Standing Committee on Internal Security (COSI)
Working Party on Integration, Migration and Expulsion
Visa Working Party
Asylum Working Party
Working Party on Frontiers
Working Party on Civil Law Matters
Working Party on Terrorism
Customs Cooperation Working Party
Working Party on Cooperation in Criminal Matters
Working Party on Substantive Criminal Law
Working Party on Civil Protection
Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons
Working Party on Information Exchange and Data Protection
JAI-RELEX Working Party
Law Enforcement Working Party
Working Party for Schengen Matters
Working Party on General Matters including Evaluation
Ad hoc Working Party JHA financial instruments (Source: Council of the European Union (2012c: 9)).

⁵⁷ * Article 71 of the Lisbon Treaty (2009) has called for the introduction of “a new standing committee within the Council in order to ensure that operational cooperation on internal security is promoted and strengthened within the Union” (Treaty on the Functioning of the European Union, 2008: 28). In the light of this provision, COSI was established in 2009 and COREPER decided that SCIFA and CATS committees should continue to meet until January 1, 2012 and until that date the necessity of having these committees should be re – evaluated by COREPER. In 2011 COREPER decided that SCIFA shall continue to its role while CATS shall cease to exist (Council of the European Union, 2011b; 2011c).

Among all these committees and working groups, Strategic Committee on Immigration, Frontiers and Asylum (SCIFA), which is established after the entry into force of the Amsterdam Treaty in 1999 for a five – year period, is of great importance in any serious discussion about the EU external borders.⁵⁸ The Committee consists of senior officials from the Member States and it prepares JHA Council’s discussions on immigration, frontiers and asylum. More than this, it issues strategic guidelines about these matters, deals with questions related to Articles 77, 78 and 79 of the Treaty on the Functioning of the European Union (Lisbon Treaty) (*ex* Articles 62, 63 and 64 of the TEC) as well as solving them from time to time and giving input to the COREPER’s discussions (Council of the European Union, 2006a: 1 – 3).⁵⁹

It is commonly recognized that SCIFA has a special place among all the JHA Council preparatory bodies. That is because it is “the only group which [can] provide an overview of the full range of activities in the fields of immigration, asylum and frontiers” (Council of the European Union, 2010b: 3). In addition to this, SCIFA is special because its members are drawn from senior level officials, who, unlike many members of other committees have capacity to resolve issues. After its introduction, SCIFA has put enormous input to the legislations related to AFSJ matters. Documents related to the work of SCIFA have not been classified as public. Therefore it is impossible to reach the discussions, opinions and suggestions of SCIFA. However, the legislations in the Eur - lex (the European legislation database) show that it has masterminded many important instruments related to external borders such as the development of VIS, the introduction of a safeguard clause to the Council Regulation (EC) No 539 / 2001 listing the third

⁵⁸ 1999 Amsterdam Treaty has also led to the creation of the External Border Practitioners Common Unit – a group composed of SCIFA members and the heads of border control services (that is why the Common Unit is also known as SCIFA +) (Council of the European Union, 2003). The Common Unit would lead the common policy on external border management by coordinating and controlling national projects and common operations related to border management (Neal, 2009; FRONTEX, 2012). Only after two years of Common Unit’s introduction, FRONTEX was established in 2004.

⁵⁹ Article 77 calls for the establishment of a border policy that would consist of both internal and external borders, Article 78 calls for a common asylum policy and Article 79 for a common immigration policy (Treaty on the Functioning of the European Union (Lisbon Treaty), 2008).

countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

3.2.3. Parliamentary Committee: Civil Liberties, Justice and Home Affairs (LIBE)

As a co – legislator in many of the AFSJ issues, European Parliament has a permanent parliamentary committee on AFSJ matters: Civil Liberties, Justice and Home Affairs (LIBE). LIBE is responsible for:

- “1. the protection within the territory of the Union of citizens' rights, human rights and fundamental rights, including the protection of minorities, as laid down in the Treaties and in the Charter of Fundamental Rights of the European Union;
2. the measures needed to combat all forms of discrimination other than those based on sex or those occurring at the workplace and in the labour market;
3. legislation in the areas of transparency and of the protection of natural persons with regard to the processing of personal data;
4. the establishment and development of an AFSJ
5. the European Monitoring Centre for Drugs and Drug Addiction and the European Union Agency for Fundamental Rights, Europol, Eurojust, Cepol and other bodies and agencies in the same area;
6. the determination of a clear risk of a serious breach by a Member State of the principles common to the Member States” (European Parliament, 2012b: 5).

On behalf of the European Parliament, LIBE deals with legislation about AFSJ, in particular about (a) measures concerning the entry and movement of persons, asylum and migration, (b) measures concerning an integrated management of the common borders, (c) measures relating to police and judicial cooperation in criminal matters (European Parliament, 2012b). In order to live up to these responsibilities, LIBE examines European Commission’s proposals related to AFSJ, it may propose amendments to these proposals and it prepares draft reports

to be presented at the plenary session. In addition to this, LIBE is also in charge of democratic oversight of the legislation adopted in the fields of AFSJ.

3.3. EU BORDERS AGAINST THE MOVEMENT OF NON - EUROPEANS

When borders of a political unit are thought; clear, definite separation lines with control points comes to mind. However, this understanding about the borders has been changing as the concept of border has undergone a transformation in the last two decades. The role and functions of the borders as well as the perceptions about them are changing. Today it is discussed that borders do not separate units only physically, but they separate, enclose and exclude at a number of spatial and social scales. In line with these arguments, it is argued that besides the physical, hard borders, there are also invisible borders, which unlike the hard ones are very difficult to cross. Furthermore, borders can be categorized according to their functions and genealogies.

Following Walters (2002: 562), it can be said that rather than being geopolitical and national, EU external borders are more a kind of “biopolitical borders”, which aim to regulate the movement of persons. As it is understood from the EU Border Policy, their main function is filtering people, not all of them but so – considered *mala fide* non European persons. In line with all these new understandings and categorizations on borders, it is figured out that in order to realize the aims of the EU Border Policy, the EU has established three layers of borders in the last two decades. In addition to the *actual physical borders*, two more borders at different spatial scales – *pre-borders* and the *digital borders* (Broeders, 2011, p.52) at work to filter and prevent the so – considered *mala fide* non – European persons.

3.3.1. Borders before the Border: *Pre – Borders*

Pre – borders are contemplated in this study as those impediments that a non – European person who wants to travel to the EU has to cross before she steps a foot to the EU territory. As the first layer of the EU borders, *pre – borders* complement the others and begin filtering so-considered *mala fide* non –

Europeans in their countries of origin. The first pre – border is the Consulates of the EU Member States, where Schengen Visas are obtained.⁶⁰ While Consulates, together with Schengen visas are the first layer of pre – borders; carriers and the controls by their personnel at the airports, seaports or at the train stations in the countries of origin before boarding is the second layer of pre – borders.

To begin with Consulates and visas, the former are the diplomatic offices of a state in another country and the latter is a document, which entitles the holder of the passport it is affixed to, the permission to cross the borders of the country issuing it. In the case of the EU, diplomatic missions and consular posts of the Schengen Member States are responsible for issuing Schengen visas for the black list countries' nationals, who want to travel to the Schengen territory.

By signing the Schengen Agreement and the Convention on its Implementation, EU Member States, which are also members to the Schengen Area, have committed themselves to introduce a common visa policy towards third countries and to continue harmonization in this field (Jileva, 2002, p. 684). Articles 7 and 20 of the Schengen Agreement are about visa policies of the Member States. While Article 7 calls parties to endeavor for the approximation of their visa policies in order “to avoid the adverse consequences in the field of immigration and security”, Article 20 calls them to endeavor for harmonization of their visa policies and the conditions for entry to their territories. Convention on the Implementation of the Agreement on the other hand, dedicates 9 detailed articles (9 to 18) to visas. All of these articles govern the application of short –

⁶⁰ As Neumayer (2006) explains, having existed since mediaeval times, the spread of passports and visas heralded to the formation of the modern nation – state. The right to grant entry to foreign nationals has been accepted as one of the most fundamental principles of the sovereignty of the nation – states. In line with this, the international system has been able to establish a thorough system on passports and visas; the former showing the nationality of the person in foreign lands, while latter is the realization or the actual practice of sovereignty of the nation – state in concern (Torpey, 1998).

Although recent studies question the strength of the nation – states' sovereignty and they argue that it is weakening in the face of globalization, few people do question their right to control and restrict entry into their territory. Universal Declaration of Human Rights, which recognizes immigration as a human right, is also in line with that rarely questioned right of the nation – states. In postulating “everyone ... the right to leave any country, including his own, and *to return to his country*”, Article 13 of the Declaration falls short of declaring a full right to the might – be immigrants since leaving a country does not mean anything if the person can not go another one. It is believed that prioritization of the sovereignty of the nation – states prevented the postulation of the right of complete immigration.

stay visas with the exception of Article 18, which explains the terms of issuing long – stay visas. According to this article, visas for staying more than three months shall be issued by the contracting states according to their national laws.

For short – stay visas, the parties have undertaken to adopt a common policy on the movement of persons; more specifically the members establish a common arrangement for visas relating to third country nationals, who need valid visas to enter to the Schengen Area. This common visa arrangement is complemented by a uniform valid visa, which is called as a Schengen Visa. It is either for travel (valid for one or more entries) or for transit and it is issued by the diplomatic and consular authorities of the contracting states.⁶¹ The contracting parties also keep the right to restrict the validity of a third country national’s visa to the territory of the contracting party issuing it, if the third country national fails to fulfill the entry conditions.

The role of the Schengen Executive Committee is paramount in further developing the visa policy of the EU. According to the Convention, the Committee is responsible for adopting common rules for the examination of visa applications, to ensure their correct implementation, in taking the necessary decisions on determining “the necessary travel documents for the uniform visa, the visa-issuing authorities, the conditions governing the issue of visas at borders, the form, content and period of validity of visas and the fees to be charged for their issue, the conditions for the extension and refusal of the visas, the procedures for limiting their territorial validity” and “for the principles governing the drawing-up of a common list of aliens for whom an alert has been issued for the purposes of refusing entry” (Article 17, Convention Implementing the Schengen Agreement of 14 June 1985, 1990 in Schengen Acquis, 1999: 43).⁶²

⁶¹Transit Schengen visa authorizes its holder “to pass through the territories of the contracting parties once, twice or exceptionally several times en route to the territory of a third State, provided that no transit shall exceed five days” (Article 11, Convention Implementing the Schengen Agreement of 14 June 1985, 1990 in Schengen Acquis, 1999: 37). In principle the uniform Schengen visa shall be issued by the diplomatic or consular authority of the contracting state, which is the main destination. If the main destination can not be determined then it shall be issued by the contracting state, from where the third country national enters to the Schengen Area (Article 14, *ibid*: 38).

⁶² Visa restrictions are also supported by the Article 64 of the Treaty Establishing the European Community (1991: 38), which sets forth:

Upon these articles in the Agreement and in the Convention, the Council of the European Union adopted a Regulation (Council Regulation 2317/95) in 1995 on the list of countries whose nationals must be in possession of visas when crossing the external borders of the Schengen Member states (Council of the European Union, 1995)⁶³. This list, which is also called as the *black list*, has been updated from time to time and in 2001 it was complemented by a *white list* of countries, whose nationals are exempt from visa. As it is presented in the next page, by 2009, the number of black list countries has increased to 132, while the number of white list countries is currently 38 (Council of the European Union, 2009b).

“...in the event of an emergency situation in a third country posing a threat of a sudden inflow of nationals from that country into the Community, the Council may...introduce a visa requirement for nationals from the country in question.” (Treaty Establishing the European Community, 1991: 38).

⁶³ Council Regulation (EC) No. 2317 / 1995 brought a list of 101 third countries whose nationals must be in possession of visas when crossing the external borders of the EU. During the preparation of this list, there was a provision not to include the CEE countries, such as Hungary and Poland. That is because these countries had visa – free entry agreements with one or more Member States at the time (Jileva, 2002). It should also be noted that adopting a Regulation rather than a Directive also showed the EU determination for harmonization in this policy area since Regulations have “binding legal force throughout every Member State, on a par with national laws as soon as they enter into force” (European Commission, 2011: 1).

Figure 3.2 White list

Albenia	Guatemala	San Marino
Andorra	Holy See	Serbia
Antigua and Barbuda	Honduras	Seychelles
Argentina	Israel	Singapore
Australia	Japan	South Korea
Bahamy	Malaysia	Saint Knitts and Nevis
Barbados	Mauritius	United States of America
Bosnia and Herzegovina	Mexico	Uruguay
Brazil	Monaco	Venezuela
Brunei Darussalam	Montenegro	Other
Canada	New Zealand	Hong Kong SAR
Chile	Nicaragua	Macao SAR
Costa Rica	Panama	British nationals (overseas)
Croatia	Paraguay	Taiwan
FYR of Macedonia	Salvador	

Source: Council Regulation (EC) No. 539/2001 of 15 March 2001 amended by Council Regulation (EC) No. 1244 / 2009 of 30 November 2009 (Council of the European Union, 2009b).

Figure 3.3 Black List

Afghanistan	Democratic Republic of Congo	Kiribati	Papua New Guinea	Togo
Algeria		Kuwait		Tonga
Angola		Kyrgyzstan	Peru	Trinidad & Tobago
Armenia	Dominica	Laos	Philippines	Tunisia
Azerbaijan	Dominican Republic	Lebanon	Qatar	Turkey
Bahrain		Lesotho	Russia	Turkmenistan
Bangladesh	Ecuador	Liberia	Rwanda	Tuvalu
Belarus	Egypt	Libya	Saint Lucia	Uganda
Belize	Equatorial Guinea	Madagascar	Saint Vincent & the Grenadines	Ukraine
Benin		Malawi	Samoa	United Arab Emirates
Bhutan	Eritrea	Maldives	Sao Tome & Principe	Uzbekistan
Bolivia	Ethiopia	Mali	Saudi Arabia	Vanuatu
Botswana	Fiji	Marshall Islands	Senegal	Vietnam
Burkina Faso	Gabon	Mauritania	Sierra Leone	Yemen
Burma/Myanmar	Gambia	Micronesia	Solomon Islands	Zambia
Burundi	Georgia	Moldova	Somalia	Zimbabwe
Cambodia	Ghana	Mongolia	South Africa	
Cameroon	Grenada	Morocco	Sri Lanka	Other
Cape Verde	Guinea – Bissau	Mozambique	Sudan	Palestine Authority
Central African Republic	Guyana	Namibia	Surinam	Taiwan
Chad	Haiti	Nauru	Swaziland	Kosovo
China	Haiti	Nepal	Syria	British overseas territories
Colombia	India	Niger	Tajikistan	citizens
Congo	Indonesia	Nigeria	Tanzania	British subjects
Cote d'Ivoire	Iran	North Korea	Thailand	British protected persons
Cuba	Iraq	Oman	The Comoros	
Djibouti	Jamaica	Pakistan	Timor – Leste	
	Jordan	Palau		
	Kazakhstan			
	Kenya			

Source: Council Regulation (EC) No. 539/2001 of 15 March 2001 amended by Council Regulation (EC) No. 1244 / 2009 of 30 November 2009 (Council of the European Union, 2009b).

According to the Regulation (EC) No. 539 / 2001 black and white list countries are determined on a case-by-case assessment of various criteria about irregular migration, public policy and security and the EU's external relations as well as implications for regional coherence and reciprocity.⁶⁴ According to Neumayer (2006: 81 – 83), the nationals of the “poor, authoritarian countries with a history of violent political conflict” are more likely to be imposed visa restrictions, while passport holders of OECD countries, including EU Member States face almost no obstacles in entering to foreign territories. Following these lines, by the help of the lists in the Regulation and the related studies, it is not difficult to make guesses on the criteria of determination for black and white list countries. It is evident that the nationals of less democratic countries, poor countries, countries with a record of armed conflict or irregular migration or with nationals involved in terrorist acts are more likely to be imposed visa restrictions (*Ibid*, p. 77).⁶⁵

In 1999, in order to guide consular posts and diplomatic missions, Schengen Executive Committee has adopted the Common Consular Instructions on Visas for the Diplomatic Missions and Consular Posts (Council of the European Union, 2002b), which has later been repealed by Community Code on Visas (Visa Code) in 2009.

Visa Code is a 58 – paged detailed document and it sets the main procedures and conditions for issuing transit (airport) and short stay visas by supplementing earlier procedures with new ones and by bringing them all into a coherent framework. This code applies to any third country national, who requires a visa when crossing the external borders of the Schengen Member States according to the common list. As it is noted in the preamble of the Visa Code, its aim is to develop visa policy of the EU by “facilitating legitimate travel and tackling ‘illegal’ immigration through further harmonization of national

⁶⁴ Regulation (EC) No. 539 / 2001 also mentions reciprocity in its preamble. With reciprocity it is meant that as a response, the states are likely to impose visa restrictions to the nationals of the countries, which impose the same restrictions to their own nationals and studies show that reciprocity in visa restrictions is a general practice. However, many countries, nationals of which are imposed visa restrictions by the EU, grant visa-free entry to the EU nationals. In that sense, an asymmetry emerges but these countries evade imposing visa restrictions for economic and touristic purposes (Neumayer, 2006).

⁶⁵ Similarly, Collinson (1996: 80) observes a common practice for West European states “to impose visa requirements on nationals of particular states generating refugees”.

legislation and handling practices at local consular missions” (Council of the European Union, 2009a: 1).

Visa Code covers detailed information and guidance on a wide range of issues about Schengen visa, such as the authorities responsible for issuing it, application procedures, biometric identifiers (photo and fingerprints) and how they are going to be collected, supporting documents, travel insurances, visa fee, the examination of application and decision, issuing of a visa and visas issued at the external borders.⁶⁶ Transit visa is given utmost importance “in order to combat illegal immigration” therefore “in urgent cases of mass influx of illegal immigrants Member States should be allowed to impose such a requirement on nationals of third countries other than those listed in the common list” (*ibid*: 2).

According to the Code, the visa applicant has to present an application form, a valid travel document, a biometric photograph, taken according to the EU standards, allow collection of her fingerprints, pay the visa fee, provide all the supporting documents and lastly she has to provide a medical insurance (Council of the European Union, 2009a, p. 8 – 9). Supporting documents, such as return ticket and documents explaining the purpose and conditions of visit, have crucial importance during the application process because in addition to a complete application, the applicant has to convince the officials that she does not pose a ‘security risk’ to any one of the Member States. Here it is important to note that though there is no emphasis on risk or security risk in the Visa Code, the Common Consular Instructions (Schengen Executive Committee; 2000: 11) underlined the security of the Member States and the fight against illegal immigration several times.

Therefore, though it is not openly stated, while lodging her application together with supporting documents, the applicant is expected to convince the visa officials in the interview that she will not pose a security threat to any one of the Member States and that she does not have any intention to become an irregular migrant in the European Union.

⁶⁶ The Code also highlights that Visa Information System (VIS), which is basically an EU – wide database about visa applicants, should be consulted while an application is being processed. VIS is going to be explained along with other instruments of the border and migration policies in the following sections.

Despite giving the permission, Schengen Visa does not guarantee entry. Entry to the EU territory is granted at the physical external borders after other conditions, which are laid down in the related national legislation of the Member State, are met. These other conditions are about the justification of the purpose of the trip and they are confirmed in interviews, occasionally with carrier personnel and always with the border officials.

The second layer of *pre – borders* is at airports, seaports or in train stations, where controls are held by the carrier personnel before non – European passengers start their travels. According to the Article 26 of the Convention on the Implementation of Schengen Agreement, carriers are liable to take all necessary measures to ensure that the non - Europeans they bring possess the travel documents required for entry. In other words, carriers are responsible for controlling passports and Schengen visas affixed to them and they have to check if the passport holder is the person, who is travelling. Therefore, carrier liabilities are highly related to visa restrictions. In addition this, carriers are also obliged to return the third country nationals they bring, if these passengers are refused entry (Convention Implementing the Schengen Agreement of 14 June 1985, 1990 in Schengen Acquis, 1999, p.41).⁶⁷

If carriers fail to fulfill their liabilities about non – European travelers, they are imposed sanctions. Carrier sanctions are imposed by the states since carriers are deemed liable by their laws for bringing passengers without proper documentation (Basaran, 2005). Following these lines, carrier sanctions are seen as “another tool of arrival prevention” that help states and strengthen visas in preselecting, detecting and returning people, who arrive with inadequate or forged entry documents (Boccardi, 2002: 48). Three Directives deal with the implementation of carrier sanctions in the EU Member States. The first one, Directive 2001 / 51 / EC harmonizes the financial penalties imposed on carriers,

⁶⁷ External Frontiers Convention, which was signed, only a year later included a similar article on carriers’ liability. With Article 14 of this Convention, the Member States undertake to incorporate their national legislations about airlines and shipping companies as well as international carriers. The purpose of this measure is to oblige the carrier to ensure that it is not bringing an alien without valid documents and visas in addition to making it to return the refused aliens to where they are traveled from (External Frontiers Convention, 1991, p. 4).

which bring third country nationals to the Schengen Area without valid documents. According to this Directive, the aim of the carriers' liability is to "[curb] migratory flows and to combat illegal immigration", therefore it assigns Member States to ensure "dissuasive, effective and proportionate" measures to the carriers to assume their liabilities, 'to control' and 'to return third country nationals whose entry is refused (Council of the European Union, 2001: 1 - 3). In the event of their failure to assume this responsibility, penalties, minimum amount being not less than 3000 Euros or maximum amount not less than 5000 Euros per person carried or a lump sum for each infringement not being less than 500 000 Euros irrespective of the persons carried shall be applied.

Similarly, in order to "combat illegal immigration and to improve border control", Directive 2004 / 82 / EC obliges carriers to communicate the passenger data to the competent authorities by the end of the check – in before boarding takes place (Council of the European Union, 2004c: 1). If carriers fail to assume this liability, they will be penalized by a lump sum being not less than 3000 Euros but not more than 5000 Euros.

Visa restrictions and carrier sanctions are not new instruments. They have been practiced since very old times by many countries.⁶⁸ In the words of Torpey (1998: 15) they are basically the "first lines of defense against the entry of undesirables" and at the same time, they are the realization of the very basics of the principle of sovereignty, according to which states have the authority "to determine who may enter their external borders" (Neumayer, 2006: 72). Similar to the strict border regulations, the aim of the visa restrictions and carrier sanctions is

⁶⁸ According to Boccardi (2002, p. 48), visa restrictions and national legislation for imposing sanctions against carriers have existed for a long time in many countries such as USA, Canada, Argentina, Australia, Bolivia, Brazil, Thailand, Uruguay and Venezuela. According to Basaran (2005, p. 152), carriers liability, which makes the imposition of carrier sanctions possible, is traced back to the British Act of 1793, according to which masters of vessels were either declared information about the foreigners on board or fined a certain amount. Similarly, Guiraudon (2006, p. 49) notes that in US, the 1924 Immigration Act regulated the issuance of visas through the Consulates while the 1902 Passenger Act urged the carrier companies to process the visitors and immigrants before they reached to the US soil during the Ellis Island times. According to the Passenger Act, the carrier, steam ship companies and the agencies were responsible for the people they brought to the country. They kept a very detailed list of the passengers and turned it in to the officials when they entered to the port. In addition to keeping this list, the steamship companies had the liability to return those passengers, who were rejected to enter.

to control and regulate mobility (Neumayer, 2006; Collinson, 1996; Samers, 2004).

In the case of the EU, there is no doubt that these pre – borders are employed to keep the so – considered *mala fide* non – Europeans out. Schengen Visa is instrumental in deterring them. It aims to preselect them before they physically appear at the actual hard borders. It deters them with additional costs, with the time the applicants will wait for acquiring a visa and with the complicated procedures. In addition to these, there is always the possibility for the applicant to be denied by the Consulates (Neumayer, 2004). Unlike a visa, carrier sanctions function just before or during the travel. They aim to prevent the arrival of so – considered *mala fide* non - Europeans, who might try to travel directly from their country to the EU.

3.3.2. Physical Borders

According to Article 1 of the Convention Implementing the Schengen Agreement, the internal borders of the Schengen Area are “the common land borders of the contracting parties, their airports for internal flights and their sea ports for regular ferry connections exclusively from or to other ports within the territories of the contracting parties”, while the external borders mean “the contracting parties’ land and sea borders and their airports and sea ports, provided that they are not internal borders” (Convention Implementing the Schengen Agreement of 14 June 1985, 1990 in Schengen Acquis, 1999: 29). EU external borders are 42672 km at sea and 8826 km on land, with 1792 external border crossing points. EU has 665 air, 871 sea and 246 land border crossing points together with an annual volume of more than 700 million people (European Commission, 2008a: 15).⁶⁹

Convention Implementing the Schengen Agreement of 14 June 1985, (Schengen Acquis, 1999: 30) regulates crossing of internal borders with only one

⁶⁹ The annual volume of external border crossings is very high and it’s increasing. Every year more than 700 million people (European citizens and third country nationals) cross EU’s external borders, while the number of border crossings is expected to rise %80 by 2030 (European Commission, 2011d). Currently there are more than 600 airports in the EU with extra – Schengen flights, by which every year 390 million people cross the air borders. In addition to these people 250 million people cross the land borders, while 70 million do the same over the sea borders per year (Dijstelbloem, Meijer and Besters, 2011).

Article, Article 2, which says “the internal borders may be crossed at any point without any checks on persons”. In the subparagraphs, it also notes that due to security reasons the contracting parties may decide to reintroduce national border checks for a limited period of time.

Schengen Borders Code regulates the crossing of external borders (Council of the European Union, 2006c). According to the Code, while European citizens and their family members undergo a minimum check, non – European persons are subject to ‘thorough’ checks at the external borders. Non – European persons’ conditions for entry are verified in VIS and their residence documents are controlled and authorized. For the stays less than 3 months per a six-month period, a non – European person has to provide a valid passport, “a valid visa (if required), justify the purpose of his/her intended stay and have sufficient means of subsistence; shall not have an alert issued for him/her in the Schengen Information System (SIS) for the purpose of refusing entry; and he shall not be considered a threat to public policy, internal security, public health or the international relations of EU countries” (*ibid*:5). If he can not provide these documents or meet these conditions, his entry to the Schengen Area is refused at the external border.

More than these Schengen Borders Code obliges travel documents of non – European persons to bear stamps upon entry and exit. According to the Code, if a travel document of such a person does not bear an entry stamp “it may be presumed that the holder does not fulfil, or no longer fulfils, the conditions of stay” as not bearing a stamp automatically puts that person into the basket of unauthorized border crossers (*ibid*:6).

Physical borders are those sites where a non – European person understands clearly that she is otherized and treated like a risk. Airports present the best example. Though it is not mentioned in the Code, in some Member States, thorough checks begin at the very door of the airplanes. Border personnel examine the passports and visas of the passengers before they even step a foot on the stairs that is going to land them to the Schengen territory. In others, documents of passengers are examined before they enter to the airports. However in all of the airports and other border crossing points, non – European passengers are filtered

from European passengers by signboards ‘Non – EU / EEA Citizens’, which channel them in front of the desks of the border personnel for more checks. In front of these desks, the non – European passenger has to prove once more, to the border personnel this time, that she is not a *mala fide* traveler.

3.3.3. Digital Borders

EU Border Policy has increasingly availed itself of technological advancements. Technology is employed at different dimensions of EU borders with different purposes. Firstly, technological advancements led to the introduction of instruments, which are deployed ‘at the physical EU border’ for controlling the movement of people. These instruments reinforce border controls. There are numerous examples of them, such as biometrics. Biometrics was integrated in European passports. Non – Europeans are exposed to iris, bone and fingerprint scans or other biometrics technology.⁷⁰ Asylum – seekers are assessed by speech – recognition technology. Mediterranean is being watched through satellites, trucks are traced by carbon dioxide detectors and heat sensors while physical borders e.g. Turkey – Greece Borders are watched by motion sensors, infra – red equipment and surveillance cameras (Dijstelbloem, Meijer and Besters, 2011). The examples of how technology is used at the borders do not only give clues about the border controls but they also tell how the power of the political entity is exercised ‘at the borders’. They give the impression that ‘the political entity’ is fully in charge and able to control its borders.

Secondly and more importantly, technological advancements have contributed to the change / transformation in the nature of borders. Introduction of virtual databases at both Member State and EU levels can be seen as the most important contribution to this transformation. Virtual databases collect data of migrants and travelers of all purposes. Personal details and movements of passengers are logged, stored and monitored in them. Therefore, reminding us of Jeremy Bentham’s panopticon; they render surveillance and monitoring of every kind of movement possible. More than that, by the help of a simple computer with

⁷⁰ According to Council Regulation (EC) No. 2252 / 2004, to prove the authenticity and the identity of the passport holder and to combat fraud, European passports and travel documents will have a data storage unit, which will contain a facial image and two fingerprints of the holder.

internet connection, these databases remove ‘the border’ from a physical site and re-position it to everywhere (Broeders, 2011, p. 41). In that sense as well as functioning as surveillance tools, they make up the *digital borders* of Europe, which are everywhere now (Dijstelbloem, Meijer and Besters, 2011).

Surveillance played a crucial role in the rise of the modern states, which acquired control over their territories and populations through documentation and registration (Torpey, 1998). For any policy, surveillance is employed by states “to categorize people and to select groups for preferential or other treatment” (Broeders, 2011: 43). Therefore it is about ‘including’ and ‘excluding’ though who will be included or excluded depends on the content and aims of the policy.

In the context of border policy (on the movement of people), surveillance is about its enforcement. It is seen as the prime instrument for border control and this makes it about excluding ‘the undesirable aliens’. The undesirable aliens can not be excluded without being known, identified, documented or reported. In that sense surveillance of mobility provides data about the passengers and enables profiling of ‘desirable’ and ‘undesirable’ aliens. As of equal of importance from this standpoint, there is also the need to ascertain whether the aliens are the people they say they are. Therefore surveillance is also employed for identification purposes. The standpoint of a state, which deploys surveillance as a tool of border policy on the movement of people can best be expressed in the words of Boyne (2000: 287), who says “We do not care who is out there or what they are doing. We want to see only those who are entitled to enter.” In this reasoning, in order to see only those who are entitled to enter, the border has to function as “an effective and selective filter” (Broeders, 2011: 45). And it seems that without surveillance, that filter cannot be established.

It is easier to make the border selective along the lines defined in the border policy. However, with the high volume of border crossings, making it effective seems to be a hard work. That is because the increase in the volume of border crossings compels borders to select / to filter ‘the undesirables’ in a very short period of time; otherwise the borders would become unmanageable with long queues of people, huge volume of complaints and putting obvious

impediments to the flows that the global economy dictates. What is expected from border surveillance is “to make a rapid and accurate distinction between desirable and undesirable people” (Broeders, 2011: 46). Though desirable and undesirable people may differ for different states in detail, in general lines tourists and wealthy people are desirables while the ‘vagabonds’ are undesirables (Torpey, 1998). According to this perspective, in order to sort out, prevent, exclude and / or expel the undesirables, border surveillance must have enough data and it must have the ability to work in a short period of time.

In the case of the EU, the question has been; how selective border surveillance can effectively work with more than 700 million annual border crossings. EU responded this challenge by digitalizing border surveillance and establishing digital borders both in the EU and in the Member States with the introduction of the virtual databases; Schengen Information System (SIS), and its successor SIS II, EURODAC and Visa Information System (VIS).

These databases are a part of the Schengen regime and they have been developed since the mid – 1990s. Irregular migrants who are caught at or behind the border are recorded in the SIS and they can be monitored in EURODAC. An asylum application lodged to any one of the Member States is again recorded to EURODAC system. VIS enables data exchange on visa applications between the Member States. Each of these databases focuses on different groups of undesirable people for the EU and for the Member States. It is obvious that the EU is trying to set up digital borders and border surveillance for several categories of non – European travelers who are considered as *mala fide*. Following these lines, it is important to crack down the digital borders and discussing the categories of undesirable people these databases have focused on.

3.3.3.1 SIS and SIS II

SIS is the central database of the Schengen Regime. Its legal basis for establishment, operation and for the protection of the information stored in it is found in Articles 92 – 119 of the Convention Implementing the Schengen Agreement. Its purpose is “to maintain public policy and public security, including national security, in the territories of the Contracting Parties and to

apply the provisions of [the Schengen] Convention relating to the movement of persons in those territories, using the information communicated via this system” (Convention Implementing the Schengen Agreement of 14 June 1985, 1990 in Schengen Acquis, 1999: 68). Basically, SIS stores information on objects and on persons. It avails relevant authorities in the Member States to record and track large groups of people, who move to, from and within the Schengen zone. These data are used to identify the persons that are security risks. In addition to these, SIS combines Member States’ national lists of rejected, returned or expelled people (SIRENE)⁷¹ into a single database (Guild, 2001; Broeders, 2011, p. 50). This database is accessed by visa officials at the consulates abroad during processing of a visa application and by border guards of the Member States, when a non – European person arrives to EU external borders (Guild, 2001).⁷²

SIS became operative in 1995 in seven Member States.⁷³ In a short period of time, the members of the Schengen Group grew rapidly. By March 2001, it has been applied to all Member States except Ireland and UK, and there were non – EU participating states: Norway and Iceland. In addition to these, candidate states from Central and Eastern Europe were on the queue. Therefore SIS had to be revised in order to accommodate new Member States.⁷⁴ In addition to this SIS became a very popular policy instrument so this revision is seen as an opportunity to add new technical features to the database, in particular biometrics (House of Lords, 2007; Broeders, 2011). Currently, SIS is in the process of being replaced

⁷¹ Each Schengen Member State holds the information on persons for whom it has issued alerts. These national databases are called SIRENE, an acronym for **S**upplementary **I**nformation **R**equest at the **N**ational **E**ntry. Each Schengen State has a SIRENE Bureau to cope with its national SIRENE database. This bureau is responsible for “holding supplementary information in relation to all its own national entries and making it available to the bureau of other Schengen States” (House of Lords, 2007: 19).

⁷² It is up to Schengen States to decide which of their law enforcement and authorities are to have access to the SIS. However, in all Schengen States consulates abroad and border control personnel have access to the system. While the consulates with internet connection can access to the database online, CD – ROMs are sent regularly for those without online – access (House of Lords, 2007; Guild, 2001).

⁷³ These Member States are Belgium, France, Germany, Luxembourg, Netherlands, Portugal and Spain.

⁷⁴ SIS was designed to manage 18 states (15 Member States, Iceland, Norway and one in reserve). In order to acquire the abilities to cope with more than 18 states, which became the case with the accession of new Member States, it had to be revised. In addition to this, there was also a need to make SIS catch up with the new technologies. Its technology was outdated (European Commission, 2001).

by SIS II. For the time being, in terms of biometric data only fingerprints and photographs are collected within the new system. However, according to the Report of House of Lords (2007), the system will be capable of collecting DNA profiles and retina scans in the future.

Articles 94 to 100 define the categories in which data are entered to the system. There are six different categories, which have later been called as ‘alerts’⁷⁵ by the second generation SIS, SIS II:

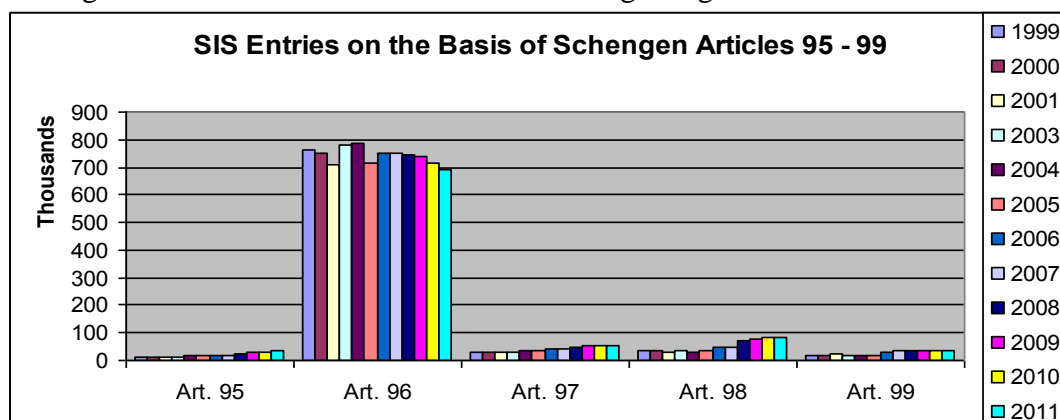
1. persons wanted for extradition to a Schengen State (Article 95);
2. a list of non-European citizens who should in principle be denied entry to any of the Schengen States (inadmissibles) (Article 96);
3. missing persons or persons to be placed under police protection (Article 97);
4. persons wanted as witnesses, or for the purposes of prosecution or the enforcement of sentences (Article 98);
5. persons or vehicles to be placed under surveillance or subjected to specific checks (Article 99); and
6. objects sought for the purpose of seizure or use in criminal proceedings (Article 100) (House of Lords, 2007: 10 – 11).

The most important category of objects within the system is lost and stolen identity documents, however, the category of ‘inadmissible persons’ regulated by Article 96 is the one in which most of the data within the whole system has been recorded (Broeders, 2011).⁷⁶

⁷⁵ In 2007, the documents on second generation SIS, SIS II have called these categories as ‘alerts’, which is defined as “a set of data entered in SIS II allowing the competent authorities to identify a person with a view to taking specific action” (Council Decision 2007/533/ JHA, 2007: 5).

⁷⁶ There two main categories of data within SIS. Persons for whom an alert has been issued and objects referred to in Art. 100 and vehicles referred to in Art. 99. For the persons the following information are entered to the system: “surname and forenames, any aliases possibly entered separately; any specific objective physical characteristics not subject to change; (c) first letter of second forename; date and place of birth; sex; nationality; whether the persons concerned are armed; whether the persons concerned are violent; reason for the alert [and whether] action to be taken” (Art. 94, the Convention Implementing the Schengen Agreement of 14 June 1985, 1990 in Schengen Acquis, 1999: 69). The data on objects is stored when the objects are related to criminal proceedings. Data on the following categories of objects are stored: “motor vehicles with a cylinder capacity exceeding 50 cc which have been stolen, misappropriated or lost; trailer and caravans with an unladen weight exceeding 750 kg which have been stolen, misappropriated or lost; firearms which have been stolen, misappropriated or lost; blank official documents which have been stolen, misappropriated or lost; issued identity papers (passports, identity cards, driving

Figure 3.4 SIS Entries on the basis of Schengen Agreement Articles 95 – 99⁷⁷



Source: House of Lords (2007); Evelien (2005), Council of the European Union (2009c, 2010a, 2011a and 2012a).

According to Article 96, data on non – European persons for whom an alert has been issued for the purposes of refusing entry shall be entered on the basis of a decision by a competent administrative authority or a court of a Member State (the Convention Implementing the Schengen Agreement of 14 June 1985, 1990 in Schengen Acquis, 1999).⁷⁸ Such a decision by national authorities “may be based on a threat to public policy or public security or to national security which the presence of an alien in national territory may pose” (*ibid*: 69). According to the

licenses) which have been stolen, misappropriated or lost and banknotes (suspect notes)” (Art. 100, the Convention Implementing the Schengen Agreement of 14 June 1985, 1990 in Schengen Acquis, 1999: 72)

⁷⁷ According to the Report of the House of Lords on Schengen Information System II, statistics on the operation of SIS are not publicly available. These statistics can not be accessed because the Member States do not want to publicize national data.

⁷⁸ Article 96 of the Convention in its entirety as follows:

1. Data on aliens for whom an alert has been issued for the purposes of refusing entry shall be entered on the basis of a national alert resulting from decisions taken by the competent administrative authorities or courts in accordance with the rules of procedure laid down by national law.
2. Decisions may be based on a threat to public policy or public security or to national security which the presence of an alien in national territory may pose.
This situation may arise in particular in the case of:
 - (a) an alien who has been convicted of an offence carrying a penalty involving deprivation of liberty of at least one year;
 - (b) an alien in respect of whom there are serious grounds for believing that he has committed serious criminal offences, including those referred to in Article 71, or in respect of whom there is clear evidence of an intention to commit such offences in the territory of a Contracting Party.
3. Decisions may also be based on the fact that the alien has been subject to measures involving deportation, refusal of entry or removal which have not been rescinded or suspended, including or accompanied by a prohibition on entry or, where applicable, a prohibition on residence, based on a failure to comply with national regulations on the entry or residence of aliens (*ibid.*).

Article these situations may arise when an alien has been convicted of an offence with imprisonment or when there are serious reasons for believing that the alien has committed or *he is about to* commit serious criminal offences. Lastly, decisions may also be based on the issues that are related with immigration: if an alien has been subject to deportation, refused of entry or removed without suspension and prohibited for entry and residence as he failed to comply with national regulations on entry or residence (Art. 96, paragraph 3). In all of these circumstances, when a Member State issues an alert for any non – European person, his information is stored as ‘inadmissible’ so that he becomes inadmissible for the whole Schengen Area. It should be noted that the persons whose data are recorded in this category must have been to one of the Schengen States some time when his incomppliance to the national regulations of the Schengen State in concern ended up with an alert about him within the system. However, it should also be kept in mind that the aliens who have arrived to the EU borders but have been refused at the border may be included to the database though they have never entered to the EU territory technically (Guild, 2001).

The system works through searches made within the database. SIS and SIS II store searchable alphanumeric data (letters and numbers). If a national authority comes across an alert about a particular object or a person while making a search in the database, it comes across a ‘hit’. What the official who has come across that hit will do is specified in the alert under the title of ‘the action to be taken’. For instance if an official from a consulate of a Schengen State comes across such a ‘hit’ because of an alert for the individual whose short – term Schengen visa application he is processing, he has to refuse the application. If another official comes across a ‘hit’ on the basis of an alert for the extradition of a person, that hit results in the arrest of the fugitive and his transfer to the Schengen State, which has issued an alert for him (House of Lords, 2007, p. 40).

Schengen system has many flaws. The most important of them lies at the very heart of the SIS and SIS II: “mutual recognition of nationally constructed [...] security threats” (Guild, 2001: 21). It means that an individual who is thought to be a security risk by a Member State according to its legislation and as

a result for whom an alert is entered to the system by that Member State becomes ‘inadmissible’ for the all Schengen Member States. However, perceptions of ‘security risks’ may differ in Member States. For instance, as Guild (2001) notes, while the perception of asylum system abuse by the foreigners was the major risk of security for the German authorities in the mid 1990s, unauthorized border crossings by foreigners was perceived as the main risk of security by the Italian authorities. Therefore there is a need to harmonize the legal basis on which data of non – Europeans are entered to these databases.

3.3.3.2 EURODAC

EURODAC (European Dactylographic System) is a biometric database of fingerprints that are collected from asylum applicants and irregular migrants. The aim of this database is to facilitate the application of Dublin Convention, according to which an asylum application shall be examined by only one Member State, the one from where the applicant has entered the EU territory or where the applicant resides in (European Commission, 2011e).⁷⁹ Thus EURODAC plays a significant role in the determination of the responsible Member State for the assessment of an asylum application as well as preventing the so – called ‘asylum shopping’ by the asylum – seekers.⁸⁰ Asylum applications lodged to EU Member States are recorded into the EURODAC and by comparing the fingerprints of the asylum – seekers; the database enables Member States to identify these persons and to clarify whether the person in concern has previously claimed asylum in another Member State (European Commission, 2011f).

EURODAC became operative in 2003. Currently, it is operative in all EU Member States as well as Norway, Iceland, Switzerland and Lichtenstein. As a tool of Dublin Convention, EURODAC initially aimed to record the fingerprints of only asylum – seekers. However, there were German pressures to incorporate fingerprints of irregular migrants as SIS was incapable of incorporating biometric data then (until the introduction of SIS II). German pressures bore fruit and

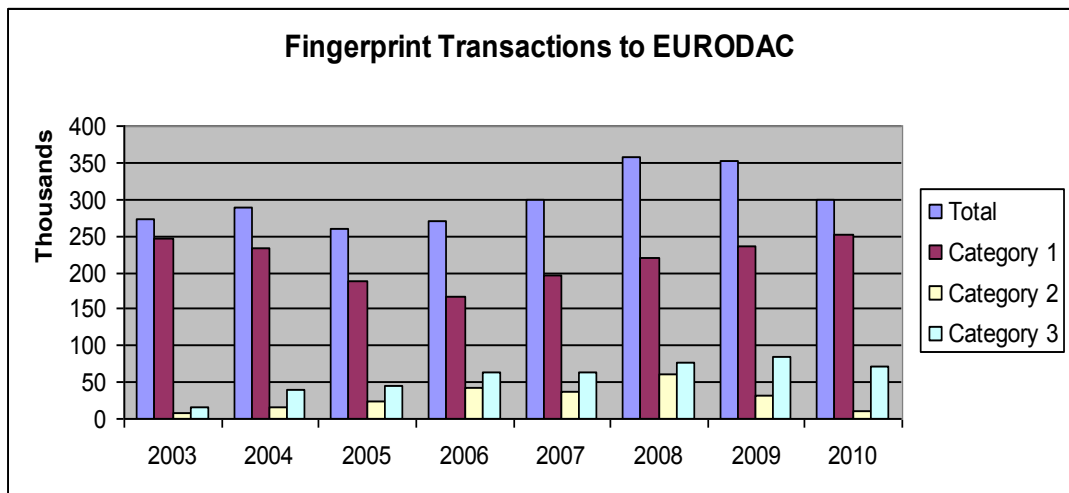
⁷⁹ Provisions of the Dublin Convention oblige that Member State to take back its asylum applicants, who may have moved to another Member State (European Commission, 2011e).

⁸⁰ Multiple or simultaneous asylum applications lodged to different Member States by the same asylum – seeker is known as ‘asylum shopping’ (European Commission, 2011e).

EURODAC became operative with three categories of people whose fingerprints are recorded to the system (Broeders, 2011).

According to the Council Regulation (EC) No. 2725 / 2000, the categories within EURODAC are: (1) all asylum applicants who are over the age of 14; (2) aliens apprehended in connection with the irregular crossing of an external border and (3) aliens found illegally present in a Member State (Council of the European Union, 2000). According to the EURODAC Regulation, the fingerprints collected under category 3 are compared to those stored under categories 1 and 2; however they themselves are not stored within the system. It's up to Member States whether to use this category or not. If they choose not to use it, they simply do not send any transactions to the central database under this category.⁸¹ However, as it can be seen from Figure 3.5, each year the number of transactions sent under category 3 increases as many Member States want to benefit from the modern surveillance technology to monitor their illegal residents.

Figure 3.5 Fingerprint Transactions to EURODAC, 2003 - 2010



Source: European Commission Reports [COM (2007) 299 Final], [COM (2009) 494 Final], [COM (2010) 415 Final] and [COM (2011) 549 Final]; European Commission Communication [COM (2009) 13 Final] and European Commission Staff Working Document of 11 September 2007 [SEC (2007) 1184 Final].

⁸¹ Though providing fingerprints and searches made under Category 3 are not obligatory, European Commission encourages Member States to use Category 3 especially before initiating return procedures under Returns Directive 2008/ 115/ EC, which is about returning illegally staying third country nationals. In 2009, all Member States sent category 3 transactions to the central database except Ireland (European Commission, 2010).

EURODAC system works like SIS and SIS II. It is based on a Central Unit within the European Commission and this Unit has “a computerized database for comparing fingerprints and a system for electronic data transmission between EU countries and the database” (European Commission, 2011f: 2).⁸² EU Member States take the fingerprints of every non – EU person over the age of 14, who asks for asylum in their countries and then they transmit this data to the EURODAC database.⁸³ Once the data has been sent to the central database, they are compared with the existing ones. If the system finds a match it produces a ‘hit’, which either means that the person in question has already lodged an asylum application to another EU Member State or gives the details of the Member State through which this person has entered to the EU territory irregularly. While the data of an asylum applicant are stored for 10 years unless he becomes a citizen of an EU Member State, the data of a person who is apprehended because of an irregular / unauthorized border crossing are kept for 2 years.⁸⁴

EURODAC filled up quickly and the number of entries for the all categories reached to 2,099,806 by 2009 (European Commission, 2007a; 2007b; 2009a; 2009b and 2010a). Most of the data are entered on the basis of category 1, the asylum applicants. In line with this the majority of the hits have been about double or multiple asylum applications.⁸⁵ According to the European Commission, entries on the basis of category 2, apprehended irregular migrants upon crossing borders in an irregular manner – unauthorized border crossing in the words of EU documents – are lower (Broeders, 2011). Though the Commission calls Member States to carry out their obligations on that matter, the

⁸² In addition to the fingerprints, EU Member States also send the following details of the asylum applicant and his asylum application: the EU country of origin, the sex of the person, the place and date of the asylum application or the apprehension of the person, the reference number, the date on which the fingerprints were taken, the date on which the data were transmitted to the Central Unit (Breaking Barriers to the eGovernment, 2012, p. 3).

⁸³ Member States may also take and transmit the fingerprints of non –EU nationals or stateless persons illegally staying their territory in order to verify whether they have applied for asylum in another Member State (European Commission, 2012, p. 3).

⁸⁴ If an asylum applicant acquires an EU Member State’s citizenship, his data are immediately erased from the database. In the case of the apprehended people who cross EU borders irregularly in an unauthorized way, his data are immediately erased if he acquires a residence permit or a citizenship from a Member State or leaves the EU territory (European Commission, 2011f).

⁸⁵ In 2009 236, 936 asylum applications were recorded in EURODAC. 23,3 % of these (55,226) were multiple applications (European Commission, 2007a; 2007b; 2009a; 2009b and 2010).

entries are still lower than the expectations. One reason for this low level of entries on category 2 might be the reluctance of the Member States, whose borders make up the external borders of the EU. These border - Member States are unwilling because in practice, taking and transmitting the fingerprints of the people, who are apprehended while crossing the external borders of the EU in an irregular manner, contradict with their interests as according to the provisions of the Dublin Convention these irregular migrants will be sent back to that border state if they are later identified in another Member State. Only in 2009, category 2 entries are slightly over the entries made on the basis of category 3, about which Member States seem to be highly enthusiastic.

In line with this enthusiasm the number of entries on category 3 – irregular migrants apprehended in a Member State – arose from 16, 814 in 2003 to 85, 554 in 2009 while ‘hits’ increased from 1,181 to 15, 612 in the same period (European Commission, 2007a; 2007b; 2009a; 2009b and 2010a). Unlike the Member States, on the side of the irregular migrants, category 3 seems to be a nightmare as it creates a link between them and their previous asylum applications. Irregular migrants try to conceal their identities and their countries of origin in order not to be returned there. However, these data and more about them are found in their asylum application dossiers. Category 3 enables Member States to make use of the data in those dossiers and expel / return irregular migrants. In that sense, EURODAC is not only a tool of asylum policy but also of border and expulsion policies, intersection of which makes it in the words of Broeders (2011: 53) “an important tool in domestic part of the European battle against [irregular] immigration”.

3.3.3.3. *Visa Information System (VIS)*

After the introduction of SIS and EURODAC, European Council called for the introduction of a common identification system for visa data in its meeting in Seville in 2002 (European Council, 2002). This system, known as Visa Information System, would complement SIS and EURODAC and it would finesse

the digital borders of the EU.⁸⁶ VIS was established in 2004 and it became operative in all Schengen Member States very recently, on October 11, 2011.⁸⁷ It is a database in which personal information of visa applicants, including their biometrics are recorded. Basically, VIS enables Schengen Member States to exchange visa data about the applications made to their consulates abroad.⁸⁸

Personal information of every visa applicant, irrespective of whether he is granted a visa or not, is taken and this information is recorded to the database (Hayes, 2004). When the system is completed, it will be a huge collection of personal and biometric data as personal data of 20 million visa applicants will be recorded annually to the database for a period of five years. This means that the database has to be large enough to keep and process the personal data of at least 70 million people at the same time (Goldstein *et al.*, 2008). With such a high volume, VIS will be the largest biometric database in the world.

VIS is composed of a central IT system and a communication infrastructure, which connects national systems to the central system.⁸⁹ Consulates and all external border crossing points of the Schengen States are linked to this central system, which “processes data and decisions relating to applications for short – stay visas or visit, or to transit through, the Schengen Area” (European Commission, 2011g: 3). The most significant characteristic of VIS is its ability to perform biometric matching, in particular fingerprints in order to identify and verify the applicants. Visa, immigration, asylum and border control authorities as well as Member States’ police and intelligence services have access to the database. In addition to biometric data of the visa applicant (10 fingerprints and a biometric photograph) almost every tiny detail about the applicant and her

⁸⁶ In addition to VIS, a common Biometric Matching System (BMS) is also being developed to process biometric data of visa applicants at every border control point in the EU (Goldstein, *et al.* 2008).

⁸⁷ VIS was established by Council Decision of 8 June 2004: Establishing the Visa Information System (VIS) 2004/512/EC. It became operative very recently on October 11, 2011. In two years’ time VIS will be used for all visas that are issued by Schengen States.

⁸⁸ VIS applies to all Schengen Member States. Therefore VIS covers all types of visas defined within and governed by Schengen Agreement. These Schengen visa types are: short – stay visa, transit visa, airport transit visa, visa with limited territorial validity and national long – stay visa valid concurrently as a short – stay visa (Council of the European Union, 2008).

⁸⁹ VIS would be capable of connecting more than 27 Member States with 12000 VIS users and 3500 consular posts worldwide (European Commission COM (771) 2003a).

application, such as her purpose of travel, her current occupation and employer, intended border of first entry or transit route or details of the person issuing an invitation and/or liable to pay the applicant's subsistence costs during the stay and many others are all stored to the system.⁹⁰ After they process the visa application, visa authorities (consulates in non – EU countries) also enter the status of the application to the database whether it is issued, refused, annulled, revoked or extended. In the end, all these data, which are stored in the VIS database about the applicant and her application, “become online at every border control point in the EU” (Goldstein, *et al.*, 2008: 38).

VIS has several ambitious aims. The main aim of the system is to improve the implementation of common visa policy. However, when the system is brought under a magnifying glass, the foremost aim of it is to facilitate checks at border control points by identifying and verifying the person who presents a visa. Thus in this way, VIS will assist in fighting and preventing fraudulent behaviors such as

⁹⁰ According to the Regulation EC 767 / 2008 on VIS, the visa authority shall enter the following data in the application file:

1. “the application number;
2. status information, indicating that a visa has been requested;
3. the authority with which the application has been lodged, including its location, and whether the application has been lodged with that authority representing another Member State;
4. the following data to be taken from the application form:
 - (a) surname, surname at birth (former surname(s)); first name(s); sex; date, place and country of birth;
 - (b) current nationality and nationality at birth;
 - (c) type and number of the travel document, the authority which issued it and the date of issue and of expiry;
 - (d) place and date of the application;
 - (e) type of visa requested;
 - (f) details of the person issuing an invitation and/or liable to pay the applicant's subsistence costs during the stay, being: (i) in the case of a natural person, the surname and first name and address of the person; (ii) in the case of a company or other organisation, the name and address of the company/other organisation, surname and first name of the contact person in that company/organisation;
 - (g) main destination and duration of the intended stay;
 - (h) purpose of travel;
 - (i) intended date of arrival and departure;
 - (j) intended border of first entry or transit route;
 - (k) residence;
 - (l) current occupation and employer; for students: name of school;
 - (m) in the case of minors, surname and first name(s) of the applicant's father and mother;
5. a photograph of the applicant,
6. fingerprints of the applicant, in accordance with the relevant provisions of the Common Consular Instructions” (Council of the European Union, 2008: 6).

visa frauds and ‘visa shopping’.⁹¹ It will be helpful in processing asylum applications by making determination of responsible Member State easier. In that sense, it will facilitate the application of both Dublin Convention and the procedures of Returns Policy. On the side of the visa applicants, it aims to smooth the way for the issuance of visas for frequent travelers and it aims to protect travelers against identity theft by the help of biometrics technology. Last but not the least; the system will assist in the prevention, detection and in the investigation of terrorist offences and other serious criminal offences (European Commission, 2011g: 1 – 3).⁹² In addition to these purposes, VIS has also been assigned another important task about undesirable aliens, “to assist in the identification of any person who may not, or may no longer fulfill the conditions for entry, stay or residence of the territory of the Member States” (Council of the European Union, 2007: 8). Following these lines, it is understood that VIS is another instrument of EU Border Policy for detecting and filtering the so – considered *mala fide* non – Europeans.

3.4. WHO ARE *MALA FIDE* NON – EUROPEANS?

Mala fide non – Europeans are the undesirable / unwanted non – Europeans. It is difficult to find any reference to the *mala fide* non – Europeans in the EU documents. However, though it is not defined, references to *bona fide* travelers are found in the EU legislations. In the Eur – lex European Legislation Database,

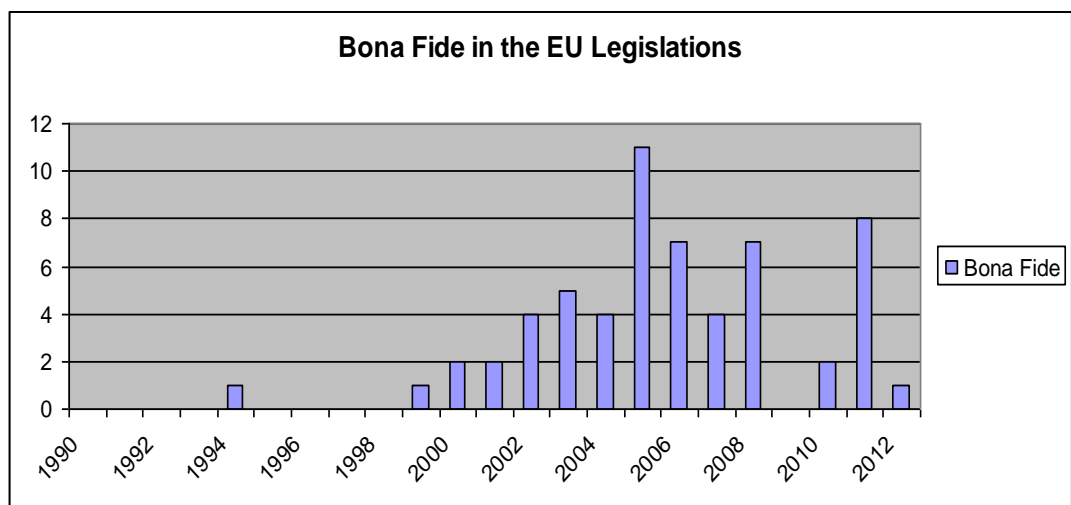
⁹¹ ‘Visa shopping’ is the practice of lodging further applications to other Member States by persons whose first visa application has been rejected (European Commission, 2011g, p. 2).

⁹² According to Regulation (EC) 767 / 2008 the objectives of VIS are:

1. “to facilitate the visa application procedure;
2. to prevent the bypassing of the criteria for the determination of the Member State responsible for examining the application;
3. to facilitate the fight against fraud;
4. to facilitate checks at external border crossing points and within the territory of the Member States;
5. to assist in the identification of any person who may not, or may no longer, fulfil the conditions for entry to, stay or residence on the territory of the Member States;
6. to facilitate the application of Returns Policy
7. to contribute to the prevention of threats to the internal security of any of the Member States” (Council of the European Union, 2008: 4).

which currently covers 2815000 texts in total the concept ‘*bona fide*’ is found in 476 documents (Eur – lex, 2012). Among these 476 legislative documents, only 59 of them are related to external borders. While it is mentioned only twice between 1990 and 1999, it is referred highly by and after 2005, in particular in the documents about new border management tools.

Figure 3.6 *Bona Fide* in EU Legislations, 1990 - 2012



Source: Eur-lex

The Common Manual and the Common Consular Instructions notes:

“Checks shall be reduced where the applicant is known to be a *bona fide* person, this information having been exchanged through consular cooperation” (Schengen Executive Committee, 2000: 8).

In its Communication on Development of Schengen Information System II, Commission (2001a: 11) uses *bona fide* as:

“A new function for exchanging information on visas issued would involve information that is already obtained from or required of visa applicants. A visa function of this kind could be useful, in particular as an identification tool for the following purposes: combating terrorism and organized crime, ensuring the authenticity of issued visas at external borders, improving the examination of visa applications to make it easier to check the *bona fide* status of travelers (starting from the second application for a visa), facilitate movement for travelers who have lost their documents, and contributing towards returning illegal residents.”

European Commission Communication on a Common Policy on Illegal Immigration (2001b: 13) notes:

“[I]t is very difficult to identify and verify even *bona-fide* travelers with a valid visa, when they are not carrying their travel documents.”

Another Communication on European Neighborhood (European Commission, 2003b: 11) uses *bona fide* as:

“The EU is currently looking at ways of facilitating the crossing of external borders for *bona fide* third-country nationals living in the border areas that have legitimate and valid grounds for regularly crossing the border and do not pose any security threat”

In another Communication, European Commission (2003c: 2) explains the aims of the integrated border management strategy by referring to the *bona fide* travelers:

“In December 2001, the Laeken European Council asked the Council and the Commission to work out arrangements for cooperation between services responsible for external border control and to examine the conditions in which a mechanism or common services to control external borders could be created. In response to this request, the Commission drew up an integrated European strategy for the management of external borders reflecting the multidimensional nature of the task. The principal aim of this strategy is to improve security and other controls carried out at the external border and to facilitate *bona fide* movements of travelers and legitimate trade.”

It is understood from these documents that *bona fide* travelers are the people who travel to the EU frequently and for whom the EU strives to facilitate border crossings (European Commission, 2008a; Justice and Home Affairs Ministers, 2011). European Commission (2008a: 5) Staff Working Document accompanied to the Impact Assessment Report on new border management uses *bona fide* traveler in the following:

“The passenger flows at the external borders of the European Union have been growing and will continue to increase in the future. Most of the passengers are so called *bona fide* travelers and are granted entry in compliance with the existing Regulations and rules; but there are also serious crimes closely related to cross border movements of people: travel document and identity fraud, people smuggling, human trafficking and terrorism. Illegal immigration into EU poses a challenge to every Member States”.

Linked to this Impact Assessment Report, Commission Communication on preparing the next steps in border management in the European Union (European Commission, 2008b: 5) refers to *bona fide* travelers four times and under the title of ‘Facilitating Border Crossings for *Bona Fide* Travelers’, it proposes:

“ - Low- risk travelers from third countries, including those that are subject to the visa requirement and those that are not, could be offered a pre – screening process, on a voluntary basis, with a view to being granted Registered Traveler status.
- When arriving at the borders of the EU, Registered Travelers could benefit from a simplified and automated border check.”

The Communication (European Commission, 2008b: 8) explains further that the proposed Registered Traveler status of the so considered *bona fide* non – Europeans would be checked by new automated border controls at the actual physical borders, which would save time and allow border authorities “to focus their resources on those groups of third country nationals that require more attention” in order to improve security at borders.

Very recently, Stockholm Programme (2009) called for facilitated access for businessmen, tourists, students, scientists, workers, persons in need of international protection and others having a legitimate interest to access the Union’s territory. Despite this partial clarification on *bona fides*, there is still darkness on *mala fide*, the question persists: who are undesirable *mala fides*?

According to the FRONTEX (2012: 2), new technologies at the external borders of the EU aim “to separate the vast majority of *bona fide* travelers from the small number of transgressors, be they irregular migrants or cross border criminal groups”. Roman Fantini, Senior Strategic Analyst at FRONTEX explains *bona fide* traveler in this way:

[While you will not be able to find a uniform definition of the term ‘*bona fide* traveler’ in the context of the EU Member States’ external borders, a third country national is considered ‘*bona fide*’ if he/she fulfills all entry provisions and has no intention to infringe on the purpose of travel and the length of stay provisions. This is established when border checks are performed and risk analysis plays a very important role in the process. By and large, third country nationals crossing the external borders of EU Member States are considered as ‘*bona fide*’, demonstrated by extremely high annual numbers of regular passengers at different border sections (for example, up to 24 million in the case of Slovenia-Croatia border alone)] (Interview notes, May 9, 2012).

In the light of these references for *bona fide* travelers, people who cross borders at points other than border crossing points and /or have intentions to infringe on the purpose of travel and overstay their authorized length of stay are considered to be *mala fide* travelers. In other words *mala fide* travelers are the people who are considered that they might fall into irregularity after they enter into the EU territory. Thus, *mala fide* travelers are the future irregular migrants, whom layered EU borders are trying to filter and prevent.

3.5. SOCIO - ECONOMIC AND POLITICAL CONTEXT IN EUROPE FOR IRREGULAR MIGRATION

Migration is an important part of European history since at least 1800. Migrants, both from within and outside Europe have played a vital role in its economic development and restructuring (Sassen, 1999). Although international migration has been restricted by many European states for a short period between World War I and World War II, large scale migrations within, out of and to Europe have marked the period since the end of the World War II (Düvell, 2006, p.14).

While many displaced persons and refugees left Europe just after the war, many others have involved in the migration processes from South to the North of Europe through labor migration. These people were joined by others when the decolonization process took root in late 1950s. Among these migration flows, the most significant one was the labor migration.

Post – War labor migration to Europe began in the late 1950s when the then recovering Western European economies needed more workers to embrace the economic growth.⁹³ Western European governments recruited foreign workers, mainly from their southern neighbors but also from overseas, from

⁹³ Since the end of the WWII, two phases have been observed in the nature of international migration. The first phase, which lasted between 1945 and early 1970s was marked by so called ‘guestworker’ systems, in which large numbers of migrant workers from less – developed countries were recruited by developed or rapidly developing industrial states of Western Europe, North America and Australia through bilateral agreements. This phase ended in early 1970s after the oil crises in 1973 and 1974. The second phase started in mid – 1970s and gained momentum in the 1980s and 1990s. This phase is much more complex than the first one as it involves complex patterns of migration processes and migration issues such as irregular migration, human smuggling and trafficking (Castles and Miller, 2003).

former colonies in Asia, Africa and Caribbean and from the countries in Middle East (Triandafyllidou, 2010).⁹⁴ As a result of these recruitments, international migration to Western Europe mainly took a south to north direction and by the mid 1950s Europe has already had many immigrant workers from the peripheral areas of Europe, from developing countries and from the former colonies. These migrations took place within a regular framework of bilateral agreements between the sending and the receiving states. Therefore these migrants were regulars (*'legal'*), who obtained their papers before or after migration.⁹⁵ Irregular migration was unknown and irrelevant then because of the regular framework of these migrations as well as the need for migrant workers in the rapidly growing Western European economies. As Düvell (2006, 24) notes even if the migrants came or resided in irregular ways, it was easy to find a job and get the necessary papers to regularize in these years.

International labor recruitment came to an end in the early 1970s when the oil crisis triggered a recession across Europe in 1973. Recession affected many sectors with leaving many migrant workers unemployed. In addition to the crisis, reconstruction of Europe had been accomplished. In the event of these developments, the need for foreign labor diminished. Western European governments halted recruitment schemes and they began to introduce restrictive migration policies (Sassen, 1999; Boswell and Geddes, 2011). In other words, this was the end of main regular migration channel to Western Europe. The remaining regular channels were family unification and asylum, through which international migration to Europe continued despite the restrictions.⁹⁶

⁹⁴ As, Europe was ideologically divided between two camps in the end of the WWII and literally in 1961 by the establishment of the Berlin Wall, recruitment from Central and Eastern Europe was unthinkable. Therefore almost all migrants within Europe came from Southern European countries with exceptions of Yugoslavia and Algeria. The main labor – exporting countries were Italy (820,000), Spain (320,000), Turkey (770,000), Yugoslavia (540,000) and Algeria (390,000) and the main labor – importing countries were Germany, France, Sweden, Belgium, Switzerland and Austria (Sassen, 1999, p. 102).

⁹⁵ These migrants were mostly unskilled and they worked in industry and in the large factories of steel, car, mines and other industrial sectors (Triandafyllidou, 2010, p.11).

⁹⁶ As Koser (2001, p.60) observes, asylum in Western Europe has had three phases. In the first one between 1960 and 1970, it was one of two legal migration channels to Europe besides regular labour migration. When the European need for labour diminished due to severe economic circumstances in the mid-1970s, regular migration channel has been closed and the asylum has been left as the only legal channel for entry into Western Europe. In Koser's view, with this

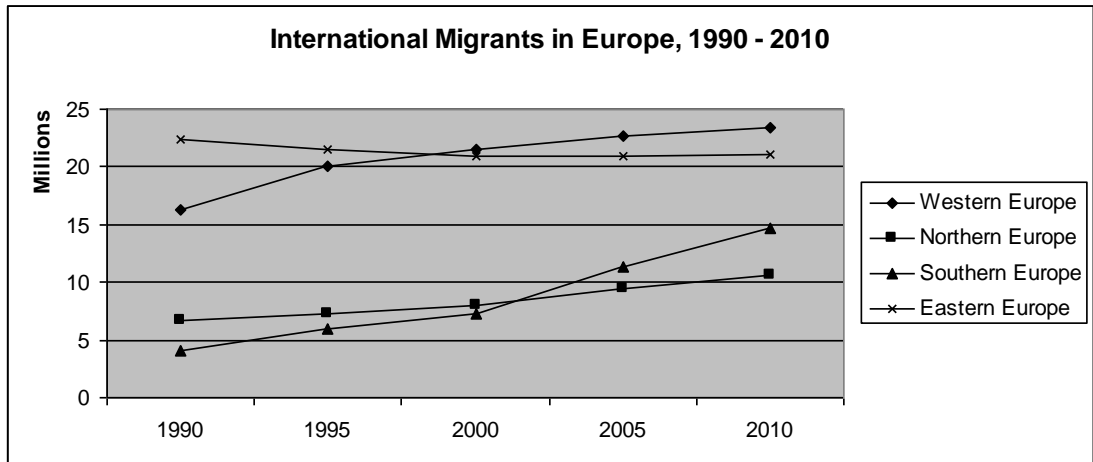
The circumstances for migration were totally different in Central and Eastern Europe in these years. Far from emigration, people could not even leave their countries without a special permit (*exit visa*) from their governments. Despite the restrictions on international migration, there was a continuous flow of asylum – seekers from these communist countries (Triandafyllidou, 2010, p. 10). However, when migration flows to and within Europe in these years are considered, irregular migration was a slight part of international migration until the late 1980s (*ibid.*). This situation has changed when the Soviet Union began to dissolve in 1989. Dissolution of the communist regimes in Central and Eastern Europe ended the restrictions on the movement of people abruptly. This was not the only change, the economic and political systems collapsed in the region and ethnic unrests emerged forcing millions of people to emigrate. Besides the Western Europe and the Northern Europe, Southern Europe, which had traditionally been sending migrants, has also become a destination for these people. Albeit small in numbers, many people were also migrating from Asia, Africa and Middle East to Europe in these years. Estimated numbers of international migrants in Europe and the asylum applications lodged to the EU Member States between 1990 and 2010 can be seen in Figures 3.7 and 3.8⁹⁷

development economic migrants have started to attempt to enter Western Europe through the channel of asylum. In line with this, the number of asylum-seekers increased steadily since the end of 1970s and it reached in the beginning of the 1990s with the collapse of communist regimes in Eastern Europe⁹⁶. The use of asylum channel by the economic migrants brought problems and contradictions. Most of important of all, it brought additional troubles for the real asylum-seekers, as the governments have started to apply more complicated asylum procedures to eliminate the so-called bogus refugees.

Following this change in the asylum context, 1990s witnessed the introduction of restrictive asylum policies and procedures. As it will be told in detail later, the European governments started to apply visas from a growing number of countries, promoted so-called safe havens, required that asylum seekers submit their applications at a consulate or embassy in their country of origin and they introduced policies to distribute asylum applications among themselves and to divert applications from Western Europe (*ibid.*: 60-61). With these procedures, the number of applications has been more than halved in 1996.

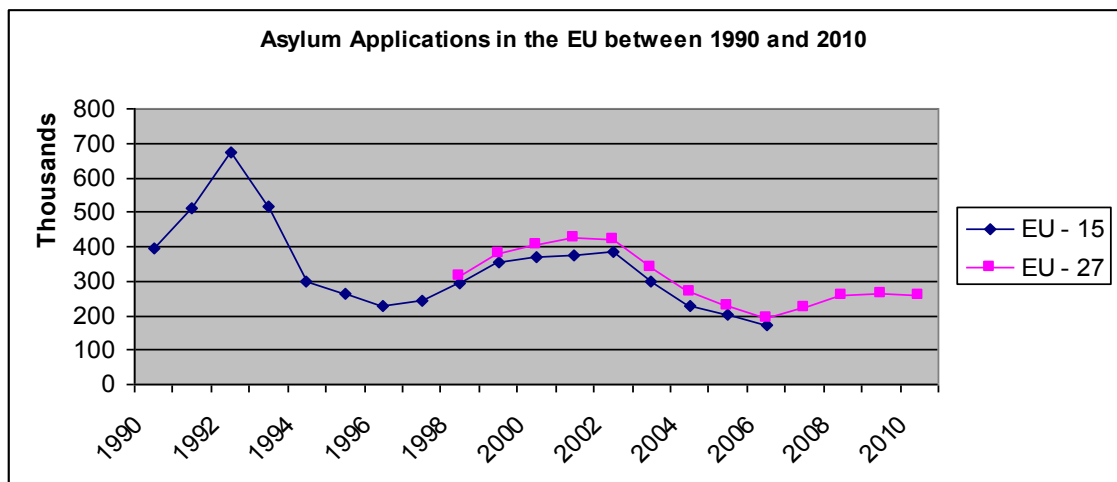
⁹⁷ It should also be kept in mind that these numbers also cover the migrants and the asylum – seekers from Central and Eastern Europe.

Figure 3.7 Estimated numbers of international migrants in Europe, 1990 - 2010



Source: United Nations, Department of Economic and Social Affairs, Population Division (2011).

Figure 3.8 Asylum Applications in the EU Member States, 1990 - 2010



construction. The most common ones were private care, house cleaning, seasonal farm work, tourism and catering, all of which lied at the lower end of the labor market and marked by their “temporariness, instability, low skills, low pay and difficult work conditions” (Triandafyllidou, 2010: 11).⁹⁸ Natives did not want to fill these jobs and they were being taken by migrants, mostly by the irregular ones (Cornelius, 1994).⁹⁹ Despite the absorption of many migrants by the European economies in these ways, continuous increase in the migratory pressures and in

⁹⁸ It is often told that migrants fill “the three-D jobs: dirty, degrading and dangerous” (Taran and Geronimi, 2003: 8). These characteristics of the jobs also made it difficult for them to regularize.

⁹⁹ As Taran and Geronimi (2003, p. 8) notes irregular migrants take the three – D jobs, which are turned down by the natives in the European countries. Following these it can be concurred that irregular migrants are in a competition only with the marginal sections of the national labor force.

the asylum applications in the late 1980s and 1990s alarmed European governments. It was perceived that immigration went out of control and the number of migrants that entered EU in irregular ways was growing (Kraler and Reichel, 2011). These perceptions led to the introduction of a new series of restrictive immigration policies in the EU Member States. For instance, Düvell (2006: 25) notes that all OECD countries introduced and further extended visa regulations to many countries throughout the 1980s and 1990s and these regulations were completed by the insertion of articles to European immigration legislations, which declared “irregular immigration an offence, to be dealt with by either administrative or criminal procedures”. By these means, European governments reduced and restricted the freedom of movement and very unfortunately, they succeeded in preparing the ground for irregular migration.

3.5.1. Irregular Migration to the European Union

Irregular migration has become a priority issue for the European Union since the late 1990s.¹⁰⁰ Security and financial concerns led EU Member States proliferate EU with several tools and increasing resources to prevent unauthorized entry and to return unauthorized residents (Clandestino Research Project, 2009a).

According to many academics, irregular migration to the EU takes place because of three main reasons: lack of regular migration channels, informal economies that need irregular migrants and policy gaps and unintended side – effects of the policies (Clandestino Research Project, 2009c; Düvell, 2006; Triandafyllidou, 2010; Cornelius and Tsuda, 2004; Brochmann, 1999). Lack of regular migration channels prevent many would – be migrants, however it pushes the ones that are going to migrate whatever it takes to irregularity. Secondly, despite there is lack of regular migration channels, there are employment opportunities for the irregular migrants in the informal or shadow economies in all EU Member States. Lastly, policies which are irrelevant or flawed for various reasons such as limited data (guessworks, low quality studies), macro – structural

¹⁰⁰ The concept of ‘illegal migration’ has been used in Europe since the 1920s. During the 1920s, 1930s and 1940s, the concept denoted the Jewish migration to Palestine. In the 1970s, it referred to irregular labour migration. It was increasingly employed in the 1980s and became popular 1990s onwards on connoting irregular migration and refugees (Clandestino, 2009c).

reasons, domestic and/or international political constraints or ambiguous policy intentions aggravate the problems. Besides pushing would – be migrants to irregularity, these policies also cause irregular migration to become structural (Cornelius and Tsuda, 2004; Jandl, 2004; Clandestino Research Project, 2009c).

Irregular migration is a priority issue for the EU, but there are a very few number of studies on the size and development of irregular migration in the EU. According to Jandl (2004: 11) in many EU Member States, policy – making in the field of irregular migration is based on “guessworks and rumors” rather than thoroughly, scientifically put forward studies. Until very recently, irregular migrant stock in the EU was assumed to be between 4 to 8 million meanwhile the annual flow of irregular migration was assumed to be between 250,000 to 500,000 (Ghosh, 1998: 10 and Kraler and Reichel, 2011).¹⁰¹ Though these figures are ambiguous and of dubious quality as they have been put forward by methodologically deficient studies, they have taken on a life of their own and they have been referred constantly. They were understated or overstated depending on the intention of the people who referred them (Clandestino Research Project, 2009b). Clandestino Research Project, which was completed very recently estimates that the irregular migrant stock in 2008 for 27 Member States is somewhere between 1.9 to 3.8 million (Clandestino Research Project, 2009a).¹⁰²

¹⁰¹ Ghosh (1998, p. 10) noted that every year 500,000 irregular migrants were estimated to enter the Western Europe in the mid-1990s by referring to a report of a working group set up by the US government.

¹⁰² Clandestino Research Project was funded by European Commission under the Sixth Framework Programme for the years between 2007 and 2009. The main aim of the Project was to construct a database on irregular migration in Europe. The database is supported by country reports on irregular migration in 12 Member States (Italy, Austria, Czech Rep., Germany, France, Greece, Spain, UK, Hungary, the Netherlands, Poland and Slovakia (Clandestino Research Project, 2009a).

Table 3.2 Estimated number of the irregular foreign resident population in the EU in 2002, 2005 and 2008 in Mio persons¹⁰³

	Year	Minimum	Maximum
EU – 15	2002	3.1	5.3
	2005	2.2	4.8
	2008	1.8	3.3
EU – 27	2008	1.9	3.8

Source: Clandestino Research Project, 2009a.

Similar to irregular migration stocks, it is very difficult to define, delimit and probe the size of irregular migration flows to the EU. According to Clandestino Project (*ibid.*), there is almost no data on demographic flows. Geographic flows on the other hand, are the most visible; most discussed and most feared form of irregular flows to the EU. It has become a cliché in the European media to show pictures of boat people (*cayuqueros*) from all over the world but primarily from Africa trying to reach to the Southern shores of the EU; of people walking in groups to pass the land borders or of people who are caught while hiding at the trunks of vehicles. Border apprehension data are used to probe the volume of geographical flows. Despite the early attempts to collect Union – wide data on border apprehensions in the early 1990s, there is no data source that gives these data for the all EU borders since 1990.¹⁰⁴ Although there is such a methodological

¹⁰³ The estimate that the Project puts forward for the stock of irregular migrants in the EU – 27 is a medium quality estimate. It should also be highlighted that the study does not estimate ‘the flow of irregular migration’ to Europe but the stock of irregular migrants, which is defined by the Project as “foreign nationals without any legal residence status in the country they are residing in and persons violating the terms of their status so that their stay may be terminated, which basically concerns ‘irregularly working tourists from third countries’” (Clandestino, 2009a: 2).

¹⁰⁴ International Centre for Migration Policy Development (ICMPD) has been collecting apprehension statistics on irregular migration in Central and Eastern Europe since 1998. These statistics have been published by the ICMPD as annual reports since 2001. The Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI) collects Union – wide data on all aspects of irregular migration including border apprehensions since mid – 1990s. Although Eurostat has involved CIREFI since 1998 in the collection of these data, they become publicly available only in 2003 by the submission of the Annual European Commission Report on Migration and Asylum to the European Parliament and European Council (Kraler and Reichel, 2011). Though this report can be reached via EU’s own web site, CIREFI statistics and data are still unavailable for an independent researcher. Problems about reaching the relevant data on border apprehensions have been eased by the Regulation on Community Statistics

deficiency, irregular migration is still portrayed as only a matter of unauthorized, clandestine crossing of borders by the media and by the political debates in the European Union Member States (Clandestino Research Project, 2009; Düvell, 2006).

Contrary to this perception and portrayal, studies with scientific foundation suggest that not the geographical flows but the status related flows, in which “people do not move over borders, [but they] move between legal and irregular status within the territory of a European Union state”, constitutes the major irregular migration flow to the EU (Clandestino Research Project (2009c: 6; Triandafyllidou and Vogel, 2010; Kraler and Reichel, 2011). In other words, the major irregular migration flow to the EU is made up of the irregulars, who have entered the Union legally but overstayed their visas or violated their terms of entrance or residence. Relevance of irregular migration flows to irregularity in the EU Member States is shown in Table 3.3.

Table 3.3 Relevance of Pathways to Irregularity in the EU Member States

Most relevant	Legal entry and overstaying the authorized time limit & legal entry and stay while working or engaging in self – employment in breach of immigration regulations (e.g. entrance with a student visa)
Second Most Relevant	Refused asylum – seekers (most of them do not return, are not removed and / or are not removable because of lack of documents, unclear identity, unsafe country of origin, family links or health, age and gender related constraints)
Third Most Relevant	Bureaucratic failure in processing residence and work permit applications, inefficient renewal and appeal procedures resulting in withdrawal or loss of status
Least Relevant	Clandestine entry

Source: Clandestino Research Project, 2009c: 3.

on Migration and International Protection (Regulation No. 862/2007). By the Regulation, the statistics on apprehensions (differently on sea, land and air borders) and return are now collected and disseminated by EUROSTAT and they can be accessed at <http://epp.eurostat.ec.europa.eu/statistics> under the ‘Enforcement of Immigration Legislation’ (EIL) Statistics. These data are provided to the Eurostat with the same methodology by the Member States, which are obliged to do so by the Regulation. It must be noted that since 2005 border apprehension data are also collected by another EU agency, FRONTEX, which is responsible for the management of operational cooperation at the external borders of the Member States of the EU. Although these data are not systematically disseminated, FRONTEX estimates on geographical flows between 2007 and 2010 can be found in the FRONTEX annual reports 2008, 2009, 2010 and 2011 (FRONTEX, 2011).

Interesting though, despite these studies, as geographical flows are seen as the main irregular migration flow to the EU, external borders and the Member States at these borders have been under pressure.

3.6. EU AGENCY FRONTEX AND IRREGULAR MIGRATION TO EU

The EU institutions have legislative power on external borders. The legislations introduced by them determine the common standards for the management of external borders. However, the management is conducted by the Member States themselves. According to the EU law, Member States are solely in charge of managing their borders – “responsibility for the control and surveillance of external borders [Member States' land and sea borders, airports and seaports to which the provisions of EU law on the crossing of external borders by persons apply] lies with the Member States” (Council of the European Union, 2004b: 3). Though this is the case in law, as some Member States are not that able to manage their borders in terms of geographical irregular migration flows or as some Member States' external borders are under more pressure than the others, in 2004, the EU has established a Border Agency, FRONTEX to improve the integrated management of external borders and to achieve “a uniform and efficient level of control on persons and surveillance of the external borders of the Member States” (Council of the European Union, 2004b: 3).

FRONTEX is the main tool of the Integrated Border Management. In that respect it aims to enhance cooperation between Member States on external borders and enable them to comply to and apply the existing and future common standards and measures introduced by the European Communities.¹⁰⁵ The tasks of FRONTEX can be enumerated as:

¹⁰⁵ Border management is a sensitive issue as it is the actual exercise of the sovereignty of the political organism in concern. While borders carry such an importance in terms of sovereignty, EU Member States are still trying to resist communitarization in this field (Carrera, 2007). However, since the incorporation of the Schengen Agreement to the EC Treaties in 1999, there has been a rapid communitarization in the field. The establishment of FRONTEX in 2004 is another indicator that communitarization will take place in due time. Despite the fact that it has been determinedly highlighted that “the responsibility for the control and surveillance of external borders lies with the

1. “to coordinate operational cooperation between member States as regards the management of external borders
2. to develop a common integrated risk assessment model and prepare general and specific risk assessments
3. to help Member States train their national border guards by developing common training standards, providing training at European level for instructors of national border guards, holding seminars and offering additional training to officials of the competent authorities
4. to monitor research relevant to the control and surveillance of external borders
5. to assist Member States in circumstances requiring increased technical and operational assistance at external borders
6. to provide Member States with the necessary support in organizing joint return operations The agency may use the Union resources available for this purpose and must draw up an inventory of best practice for the removal of third-country nationals residing illegally in Member States;
7. to deploy Rapid Border Intervention Teams to Member States under urgent and exceptional pressure due to, for example, a massive influx of illegal immigrants” (Council of the European Union, 2004b: 4).

FRONTEX is an intelligence and risk analysis driven unit. Therefore one of the main responsibilities of the Agency is to prepare risk analyses and assessing threats related to external borders. According to Jorry (2007), risk analysis and assessment are the core responsibilities of FRONTEX as all the other responsibilities are handled according to them. Indeed, risk analyses and assessments provide the necessary information base for the operations and help FRONTEX to detect the deficiencies that must be worked out during the training of border guards.¹⁰⁶ Article 4 of the Council Regulation 2007/2004 also assigned

Member States”, the establishment of FRONTEX shows that the EU will be involved more in the border management in the coming future (Council of the European Union, 2004b).

¹⁰⁶ Between 1994 and 2009 Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI) assisted “Member States in studying legal immigration, preventing [irregular migration] and facilitator networks, in better detecting forged documents and

the Agency to develop and apply a Common Integrated Risk Analysis Model (CIRAM). Following this model, the Agency is expected to prepare both general and tailored risk analyses to be submitted to the Council and the Commission.

FRONTEX is the main tool of the Integrated Border Management, which defines the movement of human beings in contradiction to the Schengen Borders Regime as the primary threat to the external borders. In line with the Integrated Border Management, the mandate of FRONTEX is “related to irregular migration” and the risk analyses it has prepared are almost only about irregular migration (FRONTEX, 2012a: 29). Roman Fantini, senior strategic analyst at Risk Analysis Unit (RAU), clarifies the emphasis on irregular migration in the mandate of FRONTEX further:

[The mandate of FRONTEX is linked to external borders. FRONTEX analyzes threats and assesses risks. There are many threats to the security of the external borders of EU Member States; however, the Agency is mostly focused on irregular migration. We are slowly moving to other threats, such as cross – border crimes, but we primarily deal with irregular migration.] (Interview notes, May 9, 2012).

The risk analyses are prepared by RAU. Within RAU, experienced border guard officials and experts from different Member States work together to assess the threats and prepare the risk analyses according to those threats (Carrera, 2007).¹⁰⁷ To date FRONTEX has submitted three annual risk analyses for the years 2010, 2011 and 2012. All of them are almost only about irregular migration; they give

in improving expulsion practice” (Europa, 2008: 1). CIREFI also kept statistics on irregular migration and shared them with the Member States in addition to reporting them to the Council of the European Union. In 2009, COREPER decided to abolish CIREFI and transfer its responsibilities to FRONTEX. FRONTEX would keep statistics and report them to the Council as well as “deal[ing] with aspects of issues previously dealt with by CIREFI” (Council of European Union, 2010c: 4).

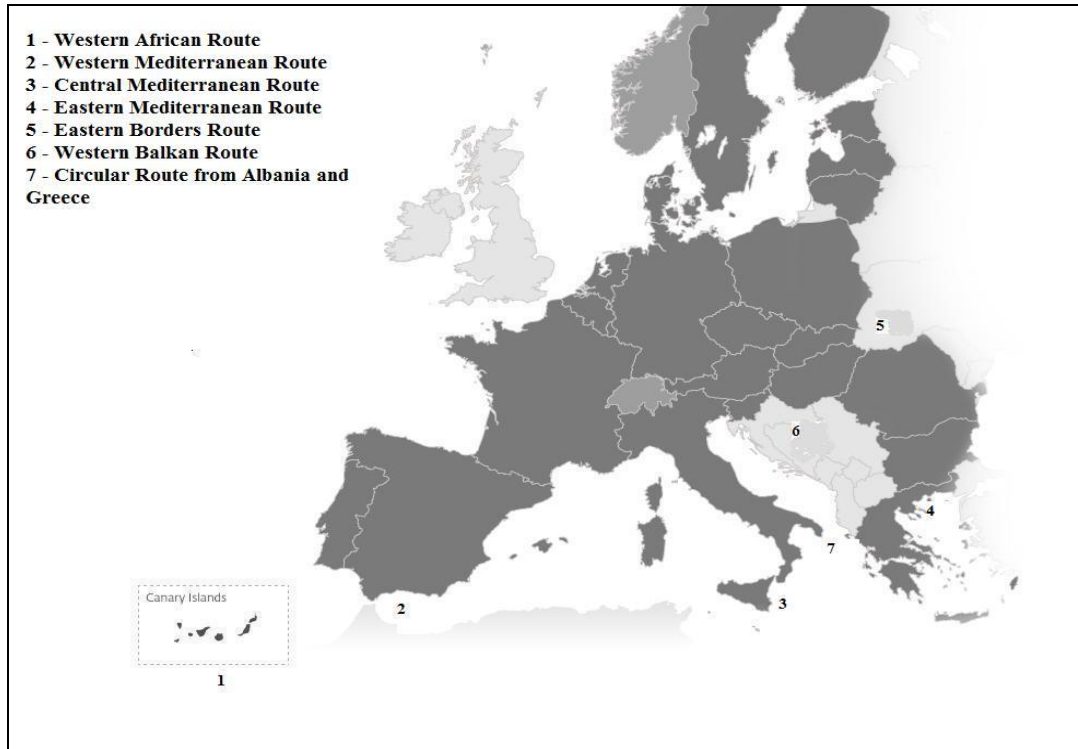
¹⁰⁷ Following the directions of the European Council Regulation 2007/2004, RAU has also developed a risk analysis model, ‘Common Integrated Risk Analysis Model’ (CIRAM), according to which analyses are prepared and which is flexible enough to make both general and specific assessments (Jorry, 2007). To date, RAU has prepared many tailored and general risk analyses. For instance ‘Identifying Threats and Risks of Illegal Migration from the African Continent’ (2006); Report on Ceuta and Mellila (Spain, 2005), Analysis on Mauritania (2006) can be considered as tailored analyses while Report on Unaccompanied Minors in European Migration (2010); Trafficking in Human Beings (2008) and Annual Risk Assessments are classified as general analyses. In addition to these, RAU sometimes prepares Bulletins such as Law Enforcement Bulletin on Illegal Migration (2006) (FRONTEX, 2006; 2008; 2009; 2010).

detailed information on root causes, the number of irregular migrants detected at external borders, the routes, facilitators, modus operandi, conditions in the countries of transit, illegal stay, forged documents and visas applied to third country nationals. The analyses are used for several purposes, but mainly they form the basis of policies and measures in this field as well as being used in profiling so – considered *mala fide* non – European persons. They are also shared with border officials. In preparing these risk analyzes, making profiling and training border guards, FRONTEX supports EU external borders. It provides the border personnel, authorities and the digital borders with information, which is vital in fulfilling their filtering functions.

For the geographical flows, FRONTEX has been able to develop a database since its introduction in 2004. It collects data from the relevant authorities in the Member States, countries of transit and countries of origin on a monthly basis. By using these data, FRONTEX has been able to discern the main migratory routes and it is trying to probe the volume of geographical flows since 2007. As shown in the Map 3.2 in the following page, FRONTEX identified 7 main migratory routes that are followed by geographical flows. FRONTEX has put forward its estimation for the number of irregular border crossings in each of these routes in its 2012 Annual Risk Analysis Report. According to the Report, the volume of geographical flows at the Central Mediterranean Route was the highest among all the routes. The volume of flows in each of these routes in 2011 are presented in the Figure 3.9 in the next page. As it can be seen, Mediterranean Routes¹⁰⁸ outshined among the other routes for geographical flows.

¹⁰⁸ While the number of border detections and apprehensions was around 5000 in Central Mediterranean Route in 2010, it reached to almost 65000 in 2011. The reason for this sharp increase is the change in the political regime in Tunisia, which later spread to Libya and Egypt while the trend for regime change in the area is named as ‘the Arab Spring’. Political and civil unrests in these countries led to the departure of many migrants from these countries. In the first half of the year 2011, 20.000 Tunisians reached to Italian island of Lampedusa. Though the number of Tunisian migrants decreased sharply due to the democratic elections in the country and the readmission agreement between Italy and Tunisia, unrests in Libya and Egypt added many more irregular migrants to the geographical flow that follows Central Mediterranean Route (FRONTEX, 2012a).

Map 3.2. Migratory Routes to the European Union



Source: FRONTEX Migratory Routes, www. Frontex.eu

Figure 3.9 Volume of Geographical Irregular Migration Flow to the EU in 2011

	Irregular Border Crossings in 2011	Top 3 Nationalities detected in this route
Western African Route	340	Morocco, Guinea, Senegal
Western Mediterranean Route	8448	Algeria, Morocco, Cote d'Ivoire
Central Mediterranean Route	64261	Tunisia, Nigeria, Afghanistan
Eastern Mediterranean Route	57024	Afghanistan, Pakistan, Bangladesh
Eastern Borders Route	990	Moldova, Georgia, Somalia
Western Balkans Route	4646	Afghanistan, Serbia, Pakistan
Circular Route from Albania and Greece	5269	Albania, Serbia, Pakistan

Source: FRONTEX, 2012a.

3.7. EU BORDERING PROCESS

Weber (1964: 154) describes a state as a political entity that “successfully upholds a claim to the monopoly of the legitimate use of physical force *within a defined*

territory” (Weber, 1964: 154). This definition tells a lot about both the nature and the functions of state borders.

They set the physical limits and demarcate a territory in which it becomes possible to organize and maintain economic, social and political life. In this way, these characteristics make borders the very basic constitutive institutions of a political entity. State borders are clearly defined and controlled borders, which establish and perpetuate the sovereignty of the states by defending the territory and controlling every kind of movement into it.

More than this, borders inevitably become the basic markers of the identity for the people who are living within them. They register and confer the identity of that territory therefore almost always borders also refer to the national identities. Having so profound and intense meanings and connotations, drawing of borders or border formation is a process that affects the essence of the political entity and the identity of the people living within those borders. In line with these, a bordering process is about constructions of categorizations such as ‘inside / outside’, ‘here / there’ and ‘us / them’ all of which are related to the very basic categories of ‘we and the Other’. Therefore, a bordering process is all about differentiating the self from the Other that makes it a process of othering at the same time. Writing on bordering against mobility, Van Houtum and Van Naerssen (2002, 125) say that exclusionary attempts to secure and govern one’s ‘own’ economic welfare and identity have become widely shared just ideas about borders. As a result, since the definitions of ‘own’ and the self are directly related with the definition of ‘Other’, practices of othering have become important aspects of bordering.

Bordering process of a political entity is embodied in its border policy, in its border regime and in the borders themselves. In the case of the EU, first of all it is inferred that the foremost aim of the EU Border Policy is to regulate the movement of non – European persons. When it is dug a little bit deeper, it is understood that the objective of the policy is to establish external borders that function as filters and prevent only some non – European persons: those who are considered to have *mala fides*. In line with this aim in the EU Border Policy, the

EU has succeeded erecting three layers of external borders, which are expected to be permeable for *bona fide* non – European persons but at the same time filter and detect the so – considered *mala fides* in order to prevent their entry into the Schengen territory. Following these lines, firstly, it can be said that the EU bordering process filters others so – considered *mala fide* non – European persons.

So – considered *mala fide* non – Europeans are those people whom the European authorities suspect of carrying irregular migration risk: the people that are suspected for falling into irregularity and becoming irregular migrants after they enter into the Schengen territory. In other words, so – considered *mala fide* non – Europeans are the *future* irregular migrants. Following these lines, external borders of the EU, which are treated under three different categories in this study: the *pre-borders* (visas and carrier sanctions), *actual physical borders* (border controls) and *the digital borders* (various virtual databases that both integrate pre – borders and actual physical borders and bring external borders inside by identifying irregular migrants) aim to filter *future* irregular migrants. With this reasoning, though it is not crystal clear, the Other of the EU bordering process is clarified further, the Others are the so – considered *mala fide* non – Europeans, who are suspected to become *future* irregular migrants.

Overlooking the place of irregular migration in the EU bordering process is impossible as it has become a recurrent theme in the EU legislation on borders – where external borders are almost always used in the same paragraph with ‘illegal immigration’. There is a wide web of factors that led to the emergence of this nexus between borders and irregular migration. The foremost factor is the construction of irregular migration as a security risk for the EU.¹⁰⁹ In addition to this, the portrayal of phenomenon as only a matter of unauthorized, clandestine crossing of borders for a long time and limited and inefficient internal controls in the EU member states have become influential. All these factors made external

¹⁰⁹ European Council’s Report on the Implementation of the European Security Strategy in 2006 (updated version of the original 2003 European Security Strategy) mentions “illegal migration” thrice and while not calling it as a threat, it calls the phenomenon as a ‘challenge’ to the security of Europe. In line with this perspective and approach, irregular migration finds itself a place in the European Neighborhood Policy (ENP) and in the relations of the European Union with the candidate countries.

borders the main immigration control mechanism in the EU, placing irregular migration at the very centre of the EU bordering process.

Though this is the case in the EU bordering process, it is odd that with some exceptions such as victims of human trafficking, irregular migration takes place upon the will and decision of the individual. According to several studies with scientific foundation, the major flow of irregular migration to the EU is the status related flows (Clandestino Research Project, 2009; Triandaphyllidou, 2010). This flow is made up of individual non – Europeans, who fall into irregularity after crossing all layers of external borders legally. As these people cross all layers of external borders legally, in order to filter and prevent them the EU external borders have to read the intentions of the non – Europeans. Such a task is impossible to achieve. Then how are the non – Europeans assessed and decided that some of them have *bona fides* while the others are believed to have *mala fides*, ‘penalized for their future, but not yet committed act’¹¹⁰ and prevented from entering the EU territory? As the first two layers of external borders, *pre – borders* and the *actual physical borders* and the documents related to them as well as the categories of different components of *digital* borders are illuminative in understanding this assessment or intention reading. They are also illustrative for EU bordering process and its Others.

Common Consular Instructions, which guided officials at the consular posts and diplomatic missions in examining visa applications and issuing Schengen visas between 2000 and 2009, underlined that the main issues in examining visa applications were the security of the Member States and the fight against ‘illegal immigration’ (Schengen Executive Committee, 2000). While warning visa officials to be vigilant about the ‘risk categories’, the Instructions noted that the responsibility of assessing irregular migration lied with them:

“The diplomatic mission or consular post shall assume full responsibility in assessing whether there is an immigration risk. The purpose of examining applications is to detect those applicants who are seeking to immigrate to the territory of the Contracting Parties and set themselves up there, using grounds

¹¹⁰ Though the wording was different, the idea lying beneath this sentence was brought forward by my dear supervisor, Assoc. Prof. Dr. Erhan Doğan. Later it was worded into this sentence after a valuable discussion with Dr. Yunus Sözen, who widened my perspective with his valuable comments.

such as tourism, studies, business or family visits as a pretext. Therefore, it is necessary to be particularly vigilant when dealing with “risk categories”, in other words unemployed persons, and those with no regular income etc. If there is any doubt over the authenticity of the papers and supporting documents submitted, the diplomatic mission or consular post shall refrain from issuing the visa” (*ibid*: 11).

Furthermore, in making their assessments about the applicants’ *bona fides*, visa officials were directed to the framework of local consular cooperation, which enabled information exchange about visa applications and the applicants. Among other things, local consular cooperation primarily aimed at determining “possible illegal immigration routes and on refusing visas where applications are clearly ill-founded or fraudulent” (Schengen Executive Committee, 2000: 13).

Despite the existence of these documents and guides, there are no definite, clear criteria for understanding whether the applicant has *bona* or *mala fides*. The interviews conducted with consular officials by Guild (2001) confirm the lack of precise criteria. Although it has not been stated in any of the documents, the interviewees explained that the airline choice of the applicant was also taken into account as an indicator of *bona fides*. If the applicant booked a ticket with the national or major airline of a country, “her *bona fides* are strengthened” (*ibid*: 23 – 26).

This application is maintained and furthered in the Visa Code, which replaced the Common Consular Instructions in 2009. In addition to taking risk of irregular migration before security of the Member States in its wording, the Code explains that the applications must be assessed by examining the information on five factors: socioeconomic structure of the host country, sources of information at local level, including social security, health insurance, fiscal registers and entry – exit registrations, the use of false, counterfeit or forged documents, irregular immigration routes and refusals (Council of the European Union 2009a: 42).

A more illuminative document is the Black List of countries whose nationals are required to obtain visas before entering to the Schengen territory. Almost all of Africa, all non Spanish or Portuguese speaking countries in South America with exceptions of Colombia and Peru, all countries where Muslim population make up the majority with the exception of Brunei, China, Caribbean

and Pacific islands, territories where protracted crises persist such as East Timor, Palestinian Authority and Taiwan are in the Black List (Guild, 200, p. 42; Council of the European Union, 2001). In other words, with several exceptions, nationals of all African countries, all Muslim countries and all poor countries become subjects of risk assessment in terms of irregular migration, meaning that they might have *mala fides*.

There is no specific reference to a region or a country in the directives on carrier sanctions or in the Schengen Borders Code. Similar to these documents, the Practical Handbook for Border Guards, which is prepared by the European Commission to guide border authorities of the Schengen Member States in applying the Schengen Borders Code, does not include any specific reference to a region or a country but it notes that “border guards must always.... ensure the need of always being vigilant in order to detect persons posing a risk to public policy and internal security as well as potential illegal immigrants” (Council of the European Union, 2006b: 16). And in order to fulfill this need, it recommends border guards “not to interrogate the traveler as a potential criminal or illegal immigrant [and] to ask all the questions in a friendly way” but to “keep always verbal contact and observe the behavior and reaction of the traveler (e.g. nervousness, an aggressive attitude, excessive willingness to co-operate)” while they are checking the travel documents (*ibid*: 16 – 18). Following these lines, it is understood that any form of over reaction such as excitement, nervousness or affright is suspicious for the European Commission and it shall lead to the interrogation of a non – European person’s intentions by the border guards, whether they have *bona* or *mala fide*.

The nationalities of the non – Europeans for whom an alert has been issued according to Article 96 in SIS are not classified as public. Therefore it has not been possible to make any argumentation upon SIS. VIS, on the other hand, provides a rich ground for discussion. As it is examined thoroughly above, the major irregular migration flow to the EU is the status related flows, in which ‘overstayers’ make up the largest group (Clandestino Research Project, 2009a; Triandafyllidou, 2010; EPEC, 2004). Simply, these are the people who have

entered the Union regularly with visas, later they either overstayed them or violated their terms of entrance or residence (Clandestino Research Project, 2009a). VIS has been introduced to cope with overstaying and other forms of status related flows. It scrutinizes the visa applicants and their applications thoroughly by the help of biometrics technology and it also makes the whole visa procedure more expansive as well as more complicate for the *future* irregular migrants. In that sense, the system has been assigned to filter *mala fide* non-European persons at pre borders and at the actual borders.

Besides these functions, VIS also assists “in the identification of any person who may not or may *no longer* fulfill the conditions for entry, stay or residence of the territory of the member states” (Council of the European Union, 2007: 8). It fulfils this task by generating a link between an irregular migrant and her previous visa application dossier, which is full of detailed personal data - an irregular migrant would not want to share with the authorities (Broeders, 2011: 56). This assignment has broadened the reach of the VIS as it needs VIS to transcend pre and actual borders and to function within the Schengen territory as well.

VIS became operational on October 11, 2011. However, it has not become operational in all Schengen countries’ consular missions and diplomatic posts worldwide at once. It is being deployed progressively region by region. Regulation (EC) 767 / 2008 notes that these regions shall be determined according to “the risk of illegal immigration, threats to the internal security of a Member State and the feasibility of collecting biometrics” (Council of the European Union, 2008: 20). While in a later document, the Commission Decision on determining the VIS regions, European Commission has noted that the regions in which deployment of VIS would take place were determined by the Member States’ experts in 2005 according to the factors such as visa and entry refusal rates and the presence of the consular missions in there (European Commission, 2009d). The first region, where it became operational in October 2011, is North Africa – in the Schengen countries consulates in Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia. The second region is the Near East. VIS became

operational on May 10, 2012 in the consulates in Israel, Jordan, Lebanon and Syria and Near East will be followed by the Gulf Region, where the consulates in Afghanistan, Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates and Yemen is going to be connected to the VIS on October 2, 2012 (European Commission, 2010b, p. 1 – 4).

Prioritization of these regions and specific countries in them helps in unveiling the Other in the EU bordering process. Similar to the Black List, such a prioritization tells us first that nationals of African, Muslim and poor countries are under the focus of the VIS. However, when these countries are brought under a magnifying glass, commonalities in terms of their economic indicators, geographical locations and ethnic / racial and religious composition come forward.

Figure 3.10 The Countries where VIS becomes operational

		Ethnic/Racial Composition	Religious Composition	GDP per capita (est. 2011)
Region 1	Algeria	Arab	Muslim	\$ 7,400
	Egypt	Egyptian	Muslim	\$ 6,600
	Libya	Arab and Berber	Muslim	\$ 14,100
	Mauritania	Moor / Black	Muslim	\$ 2,200
	Morocco	Arab and Berber	Muslim	\$ 5,100
	Tunisia	Arab	Muslim	\$ 9,600
Region 2	Israel	Jewish and Arab	76% Jewish 17% Muslim	\$31,400
	Jordan	Arab	Muslim	\$ 6,000
	Lebanon	Arab	60% Muslim, 40% Christian	\$ 15,700
	Syria	Arab	Muslim	\$ 5,100
Region 3	Afghanistan	Afghan – different ethnic groups	Muslim	\$ 1,000
	Bahrain	Arab	Muslim	\$ 27, 900
	Iran	Persian	Muslim	\$ 13,200
	Iraq	Arab	Muslim	\$ 3,900
	Kuwait	Arab	Muslim	\$ 42, 200
	Oman	Arab, African, South Asian	Muslim	\$ 26, 900
	Qatar	Arab, Iranian	Muslim	\$ 104, 300
	Saudi Arabia	Arab and Afro – Asian	Muslim	\$ 24, 500
	United Arab Emirates	Arabs and others	Muslim	\$ 48,800
Yemen	Arab	Muslim	\$ 2,300	

Source: Central Intelligence Agency, The World Factbook, 2012.

First of all in almost all countries with only three exceptions of Kuwait, United Arab Emirates and Qatar, GDP per capita is below the EU average of \$ 34,500 in 2011 (Central Intelligence Agency, 2012). Secondly, in all countries except Israel and partly Lebanon, majority of the population (ranging from 60% to 98%) is Muslim. Commonalities in the ethnic and / or racial composition is also interesting, Arabs make up the majority of the populations in 16 out of 20 countries above. Another point is that of all these 20 countries, the ones in the first region are the geographically closest to the EU. In other words, this reading says

that the people who are Muslim Arabs living in a poor country geographically close to the EU are the prime suspects for having *mala fides*. Though VIS deployment plan provides food for thought on Othering practices in the EU bordering process, there are several issues that shall be raised in discussing this argument.

The first issue is the unrests or uprisings in the Arab world, the so called the Arab Spring. Having begun in Tunisia in December 2010, uprisings spread to many other Arab countries. Only two of these countries, Egypt and Tunisia have succeeded a mild regime change while severe unrests persist in Yemen, Libya, Syria and Bahrain (Global Humanitarian Assistance, 2011). Currently, all 6 of the first region countries are undergoing political reconstructions either after civil wars, coups or regime overthrown and there are uprisings and armed conflicts in several others in the second and third regions. It should also be noted that these unrests and regime changes triggered a high volume of migration from these countries to the EU with putting heavy pressures on the external borders. The exodus from these Arab countries and the arrival of people to Italy and Malta in high numbers have also erupted into crisis in the Schengen Regime. Despite heavy criticism from the European Commission, France restored border controls with Italy in April 2011 for a short period and Denmark reintroduced visible customs controls at Danish borders with Germany and Sweden in May 2011 and these were followed by a German – French Proposal on reintroduction of border controls. In other words, the Arab Spring, which caused a massive exodus from North Africa brought borders, border controls and the Schengen Regime under discussion.

Though these were the circumstances it is impossible to call ‘the political circumstances in a country’ as a factor in adding it to the first three regions of VIS. Because according to the European Commission Decision (2009d) these countries and the regions were determined long before the political unrests begun in the Arab world. They were determined in 2005 by experts from the Member States (Europa, 2011). In line with this in answering the question of whether there

is any relationship between the Arab Spring and the VIS deployment plan, European Commission (*ibid*: 3) notes:

“the political decision to start VIS operations in North Africa and then in the Near East region was taken by the Council in 2005, and later reaffirmed in November 2009 well before the events of the Arab Spring”.

The second issue is the exclusion of Senegal and Western Sahara, which carry almost the same characteristics with these countries. Both are located just below Mauritania, majority of the population in both of them is made of Muslims, with only in Western Sahara Arabs make up the major ethnic group and GDP per capita in both is very low, \$1900 in Senegal and \$2500 in Western Sahara (Central Intelligence Agency, 2012). According to the factors discussed above, these countries must have also been taken into the VIS deployment plan. However, they were not.

Another point is about geographical closeness. The migration dynamics of these countries can be raised. It can be said that these countries are both countries of origin and transit for irregular migration to the EU and that is why VIS operations take place in them. However, though, the same conditions are found in Turkey, the country has not been included in the VIS deployment plan.

Following these lines, it is understood that VIS provides a clearer picture of othering in the EU bordering process than the Black List, Common Consular Instructions, Visa Code and the Schengen Borders Code. With above mentioned exceptions, it is inferred from the deployment plan of VIS that the others of the EU borders, who are so – considered *mala fide* third country nationals, seem to be primarily the Muslim Arabs living in geographically close and economically backward countries.

3.8. EU REGION – STATE: ‘A GATED COMMUNITY’

Weber (1964: 154) describes a state as a political entity that “successfully upholds a claim to the monopoly of the legitimate use of physical force *within a defined territory*” (Weber, 1964: 154). This definition tells a lot about both the nature and

the functions of state borders. They set the physical limits and demarcate a territory in which it becomes possible to organize and maintain economic, social and political life. In this way, these characteristics make borders the very basic constitutive institutions of any political entity.

More than this, for any political entity borders inevitably become the basic markers of identity for the people who are living within them. They register and confer the identity of that territory therefore almost always borders also refer to the national identities. Having so profound and intense meanings and connotations, drawing of borders or border formation is a process that affects the essence of the political entity and the identity of the people living within those borders. In line with these, a bordering process is about constructions of categorizations such as 'inside / outside', 'here / there' and 'us / them' all of which are related to the very basic categories of 'we and the Other'. Therefore, a bordering process is all about differentiating the self from the Other that makes it a process of othering at the same time.

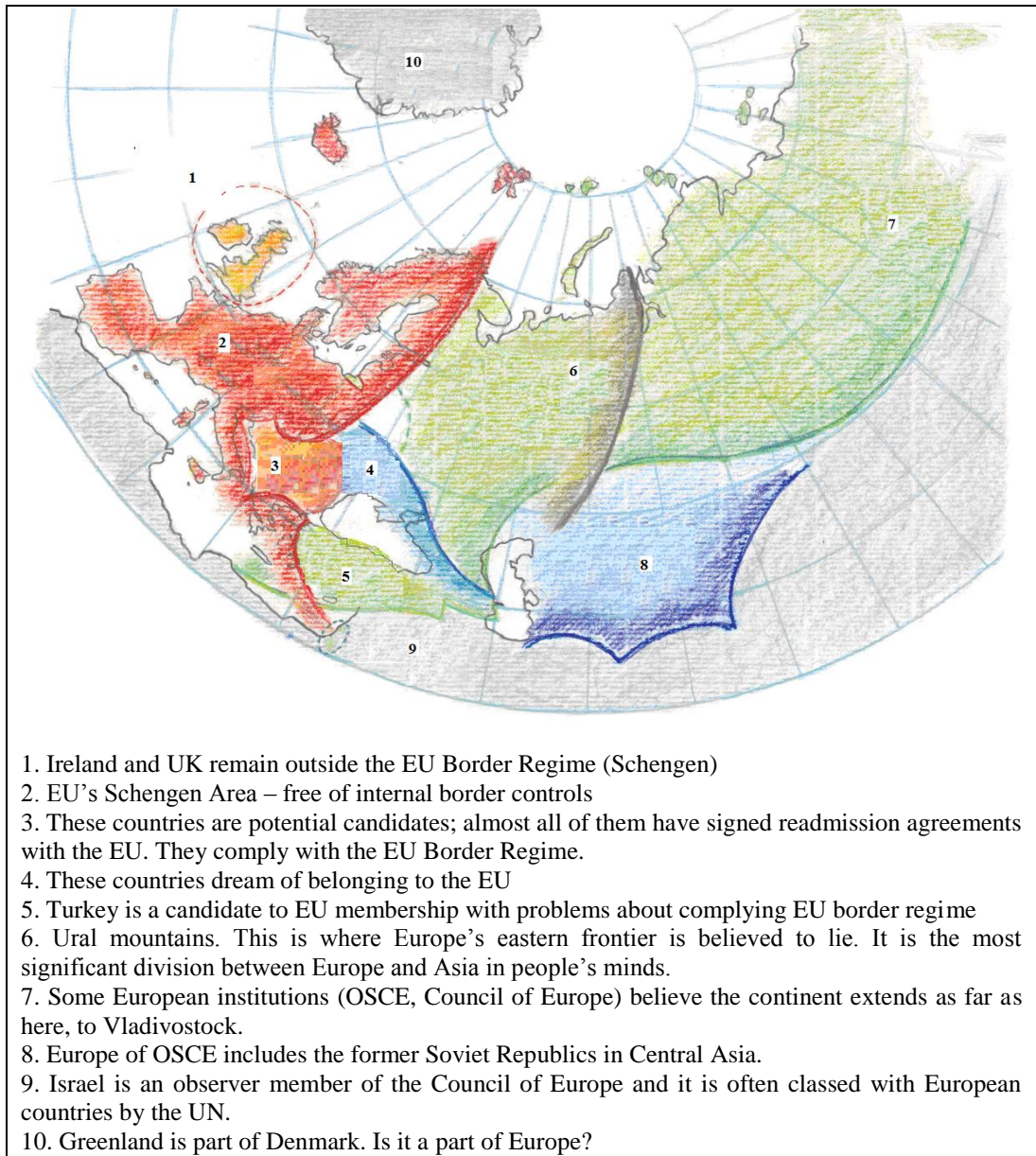
Unlike states, EU is a political entity *sui generis*. It is believed to be the prime example of re – territorialization in the European continent. According to new regionalism theory, there is high degree of regionness in Europe with EU – Europe presenting the closest arrangement to a region. In other words, EU – Europe is rising as a region - "Europeanization of Europe" is taking place (Hettne, 2002: 325). The institutional polity of this emergent region, the EU stands as the political entity for the European region, 'the region – state' (Hettne, 2002).

For a very long time, the EU has a kind of moving external borders. Between 1957 and 2007, the number of its members reached to 27 with six successive enlargement rounds and its external borders have continuously changed. In addition to these, currently there are candidate and potential candidate countries waiting on the queue as well as countries aspirant to enter into a candidacy relationship with the EU. Today, with its actor capabilities and exclusive competences over many core nation – state functions, the EU has a visibility and rightly or wrongly it is often seen as the main representative of the European continent for the outside world. However, despite its predominance with

its supranational structure, own bureaucracy (Eurocrats) and supreme legislation, the EU is not the only political entity / organization in Europe. Though they are intergovernmental organizations, Organization for Security and Cooperation in Europe (OSCE) and Council of Europe (COE) are also two important European organizations with different members from those of the EU's.

In addition to this variegation, there is no uniformity even within the EU. Member States become involved to flexible integration with opt-outs from common policies or regimes. In the case of borders, a group of EU Member States (UK, Ireland and Denmark) have chosen to adapt differently or not to adapt at all to the border regime of the EU, while several non – EU European states have chosen to comply (Norway, Lichtenstein, Iceland and Switzerland). Similar diversities exist in other policy fields as well, monetary policy is another example. Map 3.3 is an illustration of diversity and multiplicity in Europe and the variegated approach to the EU policies by the EU Member States. As depicted in the map, this variegated complexity in Europe is quite convincing for the need to draw a different kind of external borders around the emergent European region.

Map 3.3 Borders of Europe



Source: (Rekacewicz, March 2012), Le Monde Diplomatique

State borders are clearly defined and controlled borders. They establish and perpetuate the sovereignty of the states by defending the territory and controlling every kind of movement into it. Assigning EU external borders with these functions would be impractical as well as being contradictory as many of these functions cannot be maintained under the process of globalization, which is believed to cause the emergence of the region – state; the EU in the first place

(since 1990s). According to the assumptions of new regionalism, contrary to those of a state, borders of a region – state need to be permeable and porous enough to allow cross border interaction, communication and free movement of goods, capital, services, ideas and people. They are expected to lack clarity in order to accommodate the ground that makes the region – state emerge: globalization. In other words, a region / region – state shall have *fuzzy borders*.¹¹¹

‘Fuzzy borders’ have been conceptualized by Christiansen *et al.* (2000) before the EU enlarged to Central, Eastern and Southeastern Europe. According to these academics, though the EU has clearly defined membership, demarcation of its external borders is difficult because it exports its policies to the neighbouring countries through a network of deep institutionalized relationships. In their view, for this exact reason EU external borders are not clear but fuzzy.¹¹²

Christiansen *et al.* (*ibid*: 393) define ‘fuzzy borders’ as “moving zones [that] can easily be crossed by persons, goods, capital and ideas”. They are assumed to allow cross – border interaction, communication and movement to a degree with fuzzy or undefined notions of inclusion or exclusion (Neumann, 2011, p. 37). In line with this, ‘fuzzy borders’ concept indicates transition zones at the actual physical borders as well as an inclusive bordering process with less clear cut or blurred categorizations of ‘here’ and ‘there’; ‘us’ and ‘them’; ‘inside’ and ‘outside’ and ‘we’ and ‘other’. Furthermore, interface or intermediate spaces of communication and interaction between ‘inside’ and ‘outside’ exist within the conceptualization of ‘fuzzy borders’ (Christiansen *et al.* 2000). With such a

¹¹¹ Christiansen *et al.* (2000) wrote this article in 2000 before EU enlarged to Central, Eastern and Southeastern Europe and while they were conceptualizing “fuzzy borders” they had these countries in their mind. In their view, the exportation of EU policies to these countries showed that EU had fuzzy borders. Here it should be noted that there was almost no dispute about the Europeanness of these countries. They were thought to be European in terms of geography, culture, ethnicity and religion. But they were not EU members, becoming of which was seen as a matter of time as almost all of them were candidates or aspiring to enter into an accession process. Therefore in most of the countries, interest groups and civil societies as well as the governments were in favor of policy export from the EU. Following these lines, though the conceptualization and definition of “fuzzy borders” in this article suits every well this study, the argument that lies beneath this article does not. According to this study, as the political entity, the region – state of the emergent European region, the EU mimics state behaviour and mentality when it comes to its borders, although its borders should be fuzzy due to the circumstances that make it emerge.

¹¹² Christiansen *et al.* (2000) have also compared ‘fuzzy border’ phenomenon with the concept of ‘near abroad’, which is associated by Russian Foreign Policy towards the countries and regions of the former Soviet Union that contemporary Russia still wants to be involved in.

bordering process, the nature of fuzzy borders become permeable and fluid as clear – cut demarcations between two entities, administrative or political systems, cultures or civilizations are blurred.

In the light of all these ideas, firstly, there has to be an “openness of borders” in the emergent European region (Bigo and Anderson, 2003: 21). Secondly, external borders of the EU – Europe have to be fuzzy. They have to “lack consistency and clarity”; they have to be “less rational, less rigid to allow for a complex historical transition to take place” as well as allowing the European region to interact with the rest of the world and include other states in the geographical proximity when the conditions ripen (*ibid*). And thirdly, in order to establish such borders, EU bordering process has to be different from the bordering processes of the sovereign states; it has to have an inclusive ‘fuzzy logic’, which dictates EU to refrain mimicking state mentality and behaviour during the bordering process.

Interestingly, when we consider the movement of foreigners, EU borders fall short of meeting these assumptions and expectations. EU Border Policy focuses on mobility and it aims to regulate the movement of non – European persons. The objective of the policy is to establish external borders that will function as filters and prevent only some non – European persons: those who are considered to have *mala fides*. In line with this aim in the EU Border Policy, the EU has succeeded erecting three layers of external borders, which are expected to be permeable for *bona fide* non – European persons but at the same time filter and detect the so – considered *mala fides* in order to prevent their entry into the Schengen territory. Following these lines, it can be said that the EU bordering process others so – considered *mala fide* non – European persons. As the analysis in the previous pages put forward, so – considered *mala fide* non – Europeans are those people whom the European authorities suspect for carrying irregular migration risk - the people that are suspected for falling into irregularity and becoming irregular migrants after they enter into the Schengen territory. To put it in another way, so – considered *mala fide* non – Europeans are the *future* irregular migrants. With this reasoning, the Other of the EU bordering process is clarified

further, the Others are the so – considered *mala fide* non – Europeans, who are suspected to become *future* irregular migrants. To go one step further, the examination of VIS, its deployment plan, the Black Visa List, Common Consular Instructions, Visa Code and the Schengen Borders Code revealed that the othering practices of the EU bordering processes target so – considered *mala fide* non – Europeans, but more specifically the Muslim Arabs living in geographically close and economically backward countries.

What does this analysis say for the nature of the emergent region – state and its borders? According to the assumptions of new regionalism, borders of a region – state need to be fuzzy and lack clarity. They are expected to be permeable and porous enough to allow cross border interaction, communication and free movement of goods, capital, services, ideas and people. More than this, in order to benefit a region – state, EU borders have to be drawn during an inclusive bordering process, which has to be inclusive with less clear cut or blurred categorizations of ‘here’ and ‘there’; ‘us’ and ‘them’; ‘inside’ and ‘outside’ and ‘we’ and ‘other’.

EU borders allow cross border cooperation (with the EU encouraging it through several programmes) and they are porous enough to allow the movement of technology, information, capital and goods. However, when it comes to the free movement of non - European persons, first of all there is a worrying *de facto* categorization of *bona fide* and *mala fide* travelers in the EU and the EU external borders are being clearly demarcated and made impermeable for the latter. Layers of EU external borders are assigned to filter, detect and prevent the so – considered *mala fide* non Europeans. In other words, when the issue is the movement of foreigners the EU tries to prevent the movement of so – considered *mala fide* non – European travelers and in doing that it falls short of a ‘region – state’ and mimics a sovereign nation – state. It has clearly defined borders for these people with identification, control and surveillance procedures, with which similar to a state, it claims monopoly over the legitimate crossing of borders by persons and determines who may cross the external borders and circulate within (Torpey, 1998, p. 240 – 245).

EU bordering process takes place against the so – considered *mala fide* non Europeans. These people are the third country nationals who are suspected for carrying a risk of irregular migration and aside the ones who are involved in geographical flows of irregular migration, they are subject to intention reading. More than this, the analysis of the main documents on EU borders puts forth that though it borders against sub - Saharan Africans and Asians as well, the EU bordering process focuses on nationals of African, Muslim and poor countries. VIS deployment plan on the other hand, seems to provide a fertile ground for discussion by showing the commonalities among the nationals of the countries where VIS operations will take place: in geographically close and economically backward countries with Muslim Arab populations. In line with this, it would not be wrong to say that EU bordering process ‘others’ *primarily* Muslim Arabs who are living in geographically close and economically backward countries but also nationals of African countries and economically backward countries.

Exclusive border and migration policies of the EU have been criticized by many circles for a long time. The most common metaphor employed in these criticisms, is the ‘Fortress Europe’, which depicts a walled community with effectively watched and controlled wall – like borders and a highly restrictive regime on movement of refugees and poor migrants. However, the EU borders are not aimed to be restrictive and impermeable for the all refugees and non – Europeans. They aim to restrict, filter and prevent only the so – considered *mala fide* non – Europeans who might turn into irregular migrants. According to the EU Border Policy, they shall be open for the *bona fides*. Following these lines, though the ‘Fortress Europe’ metaphor is commonly used to describe the attitude and policies of the EU on migration and border, the findings in this study tell that rather than a Fortress Europe, with impermeable borders for all non – Europeans and for all migrants, the EU resembles more to a ‘Gated Community’ (Van Houtum & Pijpers, 2005: 1).

A gated community is defined as “a group of houses or flats in an area surrounded by a fence or wall that can be entered only the people who live there and their guests” (Macmillan Dictionary, 2012: 1). It is used to describe the

residential areas that physically restrict the entrance of nonresidents or anyone who is not let in. They are commonly found in countries where societies are deeply divided by income disparities such as Brazil, Turkey, Mexico and the US. With strictly controlled access, gated communities have been created to protect the safety and privacy of their affluent residents from the intruders and from any kind of social unrests. Having been referred also as ‘defended neighbourhoods’, these private residential areas gate their residents off from the rest of the society and protect their welfare and security through a wide variety of instruments such as walls, fences, CCTV cameras, alarms, detectors and security personnel. Public access to the gated communities is restricted and non - members, usually the impoverished people are excluded from this spatially bordered territory (Van Houtum & Pijpers, 2005, 6; Walters, 2006).

Very similar to the borders of a gated community, the EU borders are aimed at granting access to only those non – Europeans who are deemed as desirable. They try to keep the undesirables out, so - considered *mala fide* non – Europeans (the current and future irregular migrants) in order to secure EU citizens’ economic welfare and security. As the othering practices of this bordering process also point at several groups of people, whose identities can not be accommodated with the European identity, the EU borders aim to secure the identity of its residents as well (Van Houtum and Van Naerreen, 2002). Furthermore, most of the neighbouring countries are having hard time with political, social and economic problems which the EU borders are expected to gate their citizens off. Following these lines, in the final analysis, the bordering and othering processes of the EU tell that it is not a Fortress but it resembles more than anything but a ‘Gated Community’.

In the final analysis, as Snyder (2005: 2) notes the EU is a political entity *sui generis* that is ‘in the process of being born at its borders’ and its borders, bordering and othering processes against the movement of foreigners and its such resemblance to a ‘Gated Community’ in letting the foreigners in, tell a lot about the nature of the EU. Though there is ‘regionness’ in Europe and the EU – Europe seems to rise as a region – state, unlike the assumptions of the new regionalism

theory, its borders for the movement of foreigners have been imagined, constructed, projected and enforced similar to a nation – state. Its borders are not fuzzy, permeable or porous for the movement of non – Europeans. Similar to a nation – state it has restrictive and excessively controlled borders, it claims monopoly over the legitimate crossing of borders by non – European persons and likewise a nation – state, in bordering process it ‘others’ an identifiable group with identities that cannot be accommodated with the European identity and thereby it leans on a kind of cultural essentialism. Moreover ‘the others’ in this bordering process tend to bear a strong resemblance to the historical others in the European continent – the Muslim Arabs living in geographically close territories. As Delanty (1995) notes, ‘the idea of Europe’ was a contested idea and it was invented or it came out after 7th century in the face of Islam, which was pushing Christianity upwards in Iberian Peninsula and westwards in Asia minor. As a result of this confrontation and struggle between Christianity and Islam as belief, cultural and political systems, the idea of Europe and the European identity was constructed as a dichotomy of Self and Other. The historical Other of Europe was Islam. It is understood that despite the different context it has taken shape, the EU region – state inherits this historical Other and this inheritance seems to play a big role in its bordering processes. EU’s bordering process ascribes its southernmost borders which separate the EU from those countries where the majority of population is made up of Muslim Arabs and where the economic problems persist, a frontier character. Southernmost borders of the EU are fortified, walled, constantly watched with high technological surveillance systems.

This bordering process tells that the EU does not only mimic state mentality and behavior but also historical identitarian confrontations in drawing its borders against the movement of foreigners and it means that it has been developing a highly exclusive nature. With these restrictive and excessively controlled borders drawn through a bordering process leaning more on identitarian and cultural matters, prevents bringing out the potential of the geographical space out of which this hypothetical region – state is arising. Moreover, if the Map 3.3 and the variegation of ‘Europes’ it depicted are remembered, in monopolizing the

‘regionness’ in Europe but bordering against the states and the people who might also associate themselves with Europe, the EU – Europe is falling short of a region – state. In that respect, though the EU – Europe has been emerging as a region with having ‘regionness’, bordering processes against the movement of non – Europeans indicate that the EU should be expected to lose ‘regionness’ as it acts contradictory to its *raison d’etre* – globalization at the very core of its own cradle: borders. The examination of its borders for the movement of foreigners shows that the EU does not only fall short of a region – state, but in a way it re-circulates the exclusive approach of nationalism in a different disguise – a *regional* or a *continental nationalism* perhaps - which shows that there is no real transcendence of national politics or of thinking the same way with a nation – state in the regionalization of Europe. It is thought that new regionalism theory has to reconsider itself to bring explanations for this exclusive, nationalistic way of regionalization in Europe.

4. BORDERS AND BORDERING PROCESSES IN SPAIN

Spain is located on the Iberian Peninsula in extreme southwestern Europe. It has borders with Portugal on the west and with France and Andorra on the north. Spain's only other land border is in the far south with Gibraltar, which is a territory of UK (Britannica Online Encyclopedia, 2012). Elsewhere, the country is bordered by water: by the Mediterranean to the east and south, by the Atlantic Ocean to the northwest and southwest and by the Bay of Biscay to the north. In addition to the mainland, Balearic¹¹³ and Canary¹¹⁴ Islands and five other territories on and off the coast of Morocco (including two small enclaves of Ceuta and Melilla) are also part of Spanish territories.¹¹⁵

Map 4. 1. Spain



Source: Bing Maps, 2012

¹¹³ Majorca, Minorca, Cabrera, Ibiza and Fomentra.

¹¹⁴ Tenerife, Palma, Gomera, Hierro, Grand Canary, Fuerteventura and Lanzarote.

¹¹⁵ There is a decentralized administrative structure in Spain with 17 autonomous communities, 2 autonomous cities (Ceuta and Melilla) and 3 small possessions off the Moroccan coast (Islas Chafarinas, Penon de Alhucemas and Penon de Velez de la Gomera) (Central Intelligence Agency, 2012).

Spain is a constitutional monarchy with a two – chambered parliament: the *Cortes Generales*.¹¹⁶ The government functions in accordance with the 1978 Constitution, which was drafted and adopted after the end of Franco era in 1975. The 1978 Constitution recognized linguistic and cultural diversity within a united Spain by decentralizing the administrative structure. Currently, there are 17 autonomous communities¹¹⁷ and 2 autonomous cities (Ceuta and Melilla) in Spain. The country has been identified with Roman Catholicism as it had been the official religion of the country between 589 and 1978.¹¹⁸

As an EU member since 1986, southern and eastern borders of Spain make up the external borders of the EU region – state. These external borders of the EU, in particular southern of them, have come to the fore with irregular border crossings. Determined swimmers, *pateras* and all other kinds of vehicles carrying would – be irregular migrants became important sources of concern not only for the Spanish government but also for the EU. After examining the general preconditions of Making of Spain, Spanish economy and geography, EU membership and migration dynamics, this chapter proceeds with the evolution of the Spanish Border Policy, the predominant themes around borders in the Parliamentary speeches of Ministers for Foreign Affairs and of Interior and analyzes the Spanish bordering processes against the movement of foreigners in the period between 1990 and 2010. The Chapter ends with the evaluation of Spanish experience of befitting itself within the borders of the EU region – state.

¹¹⁶ *Cortes Generales* is composed of two congresses: *Congreso de los Diputados* (Congress of Deputies – 350 members) and the *Senado* (The Senate – 266 members).

¹¹⁷ In May 1983, Spain had been divided into 17 autonomous communities: Basque Country, Catalonia, Galicia, Andalusia, Asturias, Aragon, Balearic Islands, Canary Islands, Cantabria, Castile and Leon, Castile – La Mancha, Extremadura, Navarra, La rioja and the regions of Madrid, Murcia and Valencia. In 1995, two autonomous cities, Ceuta and Melilla were added (Britannica Online Encyclopedia, 2012a).

¹¹⁸ Since the 1978 Constitution, there is no official religion in Spain. However, Roman Catholicism has still important cultural influence and the majority of the population (73 %) is Catholic (Britannica Online Encyclopedia, 2012a; Instituto Nacional de Estadística, 2012).

4. 1. GENERAL PRECONDITIONS

4. 1.1. Making of Spain, its Economy and Geography

Early history of Spain is marked by successive waves of different people: Iberians, Greeks, Celts, Aryans, Carthaginians, Romans, Visigoths and Muslim Arabs. Among these, Romans, Visigoths and Muslim Arabs became influential. Large parts of today's Spain had been under Roman rule for more than 400 years. Later in 711 Muslim Arabs from North Africa entered the south of today's Spain and they launched the 'Moorish' era that would last for centuries until 1492 (Philips and Philips, 2010). As noted by Solsten and Meditz (1988: 32):

“The people who became known to West Europeans as Moors were the Arabs, who had swept across North Africa from their Middle Eastern homeland, and the Berbers, inhabitants of Morocco who had been conquered by the Arabs and converted to Islam.”

As Hernandez (2009: 483) notes, Moors have important place in Spanish history:

“Although numbering very few actual Arabs or Muslims among their ranks, the indigenous North – African, dark skinned Berber warriors who accompanied General Tariq ibn – Ziyad's invasion forces in 711 would forever be known in Spanish history as *los Moros* (the Moors). Their arrival was immortalized in the master narrative of Spanish history as the “Moorish Conquest””.

Muslim Arabs were able to conquer the whole country quickly except for a small territory in the North, where fleeing Visigothic nobles and the mountaineers of Asturias united against Muslim forces and launched the *Reconquista* in 718, a struggle fought by Spain for re-conquest of the country by Christians and recapturing the territory from the Muslims. *Reconquista* (reconquest in English) was “a series of intermittent military campaigns against widely divergent Arab, Berber and Muslim factions from North Africa” and it lasted until the fall of Muslim rule in Granada in 1492 (Hernandez, 2009: 482). As Moorish era and *Reconquista* against it, lasted for almost 800 years, they became the dominant theme in medieval Spanish history and both had deep impact on the formation of medieval and early modern Spanish national consciousness.

In 1469, Ferdinand of Aragon and Isabella of Castile, who are perhaps the most important figures in the Spanish history, united Aragon and Castile – Leon

and they brought *Reconquista* to an end in 1492 by conquering Granada. Though present – day Spain would emerge later with the incorporation of Navarre in 1512, with the capture of Granada unification of Spain was assumed to be completed (Ministerio de Presidencia, 2011a).¹¹⁹ The same year (1492) they sponsored the transatlantic voyages of Christopher Columbus, who initiated exploration and colonization of the Americas so that Spain caught the chance to become a global empire. Spain forwarded its *Reconquista* energies to non – Catholic new territories and during the 16th century, Spaniards were able to conquer huge territories in the Americas: Caribbean, Mexico, Peru, Venezuela, Paraguay, Ecuador, Philippines, Columbia, Cuba, etc. Spaniards imported their language, religion and culture but also wide variety of goods to these lands and got the treasures of the New World in command; they brought gold, silver and other precious metals and stones to Spain in return.

Due to its large Muslim and Jewish populations, Spain was the only multiracial and multireligious country in Europe and it did not fit this formula (Britannica Online Encyclopedia, 2012a). Between the late 14th century and the early 17th century, through pogroms, compulsions, executions and expulsions Spanish crowns were able to eradicate religious differences. By 1525, all inhabitants of Spain were officially Christians and society was later largely ‘purified’ from the *conversos*¹²⁰ and *moriscos*¹²¹ (Solsten and Meditz, 1988).

In the 16th century, thanks to the treasures brought from overseas possessions, Spain was wealthy and powerful. However, by the mid – 17th century, it became a declining world power (Chartrand, 2006). In the early 20th century, having lost almost all of its European and overseas possessions, challenged by political autonomy demands of its industrialized regions (Basque and Catalonia) and trying to manage with the quest (became anarchical sometimes) for a stable political system, the attention of Spain was on the internal affairs. It was then one of “poorest nations of Europe” (Schulze, 1996: 143). In

¹¹⁹ Portugal united with Spain in 1580. From 1580 to 1640, Portugal and Spain were linked together under the Spanish crown.

¹²⁰ Jews, who were converted to Christianity were called as *conversos*.

¹²¹ Muslims, who were converted to Christianity were called as *moriscos*. *Moriscos* meant little Moor in Spanish.

line with these internal developments, Spain remained neutral in World War I. However, fight came to Spain itself in 1936 when military uprisings, social, ideological and regional unrests and political turmoil led to Civil War. During the war, Nationalists (right, General Franco was the leading figure) were supported by Nazi Germany and Mussolini's Italy, while Republicans (left) were supported by Stalin. Civil War ended in 1939 with more than a million casualties leaving General Franco as the dictator of Spain until his death in 1975.

First ten years of General Franco's authoritarian regime was marked by repression through military tribunals and political purges, economic nationalism, protectionism, bankruptcy, impoverishment, loss of intellectuals and skilled labor, famine and drought. These internal developments led Spain to remain neutral in World War II, as well.

By 1960s Spain started to become upright in terms of economy; however, there were numerous political problems, repression by the authoritarian regime being the foremost one. Furthermore, there were serious strikes and regional autonomy demands from Catalonia and Basque Country, in which nationalists clustered around a terrorist wing: ETA (Euskadi Ta Askatasuna; Basque Homeland and Liberty) (Cowans, 2003). Terrorist attacks and assassinations of ETA and the other problems continued intensively until transition to democracy in 1978.¹²² In February 1979, Spain applied for EEC membership, which would consolidate democracy and increase the levels of economic development.

In medieval Iberian Peninsula, there was no cultural or linguistic unity among the Iberian peoples, the thing that united them was *reconquista*; "the crusading spirit – a blend of religious zeal, thirst for adventure and lust for booty" – for the recovery of territories governed by the Muslims, the so called Moors (Schulze, 1996: 38). It was the only integrative force among the Iberian people between 711 and 1492, for more than seven hundred years. After the accomplishment of *reconquista*, the unification of Spain became possible with the

¹²² The new constitution, which separated the church and the state, established a constitutional monarchy and created 17 autonomous communities, was ratified in a public referendum in 1978 (Cowans, 2003).

continuation of this spirit. Adding geographical location to the analysis, Schulze similarly notes (1996: 126)

“geographical isolation and its people’s willingness to accept military discipline during the *reconquista* resulted in the 16th century in a measure of political and cultural integration in Spain”.

After the fall of Granada, the crusading spirit targeted Jews first and then *conversos* and *moriscos* in the form of state policy. As a result, by the end of the 16th century, religious unity was achieved in the Iberian Peninsula. Then the Catholic Monarchs succeeded to divert it to the New World, to where many Spaniards emigrated to take part in the colonization.

By the mid – 16th century, in addition to the crusading spirit, Castilian language that was dominantly used by government and state elites, started to be influential as an integrative force for the Iberian people (Mar – Molinero and Smith, 1996). Though it has never become possible to eradicate Catalan, Galician and Basque languages and create a linguistic unity in the Peninsula, Castilian became the language of new colonies in the Americas.¹²³

The economy of Spain is based on agriculture (3.2%), industry (manufacturing mainly in Catalonia) (25.8%) and services (71%). In the 19th and 20th centuries, Spain was a poor country when compared to the other Western European countries (Etxezarreta, *et. al*, 2011). However, between 1961 and 1975, Spanish economy grew so rapidly (by an average annual rate of 6.7 %) that this rapid economic development came to be known as the “Spanish Economic Miracle” (Richardson, 2011, p. 52; Powell, 1995).¹²⁴ Though the economic performance was not able to catch those high average growth rates in the following years, the economic growth in Spain continued in the period between 1990 and 2007. In line with this, employment, wages and the levels of consumption increased in the country (Richardson, 2011). However, after long

¹²³ In 1492, humanist Antonia de Nebrija, who would later develop Castilian grammar and vocabulary, expressed Queen Isabella that “language had all times been an instrument of government” (Schulze, 1996: 39). Modern form of Castilian, Spanish language is currently spoken in 21 countries by more than 358 million people (Faiella, 2004).

¹²⁴ According to Powell (in Richardson, 2011) ‘Spanish economic miracle’ did not depend on internal industrialization or production, it depended on external factors, such as foreign investment, Spanish emigrants’ remittances and foreign tourism.

years of economic growth, Spanish economy began to slow down and the country entered into an economic recession in 2008. Though it is currently the 14th largest economy in the world with \$ 31.000 GDP per person, the unemployment rate in the country has reached to 24.8 % by June 2012 (Eurostat, 2012; BBC News, April 27, 2012).

Despite these high growth rates, which theoretically means creation of employment, unemployment rates have always been high in Spain. It ranged between 15 % and 13, 2 % during the 1990s, reaching to 23 % in 1994. It fell below 13 % only in 2001. Though the unemployment rate remained relatively low during the 2000s, as a result of the economic recession in 2007, it started to climb up again by reaching to 20,1 % by 2010 (Eurostat, 2011a). When compared to other European Union countries, during these two decades the unemployment rate in Spain was so high that it came to be known as the Europe's highest unemployment rate (Cornelius, 1994).

In line with these high unemployment rates, according to the Barometers of *Centro de Investigaciones Sociológicas* (CIS) (2012a), unemployment was one of the major sources of concern for the Spanish citizens in the period between 1990 and 2010. In the Barometers, the share of respondents who thought that unemployment was the main problem of Spain had never been less than 40% during the 1990s and 2000s (*Centro de Investigaciones Sociológicas*, 2012a).¹²⁵ However, according to social scientists, unemployment during the 1990s had been highly related to the employment choices of Spanish people, who did not want to take jobs in some sectors. These sectors were mainly agriculture, domestic services, construction, child and elderly care. Most of the jobs in these sectors were temporary, they were low waged and the work sites were remote. More than this, they had very uncomfortable working conditions such as harvesting agricultural products in very high temperatures or working under very hard conditions in construction sites (Cornelius, 1994, p. 400). Under these conditions, Spaniards were not willing to fill these jobs. They were more willing to take types

¹²⁵ During the 1990s, every year around 80% of the respondents thought that unemployment was the main problem of Spain. While this percentage remained around 55 between 2000 and 2008, by the end of the 2008 it reached to 80% and remained so until then (*Centro de Investigaciones Sociológicas*, 2012a).

of white collar jobs or jobs in factories, which provided long term employment as well as better working conditions. Their unwillingness to fill vacancies in these sectors caused a relative shortage of labor despite the existence of high unemployment. It should also be noted that collecting unemployment compensation while working in the underground economy was a widespread practice among the Spaniards (Cornelius, 1994; Arrango, 2000). In other words, there was unemployment in the country and it was a major source of concern for the Spanish people, however the country was enriching as a result of high economic performance and the wealth accumulated from this economic development was being distributed to the Spanish people in one way or another, either in the form of unemployment compensation or other types of public expenditure. Only after the mid – 2000s, when certain funds and compensation mechanisms were cut as a result of the economic problems, unemployment became a major issue. As a result of economic recession and crisis, the unemployment rate reached to almost 25 % in the country by June 2012.

Spain has an ageing and declining population. By 2010, the population of Spain (including Canaries, Ceuta and Melilla) was around 46 million. However, according to Eurostat's population projections (2008), population of Spain is expected to decline to 42, 8 million by 2050 and the proportion of the people aged 65 and over is expected to become 35.7% of the population. This will be the highest share of elderly people in Europe. In addition to these age structures of the population, total fertility rate in Spain has been below the 2.1 live birth per woman replacement level. It was 1.38 in 2010 – one of the lowest fertility rates in Europe (Eurostat, 2011c).

Spain is located on the Iberian Peninsula in extreme southwestern Europe. Since very old times, geography has been an influential factor in shaping the course of events around the important political issues in the country. In particular, two geographical features of Spain outshine: the Pyrenees (*Pirineos*) and the Mediterranean. Pyrenees are a chain of mountains, which stretch from the shores of the Mediterranean on the east (south – north) and to the Bay of Biscay on the Atlantic on the west (east – west direction) (Britannica Online Encyclopedia,

2012e, p. 2). On the north of Spain, stretching in the east – west direction, Pyrenees form a high wall between France and Spain and in this way, they form a natural border between these two countries. European micro state, Andorra lies between France and Spain among the shorter peaks of Pyrenees.

Having been a formidable land barrier between France and Spain, Pyrenees separate the Iberian Peninsula, therefore not only Spain and but also Portugal, from the rest of the Continental Europe. Separation of Iberian Peninsula from the rest of Europe by such a high and insurmountable natural border, tied Spain and Portugal to the sea and led them to develop traditional links with Northern Africa and to initiate exploration voyages that resulted in exploration and colonization of the Americas (Sahlins, 2000; Birtannica Online Encyclopedia, 2012e).

The other prominent geographical feature of Spain is its being a Mediterranean country. On its south most of Spain's territory is bordered by the Mediterranean Sea. Mediterranean is not just a sea, but is a broad maritime space where interaction, communication and movement of people, goods and other assets – such as shipping or trade - have always taken place. Due to its characteristics it hosts both unity and diversity. While there is a physical and cultural unity in the region, there are ethnic, linguistic, religious and political diversities (King, 2000, p.109). In line with these, Mediterranean is often referred as both a bridge and a barrier (Tsardanidis and Guerra, 2000).

There are many other factors that reinforce the diversities and deepen the division between the two shores. Simply, Mediterranean separates two very different economic and social systems and in doing this, it “represents a sharp, even brutal divide between ‘developed’ Europe and the very much less – developed realms of North Africa and the Middle East” (King, 2000: 110). In line with these, Mediterranean is something much more than a barrier or border. It is a frontier between its north and south with several dimensions.

Map 4.2. Mediterranean and Mediterranean Countries



Source: Bing Maps, 2012

According to King (2000: 111 – 126) five dimensions or ‘divides’ in his words, reinforce the frontier character of the Mediterranean and make it (from Bosphorus to Gibraltar) the Mediterranean Rio Grande.¹²⁶ The first dimension is the ‘economic divide’, GDP levels in the north is ten times higher than those in the south.¹²⁷ Secondly, there is a ‘demographic divide’ between north and south. Fertility rates are high in North Africa and in the Middle East while, European Union countries have ageing populations with low – birth rates. Thirdly, ‘geopolitical divide’ separates the north from the south. Democratic and stable EU Member States and Turkey¹²⁸ lie on the north of Mediterranean, whereas the

¹²⁶ Rio Grande is the name of the river that demarcates the southern border of US between Mexico. More than being a river that demarcates the border between these two countries, Rio Grande is a deep dividing line in terms of political and socio-economic reality between US and Mexico. In that sense, Rio Grande is a frontier between these two countries.

¹²⁷ In 2011, EU – 27’s GDP was 15.65 trillion US Dollars, while GDP of Spain was 1.494 trillion. However, on the south GDP levels were very low. GDP of Morocco was 164 billion US Dollars and that of Algeria was 190.7 billion (Central Intelligence Agency, 2012)

¹²⁸ According to King (2000: 127) Mediterranean represents a sharp dividing line between its North and South – in his words “from Bosphorus to Gibraltar”. Bosphorus is part of Turkey, which is also an EU candidate. According to the divides he discusses, Turkey fits totally neither to north nor south of the Mediterranean. For the purposes of this study, Turkey is taken as a north Mediterranean country.

countries on the south have been torn by political conflicts and unrests. Currently, political regimes in almost all of these countries are under transformation with civil wars in several of them. Fourthly, excluding Turkey, there is also the ‘cultural divide’ between Christian Europe and the Islamic southern countries, which “are often portrayed as an exaggeratedly non – European, underdeveloped world of ‘others’” (*ibid*: 119). Lastly, King (2000) mentions the migratory pressures as another divide between north and south. In line with the abovementioned factors and divides, push factors for emigration is high in the south while more favorable conditions in the north function as pull factors for migration.

This frontier character of Mediterranean is heavily felt at the site where Mediterranean is meeting the Atlantic. Here Maghreb and Mashreq countries lie on the south and Iberian Peninsula lies on the north. This site is the Strait of Gibraltar. Here the distance between south and north of Mediterranean is only 13 km at the narrowest point, making Spain not only a borderland but also a *threshold* country.

4.1.2. EU Membership

Internal political circumstances led Spain remain neutral in both world wars. Its neutrality and the authoritarian rule in the country by General Franco (1939 – 1975), prevented Spain from being a part of new, post – war Europe. The country was excluded from the post war international organizations and economic recovery programmes and isolated from the European integration. Only after the death of General Franco in 1975, transition to democracy began and Spain became a member to Council of Europe and NATO and it applied to European Community (EC) for membership in 1977.¹²⁹ After long negotiations, along with Portugal, Spain became a member to the EC in 1986 (MacLennan, 2000).

As the country was isolated from Europe and excluded from the postwar European international organizations during the 19th and most of the 20th

¹²⁹ Spain was isolated and excluded from the European international organizations. It was banned from the Council of Europe, the EC and the NATO until the death of General Franco in 1975 (Diez – Nicolas, 2003).

centuries, Spanish people needed to feel that they belonged to Europe. As Diez – Nicolas (2003: 119 - 146) notes:

“Spaniards have long felt the need to be recognized as Europeans. After a period of more than a century of no participation in the most important European events, Spaniards needed to feel they were part of Europe and no longer different. [...] Since the 1960s, and even more since the 1970s, Spaniards began to express more and more frequently and intensively their desire not to be different, and their aim to be, like other Europeans, fully integrated into Europe and, in general, the Western world. [...] Spaniards aimed to be Europeans to break with isolation.”

In that sense, becoming an EC member meant a lot to the Spanish people and to the governments for boosting the clout of Spain in international affairs. However, after it became a member, Spain needed some time to learn how to exert influence on the decision making processes in Brussels. Only by and after 1989, Spanish attempts to influence EU policies began to bear fruit. Spain has had strategic interests in two important regions: Mediterranean and Latin America. For the former, in order to contribute stabilization and development of the region, Spain strived to influence EU Mediterranean Policy, which was only a commercial one at the time. It succeeded in convincing the other EU Member States that “the Mediterranean is a priority zone of strategic importance” for the EU (European Council, 1994: 12, Tovias, 1998, Powell, 2003).¹³⁰ It also worked hard to deepen EU links with Latin America, with which the country has had deep and strong affective bonds (Diez – Nicolas, 2003: 123). As it is explained below, in addition to its interest for making EU to take action about these regions, Spain’s attention was on the JHA agenda of the EU, on the prevention of and fight against terrorist

¹³⁰ Spanish efforts were influential in the development of Euro – Med Initiative in 1993 – 1994 and later on the inception of the Barcelona Process in 1995 (Tovias, 1998). Barcelona Process led to European – Mediterranean Partnership, which aimed at creating a common area of peace and stability, sustainable development, rule of law, democracy, human rights, establishment of a free – trade area, promoting understanding and intercultural dialogue between cultures, religions and people, etc. Cooperation agreements within the framework of Barcelona Process were relaunched in 2008 under a broad title of Union for the Mediterranean (UfM). Projects within the UfM focus on economy, environment, energy, health, migration and culture and the participating countries are Albania, Algeria, Bosnia and Herzegovina, Croatia, Egypt, Israel, Jordan, Lebanon, Mauritania, Monaco, Montenegro, Morocco, the Palestinian Authority, Syria, Tunisia and Turkey in addition to 27 EU Member States (Europa, 2012).

activities in the mid 1990s and on migration and external borders in the 2000s (Morata and Fernandez, 2003; Zapata – Barrero and de Witte, 2007).¹³¹

Spain had shown a keen interest in the JHA agenda of the EU and contributed to the development of the EU Border Policy highly. As Zapatero – Barrero and de Witte (2007) interestingly note that in the 1990s Spain was under pressure of the EU and EU Member States, which were demanding Spain to manage and control its borders better; however in the 2000s, it was Spain pressuring the EU and the EU Member States about borders, their common management and border controls. It has taken an active part in the development of EU Border Policy and the common standards for the management of external borders. Very briefly, especially by and after 1995, Spain tried to persuade other Member States that “its southern borders should be dealt with as a European frontier rather than simply a national one” and in the last decade it pushed EU to consider its border problem as a European issue (Gillespie, 2002: 61).

Spanish attempts to shape EU Border Policy can be traced in the priorities of the Presidencies Spain held in 1989, 1995, 2002 and 2010.¹³² In its first Presidency in 1989, Spanish Presidency gave special attention to the measures for the facilitation of free movement of persons and one of the major successes of the Presidency was getting a Community agreement on the joint policing of external frontiers, internal movements across frontiers and cooperation on drugs and antiterrorist measures (Story, 1995, p. 47; Granell, 1990).¹³³ 6 years later when it

¹³¹ Terrorist attacks and assassinations of ETA and the other problems continued in the 1990s and in early 2000s.

¹³² Presidency of the Council of the European Union, which rotates between the Member States of the EU in every six months, is an important source of influence on EU politics and policies through agenda – setting (inclusion of new issues to the agenda), agenda shaping and agenda exclusion powers. Spain held Presidency in January – June 1989, in July – December 1995, in January – June 2002 and in January – June 2010.

¹³³ In the first Presidency Spain assumed (only three year after its accession to the EC) between 1st of January and 1st of July), it aimed to boost its European identity and it was still getting used to being an EC member. According to Morata and Fernandez (2003: 184), in this Presidency, Spain aimed to show that “it was a reliable European partner with a clear pro – Europeanist stance” (Morata and Fernandez, 2003: 184). Having these aims, Spain focused on the pending and problematic issues about economic integration and it tried to further political integration with new initiatives. Its emphasis was on the completion of the Single Market (*El Pais*, January 23, 1989). Free movement of persons was one of those pending issues, which Spain strived to untangle by presenting a detailed plan for the abolition of intra – EU borders by January 1993 (*El Pais*,

assumed the Presidency of the EU for the second time in 1995, Spain was far more confident about its 'Europeanness'. It was now trying to show how central, how important it was for the European Union and it aimed to use European level efficiently to overcome its own problems (Powell, 2003; Tovias, 1998). In the words of Morata and Fernandez (2003: 186):

“In terms of Presidency roles, Spain became more of a bargainer for national, regional as well as socio-economic interests. This included the role as defender of the interests of the ‘southern periphery’. Accommodating strategies were now accompanied by strategies that served Spanish self-interests.”

In that sense, Spain approached Presidency as an opportunity to strengthen the links with two regions where traditionally Spanish interests lie: Mediterranean and the Latin America. In addition to these two regions, another priority of Spain, which would later become traditional, took shape in this term of office: European cooperation in matters of Justice and Home Affairs (Powell, 2003).

With the entry into force of the Schengen Area in March 1995, Spanish borders to the Mediterranean became the southernmost borders of the EU and Spain unwillingly assumed the gate – keeper role of the Union. However, as it is understood from the speeches of Ministers of Interior, Spain strove to make its EU partners recognize its southern borders as EU external borders at which common action needed to be taken.

In line with these, in its Presidency in 1995 Spain mainly focused on Justice and Home Affairs.¹³⁴ Spanish Presidency had two main concerns about external borders. Firstly, in order to get External Frontiers Convention signed, Spain aimed to resolve its dispute with UK on the future of Gibraltar and solve the disagreements among the Member States about power transfer in the control of external borders. Secondly, there was the issue of European Information System (EIS), which would later take the name Schengen Information System II (SIS II) and would replace the SIS. On that matter Spain tried to get an agreement between the Member States (Danish Ministry of Justice, 1995). Spanish attempts

February 23, 1989). Foreign policy priorities of the Spanish Presidency were the same: to boost cooperation with Latin America and North African countries (*El Pais*, December 31, 1988).

¹³⁴ Measures on external borders, Europol, interception of telecommunications, immigration and asylum policies and customs cooperation were the priorities of the Spanish Presidency (Danish Ministry of Justice, 1995).

in its second presidency bore fruit and they were reflected in the Presidency Conclusions of the Madrid European Council, which was held in December 1995. Under the subtitle of Freedom and Internal Security, Presidency Conclusions of the Madrid European Council (European Council, 1995: 69) notes:

“Many of us take the view that, in order to act more efficiently, we need to put fully under Community competence matters concerning third country nationals, such as immigration, asylum and visa policy, as well as common rules for external border controls.”

Though borders were not one of the main six priorities of Spain’s third presidency, which it assumed from January to June in 2002, Spanish government also worked on borders and border management in its term of office.¹³⁵ First of all, in the plan ‘More Europe’, it is noted that “Spain [would] give special impetus to the improvement of control procedures at external borders” (Government of Spain, December 18, 2001: 19). Secondly, the issue of immigration became “the most relevant European priority” without being declared (Morata and Fernandez, 2003: 202). The Spanish agenda did not include immigration but the government managed to persuade European leaders in an informal meeting for measures against irregular migration that were waiting for a compromise for the last four years. These measures included strengthening of border controls and the establishment of a Border Control College. As Jose Maria Aznar, prime minister of the time expressed in *El Pais* (June 19, 2002) Spanish Presidency was able to get a complete agreement on the issues that would be discussed in the Seville European Council in a couple of days between June 21 and 22, 2002. One of those issues was the control and management of external borders. In line with these Presidency Conclusions of the Seville European Council reflected the achievements of the Spanish Presidency in the area of borders and EU Border Policy under the subtitle of ‘gradual introduction of the coordinated, integrated management of external borders’:

¹³⁵ Spanish Presidency in 2002 had 6 main priorities: combating terrorism, successful introduction of the Euro, impetus to the Lisbon Process at the Barcelona Council: a prosperous, dynamic Europe at the service of its citizens, European Union enlargement, external relations: more Europe in the world and debate on the future of Europe (Government of Spain, December 18, 2001; *El Pais*, January 2, 2002)

“The European Council welcomes the various recent initiatives in this area and in particular the Commission communication entitled "Towards integrated management of the external borders of the Member States of the European Union", the feasibility study carried out under Italy's leadership concerning the establishment of a European border police force, taking account of the intention expressed by the Commission of continuing to examine the advisability and feasibility of such a police force, and the study concerning police and border security [...] The European Council applauds the recent approval of the plan for the management of the external borders of the Member States, based on those three initiatives, which should, inter alia, help bring greater control of migration flows. It urges the introduction without delay, within the framework of the Council, of the common unit for external-border practitioners, composed of Member States' heads of border control, to coordinate the measures contained in the plan” (European Council, 2002: 10).

Moreover, Spain did not want assume the gate – keeper role of the EU and since 1997 it gave strenuous efforts to conceptualize its southern borders as the European external borders. In every forum, it insistently made clear that its problems at its borders are also the problems of the EU. In this respect, quotes from the Ministers of Interior are illuminative. Minister Mayor Oreja (December 18, 1997: 10717) explained:

“The number 14 refers to the actual commitment of community institutions that Ceuta and Melilla are the main southern borders of Europe. The main novelty (and only speak of it in this sense) is that the European Union, in the month of November, and through a financial committee has approved a project relevant to Spain: the construction of a shelter in Melilla and a project for the support, training and maintenance of displaced persons and asylum seekers who are in Ceuta and Melilla. The funding amounts 747,000 ECU, about 124 million pesetas. I insist that the participation of these cities of the Union leads to funding, in part, on specific projects related to the situation of the southern border of Europe”(Quote # 4.1).¹³⁶

Two years later, Minister Mayor Oreja (February 23, 1999: 2734) mentions the same thing that Spanish borders were the EU's external borders and he underlined the need to make European partners aware of this fact:

“The Spanish Government is aware of the need to raise awareness and explain to our partners what is the concept of the southern border of Europe and the European Union to be involved in a more active and deeper in the treatment of this phenomenon from a global perspective, which includes not only the aspect of the fight against crime elements to which I referred [illegal

¹³⁶ All of the speeches given in *Congreso de los Diputados* are in Spanish. The selected quotes have been translated from Spanish to Turkish by the Researcher. Original speeches can be found in the Appendix 5 by Quote numbers.

migration and organized crime networks from Africa], but also the design of strategies for cooperation and co-development with the countries of the south. This is to provide global solutions to alleviate a complex phenomenon that concerns our societies.” (Quote # 4.2).

In explaining the instruments of border control against irregular migration, Minister of Interior Rajoy Brey (December 13, 2001: 12856) refers to southern borders as EU’s external borders:

“Well, the goal of the SIVE programme is to endow Guardia Civil operational units and the means and resources to guarantee the coverage of southern border of the European Union - we also have a commitment to our [European] Union partners - promoting its effectiveness in carrying out this function by establishing an operating system which prevents the illegal entry of people and goods by the Spanish coast. (Quote # 4.3)”

Almost all Ministers of Interior used southern borders and EU external borders interchangeably in their speeches. Before and during the central and eastern enlargement of the Ministers expressed their disappointment as in their belief, EU institutions and other EU Members became less interested in the ‘EU’s southern borders’ as now they were more interested in eastern borders. It should also be noted that Spain was one of the pioneering Member States in urging at the EU level to launch a Border Police College first and then a European Border Agency, which later became FRONTEX. Following these lines, it is obvious that Spain has been affected from the EU on migration and border management issues especially during the 1990s. However, during the 2000s, in order to cope with the problems at its borders, it succeeded in affecting the EU thereby not only transferred its own problem to the EU level but also thrived in handling its own border issues as European issues. In this way, it also succeeded to make EU pay for its new border management systems.

4.1.3. Migration Dynamics in Spain

Traditionally, Spain has been a country of emigration. Since 15th century, waves of emigrants have headed to the Americas¹³⁷ – Caribbean, Mexico, Peru, Buenos

¹³⁷ In Spain there was a body of legislation on the emigration to the Americas in the 15th and 16th centuries. In principle, this legislation deterred undesirable people (gypsies, *moriscos* and *conversos*) from emigration to the Americas. In that sense as Altman (1995: 28) notes “Spain

Aires, Colombia, Guatemala, Chile, Indies, Philippines, Cuba, etc. – with making peaks in the 20th century. Only between 1905 and 1913, 1.5 million Spaniards left the country for Argentina, Brazil, Cuba, Uruguay and Venezuela (Altman, 1995; Bover & Pillar, 2001; Kreienbrink, 2008, p. 1). After a short period of rupture during the Civil War (1936 – 1939), immigration to Latin Americas gained momentum, between 1946 and 1958 more than 650.000 people left for transoceanic emigration (Kreienbrink, 2008). By and after 1960, Spanish emigrants have started to migrate to the Northern and Western Europe within the framework of Guestworker Programmes and Latin America became a less attractive destination for migration in those years.¹³⁸ Until the oil crisis, which brought an end to the recruitment of foreign workers in Europe, it is estimated that more than 1.5 million people emigrated to Northern and Western Europe (Bover and Pilar, 2001).¹³⁹ Spanish migration to Europe continued even after the end of the Guestworker recruitment programmes – between mid - 1970s to 1990s around 15.000 workers migrated to other European countries per year through Spain's emigration programme (Kreienbrink, 2008). By 1990, the number of applicants to this programme declined drastically as a result of Spanish accession to the EU in 1986, as accession removed the restrictions on the movement of people in 1991. Returns in all of these outmigrations were also impressive.¹⁴⁰

After nearly five centuries long outmigration, very recently, Spain has transformed into a country of immigration and this transition has taken place very rapidly – only since the mid – 1980s. In the 1960s and 1970s, Spain was receiving European retirees who had chosen the country for its warm climate and low cost of living. There were also African workers especially from Morocco but their numbers were insignificant (Arrango, 2000). In the mid – 1970s fleeing from

never used its American territories as dumping grounds for criminals or troublemakers". Therefore all the emigrants were the Spanish people, who were acceptable according to the state.

¹³⁸ According to Kreienbrink (2008) Spanish emigration to Latin Americas decreased to insignificant numbers by and after 1960 - only 300.000 people emigrated to the region between 1958 and 1970.

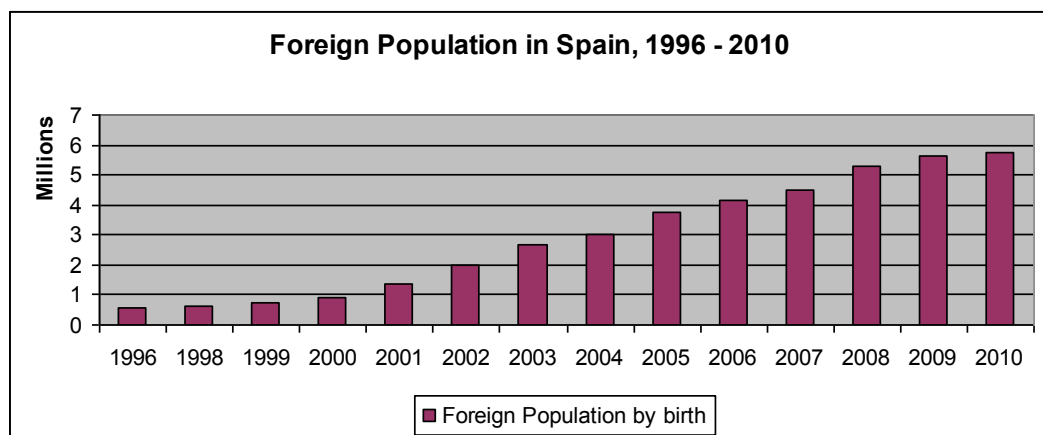
¹³⁹ It is estimated that between the early 1960s and early 1970s more than 100.000 workers per year emigrated to Northern and Western Europe. The destination countries were France, Germany and UK (Bover and Pilar, 2001; Cornelius, 1994).

¹⁴⁰ Between 1970 and 2000 more than 2 million people returned from Europe while 8000 workers per year from Latin America (Kreienbrink, 2008; Cornelius, 1994; Bover and Pilar, 2001).

military dictatorships in their countries, Latin Americans sought refuge in Spain (Kreienbrink, 2008). Yet, until the mid – 1980s, Spain was not considered an immigration country.

However, by and after 1985, “the number of immigrants has trebled or quadrupled [and] annual flows become regular and substantial” (Arrango, 2000: 255). The number of foreigners, which was approximately 200.000 in 1975, reached to 749.000 in 1999 and according to the Municipal Registers (*Padron Municipales*)¹⁴¹ at the end of 2010, 5.747.734 foreigners were living in the country (Instituto Nacional de Estadística, 2012). Most of these foreigners were irregular migrants or legalized regular migrants with irregular migration background.

Figure 4.1. Foreign Population, Spain, 1996 – 2010



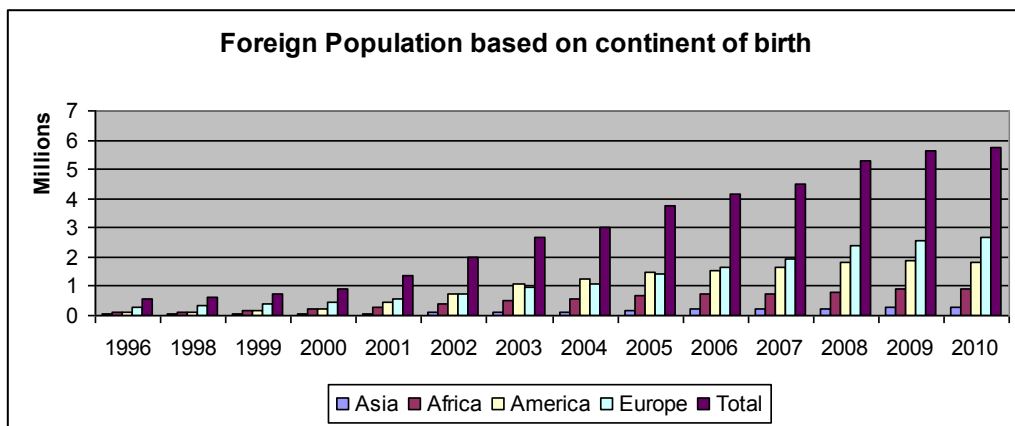
Source: *Padron Municipales*, Instituto Nacional de Estadística, 2012).

Unlike the immigrants of 1970s, the immigrants in the new waves, were primarily economic migrants – and they were mainly coming from Africa, America, Europe and Asia. As it is presented in Figure 4.2 in the next page, between 1996 and 2010, most of the immigrants came from the European countries – both EU and

¹⁴¹ *Padron Municipal* is Spain’s municipal population register, in which all residents of the municipality are registered regardless of their citizenship or their legal status. According to the law, every resident of any municipality has to register to the *Padron*. As registration to the *Padron* is not related to the legal status of residents, many irregular migrants, not all of them, register themselves in order to receive basic social and health assistance from the municipality as well as to send their children to schools. According to the academics, *Padron Municipal* provide more reliable data on the size of immigrants in Spain – both regular and irregular than Ministry of Interior’s Foreigners Yearbook, which covers only the immigrants with legal residence permits (Rosero – Bixby, *et al.*, 2011).

others (2.679.456 in 2010), they were followed by immigrants born in the countries in the America (North, South and Central) (1.843.720 in 2010) and nationals of African countries made up of the third group (928.602 in 2010) (*Padron Municipales* , Instituto Nacional de Estadística, 2012).

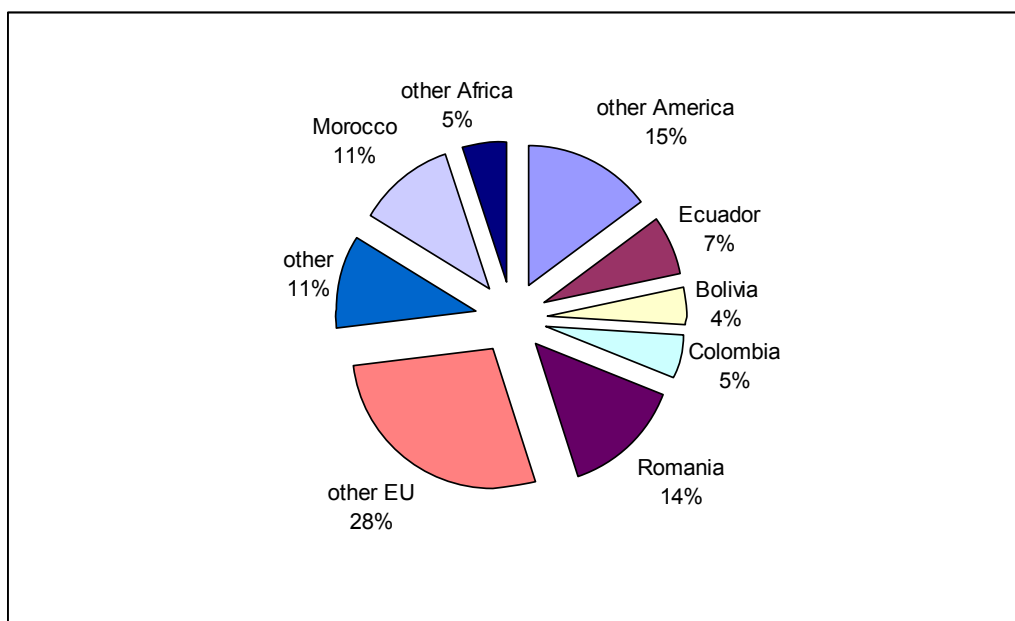
Figure 4.2. Foreign population by continents of origin, Spain, 1996 – 2010



Source: *Padron Municipales*, Instituto Nacional de Estadística, 2012).

As Figure 4.3 presents; among all the immigrants, three groups outshine: Latin Americans, Eastern Europeans and the Africans.

Figure 4.3. Foreign Population by countries of origin, Spain, 2010



Source: *Padron Municipales*, Instituto Nacional de Estadística, 2012.

According to *Padron Municipal* 2010, the number of foreigners born in Latin American countries was 1.791.554 (31% of all foreigners in Spain). Among these people, Argentineans (187.104), Colombians (292.212), Bolivians (206.635), Ecuadorians (387.367) and Dominicans (89.026) were the main immigrant communities. Among the Africans (928.602 in total), North Africans make up the majority. In particular, Moroccans outnumber all the other African nationalities with a total number of 645.156. However in recent years, Mauritians as well as Senegalese and Nigerians from sub – Saharan Africa become visible immigrant communities in Spain. Lastly, the major group of Eastern Europeans is Romanians with a total number of 781.343. Bulgarian migration also became a source of concern in the mid – 2000s though they number only 161.599 less than Germans (178.402) or British (366.379) (*Padron Municipales*, Instituto Nacional de Estadística, 2012). In addition to these major immigrant groups, Asians have also been migrating to Spain, though insignificant in volume. By 2010, 5% of the total foreign population in Spain was made up of Asians. Chinese were the major immigrant group among Asians (half of the Asians in Spain, %2.5 of total foreign population in the country) and they were followed by Pakistanis, Filipinos and Indians

With this rapid transformation from an emigration country to an immigration country Spain has had many difficulties in coping with these new immigration waves. One of the main reasons for these difficulties was the phenomenon of irregular migration. Similar to other Southern European countries, irregular migration has been an enduring characteristic of immigration in Spain. Most of the immigrants in Spain were from non – EU countries and most of them were irregular immigrants. In addition to these third country citizens, there were many so – called ‘First World’ country nationals, who entered Spain legally but lived as long – term tourists without legal residence status. By subtracting the number of residence permits from the *Padron Municipales* registers, academics estimated that more than one million people per year fall into irregularity or were in irregular statuses (Kreienbrink, 2008).

According to many academics, overstaying – that is staying in the country after the permissible duration ends – is the main pathway to irregularity in Spain (Triandaphyllidou, 2010; Cornelius, 1994; Arrango, 2000; 2008; Gonzalez – Enriquez, 2010; Kyle & Goldstein, 2011). Considering the volume of foreign population from third countries that Spain does not share a physical border, airports seemed to be the main entrance for would – be irregular migrants. It is understood that many would – be irregular migrants entered Spain legally as tourists by visas / or came from visa – waived countries from airports and then fell into irregularity (Kyle and Goldstein, 2011; Triandaphyllidou, 2010). And studies with reliable methodology put forward that “actual illegal entry is significantly less common” in Spain (Kreienbrink, 2008). However, though entry to Spain via irregular border crossing is less common; as they were visible, migration pressures at two Spanish communities Ceuta and Melilla¹⁴² and landings of small wooden boats, *pateras* from Northern Africa across the Strait of Gibraltar or to the Canary Islands have attracted attention on this flow of irregular migration. Attempts to control this flow only caused a shift in migration routes. Despite all the efforts, these people could not be deterred from sailing towards Spanish territory. However, the journeys have become more dangerous with taking more than 6000 lives per year between 2000 and 2010.¹⁴³

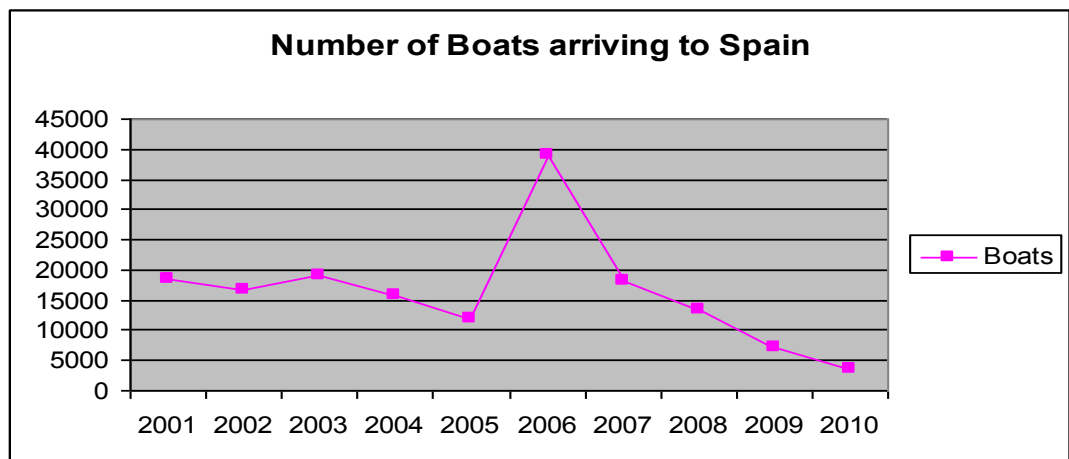
As it is presented in Figure 4.4 below, the number of boats that arrived to the Spanish territories did not decrease despite Spanish efforts since the early 2000s. Rather than trying to reach Andalucia or Gibraltar, irregular migrants tried to reach Canary islands by 2005 and the number of boats arrived made a peak in 2006, when more than 39.000 boats reached to the Spanish territories – with 31.678 of them to the Canaries (Ministerio del Interior, 2011). It should also be noted that besides these intercepted boats, many of them reached to the shores clandestinely and landed their cargo of would – be migrants on the Spanish territories.

¹⁴² Following the avalanche of irregular migrants to the Ceuta and Melilla to cross the mainland, in order to ‘seal the borders’ with Morocco, fences were erected in 1998 (*El Pais*, 05/07/1998). Irregular migrants, who were trying to pass Melilla and Ceuta from Morocco, were coming from many different countries – Liberia, Nigeria, Senegal, Sierra Leone, etc. (*El Pais* 05/07/1998).

¹⁴³ According to the NGOs estimates (Kreienbrink, 2008; Alscher, 2005).

After arrival of more than 39.000 boats, Spain requested assistance from FRONTEX in 2006 and the Agency set up a coordination centre on the Canary Islands and then coordinated several operations (HERA I – III). Morocco, Mauritania and Senegal were later made a part of these operations and bilateral patrols were organized with these countries. By and after 2007, arrival of *pateras* or any of type of boats from Northern Africa to Spanish territories decreased.

Figure 4.4. The number of boats arriving to Spanish territories, 2001 – 2010



Source: Ministerio del Interior, 2011.

Though Spanish authorities believe that the decrease has been a result of FRONTEX operations and Spain's high technology surveillance system (SIVE), the interviews conducted in Spain explained the decline by the economic recession and crisis in Spain.

4. 2. BORDER POLICY OF SPAIN

Due to its geographical location, history and its membership to the EU, Spanish borders are quite dissimilar. Partly as a result of these dissimilarities, Spanish borders are not governed by a single regime. This fact complicates and blurs the quest to understand the Spanish Border Policy. A thorough analysis is needed to understand the aims and guidelines of the Spanish Border Policy, what the borders

are aimed by this policy to prevent, detect or filter and whether there has been a paradigmatic change in the period between 1990 and 2010.

In times of peace, Spanish borders are under the responsibility of Ministry of Interior (*Ministerio del Interior*) and similar to many other countries, visas, consular offices and diplomatic missions and the personnel working in these offices are under the responsibility of Ministry of Foreign Affairs and Cooperation (*Ministro de Asuntos Exteriores y Cooperacion*). However, as it is responsible for defining new policy guidelines when it is needed, and as it oversees the implementation, the Ministry of Interior has a crucial place within the context of the Spanish borders and the Spanish Border Policy. In addition, it is crucial to note that Spain is a party to the Schengen Agreement and it has been in the Schengen Area since 1995.¹⁴⁴ In line with this, Fabian Lutz, who is responsible for Border Management and Return Policy at DG Home Affairs, notes:

[All Schengen States, including Spain are bound by a common set of harmonized external border legislation.] (Answer to Mail Inquiry to Directorate C - Migration and Borders, DG Home Affairs, September 17, 2012).

Similarly, Mr. Rafael Lopez (Member of the Catalan Parliament, PP) explains:

“In the 1990s we did not have open - border policy but the controls were lax. And the EU citizens have the right to move. The debate was about the borders. [But now] the Spanish policy is a European Border Policy. We do not have a national border policy” (Interview notes, September 26, 2011).

As the answer of the DG Home Affairs and the interview with MP Rafael Lopez reveal, Spain does not have its own border policy that can be applied at all of its borders. As a Schengen Member State, in theory, it is obliged to apply the common set of harmonized border legislation, in other words, the reflection of EU Border Policy at pre – borders, at the physical borders with the other Schengen Member States, with non – EU states, at Mediterranean and Atlantic, at airports and deploy digital databases. If it is recalled, the focus of the EU Border Policy is

¹⁴⁴ Spain became a party to the Schengen Agreement in 1991.

on the movement of non – European people. Though this is the case at the EU level, whether Spain erects its borders for the same phenomenon or how much Spain internalizes the aims and guidelines of the EU Border Policy needs to be examined.

In order to search for and unveil the aims and guidelines of the Spanish Border Policy at its pre – and physical borders and to see whether there is a paradigmatic change in the policy in the two decades between 1990 and 2010 this study has made a through analysis of how and with which themes the Ministers for Foreign Affairs and of Interior approached to the borders under their responsibility. In Spain, all Ministers appear before the *Congreso de los Diputados* (Congress of Deputies – one of the two branches of the *Cortes Generales*) to explain their policy guidelines when their term of office began, the policy priorities in their field when Spain would hold the European Presidency, to inform the Congress about the developments at the European level in their fields and to answer the questions of the members of the related Committees within the Congress. This study focused on the speeches and answers given by Ministers for Foreign Affairs and Ministers of Interior at the *Congreso de los Diputados* in the period between 1990 and 2010. As it is presented in Table 4.1 in the following page, 7 different Ministers for Foreign Affairs in the period between 1989 and 2010, served in Spain.

Table 4.1. Ministers for Foreign Affairs and Cooperation, their term of office and the number of speeches they made before the Congress

Minister for Foreign Affairs & Cooperation	Term of Office	Number of Speeches in <i>Congreso de los Diputados – Cortes Generales</i>
Francisco Fernández Ordóñez (PSOE)	July 1985 – June 1992	128 ¹⁴⁵
Francisco Javier Solana Madariaga (PSOE)	June 1992 – December 1995	212
Carlos Westendorp y Cabeza (PSOE)	December 1995 – May 1996	18
Abel Matutes y Juan (PP)	May 1996 – April 2000	274
Josep Piqué y Camps (PP)	April 2000 – July 2002	130
Ana Isabel de Palacio y del Valle-Lersundi (Ana Palacio) (PP)	July 2002 – April 2004	77
Miguel Ángel Moratinos Cuyaubé (PSOE)	April 2004 – October 2010	385
	Total # of speeches	1224

Source: www.congreso.es

These Ministers addressed to the *Congreso de los Diputados* 1224 times.¹⁴⁶ In only 6 of them Ministers made a speech or answered a question on visas and consulates. The first of these speeches was made on October 19, 1994 by Minister Javier Solana upon a question about the delinquencies in issuing and granting entry visas to Moroccan citizens and Spanish diplomatic and consular network in Morocco. The credibility of Spanish visa system and consular network capacity in Morocco in meeting Spain's commitments to Europe was questioned. Minister explained that delinquencies occurred in the Spanish consulate in Rabat, but the officers were not involved, local people who were hired to work in the consulate and the intermediaries were involved into the frauds in issuing and processing entry visas. Though the migration pressure from North Africa was also asked, Minister did not answer this question but explained the issuance of high number

¹⁴⁵ Minister Francisco Fernández Ordóñez addressed to the *Congreso de los Diputados* 128 times between 1989 and 1992.

¹⁴⁶ PSOE (Partido Socialista Obrero Español – Spanish Socialist Workers' Party) and PP (Partido Popular – People's Party), the centre – right party are the main rival parties in Spanish politics. During the period between 1990 and 2010, which comprised 6 legislative periods in Spain, PSOE ruled the country between 1989 – 2003, 1993 – 1996, 2004 – 2008 and 2008 – 2011 (4th, 5th, 8th and 9th Legislative Periods (*Legislaturas*) and PP ruled the country between 1996 – 2000 and 2000 – 2004 (6th and 7th Legislative Periods). In November 2011, by winning 44% of the votes, PP took over the government from the PSOE.

of entry visas in the Spanish consulate in Rabat by tourism and the visit of industrialists.

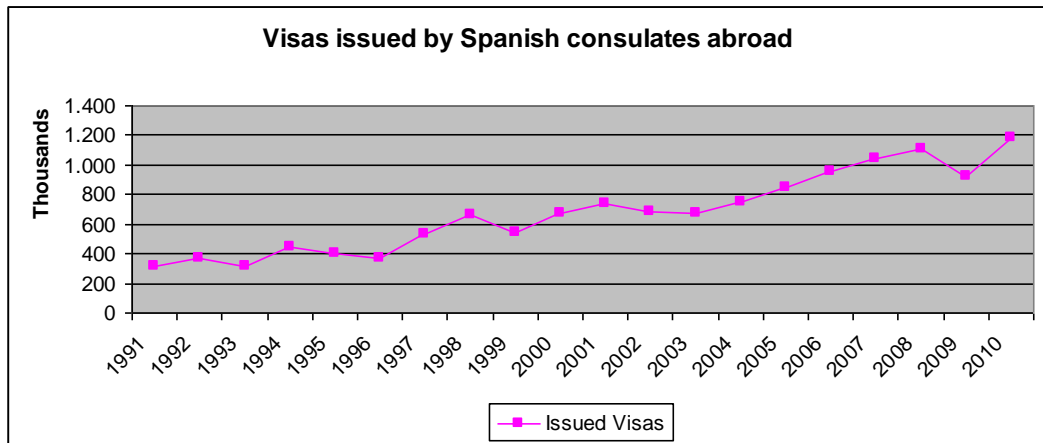
In 1999, while explaining Tampere European Council Presidency Conclusions in the Congress, Minister Abel Matutes (November 23, 1999) said that the article governing the issuance of visas is not satisfactory because as a result of harmonization at the EU level, it lost its discretionary character and it opened the way of appeal to many rejected applicants from North Africa, Asia and even from Latin America, whom would increase the migratory pressure on Europe if they were granted entry visas. Furthermore, in 2001, upon a question on budget allocations to facilitate processing of visas in the consular and diplomatic offices in the migration source countries, Minister Josep Pique (February 28, 2001: 5017) explained that:

[...there is a huge demand for visas, a high pressure on our consular and diplomatic representations in those countries which are source of legal migration flows to Spain. I do not speak about the pressure of illegal immigration, which seems to me, to have other channels and responses but I speak and respond to the migration pressure put on [Spain] by those countries and those persons who want to enter to our country legally by appropriate visas and by obtaining a work contract. [...] Right now, legal migration flow comes mainly from Morocco, by 20%, then come countries like Ecuador, as you know very well, or China or some Eastern countries [...] (Quote # 4.4).

In the same speech, the Minister Pique (*ibid.*) told about the capacity building that the Spanish consular offices went through and he also shared the volume of applications in Ecuador: in 1999 there were around 10,000 applications, which quadrupled in 2000. He explained that many new officers were contracted not only in the consular offices in Ecuador but in other countries, however the demand was so high that diplomatic and consular offices were unable to cope. There was indeed a very high demand for visas. As it is presented in Figure 4.5, the number of all types of visas issued by all Spanish consulates was 310.561 in 1991, it quadrupled in 2010 and reached to 1.177.569 (Secretaria General de Inmigración y Emigración, 2011).¹⁴⁷

¹⁴⁷ The number of visas includes all types of visas issued in the consulates: A, B, C and D types (A: Air Transit Visa; B: Territorial Transit Visa; C: Short Stay Visa and D: Residence Permit).

Figure 4.5. Visas issued by Spanish consulates abroad, 1991 - 2010



Source: Secretaria General de Inmigración y Emigración, 2011.

The other speeches and answers to the questions given by the Ministers for Foreign Affairs in 2006 and 2007 were about sick Sahrawi children from Algeria and their need to obtain visas in order to go into surgery in Spain. Therefore though they are about pre - borders, they are of no help in tracing the Spanish Border Policy. Nevertheless, the first four speeches (out of six) make it obvious that the first layer of pre – borders of Spain – visas – is highly related to migration. It is thought that in line with the EU Border Policy Spain has employed first layer of pre – borders; visas as a mechanism to manage migration flows.

While Ministers for Foreign Affairs explained and discussed pre – borders in this way; speeches of Ministers of Interior were illuminative on Spain’s approach to all layers of borders. In the period between 1990 and 2010, 8 Ministers of Interior (*Ministro del Interior*) served in Spain and as it is presented in the Table 4.2. they addressed *Congreso de los Diputados* 1388 times with speeches and answers between 1988 and 2010.¹⁴⁸

¹⁴⁸ In line with the time scope of this study (between the period January, 1990 and December, 2010) Minister Alfredo Perez Rubalcaba’s speeches between December 2010 and July 2011 were not taken into account. However, Minister Jose Luis Corcuera Cuesta’s speeches between July 1988 and December 1989 were included as his first speeches presented the policy guidelines of his term of office. Without taking them into account, his speeches between January 1990 and November 1993 would lose their context. Therefore the total number of speeches, titles and introductions of which were perused by the researcher is 1388, not 1455 (July 1988 and July 2011). However, Minister Cuesta’s speeches between July 1988 and December 1989 were not

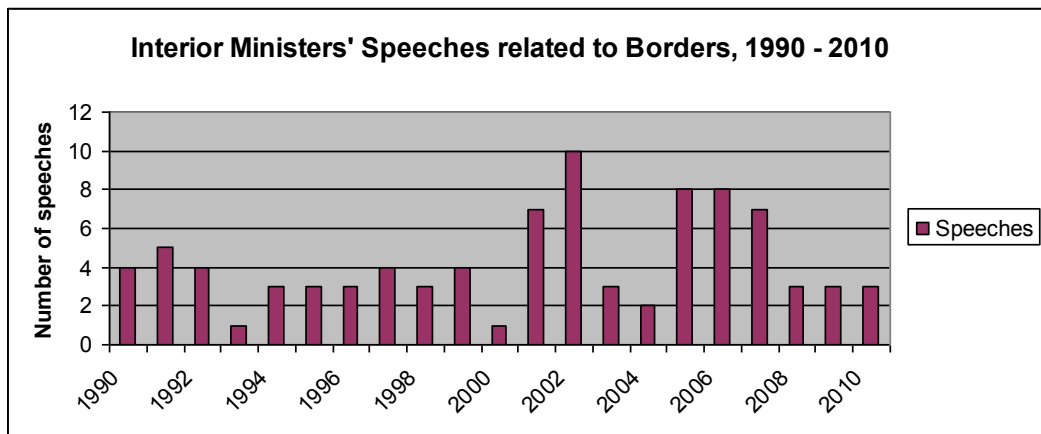
Table 4.2. Ministers of Interior, their term of office and the number of speeches they made before the *Congreso de los Diputados - Cortes Generales*, 1988 – 2010

Minister of Interior	Term of Office	Number of Speeches in <i>Congreso de los Diputados - Cortes Generales</i>
Jose Luis Corcuera Cuesta (PSOE)	July 1988 – November 1993	338
Antoni Asuncion Hernandez (PSOE)	November 1993 – May 1994	19
Juan Alberto Belloch Julbe (PSOE)	May 1994 – May 1996	163
Jaime Mayor Oreja (PP)	May 1996 – February 2001	171
Mariano Rajoy Brey (PP)	February 2001 – July 2002	151
Angel Acebes Paniagua (PP)	July 2002 – April 2004	96
Jose Antonio Alonso Suarez (PSOE)	April 2004 – April 2006	134
Alfredo Perez Rubalcaba (PSOE)	April 2006 – July 2011	316
	Total # of speeches	1388

Source: Congreso de los Diputados, 2012.

Of these 1388 speeches (between July 1988 and December 2010), 92 of them were related to borders – all types of them: *the pre, physical and digital borders*.

Figure 4.6. Interior Ministers' Speeches in *Congreso de los Diputados* related to Borders, 1990 – 2010



Source: Congreso de los Diputados, 2012.

In these speeches, there were three main themes that revolved around the borders. These were terrorism, drug trafficking and irregular migration. The weight of

included to the through examination, which comprised 92 speeches in total between January 1990 and December 2010.

these themes, their frequency and the importance given to them with regard to borders changed from time to time. In the early 1990s (1990 and 1991), the main theme in the speeches related to borders was drug trafficking.¹⁴⁹ ETA terrorism was also mentioned but to a lesser extent. Irregular migration, on the other hand, was almost inexistent. Only once in 1991, when presenting the Schengen Regime and the preparations that Spain had to make to adopt the Regime, upon a question from one of the Deputies, Minister Corcuera Cuesta (December 11, 1991) slightly mentioned irregular migration. Actually, the main emphasis in this speech was again on drugs and drug trafficking.

By and after 1992, irregular migration has been mentioned in the speeches related to borders. In 1992, Schengen Agreement was an important theme. It is understood that Spain was very much willing to take part in this form of integration and this willingness and the importance of Schengen for Spain had been raised several times by the Ministers between 1992 and 1995. Minister Corcuera Cuesta (December 11, 1991: 32) explained Schengen Regime and its internal consequences for Spain with these words:

“It is clear that Spain could not lag behind this initiative, and the proof of this is the proposition of law, presented and approved by almost all Spanish parliamentary groups on Aliens [...] it urges the Government to move decisively for the integration of Spain in the future borderless space, with being party to the Schengen Agreement and active participation in community work in the perspective of 1993” (Quote # 4.5).

In line with the informative speeches and questions on Schengen, the free movement of people and SIS, visas, visa waiving and southern borders became the main topics of the speeches related to borders in 1992, 1993 and 1994. However, despite the existence of these issues in the speeches between 1992 and 1994, it would not be wrong to say that rather than irregular migration Spanish borders were still mainly targeting drugs and drug trafficking in those years. For instance, while he was informing the *Congreso de los Diputados* about the guidelines of his Department, Minister Belloch Julbe (November 11, 1994) referred irregular migration only 3 times when he was explaining the Spanish

¹⁴⁹ According to Minister Corcuera Cuesta (March 5, 1991), Spain was the center of drug distribution in Europe in 1990 and 1991. In terms of drugs, the country was a transit point for the rest of the Community (*ibid.*).

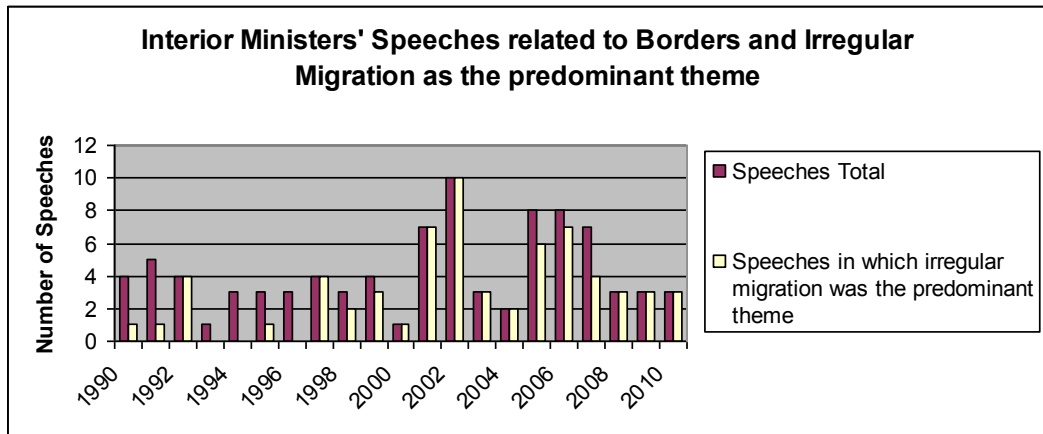
priorities in the field of Interior for the EU Presidency in the second half of 1995. As it is understood from the text, he was not explaining an internal issue but mentioning irregular migration within the context of the developments in the European Union level about a common immigration and asylum policy, uniform visas and common standards on asylum. Drugs and drug trafficking on the other hand were all over his speech. To be more precise, Minister Belloch Julbe (*ibid.*) mentioned drugs (*droga*) 26 times and drug trafficking (*narcotrafico*) 29 times in the same speech. More than frequently mentioning them, Minister used drugs and drug trafficking in the context of EU external borders while he did not say anything about irregular migration:

“Common external borders and combating international organized crime, especially in the most severe forms - drug trafficking, economic crime and terrorism - make it necessary to increase cooperation and exchange of information between the national police forces] (Belloch Julbe, 11/11/1994: 11047) (Quote # 4.6).

Following these lines, it can be said that despite the speeches, questions and answers that consisted matters about irregular migration in the speeches related to borders; in the years 1992, 1993 and 1994, the main concern of Spanish Border Policy and the Spanish borders was still drugs and drug trafficking in those years. In 1995 and 1996, besides drug trafficking, the focus was also on terrorism: ETA's cross – border activities at the French – Spanish border at Pyrenees (Belloch Julbe, October 18, 1995; Jaime Mayor Oreja, June 25, 1996). Southern borders and irregular crossing of borders were mentioned in only 1 of the 7 speeches given in 1995 and 1996.

Interestingly, 1997 marked a turning point for the themes that are discussed within the context of the Spanish borders. By and after 1997, though drugs, drug trafficking and terrorism were continued to be mentioned in the Ministers' speeches and answers, irregular migration specifically irregular border crossings by third country nationals replaced drug trafficking and it has become the predominant theme in the Ministers' speeches related to borders. In the following years, though they kept their presence, drug trafficking and terrorism had been mentioned gradually less.

Figure 4.7. Interior Ministers' Speeches related to Borders and Irregular Migration as the predominant theme in them, 1990 – 2010



Source: *Congreso de los Diputados*, 2012.

As the Figure 4.7 visually presents, by and after 1997, irregular migration has become the predominant theme in the Ministers' speeches related to borders. In that sense, it can be said that in accordance to the EU Border Policy, the main focus of the Spanish Border Policy has become the movement of non – European persons or more specifically irregular border crossings by non – European persons. In addition to this main concern, though to a lesser extent, Spanish Border Policy also targets terrorism, drug trafficking, human smuggling and human trafficking.

The speeches also revealed that the greatest attention of the Spanish Border Policy has been neither on the air borders nor on *all* of the land or sea borders. Among all these borders, southern of them – sea borders at Mediterranean and at Atlantic and land borders with Morocco at two Spanish communities (Ceuta and Melilla) have been under focus. Spanish Ministers of Interior mentioned the words related to the southern land and sea borders excessively, but referred to the northern land borders slightly. To give exact numbers: while talking about borders, Ministers of Interior mentioned 'south' in 42 speeches, 'southern' in 34 and 'Mediterranean' in 25 of them. Land borders with France (Irun border – crossing point) were mentioned in only 8 speeches. Borders with Andorra and Portugal, on the other hand, were never mentioned in

the period between 1990 and 2010. In these speeches, these borders were almost always uttered together with irregular migration.

Though the interest and concerted efforts on southern land and maritime borders within the context of irregular migration control have never decreased in the speeches; airports have started to be mentioned by and after 2002. Between 2002 and 2010, they were mentioned in 21 speeches. However, the airports on the mainland (Barajas Airport in Madrid and El Prat Airport in Barcelona) would wait until 2005 to find their way into the speeches. Between 2002 and 2005, the airports in the Canary Islands and the legal entrance of would – be irregular migrants from there were being discussed. Similarly, Mr. Rafael Lopez (Member of the Catalan Parliament, PP) pointed airports as the main entrance points for the irregulars after giving priority to the southern land and maritime borders:

[Spain has made its border controls more effective in the last decade. Borders are not the problem now, the problem is the airports. All the people, who will become irregulars enter with visas. Now we are trying to convince EU to increase controls at the airports. But the line between human rights and immigration control is very thin. Human rights issues are also very important. But the huge problem is at the airports. They come with tourist visas.] (Interview notes, September 26, 2011).

Following these lines, since 1997, the foremost priority and concern of the Spanish Border Policy was irregular migration and the focus was primarily on the southern land and sea borders but secondarily – still only slightly and since as late as 2005 – on the airports. As the speeches reveal, by and after 2005, airports especially those in Madrid, Barcelona, Barajas and Canaries have been given importance in controlling irregular migration. In addressing to the *Congreso*, Minister Perez Rubalcaba explained that operations were held at the airports and he added that they were providing high technological devices in order to detect would – be irregular migrants (Rubalcaba, June 28, 2006). Moreover, he also referred to the carrier – sanctions and the obligations of carrier companies before law for the first time.

As the speeches reveal, another development in the mid – 2000s were the increase in the volume of eastern European migrants in Spain. In that respect, several MPs raised questions about the Spanish – French border and the arrival of eastern Europeans irregularly from this border. One of the MPs even asked for the closure of the border. As the Minister Rubalcaba (June 28, 2006) explained, as this border was an ‘internal border’, Spain could close this border only in extraordinary situations and for a limited period of time, but he explained that together with French and Romanian authorities, Spanish authorities were conducting operations to control this migration flow entering into country from the northern borders.

Despite the appearance of airports and the French – Spanish borders in the speeches, the focus of the Border Policy remained to be on the southern land and maritime borders. As the speeches, newspaper articles and interview notes reveal; during the period between 1990 and 2010, the attention was almost always on these borders, on the irregular migration flows, which comes from and through Africa. In the speeches, Morocco obviously outshined among other African countries. More specifically, 42 of the 65 speeches, where irregular migration is discussed within the context of borders, references were given to Morocco. In the second half of the 1990s, the focus of the speeches was on the land borders with Morocco in two Spanish territories in Northern Africa: Ceuta and Melilla. Then references and incidents about the Strait of Gibraltar occupied the speeches. By 1999 Canaries and irregular migration to there, became the main themes in the speeches. During the 2000s, though Morocco and other Maghrebian countries (Algeria and Senegal have started to appear in the speeches in the early 2000s) kept their presence in the speeches, irregular migration from South Africa through Morocco and Mauritania became another reference point. During these years, Canaries and embarkation of *Pateras* continued to be one of the major sources of concern. However, unlike the speeches in the 1990s, the speeches in the late 2000s seemed to treat Morocco as more of a transit country rather than as a primary source country for irregular migration.

Following these lines, it can be said that with different layers of borders, likewise EU Border Policy, the Spanish Border Policy tries primarily to prevent irregular migration. However, unlike the focus of EU Border Policy, which is on pre – borders, that of Spanish Border Policy is on the physical borders. As it is discussed in the previous chapter, EU tries to filter would – be irregular migrants at its pre – borders. Thereby tries to read the intention of the people at those borders. Spain, on the other hand, is an EU Member State located at the most southern edge of the EU, at a site where two different economic, political, sociological and demographic systems exist. Spain's borders make up the EU's external borders in this site, however, due to the differences and gaps on both sides of these external borders, these borders carry more of a frontier character. This border has been on the news by irregular border crossings from the south. However, despite the fact that irregular migration stock of Spain is mainly fed by the visa – overstayers, who enter to Spain via airports and then fall into irregularity by overstaying their visas as there is a 'visible' migration pressure to the actual southern physical borders of Spain with *pateras* and with long – distance determined swimmers, Spanish Border Policy focuses on these borders. And with the tools and instruments at its use, Spanish Border Policy aims to prevent irregular border crossings by would – be irregular migrants.

4.3. BORDERS AND BORDER MANAGEMENT IN SPAIN

Spain has pre – borders, physical borders and digital borders. First layer of the pre – borders; visas (short term Schengen visas) are issued in the consular offices and diplomatic missions abroad. Visas, consular offices and diplomatic missions and the personnel working in these offices are under the responsibility of Ministry of Foreign Affairs and Cooperation (*Ministro de Asuntos Exteriores y Cooperación*) in Spain. For the all other borders, which are second layer of pre – borders (carrier sanctions), physical and digital borders, Ministry of Interior (*Ministerio del*

Interior) is in charge.¹⁵⁰ Implementation at these borders is conducted by the Guardia Civil - a joint military and civilian police force under the authority of both Ministry of Interior and Ministry of Defense.¹⁵¹ Though Ministry of Foreign Affairs and Ministry of Defense are also involved, as it is in charge of the second – layer of pre – borders, physical and digital borders, Ministry of Interior has an overruling authority at Spanish borders.

While Spain is a Schengen Member State, nationals of all ‘black list’ countries are required to obtain Schengen visas from any one of the 380 Spanish diplomatic and consular representations abroad for stays not exceeding ninety days in any six month period in the country (Ministerio de Asuntos Exteriores y de Cooperacion, Gobierno de Espana, 2012). According to Ministry of Foreign Affairs, in addition to Schengen Borders Code, *Ley de Extranjeria*¹⁵² (Aliens Act) (Ministerio de Presidencia, 1984, 2011a) applies to short stays. In explaining the conditions for the entry of foreigners to the Spanish territory in Article 1, *Ley de Extranjeria* (Ministerio de Presidencia, 2011a) is congruent to Schengen Borders Code. The Article notes that without prejudice to international conventions signed by Spain, foreigners who want to enter to the Spanish territory have to enter from the border control points; they have to possess a passport or a valid travel document providing their identity and they have to possess a valid visa, if nationals of their country are required to obtain. In addition to these, they have to provide documents for justifying the purpose and conditions of entry and residence as well as the evidence of possessing sufficient financial means for the time they intent to stay in Spain. Without giving further details, Article 4 of the Act notes these necessary documents and adds three more requirements: presentation of health certificate (if necessary), not being subject to an entry ban and not representing a danger to public health, public order, national security or international relations of Spain (Ministerio de la Presidencia, 2011, p. 18). All

¹⁵⁰ In the Spanish sections of the SIS and EURODAC, Ministry of Interior is responsible for processing personal data, which means sending transactions to the databases and accessing them when necessary (Ministerio del Interior, 2010).

¹⁵¹ In the mid – 2000s, Spanish Naval Forces had also been assigned for specific operations at the physical borders, especially in Mediterranean and in Atlantic.

¹⁵² *Ley de Extranjeria* is officially called ‘La Ley Organica sobre Derechos y Libertades de los Extranjeros’.

these articles are more than similar to the ones in the EU visa regime, they are congruent to it. There are 84 references to the EU, its borders and its visa regime within the Act. Therefore, theoretically, EU Border Policy applies fully to the first layer of pre borders. However, it is important to note that many countries from where people came to Spain for several reasons were not even listed as black list countries until the late 1990s.

In terms of physical borders, Spain has more than 150 air borders in addition to the maritime borders at Mediterranean and Atlantic (6583 km of coastline on the Iberian Peninsula). It has land borders with 5 different states, among which Schengen Member States, non – Schengen EU Member States and non – EU states exist. Spain has physical borders with Andorra (63.7 km), France (62.3 km), Morocco [Ceuta (6.3km) and Melilla (9.6)], Portugal (1124 km) and Gibraltar (UK overseas territory 1.2 km). According to the Schengen regime, Spanish land borders with two other Schengen Member States, France and Portugal are ‘internal borders’, where checks and controls were abolished by March 26, 1995 when Schengen Agreement and the Convention on its implementation entered into force. On the other hand, its borders at Mediterranean and at Atlantic and those with Morocco and Andorra are ‘external borders’ of the EU. However, as a European micro – state between two EU Member States – Spain and France, Andorra is a specific case.¹⁵³ Though the border between Andorra and Spain is an external border by definition, all elements of EU Border Policy are not applied at this site. Routine customs and immigration checks take place but the controls are not as strict as the ones at the border between Morocco and the two Spanish communities in North Africa – Ceuta and Melilla. There is indeed an obvious difference between these two external borders: the borders with Morocco are controlled very strictly. More than this, together with the sea borders at the Mediterranean and Atlantic, which are also external borders of the EU; borders with Morocco have been policed and militarized (Lutterbeck, 2006). Apart from these, Spain has land borders with Gibraltar - a territory of another EU Member State, the UK. However, as UK is not a party to the Schengen

¹⁵³ Andorra does not have any airport. Travelers who want to reach Andorra by plane, use Barcelona or Girona airports in Spain (IATA, 2012).

Agreement, Schengen Regime and the EU Border Policy do not apply at the border with Gibraltar. This border is neither an internal nor an external border. It is treated as an international border with facilitated access for only both sides – the EU citizens and the British Overseas Territories Citizens. EU citizens can enter to Gibraltar with their ID cards, while third country nationals have to acquire visas (Gibraltar, 2012).

Thirdly, EU digital borders are at work in Spain. They have been deployed at the EU level with access at national levels. In that sense, Spain does not have its own digital borders but shares the existing ones with the other Member States and EU legislation on their governance apply at them. For instance, aforementioned Article 4 of the *Ley de Extranjeria* (Ministerio de Presidencia, 2011a) refers to Article 96 of the Schengen Agreement and the related ‘inadmissibles’ category of alerts within SIS II, when noting about the requirement of ‘not being subject to entry ban’.¹⁵⁴ Though there is no reference to EURODAC in the law, it is known that Spain effectively uses the database by sending successful transactions since 2004.¹⁵⁵

Table 4.3. Successful Transactions to EURODAC by Spain, 2004 – 2010

	Category 1 ¹⁵⁶	Category 2 ¹⁵⁷	Category 3 ¹⁵⁸	Total
2004	4857	6477	1147	12481
2005	4227	5659	1248	11134
2006	4128	17595	929	22652
2007	4622	9044	2418	16084
2008	3561	7068	1812	12411
2009	2456	1994	1298	5748
2010	2017	1674	685	4430

¹⁵⁴ Though the number of successful transactions by all Schengen states in all categories of SIS and SIS II between 1999 and 2011 could be reached and presented in the previous chapter (in pages 30 – 32), the number of successful transactions to databases solely by Spain could not be found.

¹⁵⁵ According to the Reports of the European Commission, Spain is one of the few countries which send transactions with delays. Spain’s delays in sending transaction data have been mentioned constantly in every Report submitted by the Commission between 2004 and 2010.

¹⁵⁶ Asylum applicants

¹⁵⁷ Apprehended irregular migrants upon crossing borders in an irregular manner – unauthorized border crossing

¹⁵⁸ Irregular migrants apprehended in a Member State

Source: European Commission Reports [COM (2007) 299 Final], [COM (2009) 494 Final], [COM (2010) 415 Final] and [COM (2011) 549 Final]; European Commission Communication [COM (2009) 13 Final] and European Commission Staff Working Document of 11 September 2007 [SEC (2007) 1184 Final].

In line with the explained policy priorities in the previous section, the main instrument of Spain in implementing its border policy is the ‘*Sistema Integrado Vigilancia Exterior (SIVE)* [Integrated System of Exterior Surveillance].¹⁵⁹ SIVE is related to physical borders and it aims to develop intensive surveillance and control mechanisms against irregular border crossings by non – European persons, human smuggling, human trafficking and drug trafficking.¹⁶⁰ In fact, its main and foremost objective is to prevent irregular migration (El Pais 24/05/1999; 25/05/1999; 26/05/1999).¹⁶¹ In explaining the measures taken by the government ‘in the fight against illegal migration’, Minister Rajoy Brey (December 13, 2001: 12855) referred to SIVE and expressed that SIVE was a very successful instrument of border control targeting primarily irregular migration:

“Once you've done the general approach in the fight against illegal immigration, I will refer to SIVE, [...] it is closely related to the fight against

¹⁵⁹ In the late 1990s, the efforts to regulate the movement of non – European persons were increased and they focused on southern borders at Mediterranean, at Strait of Gibraltar and at borders with Morocco in Ceuta and Melilla. The difficulties of Ministry of Interior and law enforcement agencies in stabilizing and making ‘the EU southern border’ impermeable for the irregular migrants were discussed widely (El Pais, 24/11/1997). Spanish borders at these sites, especially at the Strait of Gibraltar, Ceuta and Melilla were fortified parallel to the introduction of projects ‘*Plan Sur*’ and ‘*Frontera Sur*’ in 1998 and in 1999 (Alscher, 2005; El Pais 16/01/1998; 22/01/1998). Within a couple of months these projects were replaced by the SIVE.

The first of these projects, *Plan Sur* was introduced in January 1998 in order to strengthen border controls, surveillance of seaports and information databases as well as improving deportation procedures and developing a closer cooperation with Moroccan and Algerian authorities. The main objective of the plan was to prevent irregular migration and human trafficking. In line with this objective, all operations under the plan would be coordinated by Comisario General de Extranjeria y Documentacion (General Commissioner for Aliens and Documentation). The novelty of the plan was the creation of a special team of motorized police officers. They would patrol and search the coastal areas as well as their hinterlands to find out the irregular migrants who had already step a foot on the Spanish territory (El Pais, 16/01/1998; 09/08/1998 - 1).

¹⁶⁰ As de Haas (2008) notes, media and dominant policy discourses in Spain incorrectly illustrated all irregular migrants as ‘victims’ in the hands of fraudulent unscrupulous human smugglers and human traffickers during the late 1990s. That is why arrangements, plans and institutions at borders also focus on human smuggling and human trafficking separately though they are phenomena that occur in irregular migration.

¹⁶¹ As it is explained in the following sections, irregular migration routes and methods have adapted to the difficulties introduced by these plans. In most of the times, irregular migrants took dangerous boat trips, with small vessels which rarely carry more than a 100 people once (Carling, 2007). Before the introduction of intensive surveillance mechanisms, these vessels arrived to the Spanish coasts without being unnoticed.

illegal immigration, since it is an instrument which among other things serves the purpose of border control.” (Quote # 4.7)

SIVE became operational in 2002 at the Strait of Gibraltar, where the distance between Spain and Morocco is only 13 km at the narrowest point (Britannica Online Encyclopedia, 2012d). Later the system was implemented in other border areas which gradually became new destinations for changing irregular migration routes.¹⁶² In the words of Guardia Civil, SIVE “allows Spain to cope with two major challenges: the fight against illegal immigration and drug trafficking” and for these ends, it aims “to improve the complete surveillance of the southern border of Spain” (Guardia Civil, 2012: 1). As an integrated surveillance system, SIVE heavily depends on technology and it includes the use of long range radars, thermal cameras, night vision and infrared cameras, helicopters, patrol boats and other means (El Pais, 24/05/1999). These instruments help early detection and interception, which are considered to be the most important features of SIVE (Carling, 2007). In conducting a complete surveillance at the borders of Spain, SIVE aims to detect and intercept small vessels carrying irregular migrants from Maghreb and South and West African countries (El Pais 21/02/1999, de Haas, 2008). Following these, the main functions of the system can be enumerated as detecting long distance vessels approaching to the Spanish coasts, identifying the type of vessel and its crew to check the possible illegal conduct, coordinating monitoring by means of sea, air and land forces available to the Guardia Civil and intercepting irregular migrants and their assistants (Guardia Civil, 2012). By 2007, SIVE covered the whole Andalucian coast and the number of stations has reached to 43 in 2009 (Carling, 2007).

¹⁶² SIVE implemented in phases. It became operative in 2002 at the Strait of Gibraltar and then it was extended to the east and west. The Center at Algeciras became operational in 2002, and then it was implemented in Malaga and Fuerteventura (Canary Islands) in 2003, in Cadiz and Granada in 2004, in Ceuta in 2005, in Guadalquivir in 2008 (Carling, 2007; El Pais, 11/11/2008; 01/10/2009).

Figure 4.8. Coastlines Covered by SIVE



Source: Ministerio del Interior, 2011: 12

Moreover, in order to cope with the migration pressure from Africa, Spain has concluded bilateral agreements with main source countries and it tried to channel migration and border control policy to the transit countries in its immediate vicinity. Among these countries, Spain gave utmost importance to Morocco, Senegal and Mauritania, which were both source and transit countries in terms of irregular migration. Spain not only funded the infrastructure for high technological border control systems and border patrolling units but also by conducting joint patrolling, members of Guardia Civil trained their counterparts in these countries. It also provided a legal migration quota for Morocco. The aim lying beneath all these efforts was to make Moroccan, Mauritanian and Senegalese authorities control their borders more effectively so that would – be irregular migrants would be prevented from sailing to Spain or entering into Spanish territories of Ceuta and Mellila. Following these, it is understood that at

the southern border, Spain has put all its energies not to filter but to detect and prevent irregular border crossings.

In other words, in line with the guidelines of the Spanish Border Policy, Spanish borders and their management aim to prevent the sailing of would – be irregular migrants to the Mediterranean; if they already sailed, they aim to detect and intercept them; if the migrants have been able to reach to the shores without being detected and intercepted (it happens especially in the case of *pateras* as SIVE is unable to detect wooden boats), the borders aim to detect and apprehend them at the shores.

4. 4. BORDERING AGAINST WHOM? WHY?

As an EU Member, Spain has multi-layered borders. Moreover, by the help of the bilateral agreements with Northern African countries, it has strengthened its borders. As the related speeches of the Ministers for Foreign Affairs and of Interior, who served in Spain in the period between 1990 and 2010, reveal, with all these layers, Spain tries to prevent irregular migration, drug trafficking and terrorism at its borders. However, as it is a Member State located at the actual physical borders of the EU with a neighboring region totally different from the EU in terms of economic, political and demographic indicators, the main concern of Spain became to prevent irregular border – crossings at its southern maritime and land borders by the would – be irregular migrants by and after 1997. Therefore, differently from the EU, the focus of the Spanish Border Policy was at the actual physical borders.

As it is discussed in the previous chapters, it is thought that all political entities have *mala fide* and *bona fide* people and they aim to make their borders restrictive for the former, but lax for the latter. Finding out answers to the questions of who were Spain's *bona fide* and *mala fide* people during the 1990s and 2000s and thereby who were bordered against and othered in this period and why such a bordering process took place is a challenging task.

To begin with pre – borders, as a Schengen EU Member State, Spain applies visa to the nationals of all ‘black list’ countries. Therefore, nationals of these countries are automatically bordered against. On the other hand, as the words of Minister of Interior Perez Rubalcaba (June 4, 2008) reveal Spanish borders are meant to be lax for the businessmen, tourists and researchers, who are believed to be Spain’s *bona fide* people – in line with the EU bordering process. However, Spain has had strategic interest in two regions; in Mediterranean and in Latin America and it is believed that bordering processes towards the nationals of these countries need particular attention. That is because partly as a result of its interest in these regions, Spanish governments were against introducing visa requirements in particular for the Latin Americans and Moroccans during the 1980s.¹⁶³ Spanish stance to visa issues was explained by the Spanish Ministry of Foreign Affairs in this way in 1989:

“Spain can not introduce these requirements because of political, historical and cultural reasons for the Latin American countries and in order not to problematize the relationship with Morocco” (El Pais, 10/03/1989).

Though Spanish stance was this, as a result of external pressure from the EC Member States, despite heavy criticisms, government introduced visa requirements for the nationals of Maghreb countries (Morocco, Tunisia and Algiers), Dominican Republic and Peru in 1991 (El Pais, 04/11/1990; 24/06/1991; 08/02/1992). The number of countries whose nationals needed to obtain visas before entering to Spain reached to 102 in 1995, when the first version of EU black list – the list of countries whose nationals must be in possession of visas when crossing the external borders of the EU Member States – were adopted (Council of the European Union, 1995). As the newspaper articles show, Spain has made strenuous efforts to keep the Latin American Countries, which were former Spanish territories, in the EU’s White List. There are such 19 Latin American countries and 13 of them are in the White List.

¹⁶³ Francisco Fernández Ordóñez, Spanish Minister for Foreign Affairs between 1985 and 1992, stated that “the attempts in the European Community for imposing visa to Colombia and other Latin American countries are unacceptable to Spain” (El Pais, 11/03/1988). In another El Pais article (22/09/1988) it is noted that Spain maintained its position of opposing introduction of visa requirements for the nationals of Latin American countries and Morocco.

Table 4.4. Former Spanish Colony, Latin American Countries and their places in the EU Visa Lists

In the White List	In the Black List
Argentina	Bolivia
Chile	Colombia
Costa Rica	Cuba
El Salvador	Dominican Republic
Guatemala	Ecuador
Honduras	Peru
Mexico	
Nicaragua	
Panama	
Paraguay	
Puerto Rico	
Uruguay	
Venezuela	

Source: EU visa lists.

As the Ministers' speeches reveal, Spain has shown keen interest in the former Spanish colony Latin American countries. Among other things, such as aid programmes and preferential trade agreements, etc.; it also tried to secure these countries' nationals free movement into Spanish territories, which also meant free movement into Schengen area. In 2010 Latin Americans were making up the largest community of immigrants in Spain, with a 31% share of all immigrants. As they come from overseas, almost all of these Latin American migrants enter Spain via airports. Later they fall into irregularity by overstaying either their visas (in the case of 6 black list countries) or the permitted duration of stay. Though Latin Americans make up a large irregular migrant community in Spain, their entrance to Spain and falling into irregularity have been approached differently. First of all, up until 1998, no Latin American group was asked to the Ministers in the *Congreso de los Diputados* and though the Ministers addressed to the Congress several times to inform about the government policy on irregular migration, they did not give any reference to the Latin Americans. On September 16, 1998, upon a question about Ecuadorian irregular migrants, the Minister mentioned a Latin American group for the first time. However, the wording was

interesting. Unlike the general practice neither the questioner MP Mrs. Fernandez Sanz nor Minister of Interior Mayor Oreja referred Ecuadorians as ‘illegal immigrants’; they preferred ‘irregular workers’ and the question was about what the government was doing to regularize them. It is believed that this approach has prevailed in the *Congreso de los Diputados* when the issue was the migration of Latin Americans, whether they were regular or irregular. In the period between 1990 and 2010, only very few of the 65 speeches related to borders and irregular migration, mentioned Latin Americans. Interestingly, in only 1 of these, MPs called for restriction. In the others, the Spanish governments were questioned for failing to prevent a group of Latin American countries’ inclusion to the EU’s Black List.

As the speeches and interview notes reveal, Latin Americans are treated differently from all the other immigrant communities in Spain. Mr. Rafael Lopez (Member of the Catalan Parliament, PP) explained the reasons of this approach in saying:

[We have many things in common. The language, religion, culture. The way of their living their life, it is so close to us. They do not need a special integration policy.] (Interview notes, September 26, 2011).

Similarly, Ms. Magda Garcia from the *La Direccio General per la Immigracio – GenCat* (Directorate General Immigration of Catalonia Government) explains:

[Ecuador, Argentina, Bolivia, Here, they feel at home. There is a huge community. They feel ok. [...] Religion can make similarities between Latin Americans.] (Interview notes, September 9, 2011).

Ms. Meri Ilich from *Casa Slava* (NGO), on the other hand underlined the differential treatment to Latin Americans in citizenship acquisition:

[After only one year of legality, they can apply for citizenship. For the other people, it is difficult, they can get a permanent residence permit after 3 years of legal work. It is much easier for Latin Americans. Spanish people do not like it but I like to say that Spain is paying its debt to Latin America. They come here with a visa but they stay. They integrate. In their own way. They like to continue life.] (Interview notes, September 5, 2011).

Following these lines it is understood that nationals of Latin American countries are seen 'so close' to the Spanish people because of the commonalities in history, language, religion and culture. Moreover, due to these reasons, as mentioned by the interviewees above, these people do not need any integration policy and having common history, language, religion and culture with Spanish people; they might have also been seen as 'new blood' to the Spanish society which have been demographically ageing in the last decades. Following these lines, in general lines, in addition to the businessmen, tourists and researchers, Latin Americans are believed to be the *bona fide* people of Spain and Spain tried to keep its borders lax for them.

On the other hand, there are 6 former Spanish colony Latin American countries in the EU's Black List. As it is presented in the Table 4.4 these are Cuba, Dominican Republic, Peru, Bolivia, Colombia and Ecuador. Their inclusion to this list needs particular attention for the argument presented above. According to the newspaper articles, although Spanish governments did not want the inclusion of Cuba, Dominican Republic and Peru to the Black List, they saw it as a price of new EC membership and these countries were included to the list very early in 1991 (04/11/1990; 24/06/1991). Bolivia, Colombia and Ecuador, on the other hand, were included to the Black List in 2001 and their inclusion drew reaction from the Colombian, Bolivian, Ecuadorian and Spanish intellectuals as well as from Spanish MPs because Spanish government abstained in the Justice and Home Affairs Council on March 15, 2001, when the lists were being updated and Colombia, Ecuador and Bolivia was being placed in the Black List. Latin American intellectuals wrote an open letter to the Prime Minister Jose Maria Aznar and they stated that they would not 'return to Spain' as long as they were subject to humiliation of presenting a permission to visit her (El Pais, 21/03/2001). The protests and statement of Latin American intellectuals' determination for not coming to Spain in the future became influential in attracting attention to the issue. In explaining his reaction and the protests, novelist Marquez, who lived in Spain in the 1960s, told MP Garrido Lopez that Colombians and Hispanic countries still felt Spanish, saw Spain as a motherland

or a mother country and expressed to the MP that “it’s like I require permission to see my mother, it is an unacceptable humiliation” (Garrido Lopez, MP PSOE, June 28, 2001: 8552). As this issue attracted the interest and attention of the public, several MPs brought this issue to the *Congreso de los Diputados* and questioned Minister of Interior Rajoy Brey about the inclusion of these countries to the Black List and the ability of the government in defending Spain’s interests at the EU level. The explanation of the Minister is noteworthy in showing how the government approached to the visa requirements for the Latin American countries:

“[...] for one reason or another Cuba, Peru and the Dominican Republic were included in the black list of countries subject to visa requirement. All other Latin American countries remain bound in the white list with the only exception of Colombia, which until now was on the gray list, precisely because Spain had objected to its placement in the list of visa requirements. I say this because it is important to note that the Spanish Government has maintained a very active stance during the negotiation of visa rules in recent years. [...] Well, in accordance with the Treaty establishing the European Community, the so-called gray list had to go by law, according to total harmonization under Article 62 of the treaty. The decision to consolidate these lists could not be blocked by Spain, since from Maastricht, since 1992, these decisions have been taken by qualified majority. It was said in Maastricht in 1992 that: The decision about the countries whose nationals need a visa to enter the EU [...] is taken by qualified majority. [...] a vote against by Spain would have meant returning the proposal from the Commission, which would have been adopted by qualified majority voting later even Spain was opposing it and Spain would have remained in the minority.” (Minister Rajoy Brey, June 28, 2001: 8551) (Quote # 4.8).

According to the Minister, Spanish government has been striving to keep all Latin American countries in the White List, but they failed to do so for Colombia, Ecuador and Bolivia due to the European Union decision - making procedures. As he explained, Spanish government did not vote against the proposal but abstained voting because voting against would not mean anything; the proposal would have been adopted in anyway as the decision – making procedure was qualified majority voting and Spain would remain in the minority of members, which would pose challenges for Spain in the next rounds of decision – making.

Though the Minister’s words seem convincing, it is known that from time to time European Union governments tend to make “venue shopping” or in other words “escape to Europe” when they are about to introduce restrictive migration policies and thereby not only circumvent national constraints but also

scapegoat European decision – making procedures or European partners’ pressures (Guiraudon, 2000: 253). Interestingly, among all Latin American migrants (regular and irregular – registered to the *Padron Municipales*), Bolivians, Colombians and Ecuadorians are the largest communities. According to records of the *Padron Municipales* (Instituto Nacional de Estadística, 2012), by 2010, Latin Americans made up 31% of the all registered migrants in Spain and with 7% Ecuadorians was the largest community; while Colombians (5%) were the second and Bolivians (4%) were the third. Another peculiar thing is that the volume of migration to Spain from these three countries increased in an unprecedented way in a very short time – in the last few years of 1990s and in early 2000. As the records of the *Padron Municipales* show, Bolivians, Colombians and Ecuadorians did not even exist separately in the records on their own up until 2001, while Mexico, Argentina and Venezuela had their own categories since the first compilation of records in 1996. The number of Bolivians, Colombians and Ecuadorians were included in the umbrella category of “rest of South American Nationalities” together with other Latin American countries (*ibid.*). As the Table 4.5 in the following page shows, these numbers were not high despite the fact that nationals of 7 South American countries were recorded there. However, between 2000 and 2010, despite the visa requirements, the number of Bolivians, Colombians and Ecuadorians increased so much that their communities could become the largest immigrant communities in Spain.

Table 4.5. Number of South American immigrants in Spain, 1996 – 2010

	Venezuela	Brazil	Argentina	Rest of South American countries							
1996	7599	5376	19406	37887							
1998	8252	6708	21285	46072							
1999	9482	8283	23252	56512							
2000	11294	11085	26142	88144	Colombia	Ecuador	Bolivia	Chile	Peru	Uruguay	
2001	15783	17302	37625	1076	86927	137185	6594	12248	34690	7499	
2002	21522	24036	66296	1528	190226	255350	13427	17775	44488	12715	Paraguay
2004	38823	37995	157323	125	246243	463737	51673	29610	68591	36059	5823
2005	49378	54898	185376	169	268144	479978	96367	37422	84884	48829	16355
2006	52178	73704	189625	203	263339	446111	137159	41856	96187	53495	28593
2007	53302	92292	186032	225	260989	415328	196656	43439	104666	55480	46157
2008	61069	119209	196946	268	284043	415535	236048	48939	123173	61407	66950
2009	64886	129189	195572	282	296304	409328	223455	49380	140521	62238	80491
2010	64443	121287	187104	286	292212	387367	206635	47316	141309	59020	84323

Source: *Padron Municipales*, Instituto Nacional de Estadística, 2012

As Table 4.5 shows, number of immigrants (regular and irregular) coming from all South American countries, except Venezuela, Brazil and Argentina was 88.144 in 2000. In 2001, the number of only the Colombians exceeded this number and reached to 86.927. As the numbers above reveal, there was a large and increasing flow of migration not only from Colombia, Bolivia and Ecuador but also from other Latin American countries. However, nationals of these three countries made up the largest three groups in the whole flow – considering the coup in Ecuador in 2000; rapid increase in the unemployment rates and riots in Bolivia due to the restrictive government policies on the cultivation of coca in 1999 and with economic and political instabilities in Colombia, Spanish government might have foreseen the emergence of a such a high volume of migration from these countries. Moreover, as the speeches of the Ministers of Interior reveal, Colombians were believed to engage in drug trafficking to Spain, from where 60% of all drugs seized in Europe entered in the late 1990s (Minister of Interior, Mayor Oreja, November 18, 1999).¹⁶⁴ Following these lines of thought, it is believed that even if Spain had nothing to do to change the course of events during the adoption of the Commission’s proposal to include Bolivia, Colombia and Ecuador to the Black List, and as a result it abstained; the outcome of the vote seems to have suited Spanish governments’ book. Following these lines, it is believed that nationals of these countries are tried to be bordered against by Spain during the period between 2000 and 2010.

While the bordering process against Bolivians, Colombians and Ecuadorians and its reasons are open to discussion – the bordering process against North Africans, in particular against Moroccans is not. As it is noted in the previous pages, almost all of the speeches related to borders and irregular migration are about Africa. More specifically, 42 of the 65 speeches, where irregular migration is discussed within the context of borders, refer to Morocco. Moreover, in the first half of the 1990s, irregular migration was mentioned in the speeches only by giving reference to Morocco. In the second half, the focus of the speeches was on the land borders with Morocco in two Spanish territories in

¹⁶⁴ According to the World Drug Report (United Nations Office on Drugs and Crime, 2010: 23) “Colombia remains the main source of the cocaine found in Europe”.

Northern Africa: Ceuta and Melilla. In Gibraltar and Canary Islands, Moroccans and their entrance to there in irregular ways were discussed. In the speeches of Ministers of Interior, unlike the irregular migration flow from Latin American countries, irregular migration from Northern African countries, but primarily from Morocco was described with words such as “*avalancha*”¹⁶⁵; “*afluencia*”¹⁶⁶; “*ilegal*”¹⁶⁷ or “*clandestino*”¹⁶⁸. Though in the mid 2000s, Mauritania and Senegal were also included to the speeches, the focus has always been on Morocco and on Moroccans. During the 1990s and in the first half of the 2000s, Morocco was referred as a country of origin. By and after mid – 2000s, Ministers of Interior referred to it as both a country of origin and transit. In the speeches, MPs asked Ministers for calling EU for help to stabilize the land and maritime borders with Morocco, they wanted EU to design aid programmes; they called Spanish government to work with Moroccan government closely for the control of its borders. In the period between 1990 and 2010; several Ministers explained their policies, instruments and progress in the ‘*lucha contra la inmigracion ilegal*’¹⁶⁹ and these speeches were always primarily about Morocco. As the Ministers told, Spain signed bilateral agreements with Morocco, including a Readmission Agreement; it introduced high tech surveillance systems for its maritime borders and even built a fence wall around Ceuta and Melilla.

Though later the other Northern African countries found their way into the speeches, in particular Mauritania and Senegal and Tunisia, from time to time, these countries were mostly treated as transit countries. As the speeches show, Moroccans were the primary target. In other words, in the speeches on borders, in which irregular migration were discussed, Morocco, Moroccans, irregular migration flow from there and the instruments to cope with the phenomena as well as the numbers shared both by the Ministers and MPs gave the impression to the reader that irregular migration flow to Spain consisted only Moroccans.

¹⁶⁵ avalanche

¹⁶⁶ influx

¹⁶⁷ illegal

¹⁶⁸ clandestine

¹⁶⁹ fight against illegal migration

It is believed that this is partly the result of the size of the Moroccan community in Spain. Though many Spanish people believed that up until mid 2000s they were mainly transiting Spain heading towards France, Belgium and Netherlands, in 2010 Moroccans were making up the second largest migrant community in Spain after Romanians with a number of 645.156 co – nationals. In addition, Morocco is geographically very close to Spain and the flow is visible by determined swimmers and *pateras*. Moreover, there has been the issue of cultural differences as raised by almost all interviewees. In distinguishing northern Africa from sub – Saharan Africa, Dr. Tona Lizana from *Salud de Inmigrantes – GenCat* (Health Services for Immigrants – Government of Catalonia) told that:

[Northern Africa and sub – Saharan Africa are different. The problem with Northern Africa – Morocco is religion. Religion is the problem. They want to convince you to their religion. They show the religion, traditions, like to kill animals in the streets, Halal food. [...] They do not adopt new traditions. [...] Genital mutilation for instance. Even their governments are fighting with it at home, but in Spain, they want to do it. To keep their identity.] (Interview notes, September 5, 2011).

In explaining irregular migration and their control with borders, Mr. Rafael Lopez (Member of the Catalan Parliament, PP) underlined that Morocco does not control its borders and he added that religion is the main problem with Moroccans in Spain:

[We have Africa. We have Morocco. Huge problem. Morocco does not control its borders. People from Senegal, Mauritania, sub-saharan Africa come to Morocco. They pay to human smugglers. Moroccan human smugglers bring them to Spain with *pateras*. *Pateras* come from Morocco. Morocco has to control its borders. Border issue is a job of two people. Both Spain and Morocco have to do it. Now, only Spain deals with it. [...] Religion is the gap. It is not politically correct but it exists.] (Interview notes, September 26, 2011).

According to Ms. Meri Ilich from *Casa Slava*, Spanish people approached to sub – Saharan Africans differently from northern Africans. Though she underlined the religious differences in the case of northern African migrants, she also referred to September 11 and March 11 bombings:

[Sub-saharan Africans are seen as Victims. But still Spanish people do not want them to come. They want to pay money, but want them stay in their own countries. For northern Africa – they are afraid of Muslims after September 11 and Madrid bombings. They do not make a difference between Muslims. They “fear”.] (Interview notes, September 5, 2011).

With noting that Moroccan identity is different from that of Spanish, Xavier Alonso from *La Direccio General per la Inmigracio – GenCat* (Directorate General for Immigration – Catalonia Government), told that he found Moroccans closer to himself than Eastern Europeans:

[Northern Africa makes us face responsibility. [There is] confrontations of identities. We have to bear responsibility to our changing world. We can not sustain quarrels, misunderstandings. We have here 300000 to 400000 Moroccans in Catalonia. They are different but they are from Mediterranean. Sometimes they are more close to me than Ukrainians or Luthenians.] (Interview notes, September 14, 2011).

Ramón Sanahuja, *Director Gabinete Técnico de Inmigración, Ayuntamiento de Barcelona* (Chairman of the Working Group for Immigration and Integration, Barcelona City Council), on the other hand, attracts attention to the construction of the migrant image by media:

[When you ask an ordinary Spanish citizen about the migrant, all he says, depicts is “black African man in the boat”. This is what comes to their mind. Media covers it like this. And for the migrant woman “a Muslim woman with headscarf”. But when you check the statistics, the first group of African people is Senegalese and they are the 30th immigrant community. The first 29 groups entered with valid visas through the borders. Nobody sees them. Media does it.] (Interview notes, September 20, 2011).

Following these lines, it can be said that bordering processes in Spain in the period between 1990 and 2010 took place against Northern Africans but primarily against Moroccans and besides the size of the flow, its visibility, cultural and religious differences played a major role.

In addition to these groups, two Eastern European groups were also discussed within the framework of borders by and after 2005. These groups were Romanians and Bulgarians. These groups were firstly mentioned on February 9, 2005 with respect to borders. MP Mr. Jordi Xucla i Costa (Catalan Parliamentary Group) (February 9, 2005: 3290 - 3291) asked Minister of Interior Alonso Suarez what his Ministry was doing about the irregular border – crossings by Romanians and Bulgarians at French – Spanish borders:

“Mr. Minister since 2004 an important increase has been observed in the number of foreigners, who try to enter our country from different places at Spanish – French borders, in particular from the Province of Girona. In this year, [with] the application of the Spanish – French Readmission Agreement, 83.289 irregular migrants were returned to France [...] I Quote: Hundreds of immigrants without papers, mostly from the countries like Romania or Bulgaria cross from any border point in the Girona region from France every day and [they are] in the hands of organized networks. (La Vanguardia, January 16, 2005.) [...] Which measures has been adopted by the government to curb and control the sharp increase in irregular migration in recent months at the secondary / alternative roads of Catalan Pyrenees?” (Quote # 4.9).

There were several other questions that raised the same concerns. In one of the speeches, an MP asked whether it was possible to restore controls at this border. There were also resentment against other Member States, such as Italy, Austria and France that were believed to let Eastern Europeans reach Spanish borders. Minister of Interior Alonso Suarez explained each time that as these borders were ‘internal borders’, restoring border controls was not possible; in referring to the Schengen Agreement he clarified that borders could be closed temporarily only at extraordinary circumstances. He also made it clear that they were conducting operations together with French authorities to prevent the irregular – border crossings from northern borders of Spain. In a speech on May 17, 2005 by Minister of Interior Alonso Suarez answered questions about fight against terrorism and organized crime and explained the situation at Pyrenees once more. In this speech he referred to Romanians and he noted that they were under focus of state authorities who were responsible for dealing with immigration networks and document forgery and moved on in explaining how Spanish government increased number of police officers at the French – Spanish borders and at airports and he added that Guardia Civil was also paying attention to the borders at Pyrenees. Romania and Bulgaria were candidate countries to the EU. The number

of irregular migrants from these countries, via entering to the country from the Spanish – French border at Pyrenees, increased very steadily in the early 2000s. To give numbers according to *Padron* registers, the number of Romanian immigrants (regular and irregular) was only 1814 in 1996. In 14 years, their number increased by 430 times and reached to 781.343 in 2010 – making Romanians the largest immigrant community in Spain. Similarly, the number of Bulgarian people increased by 147 times since 1996 and reached to 161.599. As the speeches of MPs and Ministers of Interior reveal, due to its Schengen obligations, Spain could not close its borders and it could not restore border controls at Spanish – French border. However, it has concluded bilateral agreements with these countries and it determined labor quotas for their nationals and it also made its Readmission Agreement with France work. As one of the speeches reveal, in 2004, Spain returned more than 80.000 irregular migrants from Romania and Bulgaria to France. In 2007, Bulgaria and Romania became EU members, but up until now, they have not been included to the Schengen Area. Though their nationals are EU citizens now, they can not move freely and despite the bilateral agreements and labor quotas, irregular migration from these countries to Spain continues. However, these facts do not change the existence of the bordering process, it is believed that with increased number of police officers at the French – Spanish border, at secondary roads at Pyrenees and at airports to detect and return Bulgarians and Romanians indicate that since early 2000s with the increase in the volume of irregular migration from these countries, a bordering process against Bulgarians and Romanians have taken place in Spain. In confirming this statement Mr. Rafael Lopez (Member of the Catalan Parliament, PP) put it:

[Romanian and Bulgarian people are coming. They are EU citizens. But we are not ready for them. We are not ready to allow them.] (Interview notes, September 26, 2011).

Following these lines, it can be told that in the period between 1990 and 2010, with a focus at physical borders, the aim of the Spanish Border Policy was to prevent irregular migration, drug trafficking and terrorism. Among these

phenomena, irregular migration was given priority by and after 1997 and it became the predominant target. As the Ministers' speeches given at *Congreso de los Diputados* reveal, North Africans, but primarily Moroccans, but also Mauritians, Senegalese, Romanians, Bulgarians, Colombians, Bolivians, Ecuadorians, Dominicans and Peruvians became subjects to the bordering processes in Spain. Spain tried to prevent irregular border - crossings by Moroccans, Senegalese and Mauritians and also other African people at its southern borders and by Romanians and Bulgarians at its northern borders. At its pre - borders, on the other hand, it tried to detect and filter would be irregular migrants among Colombians, Bolivians, Ecuadorians, Dominicans and Peruvians.

In line with the aims of the Border Policy and the groups bordered against, it is inferred from the speeches of Ministers for Foreign Affairs and of Interior, interview notes and newspaper articles that in this period Spain's *mala fide* people were those who might endanger Spanish culture and Spanish identity; those whose entrance might thwart Spain's relations with its EU partners and those who engage in transnational organized crime (drug trafficking, human trafficking, human smuggling and terrorism).

Considering the general preconditions explained in the previous pages, it is thought that the factors discussed under 'migration dynamics in Spain' have general explanatory power in their bordering processes. As Table 4.6 in the next page presents, the groups that are believed to be bordered against in Spain are among the largest migrant communities in Spain. Their numbers were high and they were getting higher. Their communities were becoming more and more visible every day.

Table 4.6 Largest Immigrant Communities in Spain, 2010

Romania	781343	Argentina	187287
Morocco	645156	Germany	178402
Ecuador	387367	Bulgaria	161599
UK	366379	Peru	141309
Colombia	292212	China	137020
Bolivia	206635	Portugal	125702

Source: *Padron Municipales, Instituto Nacional de Estadística, 2012.*

Moreover, as the Ministers' speech reveal, Colombians and Romanians were believed to engage in organized criminal networks. Colombians were believed to involve in drug trafficking to Spain, while Romanians were thought to have a hand in human smuggling and human trafficking to Spain as well as in document frauds.

In addition to these, it is believed that the factors discussed under 'making of Spain' have been influential in the bordering processes against Romanians, Bulgarians and Morroccans, while not on those of Colombians, Ecuadorians, Bolivians, Dominicans, and Peruvians. In particular in the case of Moroccans, religious, cultural and linguistic differences between the Spanish and them were frequently underlined. It is told that Moroccans needed special integration policy, because they are 'so different'. It is inferred that Moroccans' religious and cultural identities and their determination to keep their identities and cultural practices in Spain were not welcomed and concerned Spanish people. In the face of large flow of irregular migration from Morocco, they felt Spanish religious and cultural identities were threatened.

It is interesting to note that the other factors discussed under 'EU Membership' and 'Geography of Spain' also seem to be influential in the bordering against Moroccans. It is thought that up until the mid 2000s, Moroccans were transiting Spain and heading towards mainly France, Netherlands and Belgium, where they had established communities. During the 1990s and in early 2000s, Spain was criticized by these EU Member States for not making its borders impermeable against the irregular border crossings by Moroccans. Factors discussed under 'geography of Spain' have also been influential. According to the Ministers and MPs in Spain seemed to have an unfortunate geography as they expressed in *Congreso de los Diputados*: 'we have Africa', 'we have Morocco'; or 'it's so close to us', it is indeed geographically too close to Spain, with totally different economic, political, demographic and social indicators. These indicators make Spain try to keep its distance with Morocco.

The factors discussed under the 'economy and demography' on the other hand, in particular those related to economy expressed to be the most influential

factors in the bordering processes against all of these groups. There was economic crisis in Spain with high unemployment rates and high public debt. In line with these, not only the interviewees but also the findings of the *Centro de Investigaciones Sociologica* (CIS) (2012a) put forward that the main problem in Spain was unemployment and migration is among the first third problems. Simply, the Spanish people believed that migrants were taking their jobs. Interestingly, one of the interviewees told that now Spain was in crisis, they, the Spanish people, who despised these low qualified jobs before, needed them. This concern found its way into the speeches made in the *Congreso de los Diputados*. According to Ramón Sanahuja, *Director Gabinete Técnico de Inmigración, Ayuntamiento de Barcelona* (Chairman of the Working Group for Immigration and Integration, Barcelona City Council), economic problems and migrants are used as a political discourse by the political parties in the face of the economic crisis:

[It is the “political discourse” used by the parties, the economic crisis. We are trying hard to ease the tensions between migrants and the autochthons.[...] Between 2000 and 2007 Spain created 6 million jobs. 40% of it was taken by Spanish (most of whom are women) and the remaining 60% were taken by immigrants. Now the economy is shrinking. This is the main problem.] (Interview notes, September 20, 2011).

However, according to Prof. Dr. Ramon Garcia Flecha from Immigration Research Group, University of Barcelona reaction to migrants and the bordering processes against these specific groups of migrants have nothing to do with economy and with the argument that migrants steal Spanish people’s jobs:

[There is a reaction against migrants. But the reaction is not because they think that they “steal their jobs”, it is because we’re racists. The government gives legal papers more to Latin American people than Moroccan people. But in reality, it is the Latin American people who compete with us for the jobs. So it is not because of the jobs, it is because they do not want Morrocans, Africans and Arabs. They do not think Latin Americans as a threat. They are culturally close to the Spanish people, in terms of religion, language, culture. There is racism in Spain. [...] The problem is the image. Romanian [and] Bulgarian people. They have restrictions although they are

European citizens. Romanian people first try to convince that they are not Roma and secondly they are not part of a mafia. Because of the media and TV series, they have been associated with mafia.] (Interview notes, September 12, 2011).

Following all these lines, in the period between 1990 and 2010, concerns about Spanish identity and culture in the face of rapid transition from an emigration to an immigration country, responsibilities to the EU partners and geographical realities marked Spain's Border Policy and its bordering processes. In line with this, it is believed that the factors discussed under 'migration dynamics', 'making of Spain', 'EU membership' and 'geography of Spain' have become influential in these processes. The main focus of the Spanish Border Policy was on the physical borders, in particular at its southern borders, though later northern borders were also focused. From these borders, Spain tried to prevent the entrance of people who might endanger Spanish culture and identity – especially the religious identity; who might upset its relations with European partners and put Spain under economic burden of readmission, and those people who involve in organized criminal networks primarily those of drug trafficking, human trafficking and human smuggling. In other words, Spain's *mala fide* people became those who might endanger Spanish identity and culture, whose entrance might thwart Spain's relations with its EU partners and who engage in transitional organized crime.

In line with these policy priorities and guidelines, bordering processes in Spain in the period between 1990 and 2010 have taken place against primarily Africans. Among them Moroccans, who have had different cultural, religious and linguistic identities, who have been coming from a geographically very close culturally very far - otherized territory; who have had the possibility to continue their journeys to other EU Member States, were primarily bordered against and othered in the bordering processes of Spain. Secondly, by and after 2001, Colombians, Ecuadorians and Bolivians, who started to migrate Spain in large numbers and who were said to draw reaction from the EU partners, but also who involved to drug trafficking networks (in the case of Colombians) were bordered against. But they were not othered to the historical, religious, linguistic and cultural commonalities with Spanish people. Lastly, by and after 2004,

Romanians and Bulgarians, who have started to come Spain in very large numbers and who did not have any commonalities with Spanish people except living in the same continent were bordered against and othered in the bordering processes of Spain. The summary of the bordering processes against the movement of foreigners in Spain in the two decades between 1990 and 2010 is visually presented in Table 4.7 below:

Table 4.7 Bordering Processes in Spain between 1990 and 2010

SPAIN	Mala fide (for whom the borders are meant to be restrictive)	Border policy against	Bordering against
	People who might endanger Spanish culture, and Spanish identity People whose entrance might thwart Spain's relations with its EU partners People who engage in transnational organized crime (drug trafficking, human trafficking, human smuggling and terrorism)	Irregular migration Drug Trafficking Terrorism	North Africans – primarily Moroccans, Mauritanian, Senegalese Romanian and Bulgarians Colombians, Bolivians and Ecuadorians

4.5. BEING THE FRONTIER OF THE EMERGENT EU REGION – STATE?

Since the beginning of its EU membership, Spain has had strategic interests in two regions important for itself: Mediterranean and Latin America. Later, JHA agenda of the EU, on the prevention of and fight against terrorist activities in the mid 1990s and on migration and external borders in the 2000s (Morata and Fernandez, 2003; Zapata – Barrero and de Witte, 2007) was added to these interests. Borders and bordering processes in the EU and in the Spain have been directly related to

these areas of interests. That is because both of these areas have included countries, which are source countries for irregular migration to the EU. As it is explained in the previous sections, in the early 1990s Spain was under heavy pressure of the EU and EU Member States, which were demanding Spain to control its borders better against the irregular migrants. If it is recalled, up until 1995, the EU had only 12 Members and most of them were immigration countries. It is thought that European partners were concerned about Northern Africa in particular Morocco, nationals of whom were believed to transit Spain in those days and head to Western EU Members to join their established communities. As previous studies on Spain and its migration dynamics have put forward, Spain was still predominantly an emigration country in the early 1990s, irregular migration was not a priority for the government and in line with these Spain was unwilling to introduce restrictions to the free movement of Moroccans into its territory. However, as the analysis on parliamentary speeches of Ministers of Foreign Affairs and of Interior on borders uncovered there has been a paradigmatic change in Spanish Border Policy by and after 1997, and irregular migration became the predominant theme in guiding this policy. It should be underlined that irregular migration from all source countries has not become a matter of concern but only irregular migration from Northern Africa in particular Morocco has become the predominant theme and it still keeps its importance in the Spanish Border Policy and Spanish bordering process against the movement of foreigners into its territory. In line with this, Spain focused on its physical borders, but not on all of them only on the southern ones and it devoted all its energies to make these borders impenetrable for the would – be irregular migrants coming from Africa but primarily from Morocco.

It is astounding to see irregular migration from Morocco and the would – be irregular migrants from this country has been bordered against by Spain but Latin America and Latin Americans were not despite the fact that they were making up the largest immigrant communities in Spain. It is also interesting that irregular border crossings from the southern borders have not been the main source of irregular migration to Spain, while overstaying visas or the permitted

duration of stay has been. In that respect, it is puzzling that Spain has driven southern physical borders forward but not the airports or the visa regime in its border policy and its bordering processes targeted Northern Africans in particular Moroccans but not Latin Americans. Moreover as the study has revealed Latin Americans, their entrance to Spain and falling into irregularity have been approached differently. Simply, their irregularity has not been concerned as an important problem. The answer of all these puzzling attitudes and behaviors of Spain in its bordering processes against the would – be irregular migrants from Northern Africa but not from Latin America is believed to be found in the Spain's process of befitting itself to the emergent EU region – state. In assuming the gate – keeper role of this emergent region – state at its most strategic external border in terms of movement of foreigners, Spain both contributed to the formation of EU Border Policy and it complied with it. In line with this compliance, Spanish borders started to target movement of foreigners and Spain fulfilled the obligation of bordering against emergent region – state's *mala fide* people, which are primarily Muslim Arabs living in the geographically close, economically less developed countries – Northern Africa. Spain is located at the most southern edge of the EU, at a site where two different economic, political, sociological and demographic systems exist and it neighbors a region where EU's *mala fide* people predominantly live. As a result of compliance with the EU Border Policy and bordering against EU's *mala fide*, Spain tried to establish impenetrable physical borders, which in reality carry more of a frontier character. In that respect, Spain became the borderland after the most strategic frontier of the emergent EU region – state in terms of foreigners.

In parallel to this bordering and othering process, it is understood from the parliamentary speeches that Spain negotiated within this emergent region – state to grant the right of free movement into the emergent region – state's territory to Latin Americans, whom are considered to be Spain's own *bona fide* people. In that respect, it is thought that in return for complying with the bordering and othering process of emergent EU region – state's others, its *mala fides*; Spain have

acquired its own *bona fides* to become to a large extent this emergent region – state’s *bona fides* as well.

In order to discuss these arguments further, Spanish experience in becoming a part of Schengen Area and its efforts in the fields of migration and external borders should be recalled. Schengen Area, which turned the dream of free movement of persons without border controls into reality among participant states and to which Spain also belongs, has entered into force in March 1995 and southern Spanish borders have become the external ‘frontiers’ of this area, separating it from a region which is so close but at the same time very different in terms of economic development, political stability, demography and culture. In other words, Spain, though unwillingly, according to several academics, has become the gate – keeper of the emergent EU region – state. Therefore it is not a coincidence that by 1997 there has been a paradigmatic change in the Spanish Border Policy. This was not the only change; in the early 1990s EU Member States were pressing Spain to make its borders impenetrable against the movement of EU’s so – considered *mala fide* non – Europeans, but in the 2000s, it was Spain pressing other EU partners to help for achieving this end. During 2000s, Spain has put strenuous efforts to the European integration in the fields of migration and external borders. It strove to persuade other Schengen EU Members to recognize its southern borders as EU external borders at which common action needed to be taken. In other words, it pushed EU members to consider its border problem as a European issue and it succeeded taking large amounts of funding to set up high technological systems at these borders. To put it in another way, Spain elevated its own border issue to the European level. However, while Spain was keeping the attention of EU partners on the neighboring region, where EU’s so – considered *mala fide* non – Europeans are primarily found, it strove for the exclusion of the Latin America and Latin Americans to the category of *mala fide* non – Europeans. In other words, it is truly believed that while Spain has satisfied the demands of the European partners about its southern borders and irregular migration through these borders, it asked them to consider another group of non – Europeans, the Latin Americans, important for itself for several reasons as *bona*

fide. In that respect, it can be said that Spain seems to have negotiated with the EU partners not to include these people into the emergent EU region – state’s bordering processes.

As the quoted parliamentary speeches by the Ministers of Interior and Foreign Affairs reveal, Spain has been striving very hard to keep former Spanish colony Latin American countries in the EU’s ‘white list’ so that the nationals of these countries can continue to move freely not only to the Spanish territory but also to whole Schengen Area. Up until 2010, Spain has been able to keep 13 of 19 former Spanish colony Latin American countries in the EU’s ‘white list’ countries, while 6 of them, Cuba, Dominican Republic, Peru, Bolivia, Colombia and Ecuador are in the ‘black list’ of countries. As it is discussed in the previous section, the inclusion of Bolivia, Colombia and Ecuador in the black list in 2001 drew public reaction in Spain and Ministers were asked many questions by the MPs about the lists, and the reason of the inclusion of these countries. The underlying accusation to the government in these questions was its inability ‘to defend Spain’s interests’ at the EU level and in the EU decision – making processes. This accusation tells a lot about the approach of Spain to Latin Americans. Very simply because of historical, political, cultural and linguistic matters, these groups of people are Spain’s *bona fide* people and Spanish governments are expected to keep them in the EU’s ‘white list’ in other words to ‘defend’ Spain’s interest in granting them the free movement into the Spanish territory. In that respect the parliamentary speech of Minister of Interior Rajoy Brey on June 28, 2001: 8551, which is quoted in the previous section, is illuminative in showing how Spain tried to make and later keep its own *bona fide* people as the emergent EU region – state’s *bona fide* people as well:

“[...] for one reason or another Cuba, Peru and the Dominican Republic were included in the black list of countries subject to visa requirement. All other Latin American countries remain bound in the white list with the only exception of Colombia, which until now was on the gray list, precisely because Spain had objected to its placement in the list of visa requirements. I say this because it is important to note that the Spanish Government has maintained a very active stance during the negotiation of visa rules in recent years.”(Quote # 4.10).

It is believed that the inclusion of Bolivia, Colombia and Ecuador into the EU's 'black list' suited Spain's book as there has been a large increase in the number of immigrants coming from these countries in recent years. However, in general lines, it is clear that Spain has seen Latin American people as its *bona fide* people and for them, it strove to make emergent EU region – state's borders as permeable as its own borders. In line with its strenuous efforts, though Latin Americans have been immigrating to the EU in large numbers in irregular ways, EU's bordering processes against the movement of foreigners have not targeted them. Another fact that has to be emphasized here is the destination country of these Latin Americans. According to the interviewees, due to linguistic commonality and historical ties, Latin Americans are believed to immigrate to Spain but not to the other EU partners. In other words, though Latin Americans have been immigrating to the EU in mainly irregular ways, they have been believed to settle in Spain not in another EU Member State thereby believed to be not giving any nuisance to the European partners. In that respect, it is thought that during the negotiations on visa lists, Spain might have underlined and persuaded the other European partners that these people have been targeting Spain as the destination country even if they overstayed their permitted duration of stay and fall into irregularity. As the numbers, figures and percentages of Latin Americans within the whole immigrants in Spain is recalled, Spain is probably right that it has become a kind of concentration center within the emergent EU region – state, where all Latin Americans have been settling down due to historical, political, cultural and linguistic commonalities.

Following these lines, it is firstly understood that as a requirement and as a result of becoming a part of the EU region – state, Spain has complied with the EU Border Policy first and later during the establishment of the Schengen Area it was able to contribute to the development of this policy. In doing these, Spain has internalized the aims and guidelines of the EU Border Policy and started to target free movement of persons in the first place. This internalization needed the reconfiguration of its *mala fide* people – foreigners whom it would border against and as a result other at its borders.

Table 4.8 Bordering Processes in the emergent EU Region – State and in Spain

	EU region – state	Spain
<i>Bona fide</i> people (for whom the borders are meant to be lax)	Businessmen, Tourists, students, scientists, persons in need of international protection and others having a legitimate interest to access the EU’s territory, nationals of countries with high GDP levels, nationals of all Spanish speaking countries in the Americas except Bolivia, Colombia, Dominican Republic, Ecuador and Peru and nationals of almost all Western Balkan countries	Businessmen, Tourists, researchers and Latin Americans, Nationals of countries with high GDP levels
<i>Mala fide</i> people (for whom the borders are meant to be restrictive)	People who might endanger EU Member States’ welfare, national identities and their security	People who might endanger Spanish culture, and Spanish identity People whose entrance might thwart Spain’s relations with its EU partners People who engage in transnational organized crime (drug trafficking, human trafficking, human smuggling and terrorism)
Border Policy against	Irregular migration Drug Trafficking Terrorism	Irregular migration Drug Trafficking Terrorism
Bordering against	<i>Primarily</i> Muslim Arabs living in economically backward countries, which are geographically close to the EU (But also sub – Saharan Africans and Asians with some exceptions)	North Africans – primarily Moroccans, Mauritanian, Senegalese Romanian and Bulgarians

While Spain harmonized its border policy to that of the emergent EU region – state’s and started to border against its *mala fide*, it succeeded in making its own *bona fide* people as the region – state’s *bona fide* to a large extent so that they would not be bordered and othered against and they would continue to enjoy free movement into the territory of Spain. In that respect, Table 4.8 visually presents how Spain complied with the EU Border Policy and succeeded in befitting itself within the EU region – state’s borders and bordering processes against the movement of people. As the table shows, there is high level of congruity between

aims of the border policies and the targets of the bordering processes of Spain and the EU region – state.

Despite this high level of congruity between border policies and bordering processes of Spain and the EU region – state; two incongruities can easily be discerned: nationals of 6 former Spanish colony Latin American countries - Peru, Dominican Republic, Ecuador, Bolivia, Colombia and Cuba - and nationals of 2 new EU Members – Romania and Bulgaria. As the reasons for and the Spanish government's approaches to the inclusion of these Latin American countries into the EU's 'black list' have been discussed in the previous paragraphs, their inclusion to the list seemed to have suited Spain's book. However, the reaction it drew from the public, intellectuals and the MPs in the *Congreso de los Diputados* show that they are still considered to be *bona fide* people by the Spanish people. And their resentment against the EU region – state's decision – making mechanisms and to the other EU partners for making Spain give up a group of its *bona fide* people on paper denotes a tension between Spanish and the EU region – state's bordering processes against the movement of foreigners into their 'common' territory. That is simply because they are not considered by the Spaniards as foreigners with detrimental intentions for Spain that should be bordered and othered against. In fact, they are not considered as foreigners. Spaniards are familiar to them, whom are believed to have 'good faith', sincere or benevolent intents in Spain. For the EU region – state, on the other hand, they are not.

The other tension between these bordering processes is the nationals of two new EU Member States: Romanians and Bulgarians. Romanians and Bulgarians have been EU citizens for the past 6 years but as their countries have not become a part of the Schengen Area yet, they cannot move freely within the EU. Although there are restrictions on their free movement, their countries are not in the EU 'black list'. Moreover, as EU citizens, they have facilitated movement and thinking that they would not be granted the right to move freely within the Union in the long run would be at odds, if so why these countries would be accepted as Members? In that respect, Romanians and Bulgarians are

EU region – state’s *bona fide* people. However, it is thought that they are considered to be *mala fide* people by Spain. As the interview notes and parliamentary speeches reveal, Spanish government is expected not to tolerate their irregularity, to return irregulars to the transit countries (other EU Schengen members) and even to close those borders from where they infiltrate. In other words, though they are fellow Europeans, they are unwelcome in Spain. And this denotes the second tension point between the borders, border policies and bordering processes of Spain and the emergent EU region – state.

In explaining the current urge for a regionalist order in a particular geographical space, besides endogenous and exogenous factors and the levels of ‘regionness’ in that space, new regionalism highlights the voluntariness of the participant states. In theory in an emergent region – state, member states pool their sovereignties voluntarily and in return they become a part of regionalization efforts. When the paradigmatic change in the Spanish Border Policy and the congruity between its bordering processes and that of the emergent EU region – state is concerned, it can be said that neither the paradigmatic change nor the congruity are coincidences. As the parliamentary speeches from the early 1990s have revealed, according to the Spanish governments taking place in the Schengen Area – another region within the EU region based on free movement of goods, capital, services and people was seen as in Spain’s interest and Spain kept a pace to the developments in that field. Though it was unwilling to keep the ‘frontier’ of this region, it was also unwilling to fall behind further integration, which would require pooling of more sovereignty and more efforts to keep pace with but which would also deepen the ties of the participants and give Spain a stronger hand for bargaining within the emergent EU region – state. Thereby, Spain chose to become a part of this integration, which is believed to lie at the core of the regionalization. By the help of this participation, Spain has been on the table since its inception and it has been able to affect the integration process. As a requirement, which is considered to have suited its book sometimes as well, it has started to border against Northern Africa, primarily Morocco. But it has been able to affect the other EU partners on a matter that is important for itself:

Latin Americans and their right to move freely into its territory. Simply, to a large extent (nationals of 13 out of 19 former Spanish colony Latin American countries) it has succeeded to make its *bona fide* people as the emergent EU region – state’s *bona fide* people.

Though participation of Spain in the emergent EU region – state has worked in its interest in the fields of border and bordering / othering processes so far, two tension points seemed to have emerged in the decade between 2000 and 2010. If the number of tensions increase, if for instance more Latin American countries are added to the ‘black list’ and more restrictions are introduced against their free movement into EU and Spanish territory or more countries join the EU with their nationals immigrating to Spain, then Spanish people might think that Spanish governments’ power in defending Spanish interests in the bordering processes of the emergent EU region – state decrease and they might try to change the course of events for Spain. Though new regionalism theory says that regionalization do not always go forward and there may be set backs during the process, it does not give any clue what would happen in such developed region – state about a participant state becoming less voluntary after the integration have taken root that much. Showing the limits of new regionalism theory this question is believed to pave the way for other researches.

Following these analyses on Spanish Border Policy, Spain’s borders and their management and bordering / othering processes against the movement of foreigners in comparison with those of the emergent EU region – state and discussion on how Spain befitted itself within the ‘borders’ of this emergent region – state, the next chapter focuses on a country, candidate to take part in this regionalization in Europe: Turkey. The chapter examines Turkish Border Policy, borders and bordering / othering processes of Turkey and in the light of Spanish experience in complying with EU region – state’s bordering / othering processes, it raises fresh thoughts for Turkey’s quest for EU membership.

5. BORDERS AND BORDERING PROCESSES IN TURKEY

Turkey lies partly on Europe and partly on Asia. With a population of 75.6 million, it covers 785,688 square kilometres, with 97% of this land located on the westernmost protrusion of Asia - Anatolia, and 3% of it on the southeastern edge of Europe (Türkiye İstatistik Kurumu, 28 Ocak 2013; Britannica Online Encyclopedia, 2013). On the north, Turkey is bordered by Black Sea, on the northeast by Georgia and Armenia, on the east by Azerbaijan and Iran, on the southeast by Iraq and Syria, on the southwest and west by Mediterranean and Aegean Seas and on the northwest by Greece and Bulgaria. The narrows that link Black Sea and Aegean Sea; the Bosphorus, the Sea of Marmara and the Dardanelles are together known as Turkish straits and their control by Turkey has been a major source of conflict in the country's relations with its neighbors.

Map 5. 1. Turkey



Source: Bing Maps, 2013.

Turkey has been an EU candidate since 1999. In the event of membership, Turkey's borders will be EU's external borders. Thus, Turkey is expected to align with EU's Border Policy as in many other other policy fields. This Chapter begins

by examining the general conditions of making of Turkey, Turkey's geography, economy, EU candidacy and migration dynamics in the country and continues with the analyzes on Turkey's Border Policy, borders, the predominant themes in the related speeches of the Ministers for Foreign Affairs and of Interior and bordering processes against the movement of foreigners in Turkey in the period between 1990 and 2010. The Chapter ends with the evaluation of how Turkey might benefit itself within the borders of the emergent EU region – state by complying with its Border Policy, borders and bordering processes against the movement of foreigners.

5.1. GENERAL PRECONDITIONS

5.1.1. Making of Turkey, its Geography and Economy

Turkey succeeded the Ottoman Empire and it was established more or less in the same territory delimited by the *Misak – ı Milli* borders¹⁷⁰. *Misak – ı Milli* was the National Pact of the Turkish resistance movement and it codified the principles for the establishment of an independent Turkish state out of the ruins of the Ottoman Empire. The so – called *Misak – ı Milli* borders, which are still referred today, were delimiting the Ottoman territories where majority of the population were Muslims.¹⁷¹ In line with the *Misak – ı Milli* objectives, most of Turkey's borders were fixated by early 1920s.¹⁷² Treaty of Lausanne was signed on July 24,

¹⁷⁰ *Misak – ı Milli* (the National Pact) was adopted by the last Ottoman Chamber on January 28, 1920. A detailed version of *Misak – Milli* is found in Appendix 6.1.

¹⁷¹ Ottoman Empire was multicultural, multi-religious and multi-linguist, however, as its territories shrank, Turks increasingly became the most significant group of the Empire in the early 20th century. Most of them viewed themselves as Muslims rather than Turks (Ahmad, 1993, p. 39). Moreover, there were Kurd, Laz and Circassian delegates in the Erzurum and Sivas congresses, where *Misak – ı Milli* had taken shape. Reflecting this multi - ethnicity and perception among Turks, *Misak – ı Milli*, was not demanding national sovereignty for only Turks but for the all Muslim Ottomans.

¹⁷² As a result of successes against Armenian and Greek forces, eastern borders were secured relatively early in March 1921, when Soviets signed an agreement and fixed the borders. Moscow Agreement was signed in March 1921 with the Soviet representatives. It was later followed by Kars Agreement in October 1921 (Oran, 2010). According to these agreements, Kars and Ardahan became part of modern Turkey, while Batumi was left to Georgia. Similarly, in October 1921, France signed an agreement with the Anatolian government and it drew the southern border between Turkey and Syria (Lewis, 2002). This border changed later in 1939 when *Sancak* district of Alexandrette (which is *Hatay* today) became part of Turkey. Western borders would wait until 1923 Treaty of Lausanne to be settled down.

1923 and it became one of the founding documents of Turkey as it recognized the creation of a Turkish state within present – day borders of Turkey with the exceptions of borders with Syria and Iraq.¹⁷³

Though it gave a clear image about the territory of the new Turkish state, in reality the *Misak – ı Milli* borders were vague. The wording of the Pact - ‘all of the lands *within* and *outside* the 1918 armistice lines’ was confusing and it increased the vagueness about the limits or the edges of the territory. According to Durgun (2011), the borders of the *Misak – ı Milli* were vague because the resistance leaders did not have clear – cut / fixed / stable geographical border perception due to the Ottoman political tradition on geography. In her view, the borders would be fixed at the maximum extent that the resistance movement could get. Upon discussions in the Grand National Assembly, Mustafa Kemal Pasha clarified the armistice line later:

“Is there such a line? No. When we met at the Erzurum Congress, we felt such a line should exist, thinking of the fatherland. At that time, we said, the line we control will be our border” (Parliamentary Debates, quoted in Oran, 2010: 58).

In line with this thinking, though they were in the Pact; Mosul, Kirkuk, Batumi, Cyprus, Hatay, Aegean islands except Imbroz and Tenedos and Western Thrace were left outside the borders of the modern Turkey in the Treaty of Lausanne (Interview with Prof. Dr. Ahmet Demirel, Neşe Düzel, 2004; Zürcher, 2003).¹⁷⁴

While the limits of Turkey’s new territory took shape in this way, due to wars and forced and voluntary migrations the populace living in this territory also underwent a transformation. According to academics, mortality and population movements in late 19th and early 20th centuries transformed the inhabitants of Anatolia and in that respect they played a crucial role in the construction of Turkey and new Turkish identity (Zürcher, 2003; Keyder, 2003). In 1913, one out of every five persons [20%] in the land of today’s Turkey was non – Muslim, but

¹⁷³ Borders with Iraq would be demarcated in 1926 after the League of Nations decision on Mosul and Kirkuk. Borders with Syria, on the other hand, would take its current shape with the inclusion of Hatay in 1939.

¹⁷⁴ As asking for these territories would be a political adventure, Turkish leaders focused all their attention to keep the gains: a completely sovereign state in Anatolia, which also included the Eastern Thrace. Only the southern border would change in 1939 with the inclusion of Hatay (Zürcher, 2003; Lewis, 2002).

due to consecutive wars, deportation of Armenians and compulsory population exchange between Greece and Turkey this ratio became one out of forty persons [2.5%] by the end of 1923 (Keyder, 2003). While non – Muslim autochthonous people were leaving in large numbers, Muslims were immigrating to Anatolia from the former Ottoman territories. In the words of Keyder (2003: 97) these developments led to the establishment of “an ethnically cleansed Turkish geography” which harboured a relatively homogenous population in terms of religion though not in terms of language or ethnicity (Keyder, 2003: 97).

By mid – 1920s, the only common denominator of the majority of the inhabitants of Anatolia was their religion – that their being Muslims. In line with such demography and population movements, state and nation building went hand in hand in modern Turkey, reforms undertook a social engineering: the ‘Turkification’ of the populace in the words of Aktar (2000; 2003; 2009; 2010). According to Aktar (2009: 29):

“Turkification policies [...] were implemented during the early years of the Republic and [they] became crystallized only in the formation of the Turkish nation-state. In this context, by “Turkification” policies I mean the way in which Turkish ethnic identity has been strictly imposed as a hegemonic identity in every sphere of social life, from the language spoken in public to the teaching of history in public schools; from education to industry; from commercial practices to public employment policies; from the civil code to the re-settlement of certain citizens in particular areas.”

Moreover, in another article Aktar (2010: 22 – 23) argues that Turkification policies did not only aim at social engineering of the populace but also “to convert Turkish geography into something exclusively Turkish” in other words the other aim of these policies was the “conversion of the country into a fatherland”.¹⁷⁵

While non – Muslims were seen as inassimilable to the emerging Turkish identity and Turkish nation due to their religions and relative consciousness about their ethnic identities, Kurds, who made up about the 20 per cent of the population

¹⁷⁵ Durgun (2011) also thoroughly examines how “nationalization of geography” took place in Turkish Republic by focusing on the concept of ‘homeland’ (*vatan*) in the state discourses between 1920 and 1950.

in early 1920s, also have had a very strained relationship with the new Turkish state despite the fact that they have been Muslims (Zürcher, 2003, p. 177).¹⁷⁶

Unlike The Treaty of Sevres (1918), The Treaty of Lausanne (1923) did not mention Kurds or any kind of autonomy for them. This was a disappointment to the Kurdish nationalists. At the same time, the efforts of the new Turkish state to construct a national consciousness among the Anatolian population affected Kurds negatively as Turkey “developed a repressive policy towards Kurdish identity: the public use of Kurdish and the teaching of Kurdish were prohibited” (Zürcher, 2003: 178). As a result of these tensions, Kurds rebelled continuously against the Ankara government up until 1938.¹⁷⁷

Four decades later, after the 1980 coup, Kurdish issue and the expression of Kurdish identity returned back to Turkey’s agenda as a major item. Military rule suppressed Kurdish identity harsher than before; use of Kurdish language even in private conversations was forbidden and many Kurds were prosecuted for expressing their identities (Zürcher, 2003). In early 1980s PKK (Partiya Karkaren Kurdistan – Kurdistan Workers’ Party), a terrorist organization calling first for an independent Kurdish state and later for autonomy for Kurds within Turkey, began its attacks. In the late 1980s, it increased the scale of its actions and so did the Turkish security forces. In 1987, government declared ‘state of emergency’ (*olağanüstü hal*; OHAL) for 8 provinces, which are located in the southeastern part of the country and where Kurds made up the majority of the population.¹⁷⁸

¹⁷⁶ According to Hür (12/02/2006), even before the emergence of the resistance movement and the foundation of the Republic, Kurds insurrected against Ottoman rule 12 times between 1803 and 1914. According to the Treaty of Sevres (Article 62) local autonomy would be provided to the Kurds. However, the establishment of an Armenian state on the north of an autonomous Kurdistan also existed in the Treaty and it was unfavorable for them. Moreover, they were unorganized and most of the Kurds were concerned with tribal loyalty rather than establishing a Kurdish nation (Hannum, 1990). There were Kurdish prominent figures with Kurdish national consciousness, but they fell short in mobilizing the Kurds under one leadership.

¹⁷⁷ Numerous (23) Kurdish insurrections against the Resistance Movement and later against the Ankara government took place between 1919 and 1921, however, in general lines, the Kurds supported the Anatolian Resistance Movement (Zürcher, 2003; Hür, 12/02/2006). The biggest of these rebellions were the Sheikh Sait (1925) and Dersim (1938), both of which were suppressed by the Ankara government harshly.

¹⁷⁸ State of emergency (OHAL) was declared for Bingöl, Diyarbakır, Elazığ, Hakkari, Mardin, Siirt, Tunceli and Van. Later Adıyaman, Bitlis and Muş were also added to OHAL. When Batman and Şırnak became provinces, the number of the provinces under OHAL reached to 13. OHAL had its ‘super governor’ who was equipped with extraordinary authority. It was declared for 6 months in

Until November 30, 2002, almost all provinces in the southeast, ruled by OHAL (Dymond, 30/11/2002). The aim of OHAL was to struggle PKK and other militant organizations in the region more effectively. However, neither OHAL governorship nor other militaristic measures became successful in ending the PKK and the fight between PKK and the Turkish security forces.

As majority of the Kurds have lived in Turkey, Iran, Iraq and Syria, PKK became influential in taking support not only from the Kurds living in these countries but also from those living in Europe. There were training camps in Syria (Beqa'a Valley) and in Northern Iraq, where Kurdish organizations were almost free to act as a result of lack of Iraqi authority in the region. Turkish security forces' efforts for closing the border and hunting down the terrorists were in vain as the region was highly mountainous and PKK continued to magnify young Kurds (Zürcher, 2003). In order to search and defuse the PKK terrorists, Turkish army conducted numerous cross – border land and air operations to Iraq between 1990 and 2010 (NTVMSNBC, 22/02/2008; Today's Zaman, 2/12/2012).

Since the first PKK action in 1983, PKK and the Kurdish issue (though it was not referred as a 'Kurdish issue' by the Turkish State Discourse (Yeğen, 2006)) made up the main item of Turkey's political agenda during the 1980s, 1990s and 2000s. Unfortunately, it still maintains its place in the agenda.

In terms of geography, Turkey has a unique position. It is located at the intersection of Asia, Europe and Africa – the so called Afro – Eurasia. While, uniquely, it has territory on both Europe (3%) and on Asia (97%) it has coasts to Black, Mediterranean and Aegean seas. Thrace (*Trakya*), European part of its territory, and Anatolia (*Anadolu*), the Asian part of it are separated by an inner sea, the Marmara Sea and the Straits: the Bosphorus and the Dardanelles (Metz, 1995). Turkey is a mountainous country. While some of its mountains lie in chains, others stand solely. The highest of them is Ararat, lying in eastern Anatolia close to borders with Armenia and Iran.¹⁷⁹ The mountains in the Black Sea region and in the Mediterranean stretch in the east – west direction and they

July 19, 1987 and up until November 30, 2002, it was extended 46 times by the Turkish Grand National Assembly.

¹⁷⁹ Ararat reaches to an altitude of 5165 meters (Encyclopedia Britannica, 2013).

rarely give passage from shore. Stretching in the same direction, mountains in the East and in the West give passage from sea in the West and from neighboring countries in the East. Turkey neighbors to conflict – prone regions such as Middle East, the Caucasus, the Mediterranean, the Balkans and Central Asia but also to stable Europe. With such a unique geographical position, geography of Turkey not only functioned as both a bridge and a barrier throughout history but also made it a *threshold* country.

Moreover, its unique geographical location has made Turkey an important country in terms of geopolitics. During the Cold War, Turkey was in a Soviet – dominated geography. It had borders with the Soviet Union on the east and both countries shared the Black Sea. Furthermore, as the Turkish Straits were the only passage to the Black Sea, Soviet Union had special interest in the regime governed the Straits. In addition to these, due to its ideological orientation and military alignment with the West, Turkey was in the Western camp and it was considered primarily a Western country (Bilgin, 2004). These reasons put Turkey under heavy stress *vis a vis* the Soviet Union. Under these circumstances, the end of the Cold War and the dissolution of the Soviet Union relieved Turkey; however, with the disappearance of the superpower of its geography, this time a new geopolitical reality emerged. As its role as security – provider diminished, its western and European credentials were questioned in terms of geography. But at the same time it found itself at the very center of a vast geography with neighboring regions, which are conflict – prone but also supposedly open for influence. In the light of these, Turkey spent the 1990s trying to locate itself geographically (*ibid.* p. 269).

In the end of the 2000s, Prof. Dr. Ahmet Davutoğlu, first advisor to AKP government on foreign policy issues and then as Minister for Foreign Affairs, furnished Turkish Foreign Policy with a new direction, which is based on geography but also on history. Having called his doctrine as ‘strategic depth’, Davutoğlu (2008: 78 – 79) explained that Turkey’s strategic depth rested on its geographical and historical depth and mentioned the importance of Turkey’s geographical location for its foreign policy:

“In terms of geography, Turkey occupies a unique space. As a large country in the midst of Afro – Eurasia’s vast landmass, it may be defined as a central country with multiple regional identities that cannot be reduced to one unified character. Like Russia, Germany, Iran and Egypt, Turkey cannot be explained geographically or culturally by associating it with one single region. Turkey’s diverse regional composition lends it the capability of maneuvering in several regions simultaneously; in this sense it controls an area of influence in its immediate environs.....In terms of area of influence, Turkey is a Middle Eastern, Balkan, Caucasian, Central Asian, Caspian, Mediterranean, Gulf and Black Sea country. Given this picture, Turkey should make its role of a peripheral country part of its past, and appropriate a new position: one of providing security and stability not only for itself, but also for its neighboring regions. Turkey should guarantee its own security and stability by taking on a more active, constructive role to provide order, stability and security in its environs”

In a speech given at University of Chicago, he explained how Turkey could not be reduced to only one geographical region in saying:

“Turkey is a Balkan country; Turkey is a Caucasian country; Turkey is a Middle Eastern country; Turkey is a European country, an Asian country. This is our geography. We don’t have the luxury to choose (Davutoğlu, 2012: 1).”

As a result of its geographical location, Turkey separates affluent, stable, democratic Europe from economically less well off, crisis – prone, gas rich Caucasus and Central Asia and oil rich Middle East. In line with these, it is at the crossroads of energy and oil routes but also those of drug and human trafficking as well as human smuggling. Due to the way the mountains stretch between Turkey and its eastern neighbors (east – west direction – providing passage for penetration), smuggling of almost everything including humans, and drug and human trafficking take place through the country (Rainsford, 2005; İçduygu, 2004). According to the World Drug Report (United Nations Office on Drugs and Crime, 2010), 80% of all drugs that reach Europe transit Turkey. Moreover, Turkey lies on the transit route of opium and its derivatives originating from Afghanistan en route to Europe, of methamphetamine from Iran to Far East, of captagon tablets from Eastern Europe for markets in the Middle East and of cannabis from Lebanon, Albania and Afghanistan (Bilgen, 2011, 4). En route to Western Europe, opium and its derivatives cross from Iran into Hakkari and Van

districts of Turkey and then delivered through different routes (United Nations Office on Drugs and Crime, 2010).¹⁸⁰

Similar to drug trafficking, Turkey is a transit country for both human trafficking and human smuggling that target EU states. It lies on the Eastern Mediterranean route, which uses Turkey and Middle Eastern countries as transit ground in targeting primarily Cyprus and Greece (UK Home Office, 2012, p. 18).

Turkey's economy, on the other hand, is mainly driven by its industry, agriculture and service sectors. Industrialization developed relatively late in the country. Until early 1980s, the state was protectionist and it pursued import substitution to support industrialization. By the help of though reform programmes conducted during the 1980s, Turkish economy has been transformed from a state-led economy to a market economy by early 1990s (Metz, 1995). During the 1990s and in early 2000s Turkish economy was hit by several financial crises (Macovei, 2009). By the help of austere recovery programmes, which strengthened the economic structure of the country, inflation and interest rates were brought down and Turkish lira was stabilized by mid 2000s. Turkey did not only emerge out of 2001 crisis but it also caught a remarkable growth performance between 2002 and 2007 (Uygur, 2009). Currently, GDP per capita of Turkey is less than half of the GDP per capita of the EU. However, when compared to those of its neighbors, with 27.915 \$, only the GDP per capita of Greece is higher than that of Turkey. Following these lines, it would not be wrong to say that as a country with higher GDP per capita and less damages from the 2008 global economic crisis, Turkey seems to single out in its region with its economic performance.¹⁸¹

¹⁸⁰ Drug trafficking through Turkey to Europe operates via three main routes: (1) Hakkari/Van – south-eastern cities – central Anatolian cities – Istanbul – Edirne to Bulgaria/Greece; (2) Hakkari/Van – south-eastern cities – southern/western Anatolian cities and onward to Greece/Cyprus by sea (3) Hakkari/Van – south-eastern cities – central Anatolian cities – northern Anatolian cities – Ukraine. A limited amount is also trafficked from Turkey to Ukraine by sea and directly from Turkey to Western and Central Eastern European countries by sea and air (United Nations Office on Drugs and Crime, 2010).

¹⁸¹ Though the economic indicators of Turkey are promising, the unemployment rates have been high. It was around 8% during the 1990s, while it ranged between 6.5 % and 14% during the 2000s. It should also be noted that there is hidden unemployment in the country.

In 1990, population of Turkey was recorded as 55.1 million. In twenty years, it reached to 73.03 million. Though the population has been increasing, total fertility rate in Turkey has fallen below the population replacement level of 2.1 live birth per woman in these decades (Güder, 2011). In 2010, total fertility rate in Turkey declined to 2.04 (Eurostat, 2012). According to Güder (2011), as a result of this fertility rate, ratio and the number of children and young people in the total population are both diminishing. The ratio of the working – age population within the total population is estimated to start declining by 2019. In line with these indicators, population of older people is increasing and total dependency ratio is estimated to start increasing by the same year. Following these estimations and projections, though population of Turkey is not yet an ageing and a declining population, as the total fertility rate fell below the 2.1 population replacement level, it is believed that Turkey has moved to the final phase of demographic transition, in which it increasingly acquires the characteristics of an ageing population with low birth and mortality rates (Hacettepe Üniversitesi Nüfus Etütleri Enstitüsü, 2009).

5.1.2. EU Candidacy

Turkey's relationship with the European integration has started in 1959, when it first applied to the European Economic Community (EEC) for association.¹⁸² Besides the westernization ideal of the governing elite, Greek application to the EEC also impelled Turkey to apply. In addition to these political ones, Turkey had economic reasons to apply. It was thought that the volume of export to EEC Member States would increase and foreign capital could flow to the country and the excessive labor force, which increased as a result of baby boom in those years, could be thinned (Tekeli and İlkin, 1993a).

Association Agreement between EEC and Turkey, the Ankara Agreement entered into force in 1963. According to the terms of the agreement, association

¹⁸² Association, regulated by Association Agreements between the EEC and third parties, has provided a framework for cooperation. The agreements generally include the development of political, trade, social, culture and security links. Their legal basis is the Article 238 of 1957 Rome Treaty.

between the parties would proceed in three distinct stages: preparatory, transitional and the final stages.¹⁸³ While a customs union¹⁸⁴ between the parties would be progressively established between the parties during the transitional stage, in the final stage, possibility of Turkey's accession to the EEC would be examined by the contracting parties. This vague full membership perspective was formulated in the Article 28 of the Agreement, which reads as:

“As soon as the operation of this Agreement has advanced far enough to justify envisaging full acceptance by Turkey of the obligations arising out of the Treaty establishing the Community, the Contracting Parties shall examine the possibility of the accession of Turkey to the Community”(Ankara Agreement, 1963: 4)

Ankara Agreement came into force in 1963 and the Additional Protocol which codifies the terms of the transitional stage and the establishment of the customs union entered into force in 1973. However, the relations between Turkey and EEC did not proceed as expected in the 1970s and 1980s. Important circles in the society had reservations against customs union (Ülgen, 2006).¹⁸⁵ Military ultimatum in 1971, intervention to Cyprus in 1974, Ecevit government's proposition in 1978 to suspend Turkey's obligations unilaterally in the transitional stage for five years and the military coup in 1980 affected the course of relations very negatively. By 1980, Turkey was far from fulfilling its obligations for establishing a customs union with the EEC. In addition to these, EEC's first enlargement and preferential trade agreements with the African, Caribbean and Pacific countries, most of which were former colonies of either

¹⁸³ During the preparatory stage, by the help of the financial aid from the EEC, Turkey would prepare its economy to fulfill the obligations in the transitional and final stages. According to the Agreement, this stage would last for at least five and at most ten years. Transition to the transitional stage would not be automatic; the parties would have to agree on an additional protocol that defines the terms of the next stage. In the transitional stage, the parties had reciprocal obligations; Turkey would align its economic policies with those of the EEC and together they would progressively establish a customs union. After the establishment of the customs union, upon the decision of the Association Council, final stage would commence. In this stage, on the basis of the Article 28 of the Agreement, the Contracting Parties would examine the possibility of the accession of Turkey to the Community (Ankara Agreement, 1963).

¹⁸⁴ Customs Union would cover all trade in goods except those that fell within the scope of the European Coal and Steel and Community (Tekeli and İlkin, 1993a). It would guarantee free circulation of industrial goods and processed agricultural products.

¹⁸⁵ By the late 1970s, it was obvious that the import substitution strategy failed and Turkey found itself in a prolonged macro – economic crises and instabilities. In such an economic environment, businesses were afraid of the probable results of dismantling trade barriers. Especially, car producers feared competition and lobbied government for protectionism (Ülgen, 2006, p. 4).

founding members or the new members disadvantaged Turkey. Moreover, after the 1980 coup, European Parliament suspended the Association in 1982 (Müftüler – Baç, 2005). Relations did not begin to normalize until a civilian government was restored in 1983.

Though the relations gradually normalized after 1983, the Association Council did not convene until 1986. After this meeting, Turkey started to prepare itself for full membership application, however, not only European capitals but also Brussels was thinking negatively. Turgut Özal, Prime Minister of Turkey then, was thinking that Turkey had always been a part of Europe and he was determined to apply for full membership. On April 14, 1987, bypassing the association agreement and its final stage, Turgut Özal government submitted Turkey's full membership application to the EEC on the basis of Article 237 of the Treaty of Rome.¹⁸⁶

After examining Turkey's full membership application for two years, European Commission delivered its opinion on Turkey on December 18, 1989. In its opinion, though it found Turkey eligible for membership, Commission recommended Council of Ministers not to open accession negotiations with Turkey (European Commission, 1989). It suggested revitalization of the Association Agreement and the establishment of the customs union foreseen in the 1963 Ankara Agreement (Müftüler – Baç, 1998).¹⁸⁷ In receiving this answer, Turkey put all its energies to establish the customs union. By January 1, 1996, customs union between Turkey and the European Union has been established.

¹⁸⁶ Article 237 of the Rome Treaty (1957) says that “any European State may apply to become a member of the Community”.

¹⁸⁷ In its Opinion on Turkey, European Commission noted that the Community was already coping with the challenges posed by the third enlargement (Greece (1981), Portugal and Spain (1986)) and by the Single European Act. It is told that the priority of the EC was another round of enlargement but the the completion of the Single Market, which should be accompanied by progress towards economic and monetary union but also towards political union. Moreover, in examining the Turkish economy in detail, European Commission emphasized that Turkey would have to overcome four kinds of difficulties, which were structural disparities in both agriculture and industry; macro – economic imbalances; high – levels of industrial protectionism and a low – level of social protection. Furthermore, European Commission noted that there was a substantial development gap between the Community and Turkey. Commission also attracted attention to the low level GDP per head in Turkey (1/3 of the EC then), rapid population growth and high rate of inflation and unemployment in the country (European Commission, 1989).

In the early 1990s, while Turkey was striving to establish the customs union in order to reach the final stage of the Association between itself and the EEC, unexpected developments which would alter the course of all events in the world, including Europe, took place: Berlin Wall fell down, Communism collapsed and the Soviet Union was dissolved into 15 post – Soviet states. During the Cold War, together with Greece, Turkey formed the southern flank of NATO and it was a very important country in the Western defense system. The end of the Cold War diminished Turkey’s geostrategic and geopolitical significance. Rather than Turkey, EU Europe, which was under transformation from a mere economic organization to also a political one, had to deal with the post – Soviet Central and Eastern European states. Especially after the break up of the war in Yugoslavia (1992 – 1994), these countries became priority of the EU. In its meeting in Luxembourg on December 12 – 13, 1997, in recognizing the candidacy of nine Central and Eastern European Countries (CEECs) and Cyprus, European Council decided to launch a comprehensive enlargement process (European Council, 1997). However, despite recognizing Turkey’s eligibility for accession, it did not include Turkey to the enlargement process. As Turkey followed the previous recommendations of the Council of Ministers and established the customs union, which initiated the final stage of the Association, it expected to be declared a candidate likewise the other eleven applicants. Therefore there was a deep disappointment and resentment on the side of Turkey. Recognition of Cypriot candidacy was another cause of resentment and concern (*Milliyet* 14/12/1997). As a response to EU’s ambivalence towards its membership, Turkey suspended its political dialogue with the EU. Though economic relations continued, political relations would wait for two years, until 1999 Helsinki European Council, to be restored. Meeting in Helsinki on December 10 – 11, 1999, European Council recognized Turkey as a candidate on the same footing with the CEECs and Cyprus:

“Turkey is a candidate State destined to join the Union on the basis of the same criteria as applied to the other candidate States. Building on the existing European strategy, Turkey, like other candidate States, will benefit from a pre-accession strategy to stimulate and support its reforms.” (European Council, 1999b, paragraph 12).

Like other candidate states, Turkey would be assessed according to the membership criteria – the so-called Copenhagen criteria. Compliance with the political criterion - stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities – would be a prerequisite for the opening of accession talks. In addition to these, Turkey was expected to resolve its outstanding border disputes.¹⁸⁸

In order to meet the political criterion, Turkey introduced many constitutional amendments, repealed basic legal codes and introduced new ones. In order to achieve these, it introduced eight harmonization packages – reform packages between December 1999 and December 2004. Meeting on December 16 and 17, 2004, European Council welcomed the reforms and progress in Turkey. In the light of the Commission report and recommendation, it decided that Turkey sufficiently fulfilled the Copenhagen political criterion. In line with this decision, it requested the Council of the EU to agree on a framework to open negotiations on October 3, 2005 (European Council, 2004b).

Since October 3, 2005, accession negotiations between EU and Turkey continue. However, accession negotiations between EU and Turkey do not proceed as they did for the other candidate states. To make a comparison, negotiations with Turkey and Croatia opened on the same day and having completed all chapters; Croatia joined EU by July 1, 2013. Turkey, on the hand, has been able to open only thirteen chapters and provisionally closed only one on Science and Research in the last 7 years.¹⁸⁹ Moreover, since 2006, eighteen chapters have been suspended – eight by the EU as a response to Turkey’s refusal

¹⁸⁸ Paragraph 4 of the Presidency Conclusions (European Council, 1999b: 2) says that: “[...] the European Council stresses the principle of peaceful settlement of disputes in accordance with the United Nations Charter and urges candidate States to make every effort to resolve any outstanding border disputes and other related issues. Failing this they should within a reasonable time bring the dispute to the International Court of Justice. The European Council will review the situation relating to any outstanding disputes, in particular concerning the repercussions on the accession process and in order to promote their settlement through the International Court of Justice, at the latest by the end of 2004”. This paragraph referred to the border dispute between Greece and Turkey on the Aegean sea.

¹⁸⁹ Since October 2005, Chapters on Science and Research, Enterprise and Industrial Policy, Statistics, Financial Control, Trans – European Networks, Consumer and Health Protection, Company Law, Intellectual Property Law, Free Movement of Capital, Information Society and Media, Taxation, Environment, Food Safety, Veterinary and Phytosanity Policy have been opened for negotiation (Aktar, *et. al.*, 2013).

to open its ports and airports to Cyprus and then by Cyprus and France (Aktar *et al.*, 2013).¹⁹⁰ While Cyprus explained that it would unilaterally suspend the opening of six chapters more in order to increase the sanctions imposed on Turkey about the application of additional protocol in 2009¹⁹¹, French objections and its suspension of chapters were related to Turkey's belonging to Europe and to the EU. In 2007, Nicolas Sarkozy, former President of France, explained that France would be unilaterally suspending the opening of five chapters related to full membership (*ibid.*).¹⁹²

Sarkozy's explanations reflected a popular discussion among conservative circles, who believed that Turkey did not belong to Europe and to the EU (Kramer, 2007). Since the mid- 1990s, since when Turkey seriously demanded the candidacy status, its belonging to Europe and its Europeanness have been brought under focus by conservative politicians. It has been argued that Turkey can not be considered European in terms of geography, history, culture and political culture. In line with these arguments, French, Austrian, Danish, Belgian

¹⁹⁰ In its meeting in Brussels on 14 – 15 December 2006, the European Council confirmed the decision of General Affairs Council (11 December) to suspend eight negotiation chapters with Turkey. General Affairs Council suspended these chapters as a response to Turkey's refusal to apply the additional protocol to Turkey – EU Customs Union Agreement to Cyprus. In practice, Turkey does not open its ports and airports to the vehicles coming from Cyprus. Turkey's refusal to extend the additional protocol to Cyprus is taken as a breach of EU Transport Policy. In line with this, EU suspended eight chapters related to the functioning of the Customs Union – Chapters on Free Movement of Goods, Customs Union, Fisheries, EU Transport Policy, External Relations, Right of Establishment and Freedom to Provide Services, Financial Services and Agriculture and Rural Development. The application of the addition protocol is also a condition for closing chapters that are being negotiated. Turkey pledged to open its ports and airports for the Greek Cypriot vehicles when direct trade between EU and the Northern part of the island began as it was promised by the EU in 2004 (*ibid.*).

¹⁹¹ European Council reviewed its 2006 decision on suspending eight negotiation chapters due to Turkish refusal to apply additional protocol to Cyprus in December 2009. There was no progress. However, European Council did not introduce new measures. After the European Council meeting, Cyprus made it public that it was going to suspend the opening of six chapters more in order to increase the sanctions on Turkey. The chapters suspended by Cyprus are on Freedom of Movement for Workers, Energy, Judiciary and Fundamental Rights, Justice, Freedom and Security, Education and Culture and on Foreign, Security and Defence Policy (*ibid.*).

¹⁹² In the immediate aftermath of his election victory in June 2007, Nicolas Sarkozy explained that it would be in France's interest to continue accession negotiations with Turkey, but added that they desired Turkey to be linked to the EU in a way different from full membership. Following these, Sarkozy explained that France would unilaterally object the opening of five chapters, which are directly related to the full membership – Chapters on Agriculture and Rural Development, Economic and Monetary Union, Regional Policy and Coordination of Structural Instruments, Financial and Budgetary Instruments and Institutions (*ibid.*). In May 2012, Socialist Party under the leadership of François Hollande won the elections and succeeded Nicolas Sarkozy. He is expected to remove French suspension on the opening of these negotiation chapters.

and German centre – political actors have directed attention to human rights violations, discrimination against minorities, gender inequality in Turkey and religious, political and cultural differences between EU member states and Turkey since late 1990s. Moreover, Turkey’s size, its geographical location – its proximity to conflict torn regions, its population, its economy – still mainly based on agriculture - and cultural and religious characteristics have been believed to challenge not only the functioning of the EU but also some Member States (European Commission, 2004a). One of the most discussed issues was the probability of a massive wave of migration from Turkey to the EU in the event of full membership (*ibid.*).¹⁹³

By and after 2000, these arguments formed the basis of proposals to grant Turkey a special status rather than full membership. Later in 2004, German Chancellor Angela Merkel publicly proposed a ‘Privileged Partnership’; a lesser status but not full membership for Turkey (Pope, June 23, 2009). Although cooperation in certain areas and issues were foreseen, privileged partnership could not be clarified and remained an empty concept (Dedeoğlu & Gürsel, 2010).

According to several academics, identity issues have explanatory power in explaining Turkey’s problematic quest for EU membership. According to Risse (2012: 41) “Turkish EU membership has remained contested from the very beginning – and identity concerns explain a large part of this controversy”. Risse (*ibid.*) continues with the constructed image of Turkey – bridging between Europe and Asia and notes that it is sometimes considered ‘in’ Europe but sometimes ‘out’ of Europe. According to Kramer (2006: 24) Turkey has never been perceived as a part of Europe – despite the candidacy status, it has always been “regarded as an “outsider” to Europe with whom special relations had to be established mainly for security reasons”. In his view, rather than changing, this European perspective about Turkey has been solidified contributing feelings of mutual estrangement. As shown by the Eurobarometer surveys, in which Turkey

¹⁹³ In 2004, the number of Turkish immigrants living in the EU was more than three million, making Turks the largest group of third – country nationals legally residing in the EU (European Commission, 2004a, p. 3).

has been the least supported candidate country by the European public since 2000, “Turkey was and remained to be ‘other’ to a majority of Europeans” (*ibid*: 25). Turks, on the other hand, find EU and Europeans untrustworthy. Turkish government and Turkish public expect EU and the EU Member States to adhere to the principle of *pacta sunt servanda*. On the contrary, there is an ongoing EU ambivalence towards Turkey – despite the ongoing accession negotiations process, Turkey still has not been given a credible membership perspective, which undermines all efforts for further reform and which disappoints Turkish public and estranges them from the EU accession. When ambivalence of the EU and its member states are combined with Turkey’s inabilities in assuming its obligations about the *acquis* and with the protracted conflicts (Cyprus) it is involved in, expecting Turkey to become EU Member in the next decade seems unrealistic. The current state of affairs of the negotiations reflects this. However, despite the estrangement of both parties and ambivalent attitudes of the EU, neither Turkey nor EU ends the relations. While Turkey, though with limps, continues to comply with the *acquis* in the open negotiation chapters, European Commission is striving to revitalize Turkey’s accession process. In that respect, it adopted the ‘Positive Agenda’ in May 2012 to revitalize and accelerate the accession process.¹⁹⁴ In a similar direction, François Hollande, who succeeded Nicolas Sarkozy in French presidential elections in May 2012, removed the French suspension on the opening of five negotiation chapters related to full EU membership. One of these chapters, Chapter 22 - Regional Policy and Coordination of Structural Instruments is expected to be opened December 2013.

On the other hand, as it will be told in the next pages, limited progress is reported on Chapter 24 – Justice, Freedom and Security, which includes the subject matter of this study – migration, asylum, visas, borders and border

¹⁹⁴ Positive Agenda was introduced by the European Commission in May 2012. It is endorsed by the EU Member States and by Turkey. It does not replace accession negotiations but aims to revitalize the process by strengthening reforms in Turkey. It aims to enhance Turkey – EU cooperation in several fields and also to prepare these fields for negotiation. These fields are alignment with EU legislation, political reforms and fundamental rights, visa, mobility and migration, trade, energy, counter-terrorism or dialogue on foreign policy (Aktar, *et al.*, 2013).

management. According to the European Commission's 2012 Regular Report on Turkey needs to strive more to comply with the requirements of this chapter.

5.1.3. Migration Dynamics

Turkey lies on the various migratory routes. Except for a short period before and after the foundation of the Republic in 1923, it has traditionally been considered a country of emigration. However, besides being a country of emigration, it is at the same time a country of transit and a country of immigration.

Early 20th century was marked by nation and state building in Turkey and mass migrations played a crucial role in these processes (Keyder, 2003). While there was a huge volume of outflow of non – Muslim populations through forced migrations and deportations, Muslim populations were migrating from the territories that belonged to Ottoman Empire no more, to the Anatolia. These volumes were so high that the demographic composition of the population living in Anatolia has changed only in a decade (İçduygu and Kirişçi, 2009a). Though low in volume, out-migration of non-Muslims and in-migration of Muslims continued after 1923. It is estimated that more than 1.6 million Muslims arrived and settled in Turkey between 1923 and 1997. Although it was not openly stated or expressed in the late 1920s, priority was given to the Turkish speaking Muslim ethnic groups or those Muslim groups that would assimilate to the Turkish identity easily (İçduygu and Sert, 2009).¹⁹⁵ Later, this implicit policy on who would be encouraged to migrate to Turkey and who would be accepted by Turkey was enshrined into the 'Law on Settlement of 1934'. The Law encouraged the settlement of people of Turkish descent or Turkish culture into Turkey (Resmi Gazete 14/06/1934). It is still in force.

By 1960s, a new wave of emigration, labour emigration from Turkey to Western Europe started. When Western European countries halted recruitment of foreign labor in the aftermath of the oil crisis of 1973, Turkish workers began migrating to oil rich Arab countries in the late 1960s and early 1990s (İçduygu and Kirişçi, 2009). Later dissolution of the Soviet Union led to the emergence of new destinations for Turkish workers. From the early 1990s, Turkish firms won

¹⁹⁵ Circassians, Bosnians, Pomaks, Tatars, etc.

industrial and construction contracts in Russian Federation, in Ukraine, in the Commonwealth of Independent States (CIS)* and in the Turkic Republics and they recruited Turkish workers, engineers and managers to complete these contracts. Many Turkish entrepreneurs and businessmen still operate not only in these countries but also in Bulgaria, Romania, Georgia and Azerbaijan and also in Northern Iraq. Contract – based migration of Turkish workers to these countries continue to take place. In addition to these regular migrations, Turkish citizens have also been migrating especially to Western Europe in irregular ways since the 1980s.¹⁹⁶

5.1.3.1 Irregular Migration

In addition to these migratory movements, Turkey also faces irregular migration flows. These flows are closely related to Turkey's geography – lying as a bridge between Asia and Europe or a *threshold* of Europe - and also to the political and economic developments in its periphery.¹⁹⁷ In terms of irregular migration, Turkey is both a transit and a destination country. It is a transit country as it lies on the route of irregular migrants, who intend to continue to Western Europe. But at the same time, it is also a destination country for many irregular migrants. According to the guesstimates, the number irregular migrants range between 150,000 and 1 million (Kirişçi, 2008; İçduygu, 2003). It is told that similar to other late immigration countries, Turkey did not have effective migration and visa regimes to handle such a movement (Kirişçi, 2003; İçduygu, 2004; Erder, 2007). In addition to this, the nature of irregular migration, which is complex and often clandestine, has made it more difficult for Turkey to manage it.

According to İçduygu (2008) irregular migration to and in Turkey can be discussed under three main titles: transit migration, shuttle or circular migration,

¹⁹⁶ After 1980 *coup d'état*, many leftist Turks sought asylum in Europe and later they were followed by Alevis and Kurds. According to the statistics of UNHCR, by January 2012, there were 139,779 refugees and 6671 asylum – seekers in the world originating from Turkey (UNHCR, 2013a). Though the number of Turkish people who applied for asylum differed from one country to another, recognition of refugee rates have been low. Low rate of recognition has been related to the so – called 'bogus' asylum seeking, in other words, to the economic migrants that were trying to use the asylum channel to migrate to Europe (Kirişçi, 2007).

¹⁹⁷ Soviet invasion of Afghanistan, regime change in Iran, wars in Middle East, Iraq's invasion of Kuwait and Gulf Wars and the fall of communist regimes in Eastern Europe and in the Soviet Union. These developments triggered irregular migration movements, which also affected Turkey.

and asylum – seeker and refugee movements. Transit migrants are mainly coming from eastern and southeastern borders of Turkey via crossing those borders irregularly and they intend to cross Turkey as a bridge to reach their final destinations. According to the apprehension data released by Turkish General Staff on irregular border – crossings, in the period between 1995 and 2012, 835.579 foreigners from 184 countries were apprehended while they were trying to cross the borders irregularly. In these data, six main source countries outshine among others. These are Iraq, Pakistan, Afghanistan, Moldova, Palestine and Iran and they are followed by Burma, Somali, Romania, Russian Federation, Georgia, Bangladesh and Ukraine.¹⁹⁸ Depending on a limited apprehension data set between September, 2006 and February, 2007, İçduygu (2008, p. 3) identifies five main source countries for irregular migration to Turkey – Iraq, Pakistan, Afghanistan, Iran and Bangladesh and he notes that 80% of these people were caught at the borders either between Greece and Turkey or at those between Bulgaria and Turkey, attempting to leave Turkey for Europe. He added that the remaining 20% were caught at Turkey’s eastern and southeastern borders – mainly at those with Iraq, Iran and Syria, attempting to enter into Turkey.

Shuttle or circular migration involved people who enter Turkey several times per year to search for economic opportunities. They have been coming mainly from CIS* and from the Balkan countries especially during the 1990s. In many cases, these people entered Turkey legally by tourist visas, but overstayed them. Sometimes they are engaged in circular movements in order not to fall into irregularity by overstaying. An important form of shuttle or circular migration has been marked by the *suitcase trade*. Suitcase traders were trying to avoid overstaying, but other people who came from the same countries to search for informal jobs were more likely to violate their legal stays. It should be underlined that shuttle or circular migration to Turkey has been characterized by the overwhelming majority of women within the movement. Coming from Romania, Georgia, Bulgaria, Moldova, Ukraine, Russian Federation, Azerbaijan, Armenia, Turkmenistan, etc. these women worked in domestic service, the entertainment

¹⁹⁸ Own compilation of apprehension data from the relevant government authorities.

sector, the sex industry, garment workshops, construction, tourism and agriculture (*ibid.* p. 4). Among all these sectors, the sex industry was at the forefront and the women coming from these countries were associated with this sector. No matter which country they were coming from, women from CIS* countries, except from the Turkic countries and Armenia, were called as ‘*Nataşa*’, a common Russian female name, which came to mean ‘prostitute’ in Turkey during the 1990s and in early 2000s.

In addition to these, Turkey also receives asylum – seekers and refugees, whom by the nature of their escape almost always enter into and stay in Turkey in irregular ways. Since the late 1970s, asylum – seeker and refugee movement into Turkey has been greatly affected by the events in its neighborhood - Soviet invasion of Afghanistan, regime change in Iran and in Bulgaria, wars in Middle East, Iraq’s invasion of Kuwait and Gulf Wars, the fall of communist regimes in Eastern Europe and in the Soviet Union and the outbreak of conflict in Syria. Almost all of these developments triggered the flow of asylum – seekers and refugees into Turkey. In 1979, when a regime change took place in Iran, more than 1.5 million people are estimated to cross the Turkish – Iranian border regularly or irregularly only in a couple of months.¹⁹⁹ Iranians were followed by influxes of Iraqis and Bulgarian Turks between 1988 and 1991. The end of Iraq – Iran war, the chemical weapons attack to *Halabja* in 1988 and the Gulf War in 1991 caused hundred thousands of Iraqis (Iraqi Kurds) to seek asylum in Turkey (UNHCR, 2004). After chemical bombardment to *Halabja*, exodus of Iraqi Kurds to Turkey is believed to involve more than 60.000 people (Human Rights Watch, March 10, 1991). A second influx of Iraqi Kurds to Turkey took place during and after Gulf War in 1991. According to Turkish National Security Council meeting on April 3, 1991, more than 200.000 people crossed the borders in those days (Latif, 2002).²⁰⁰ Similarly, though relatively small in numbers, Bosnians during

¹⁹⁹ Most of these people transited Turkey and continued to Europe though 150.000 to 200.000 of them are believed to remain in the country (İçduygu and Sirkeci, 1999).

²⁰⁰ Though this study focuses on the period between 1990 and 2010, Syrian asylum seekers, who have been crossing Turkish – Syrian borders since April 2012 shall also be mentioned. According to the Turkish government, there were 156.801 Syrians in fifteen refugee camps while 60 – 70.000 people are believed to be living on the local economy (UNCHR, 2013).

the war in Yugoslavia between 1992 and 1994 and Chechens during the Chechen Wars (1994 – 1996 and 1999 – 2009) also sought refuge in Turkey in the 1990s and 2000s. Being a party to the 1951 Geneva Convention on the Status of Refugees and Turkey has international obligations about asylum – seekers and refugees. However, as it maintains geographical limitation, it does not grant refugee status to the asylum – seekers coming from outside Europe. Asylum – seekers coming from outside Europe are granted only temporary protection in Turkey until their status is determined by UNHCR. Those asylum – seekers who are recognized as refugees are resettled to third countries later by the help of the UNHCR (Kirişçi, 2005, p.2). In line with this practice, Turkey granted temporary protection to Iranians, Iraqi Kurds, Bosnians and Chechens.²⁰¹ That is why most of these people either returned to their countries or moved further to third countries later.

As noted by (İçduygu, 2008), in the last decade irregular migrants mainly arrived from Iraq, Iran, Afghanistan, Pakistan and Bangladesh but also from Moldova, Romania, Ukraine, the Russian Federation and Georgia. The irregular migrants coming from the first group of countries have mostly entered into Turkey via irregular border – crossings and their aim was to continue to their journeys to Western Europe or to other developed parts of the World, while the irregular migrants coming from the second group of countries saw Turkey as a destination country and have come to work illegally for a limited period of time.

In addition to these irregular migrants, Turkey has also received many EU nationals in the last two decades. These people are mostly professionals and retirees. As Balkır and Kırkulak (2009) note, after Spain, Portugal, Italy and Malta, Turkey has become a new destination for international retirement migration. These migrants have settled mainly to western and southern coastal towns and cities (*ibid.*; Kirişçi, 2007). As EU – nationals do not need a residence

²⁰¹ The number of Bosnian asylum – seekers was around 25.000. Though they were coming from Europe, outside the scope of Turkey’s geographical limitation, Bosnians were not recognized as refugees but were granted temporary protection (Şirin, 2008). Chechens have sought refuge in Turkey during the Chechen Wars between 1994 – 1996 and 1999 – 2009. Due to the geographical limitation, they are not granted refugee status either.

permit for stays up to 90 days, finding out an accurate number of settlers is impossible.

Turkey did not have effective migration and visa policies and regimes to handle these diverse migratory movements. And its policies on migration, asylum, visa and borders were far from being compatible for today's migratory movements. In addition to this, the nature of irregular migration, which is complex and often clandestine, makes it more difficult for Turkey to manage it. However, as part of the EU accession process, Turkey has taken steps to develop its migration management measures and adopted a new Foreigners Law (Law No. 6458) to comply with the requirements of the Chapter 24 - Justice Freedom and Security EU accession process. This chapter has not been opened to negotiations yet. There are four opening benchmarks but they have not been presented to Turkey up until now (Euractiv, 07/02/2013). However, Turkey has been working on migration and asylum issues and it is trying to comply with the requirements of this chapter. The establishment of Migration and Asylum Bureau (2008) and Directorate General for Migration (April 2013) under the authority of Ministry of Interior as well as the introduction of Law No. 6458 on Foreigners (April 2013), which did not only update Turkey's legislation on migration but also put forward a coherent regime for the management of asylum, visa and residence permits, were all results of these efforts. Likewise, Turkey defined irregular migration, human smuggling and human trafficking in the Penal Code in 2002 as part of harmonization efforts to the EU *acquis*. In that sense, albeit slowly, Turkey seems to be adopting the related EU *acquis* on migration and asylum. However, despite the calls from the European Commission, Turkey refuses to sign the Readmission Agreement with the European Union if negotiations for visa facilitation for the Turkish citizens are not opened in parallel to the first process. The Readmission Agreement would enable EU to return the caught or detected irregular migrants to Turkey if it was proved that they entered EU via transiting Turkey. As almost 90 % of the irregular migrants who enter EU via border – crossing, pass from Turkey, Ministry of Foreign Affairs knows that accepting irregular migrants would be a heavy burden and it shies away from signing the agreement

(FRONTEX, 2012a). Actually, the demand of the EU is very simple; it wants Turkey to prevent irregular migrants before they reach to the EU borders. According Düvell and Vollmer (2009, p. 18), in line with the EU expectations, Turkey has been following a restrictionist policy against irregular migration but rather than the exit and internal controls, it relied on the control at its external borders to cope with the irregular migration. However, as the next pages will uncover, this statement is highly unlikely.

5.2. BORDER POLICY OF TURKEY

Until very recently, foreigners entering into and settling in Turkey were subject to two laws dating back to 1950: Passport Law No. 5682 and Law No. 5683 on Residence and Travel of Aliens in Turkey. According to the Passport Law, a foreigner had to enter and exit the country via border – crossing points; had to present valid passports or a document substituting a valid passport and a visa unless her country of origin was exempt from visa application. However, a foreigner could enter to the country unless she belonged to the categories of foreigners, whose entry to Turkey were forbidden. Article 8 of the Passport Law (1950; 2011: 3, Art. 8) explained that foreigners who were tramps and beggars; who were insane or suffered from contagious diseases; who were convicted or condemned of one of the crimes accepted as a base for extradition; who were deported from Turkey and had not been permitted entry; who were perceived that they came Turkey for the purpose of disrupting the security and the public order or for the purpose of helping or joining to the persons who wanted to disrupt the security and the public order; who were prostitutes and who incited women to prostitution; made white women trading and any types of smugglers; who couldn't prove that they had enough money to live in and depart from Turkey in the period they stated and who couldn't prove that they will not engage in one of the works prohibited to the foreign subjects, were banned entry. Very recently, the Passport Law was repealed by Law No. 6458 on Foreigners and International Protection, which has been adopted by the Grand National Assembly on April 4, 2013.

The Law No. 6458 is the first comprehensive law of Turkey on foreigners. In clarifying many issues and updating Turkey's Aliens Regime completely; it aims to build a contemporary regime which is in accordance with today's population movements. Alike the Passport Law, the Law No. 6458 obliges foreigners to enter Turkey from border – crossing points with a valid passport or a valid document substituting it and the Law forbids the entrance of several groups into Turkey. Persons, who do not have a valid passport or a substituting document, visa or residence or work permit; who have acquired these documents through forgery; who have passports having less than 60 days to expire; whose entrance to Turkey was banned; who are deemed detrimental to public order or security; who suffer from public health threatening diseases; who are condemned or convicted for one of the crimes accepted as a base for extradition according to the agreements; who do not have a health insurance for the period they are going to stay in Turkey are forbidden entering into Turkey by the law (Law No. 6458, Articles 1 – 15). As it can be seen, the new Law seems to have recoded the existing legislation about the free movement of foreigners into Turkey.

The related articles of Law No. 6458 on the movement of foreigners, is a reflection of the Turkey's border policy against the movement of foreigners. However, finding out the aims and guidelines of this policy, underpinning this legislation is an arduous task because like many other countries, Turkey also seems to have different layers of borders against the movement of foreigners. In Turkey, Ministry for Foreign Affairs and Ministry of Interior are the main authorities when all layers of borders are considered. Though Ministry of Defense is also involved, among all these bodies, Ministry of Interior has the lion's share as it does not only oversee the implementation at all layers of borders but it also takes the lead in defining new policy guidelines when it is needed. In order to search for and unveil the aims and guidelines of the Turkish Border Policy, to find out what the borders are aimed by the policy to prevent, detect or filter and whether there has been a paradigmatic change in the policy in the period between 1990 and 2010 this study has taken on a through analysis of how and with which themes the Ministers for Foreign Affairs and Ministers of Interior approached to

the borders under their responsibility. Conducting such a study has become possible with the examination of the parliamentary debates, in which Ministers for Foreign Affairs and of Interior addressed to the Turkish Grand National Assembly (*TBMM*) between 1990 and 2010.

To begin with the first layer of pre – borders, visas and consular missions, speeches and answers given by the Ministers for Foreign Affairs were examined. As it can be seen from the table below, in these two decades 18 Ministers for Foreigner Affairs served in Turkey and they addressed to the *TBMM* 208 times.

Table 5.1. Ministers for Foreign Affairs, their term of office and the number of speeches they made before *TBMM*, 1987 – 2010

Minister for Foreign Affairs	Term of Office	Number of Speeches in <i>TBMM</i>
Mesut Yılmaz	Dec. 1987 – Feb. 1990	26
Ali Bozer	Dec. 1990 – Oct.1990	6
Ahmet Kurtcebe Alptemoçin	Oct. 1990 – June 1991	9
Safa Giray	June 1991 – Nov. 1991	1
Hikmet Çetin	Nov. 1991 – July 1994	62
Mümtaz Soysal	July 1994 – Nov. 1994	2
Murat Karayalçın	Dec. 1994 – March 1995	7
Erdal İnönü	March 1995 – Oct. 1995	9
Coşkun Kırca	Oct. 1995	2
Deniz Baykal	Oct. 1995 – March 1996	1
Emre Gönensay	March 1996 – June 1996	2
Tansu Çiller	June 1996 – June 1997	1
İsmail Cem	June 1997 – July 2002	24
Şükrü Sina Gürel	July 2002 – Nov. 2002	-
Yaşar Yakış	Nov. 2002 – March 2003	5
Abdullah Gül	March 2003 – August 2007	34
Ali Babacan	August 2007 – May 2009	4
Ahmet Davutoğlu	May 2009 - ...	13*
	Total # of speeches	208

Source: Own presentation based on www.tbmm.gov.tr

*Ahmet Davutoğlu's speeches between May 2009 and July 2010 have been examined due to the time limit of this study.

Of these 208 speeches, in only 13 them, Ministers for Foreign Affairs discussed, explained or mentioned pre – or physical borders. Interestingly, while in 9 of these 13 speeches, Ministers spoke about physical borders, they mentioned application of visas to foreigners in only remaining 4 of them. The first of these

four speeches was given by Minister Hikmet Çetin on April 26, 1992. Upon a question on Turkey's relationship with new Turkic Republics, Minister addressed to the *TBMM* and he noted that these new Turkic Republics and the new 'Turkish World' meant a lot for Turkey. He explained what the Ministry of Foreign Affairs was doing to extend Turkey's reach towards these countries in order to help them. He noted that *TRT* (Turkish State Channel) would be watched in these countries and Turkish Airlines would be flying to more destinations in the region very soon and that agreements with many of these Republics were concluded in order to allow visa exemption to the nationals of these countries.

The second speech 'Parliamentary Debate about the Negative Impacts of the opening of Sarpi Border – Crossing Point in the Black Sea Region, was again given by Minister Hikmet Çetin in November 11, 1992. In this parliamentary debate, among smuggling, currency loss and suitcase trade, the common concern of the MPs from different parliamentary groups was prostitution and the moral corruption it caused in the Turkish familial structure. MPs blamed Turkey's Tourism Policy for the open – door policy and in line with their concern; they demanded imposition of visas to the people coming from Southern Caucasus and Russia. However, they were very careful to exclude citizens of Azerbaijan and Turkic Republics:

Artvin MP Süleyman Hatinoğlu (on behalf of ANAP Group) stated:

“Many Far East countries are open to sex tourism, but our country and our people can not make concessions from their religious, moral and national values. [...] It is impossible for our people, who are living in Eastern Black Sea Region, for not being affected by this negative state of affairs. The Black Sea [Region people are] being removed from us and morality. [...] Beyond health, the state should also protect the nation's religious and moral integrity. [...] Except the Russian tourists who are coming for commercial purposes, tourists who are coming to involve in prostitution shall be distinguished. If we are imposed visa, we have to apply visa to the people coming from Russia as well, except to the people coming from Turkic Republics, we now have to apply visa.” (*TBMM Genel Kurul Tutanağı* [19. Dönem, 20. Cilt, 25. Birleşim], 11/ 11/ 1992: 318) (Quote # 5.1).

Similarly, Trabzon MP Kemalettin Göktaş (on behalf of RP Group) underlined that foreign women with no income to support themselves came to Turkey and they prostituted themselves in the city of Trabzon. In attracting attention to the

disruption of Turkish society's moral and familial structure, he called government to increase the visa fee and introduce limitations for multi – entries:

“Listen what the Governor of Trabzon said last week at a meeting held in Trabzon – he expressed that people started to come from Commonwealth of Independent States to Turkey without any belongings and without a penny in their pockets and [he said that] “there is no money in her pocket, she does not have any luggage, is she a tourist – no she is not that either; the reality is that they are coming for prostitution” [...] So far we have been tolerant, just not to undermine tourism [...] Prostitution is not only contrary to our beliefs but it also harms our society's moral and familial structure. [...] Therefore, in order to minimize the negativities of this border – crossing point, I see the introduction of following measures as crucial: 1. Visas have to be applied to the visitors 2. Visitors are paying \$ 10 for the procedures; this amount must be increased to at least \$ 50. 3. Examinations by the Police Department showed that a person enters Turkey 7 - 8 times a year. Touristic visits have to be limited to one visit per year. 4. A computer must be provided to the custom. Because as long as there is no computer, deported people may come back after 15 days by changing their passports (*Ibid*: 324) (Quote # 5.2).”

Again in a similar line of thought İzmir MP Atilla Mutman (On behalf of SHP Group) expressed that prostitution and smuggling were inappropriate employments and he noted that they were glad to hear that Ministry of Foreign Affairs had warned its missions abroad for not issuing visas to the foreigners, who were perceived to enter Turkey for inappropriate aims:

“[They] will engage in activities for making our people aware, keep an eye on those who are occupied with prostitution and smuggling and warn them. About this matter, we are glad that our Ministry of Foreign Affairs have already warned our foreign representations not to issue visas to those who will enter our country for inappropriate aims and we consider the strict follow-up of this issue as a very important preventive measure (*Ibid*: 326).” (Quote # 5.3).

Moreover, Kahramanmaraş MP Esat Bütün argued that moral corruption had been taking place in Turkey and by comparing visa regimes of Western European countries to that of Turkey, he called government to introduce a restrictive visa regime:

“[M]orality is corrupted [...] if we are to open our borders, prostitutes will pour in; if European countries are to open their borders to us, there won't be anybody left in Turkey, our people will go there either as refugees or workers. [...] because of those who enter either from Kapıkule or from Sarp entry points or because of the mentality which turns our coastline into nude beaches, one day, God forbid, when our country is trapped into contagious

diseases, we won't be able to save ourselves even if we spend Turkey's budget to fight against these diseases, as is the case with our struggle against the events in the Southeast. [...] Turkey is not a road house for passer-bys. If these people are coming for touristic purposes and engaging in another activity [*sic.*], this should be prevented. Is there visa-free entry to Germany, Western countries and many other countries? How does one enter these countries? One does not enter easily in these countries, that is to say, they have established certain provisions which are being enforced (*Ibid:* 334).” (Quote # 5.4).

In response to these questions and claims, Minister for Foreign Affairs, Hikmet Çetin underlined that this border and border crossing point meant a lot for Turkey and for its foreign policy ambitions in the region. The Minister explained that Sarpi border crossing point connected Turkey to Central Asia and Central Asia to Turkey thereby it has importance for Turkey in keeping the good relations with Asia and for the whole region in terms of consolidation of peace and stability. Without mentioning the problems explained by the MPs one by one – prostitution, smuggling, suitcase trade, corruption of morality and familial structure – the Minister called them slightly as ‘negativities’ and he explained that these negativities did not emerge only because the border – crossing point was opened. Besides adding that these ‘negativities’ could not be prevented by prohibitions, contrary to the requests of the MPs, the Minister explained that the government was planning to open more border – crossing points along the border. Furthermore, in his speech, despite the calls for the imposition of visas to the people coming from CIS* except Azerbaijan and Turkic Republics, Minister for Foreign Affairs, Hikmet Çetin did not even use the word ‘visa’ and it was clearly understood that the government had no intention to impede the entrance of foreigners from this border – crossing point. Therefore it can be said that the government did not have a slightest idea or intention to filter the foreign nationals entering from this border – crossing point. On the contrary, the Minister for Foreign Affairs openly expressed that the opportunity to visit, travel and live in Turkey must be provided to the peoples of these neighboring countries, nationals of whom were believed by the government to take Turkey as a model:

“It has to be accepted that opening of the Sarp Crossing has also solved the 70 year, a century longing between people. [...] Because, these people who have longed for [this land] as long as a century, see Turkey as a model, as a place to go, to visit and to live. This opportunity has got to be provided, and it

has to be sustained. I believe this will also be very beneficial for the relations of our country with its neighbors (*ibid*: 336 – 339).” (Quote # 5.5).

After November 11, 1992, Ministers for Foreign Affairs addressed *TBMM* 150 times more until April 2010. Visa for foreign citizens or any kind of similar application that might be considered as pre – borders was not discussed in these 150 speeches. The remaining 2 speeches, where visas for foreigners were mentioned, were both given by Minister for Affairs, Ahmet Davutoğlu in 2010. In April 26, 2010 in the Parliamentary Debate on normalization of relations with Armenia and the developments in South Caucasus, the Minister, Ahmet Davutoğlu explained the importance of establishing security and economic integration in the environs of Turkey for the country’s regional and economic well – being as well as its foreign policy ambitions. According to the Minister, Turkish economy was the biggest economy of the basin, which is limited by West Europe on the west, China on the east and Russia on the north and if Turkey removed all its borders, including visas to establish freedom of movement for people, goods and businessmen; the economies of the other countries in this basin could integrate to the Turkish economy and Turkish economy, with its expanding size, could become the locomotive economy of the whole region:

“I would like to draw attention, especially to economic mutual interdependence: Why are we trying to lift visas with neighboring countries? Why do we want to go in the direction of economic cooperation on the grounds of visa exemption? Because, please visualize the map in your minds, draw the line from France-Germany-Italy, Russia in the North, China and India in the very East, Turkey is the greatest economy in this basin and Africa and in fact we have the power to be the locomotive economy of all these regions. Consequently, we desire that all borders are opened, we desire that businessmen, people, goods move freely between these regions as they like. We desire that security prevails in these regions, not suspicion, not conflicts. Let the invasions end and frozen conflicts be solved. May this perspective be brought to life, Turkey will become the locomotive economy of these regions.” (*TBMM Genel Kurul Tutanağı* [23. Dönem, 68. Cilt, 95. Birleşim], (26/04/2010): 229) (Quote # 5.6).

As he continued to explain the importance of normalization of relations with Armenia, Minister Ahmet Davutoğlu mentioned physical borders as well and stated that the opening of Turkish Armenian border as well as that of Armenian and Azerbaijani would give Turkey access to Middle Asia.

The last speech, in which visa for foreigners was mentioned in the two decades between 1990 and 2010, was given on December 20, 2010. Similar to the previous one, Minister Ahmet Davutoğlu referred removal of visas for foreigners while he was explaining Turkey's policies towards the neighboring regions. According to him, removal of visas would facilitate economic integration of the whole region, would widen the reach of Turkish entrepreneurs and it would also guarantee the normalization of history:

“We desire that free trade and free visa regimes are applied with the Balkans, Caucasia, Central Asia, Middle East where visas are unconditionally lifted and free movement of people, goods is assured. This will provide an immense opportunity to our entrepreneurs and in one way provide for the normalization of history” (*TBMM Genel Kurul Tutanağı* [23. Dönem, 87. Cilt, 37. Birleşim (20/12/2010: 58) (Quote # 5.7).

As he continued to explain Turkey's regional policies and their tools, Minister made it clear that he saw removal of visas as a tool in increasing the influence of these policies. According to him, for Turkey's further integration with the region the government was determined to remove visas for the nationals of countries in the neighboring regions:

“Again, we are establishing three-party, four-party mechanisms. We are improving cooperation in the Balkans, between Bosnia-Herzegovina-Turkey-Serbia, again between Bosnia-Herzegovina-Turkey-Croatia; in the Middle East, between Turkey-Jordan-Lebanon-Syria; between Turkey-Azerbaijan-Turkmenistan in Central Asia with similar mechanisms and finally we are adding a new significance to our bilateral relations. [...] We are determined to continue our efforts to remove visas in these regions. This way, our endeavors to integrate with the region will reach all time high levels.” (*ibid.*) (Quote # 5.8).

Following these quotes, firstly it can be said that the number of Ministers' speeches about visas imposed to foreign nationals (only 4 out of 208 speeches) shows that controlling, filtering or impeding the movement of foreigners into Turkey's territory has not been a priority of Turkey between 1990 and 2010. Secondly, it is interesting to note that though there has been a gradual increase in the volume of movement of foreigners into Turkey since 1990, the main discussion about visas in these speeches was not about making visa procedures harder. There was no reference to irregular migration, irregular migrants or visa over – stayers. Despite there were calls for restrictive visa procedures in the 1990s, the Ministers explained that the governments' attitude was the opposite.

Moreover, the statements of the Ministers were either about facilitating visa procedures or removing them in order to ease the movement of foreigners into Turkey. Thirdly, when Minister Hikmet Çetin's speeches in 1992 and Minister Ahmet Davutoğlu's speeches in 2010 are examined together it is seen that they approached to the visa issue with not identical but with very similar themes. In that respect, it is believed that between 1990 and 2010 no paradigmatic change has taken place in the Turkey's Border Policy on pre – borders. Simply, the aim was to facilitate the movement of foreigners especially from neighboring countries in order to realize the country's foreign policy aims and ambitions: enhancing economic integration in the region, at the center of which Turkey is believed to lie. Moreover, though visa facilitation and visa exemption recognized to the nationals of countries other than neighbors have not been raised by the MPs, it is understood from their speeches that Turkey has been highly tolerant to the foreigners who were believed to enter Turkey for touristic purposes.

Following these lines, as the parliamentary speeches reveal, unlike the emergent EU region – state, 'visa' has not been a tool for Turkey to restrict the movement of foreigners into its territory in the two decades between 1990 and 2010. On the contrary, Ministers explained the intention of the governments to liberalize the visa regime further and to introduce visa exemption for nationals of many countries. In line with this, though Turkey applied visas, it has not employed them with the aim of reading the intention of travelers so that the foreigners, who might become its *mala fide* people, can be detected and filtered.

Interestingly, while visas for foreigners have been mentioned and discussed only 4 times by the Ministers for Foreign Affairs in the period between 1990 and 2010, visas applied to Turkish nationals by the EU Member States have been discussed intensively in the Parliament and Ministers for Foreign Affairs have been asked many times not only to address *TBMM* to explain this issue but also to answer written questionnaires submitted by the MPs. Only between 2004 and 2007, MPs raised visas applied to Turkish nationals in particular by the EU Member States 89 times. In general lines, there was deep resentment towards the EU for placing Turkey to its black visa list and MPs complained about the visa

requirements as well as the treatment of EU Member States' consulates to the Turkish nationals during visa application processes. In their questions, the MPs almost always asked what the Ministry for Foreign Affairs was doing to ease the visa requirements for Turkish nationals. As it is understood from the speech of the State Minister Egemen Bağış, who would later become Minister for EU Affairs, likewise Berlin Wall, visa issue was believed to separate Turkish nationals from the EU citizens and among other things, it has long been one of the main issues that alienated Turkish nationals including MPs from the European Union and prevented them to identify themselves with the European Union citizens (*TBMM Genel Kurul Tutanağı* [23. Dönem, 86. Cilt, 32. Birleşim], 14/12/2010).

Turkey's approach and priorities at the physical borders, on the other hand, seem to be different. Physical borders are under the responsibility of Ministry of Interior. As it can be seen from the table below, in the period between 1990 and 2010, 19 Ministers of Interior served in Turkey and they addressed to the *TBMM* 500 times.

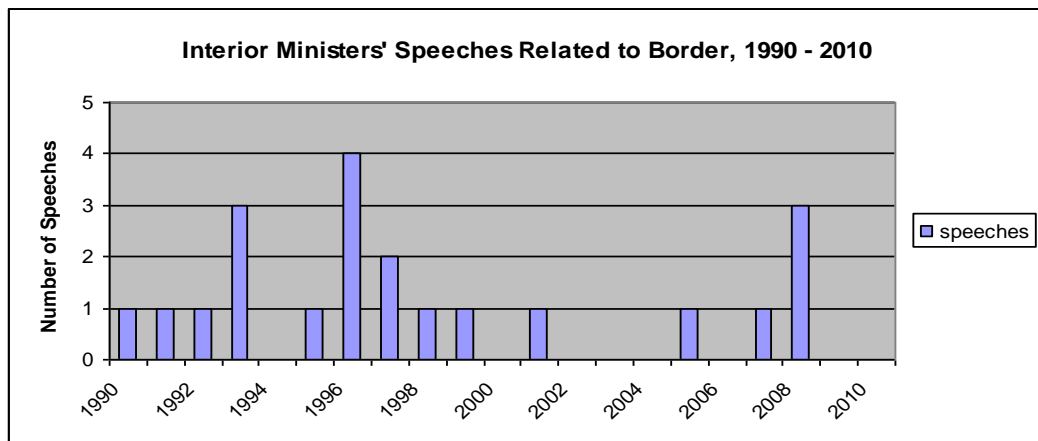
Table 5.2. Ministers of Interior, Turkey, 1989 – 2010

Minister of Interior	Term of Office	Number of Speeches in <i>TBMM</i>
Abdülkadir Aksu	March 1989 – June 1991	65
Mustafa Kalemlı	June 1991 – August 1991	39
Sabahattin Çakmakođlu	August 1991 – Nov. 1991	1
İsmet Sezgin	Nov. 1991 – June 1993	43
Beytullah Mehmet Gaziođlu	June 1993 – Oct. 1993	4
Nahit Menteşe	Oct. 1993 – Oct. 1995	93
Teoman Ünısan	Oct. 1995 – March 1996	2
Ülkü Gökalp Güney	March 1996 – June 1996	17
Mehmet Ađar	June 1996 – Nov. 1996	7
Meral Akşener	Nov. 1996 – June 1997	9
Murat Başesgiođlu	June 1997 – August 1998	22
Kutlu Aktaş	August 1998 – January 1999	4
Cahit Bayar	January 1999 – May 1999	3
Sadettin Tantan	May 1999 – June 2001	18
Rüştü Kazım Yücelen	June 2001 – August 2002	14
Muzaffer Ecemiş	August 2002 – Nov. 2002	-
Abdülkadir Aksu	Nov. 2002 – May 2007	109
Osman Güneş	May 2007 – August 2007	-
Beşir Atalay	August 2007 – March 2011	50
	Total # of speeches	500

Source: www.tbmm.gov.tr

Out of these 500 speeches, Ministers of Interior discussed or explained matters related to borders in only 25 speeches. However, none of these speeches mentioned or gave reference to the digital borders or virtual databases where data about foreigners are recorded. As it can be seen from the Figure 5.1, 20 of these speeches were given in the 1990s, while only 5 of them were given in the 2000s.

Figure 5.1 Interior Ministers' speeches, Turkey, 1990 - 2010



Source: www.tbmm.gov.tr

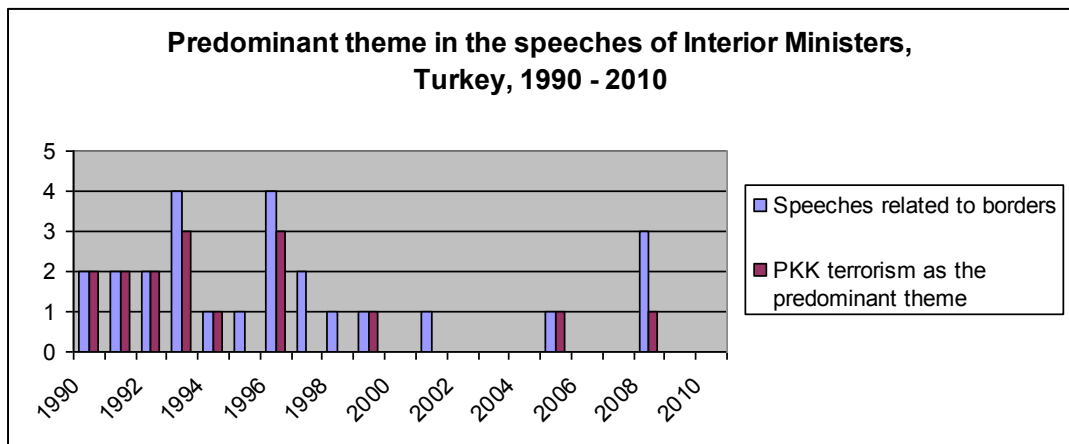
In these speeches Ministers of Interior discussed and explained three main issues within the framework of physical borders: ‘PKK terrorism’, ‘border – trade’ and ‘visits of Turkish nationals to their relatives, who lived in the neighboring countries’. Among all the speeches, that of Minister Ülkü Güney’s on March 20, 1996, is of great importance as it was given in the Parliamentary Debate on ‘Border Security’, which still remains to be the one and only debate on border security in *TBMM* since 1990. In his speech, Minister of Interior Ülkü Güney (20/03/1996: 334) explained the reasons for irregular border – crossings in Turkey and he expressed that the main type of irregular border – crossing was the infiltration by PKK terrorists:

“Before we dwell on current state of affairs in our land borders and seas, when we examine the reasons for illegal entry and exits and irregular border crossings in our country and when we analyze this, we find out that the exits for joining the training camps of the bloody terror organization PKK and entry after the training make up the greatest portion. That is to say, from time to time PKK activists infiltrate abroad from these points; and after they complete their training, again, from some weak points they come back to our country. Secondly, [it] is being used by smugglers for arms and drug trafficking. Also, the desires of some of our citizens of Kurdish origin to

work abroad cause these illegal border crossings. Another reason is that for establishing a new life and for finding work, our citizens who are not able to travel abroad with legal means – as you all know European countries require visas – those who are not able to obtain visas, violate the law and try these illegal means.” (Minister of Interior Ülkü Güney, 20/03/1996: 334) (Quote # 5.9).

In line with the explanations of Minister Mr. Ülkü Güney on the reasons and forms of irregular border – crossings in Turkey; in the all speeches the predominant theme was PKK terrorism. In 16 of these 25 speeches, Ministers discussed PKK terrorism, infiltration of PKK terrorists through the physical borders in the form of irregular border crossings and cross – border operations against PKK terrorists within the context of borders. As it can be seen from the figure below, PKK terrorism with respect to physical borders was discussed especially up until 1997.

Figure 5.2. Predominant theme in the speeches of Interior Ministers in Turkey, 1990 - 2010



Source: www.tbmm.gov.tr

In the early 1990s, when PKK terrorism was at its peak in Turkey, Ministers explained the infiltration by PKK terrorists; their sudden attacks to Turkish border – posts and how Ministry of Interior fought with them:

“When separatist terrorist organization PKK [...] started its actions in 1984 it had an armed force of 200 – 250 activists whereas now this number is estimated to have reached 5 thousands. It is unfortunately observed that the activists of the afore-mentioned terrorist organization are able to carry on daylong-armed struggle with our security forces, attack border-posts, military units and city and town centers in large groups and cause the death of a

significant number of security forces.” (Minister of Interior İsmet Sezgin, *TBMM Genel Kurul Tutanağı* [19. Dönem, 2. Cilt, 18. Birleşim] 19/12/1991: 96) (Quote # 5.10).

As PKK has been defined as a secessionist and a separatist terrorist organization, in several speeches, ‘the indivisible unity of Turkey’s territory’, ‘Turkey’s territorial integrity’ and ‘inalterability of borders’ were mentioned by the Ministers. *Misak – ı Milli* borders were also referred:

“Our principal aim and duty resulting from the authority bestowed on us by our constitution is to protect the independence and indivisible unity of Turkey’s territory and to stringently enforce the effective and righteous precautions we have taken in this regard. [...] Any time, anywhere and in any circumstance we have advocated, we are still advocating and will further advocate Turkey’s unity and integrity; because no force can make us deviate from our determination and zeal to exclude our state’s language, flag, symbols, borders and the right to sovereignty exercised by the Republic of Turkey from discussion of any sort. [...] Turkey has borders recognized by the world at large. This border is – as I have just explained – the *Misak – ı Milli* border and has been drawn seventy years ago at the expense of our nation.” (Minister of Interior, Nahit Menteşe *TBMM Genel Kurul Tutanağı* [19. Dönem, 48. Cilt, 46. Birleşim] 16/12/1993: 150) (Quote # 5.11).

Moreover, while explaining the facts about the infiltration of PKK terrorists through physical borders, Ministers referred to the aid and abet given to PKK terrorists by the neighboring countries. According to the Ministers, PKK training camps existed in Iran, Iraq and Syria and terrorists crossed Turkey’s borders from these countries from time to time and as explained in the previous paragraphs, they made sudden attacks to the Turkish border – posts:

“Dear friends, you are going to inquire whether we are engaged in any diplomatic maneuvers now. Of course ... We are negotiating with Syria, we are negotiating with Iran as well, we are also negotiating with Iraq. While on one hand we are struggling with the internal enemy; PKK, of course on the other, we are warning some of our friends. [...] We are negotiating, warning and telling them “withdraw your support from PKK”; they tell us “we are not supporting PKK”; but we have the determination and zeal to carry on these negotiations.” (Minister of Interior, Nahit Menteşe, *TBMM Genel Kurul Tutanağı* [19. Dönem, 43. Cilt, 25. Birleşim] 09/11/1993: 62) (Quote # 5.12).

Cross – border operations into northern Iraq against PKK terrorists, their *raison d’etre* and consequences were also explained by the Ministers in different years. The number of terrorists, who were captured dead during the operations, was always shared with the MPs. As Minister İsmet Sezgin *TBMM Genel Kurul*

Tutanağı [19. Dönem, 20. Cilt, 25. Birleşim], 11/11/1992: 286 – 287) clarified below, the main reason for conducting cross – border operations were to restore border security and to prevent infiltration of terrorists through the borders:

“[...] The separatist terrorist organization has moved its camps to places in Northern Iraq where there is a power vacuum. Here, they have had the opportunity to train their cadres and gain the ability to attack our border – posts in large groups. An operation has been started on October 5, 1992 by the Northern Iraqi forces (*peşmerge*) with the aim of cleansing the region from the terrorists with numbers estimated to be around 7 thousand who have settled in the camps situated in the mountainous regions of Northern Iraq close to our borders. Right after the start of this operation, our security forces have resorted to cross-border operations on October 12, 1992 to assure the safety of our borders and to prevent the terrorists from entering into our country from our borders; they have already entered the PKK camps in Haftanin and Şivi and are continuing their search. [...] A major blow is suffered by the separatist terrorists with a significant number of casualties in land and air attacks until today executed by the security forces and *peşmerges*.” (İsmet Sezgin, Minister of Interior, *TBMM Genel Kurul Tutanağı* [19. Dönem, 20. Cilt, 25. Birleşim], 11/11/1992: 286 – 287) (Quote # 5.13).

In the late 1990s, the issue of aid and abet given to the PKK terrorists by the neighboring countries, especially Iran, Iraq and Syria continued to appear in the speeches. Ministers also referred to the PKK camps in those countries and explained that PKK terrorists, who were being trained in those camps, continued to cross the borders irregularly.

“Those who commit terror have mainly established themselves and are being trained in the Beqaa Valley. For this reason, our border with Syria and Iraq present utmost significance; because as it is well known, PKK has settled in the Beqaa Valley after the Gulf War and the resulting power vacuum in Northern Iraq. As a result, it is known to all of us that those terrorists used in the increasing number of attacks especially in the last years are being trained abroad and commit bloody actions by infiltrating into our country. It is also known that these training activities take place in the Beqaa Valley under the control of Syria and in Northern Iraq where a power vacuum was created after the Gulf War. Consequently, we observe most border violation cases in the Syrian and Iraqi borders.” (Minister of Interior, Ülkü Güney, *TBMM Genel Kurul Tutanağı* [20. Dönem, 2. Cilt, 26. Birleşim] 20/03/1996: 337) (Quote # 5.14).

Its is understood from the speeches that in addition to the infiltration of PKK terrorists, infiltration of radical islamists and smuggling were also taking place along the borders between Turkey and Iran. According to the Minister of Interior Mr. Ülkü Güney (*TBMM Genel Kurul Tutanağı* [20. Dönem, 2. Cilt, 26. Birleşim] 20/03/1996: 339) Iranian authorities were responsible for infiltration of

these undesirable persons into Turkey as they were not taking the necessary measures to control their borders:

“It is true that smuggling activities and infiltration of terrorist take place through the Iranian border as well. It would not be wrong to state that these infiltrations from time to time are partly due to Iran’s failure to fulfill its responsibilities arising out of security of its border. Iran has also not been loyal to the border agreements signed with them, have not abided by the protocols on border safety and summit discussions. From time to time – as we observe from the media – we often come across news about training activities of terrorists belonging to fundamentalist groups and PKK here; [...] It would not be right to say something about this at the moment; but, it has already been proven that Iran is backing up fundamentalist groups and PKK. As a result, we are of the idea that our relations with Iran that pose a threat to the regime [...] should be re-considered.” (Minister of Interior, Ülkü Güney, *TBMM Genel Kurul Tutanağı* [20. Dönem, 2. Cilt, 26. Birleşim] 20/03/1996: 339) (Quote # 5.15).

As Minister of Interior, Saadettin Tantan (13/07/1999: 190) discussed, PKK terrorism and the aid and abet given to the PKK terrorists by the neighboring countries made them feel as if Turkey’s borders were ‘besieged’:

“When the borders with terrorist activity are observed, it is clearly seen how besieged we are starting with the Syrian border until Caucasia both from inside and from outside.” (Quote # 5.16).

The second theme was the border – trade, which was talked over in 5 speeches. In some of these speeches, border – trade and terrorism were discussed together as many MPs in particular from the southeastern region of the country saw the former as a hindrance to the latter. Ministers commented on the advantages of the border – trade and explained their governments’ plans to facilitate border – trade along these borders. It should also be considered that smuggling has been a very important problem along east and southeastern borders of Turkey as well as along its maritime borders. It is believed that MPs were raising the issue of facilitation of border trade with especially Iran and Iraq in order to pull smugglers’ teeth.

The last theme ‘visits by Turkish nationals to their relatives living in neighboring countries’ appeared in 1990 and 2008 in only two speeches. However, the underlying issues in them and the approach to these visits were totally different. In 1990, upon a question from a MP, Minister of Interior, Abdülkadir Aksu (06/02/1990) explained that Turkish nationals living in the east

and southeast bordering regions had long been crossing the borders in irregular ways to visit their relatives in the neighboring regions. As it is understood from the quote, rather than the visits themselves, the main question for the security forces and for the Ministry of Interior was the affiliation and allegiance of the visitors. It is inferred that they were questioning whether these people were affiliated with PKK or they were allegiant to Turkey:

“Due to the characteristics of the region, our citizens have been visiting their relatives across the border regularly for a long time. [...] It is reported that a total of 47 people from 4 families from the Kayadibi area of the Taşdelen village in the town of Uludere have left this area in December 1989 while some went to Iraq. Similar incidents happen when some Iraqis illegally cross the border, reside in some cities and go back. Naturally, these illegal acts of trespassing are very seriously considered. Declarations by some citizens who still reside in the Kayadibi area depict that these people are loyal citizens to the state and have no intention of leaving their village while these declarations have also pointed out to the structural problems troubling lives in this area which the State of Emergency Governorship was informed. Esteemed representatives, we are of the conviction that we fulfill our duty in the struggle against the terrorist elements acting as tools of complex ideological frameworks terrorizing the regional population in the rural regions by taking utmost advantage of the terrain of our Southeast provinces.” (Abdülkadir Aksu, Minister of Interior, *TBMM Genel Kurul Tutanağı*, [18. Dönem, 40. Cilt, 73. Birleşim] 06/02/1990: 288) (Quote # 5.17).

The second speech was given by Minister of Interior, Beşir Atalay (29/01/2008) upon a question if it was possible to facilitate cross border movements from border – crossing points for visiting relatives living in the bordering regions during the religious festivals. Minister explained that governorships along the border between Turkey and Syria have concluded protocols in order to facilitate visits by the relatives.

Differently from the 1990s, during the 2000s, borders were mentioned only in 5 speeches by the Ministers of Interior and the themes discussed within the context of borders were different. In 2 of these speeches Ministers Beşir Atalay and Abdülkadir Aksu referred to the globalization of borders and explained how Turkey was unable to fight with terrorism and drug trafficking on its own.

Following these quotes and discussions, it is understood that physical borders became a matter of concern especially up until 1997 in Turkey. In the period between 1990 and 2010, Ministers of Interior discussed physical borders 25 times and in 16 of them the main issue was PKK terrorism. PKK terrorism and

PKK terrorists were not only raised in the speeches related to the physical borders on the east and southeastern parts of Turkey, where the organization was most active. Their irregular border crossings at Turkish – Greek border in order to join the training camps in Greece were also mentioned as a problem along that border.

PKK terrorism was not only the pre-dominant theme, but it was also the encompassing one in the Ministers' speeches about borders as border – trade, the second main theme, smuggling was sometimes discussed with PKK terrorism. Moreover, it was understood that in the early 1990s visits paid by Turkish nationals to their relatives living in the neighboring countries via irregular border crossing were under the focus of security forces whether they were affiliated to PKK or not. However, it is understood that the issues discussed within the framework of borders have started to change in the late 1990s – especially after the capture of PKK leader Abdullah Öcalan in 1999 and the abolishment of State of Emergency (OHAL) in the region in November 2002. Despite these developments, it is thought that the main aim of Turkey's physical borders remains to be the prevention of infiltration by PKK terrorists and PKK terrorism.

In line with these it can be said that the main aim of the Turkish Border Policy at physical borders has been to prevent irregular border crossings by PKK terrorists.

Very similar to the findings of this analysis, Ömer Faruk Gültekin – Senior Expert at Border Management Bureau of Ministry of Interior explains the aims and guidelines of the Turkish Border Policy as:

[The borders of a country are as vital as the walls of a house. Our borders are against all actions that possess opposite interests to those of our country, as well as all illegal activities that may harm our citizens' lives and welfare. Nevertheless, terror has been our priority for the past 30 years.] (Interview notes, October 5, 2012).

Moreover, Ömer Faruk Gültekin (*ibid.*) noted that all the illegal activities along the physical borders were results of PKK terrorism as the organization either ran or regulated these activities in order to increase its economic gains:

[It is not possible to classify the various threats at our borders under one single category. You can not separate illegal human

trafficking, migration and organized crime from terror. Turkey has been the prime sufferer from terrorism. Terrorism is linked to organized networks, illegal migration are all interrelated. The terrorist organization [PKK] is regulating the illegal migration, drug [traffic] and is sharing the benefits. The existence of these [issues] is a serious outcome of terrorism.]

Following all these lines, parliamentary speeches, interview notes and the legislation on borders reveal that with a specific focus on physical borders, between 1990 and 2010 Turkey's Border Policy aimed to establish impermeable borders against the threats to the political regime, to territorial integrity, to general public morality and to Turkish familial structure but permeable to allow tourism, business and cultural interaction with the neighboring countries.

5.3. BORDERS AND BORDER MANAGEMENT IN TURKEY

Turkey does not apply carrier sanctions, but it has a visa regime, a digital database to check Turkish and foreign nationals and it has physical borders with a length of 9479 km. Differently from the EU Member States, there is a kind of multi – headedness in the management of these borders in Turkey (Interview notes with Ömer Faruk Gültekin, October 5, 2013). Turkey's visa policy has been determined by the Ministry of Foreign Affairs in consultation with Ministry of Interior and with the other relevant Ministries. Visas, consular offices and diplomatic missions and the personnel working in these offices – or in other words first layer of pre – borders are under the responsibility of Ministry of Foreign Affairs. While Ministry of Interior is totally in charge at one of the digital borders, the POLNET; Ministry of Foreign Affairs manages the other one related to visas, www.evisa.gov.tr. The competence of overall supervision of physical borders, on the other hand, is entrusted to the Ministry of Interior. However, their surveillance, management and control are carried out by several bodies: General Directorate of Security (*Emniyet Genel Müdürlüğü*), Undersecretariat of Customs, Land Forces General Command (*Kara Kuvvetleri Komutanlığı*), General Command of Gendarmerie (*Jandarma Genel Komutanlığı*) and Turkish Coast Guard Command (*Sahil Güvenlik Komutanlığı*).

Directorate of Security is responsible for entry and exit of people at border – crossing points²⁰²; Undersecretariat of Customs supervises the entry and exit of the goods; Land Forces General Command carry out the surveillance and management of 83% of the land borders (green borders) between the border crossing points; General Command of Gendarmerie is responsible for the surveillance and management of 17% of the land borders – 125 kilometers of Turkish – Iranian border and 384 kilometers of Turkish – Iraqi border and lastly Turkish Coast Guard Command carries out the management of maritime borders (Blue borders) (Köktaş, 2011; Interview with Ömer Faruk Gültekin, October 3, 2012). There is coordination and cooperation among these bodies (Ministry of Interior Affairs, 2006).

To begin with pre – borders, Turkey has an intriguing visa regime. It is based on the principle of reciprocity (European Commission, 2006; Ahmet Davutoğlu, Minister for Foreign Affairs, Press Conference concerning Electronic Visa, April 24, 2013). Until very recently, Turkey’s visa regime depended on Passport Law No. 5682 and Law No. 5683 on Residence and Travel of Aliens in Turkey. Law No. 6458 on Foreigners and International Protection, which has been adopted by the Grand National Assembly on April 4, 2013, succeeded these two Laws. The Law No. 6458 includes seven detailed articles on visas, their types, processes and responsible authorities for issuing them. Rather than showing a paradigmatic change, the Law seems to have coded the existing practices in the visa regime.

More than the Law No. 6458, a website managed by the Ministry of Foreign Affairs, Consular Website of the Republic of Turkey - www.konsolosluk.gov.tr is illuminative on Turkey’s visa regime and its management. According to the website, Turkey issues 5 different types of visas: Work visas and permits; education visas, research visas, transit visas and tourist

²⁰² Two bodies under the General Directorate of Security, the Central organization (Department for Aliens) and Border Organization conduct checks and controls of the entry and exit of foreigners and Turkish nationals. The personnel entrusted at the border crossing – points are called as ‘Passport Police’ and they are responsible for conducting entry and exit procedures including registration; checking visa and travel documents, determining forgery on travel documents, administering deportation, receiving asylum applications, investigating and preventing human smuggling and for enforcing law (*ibid*, p. 7).

visas. It is understood from the website that work visas and permits and research visas are very restrictively issued as they have more requirements. Application for and issuance of education and transit visas are far easier and they are issued in most of the cases.²⁰³ The tourist visas, on the other hand, are the short – term visas issued by Turkey for a period of maximum 90 days and they are very easily obtained. It has to be noted that authorities have long been acting restrictive for granting long – term visas and work permits to foreigners. The short – term visa regime, on the other hand, has been very liberal since the early 1980s. Short – term visas have been granted easily to the foreigners who are assumed to visit Turkey for touristic purposes. In line with this, Turkey applies visa facilitation for the nationals of many countries, who by these arrangements obtain entry visas at the border – crossing points. Moreover, nationals of almost all states in the regions surrounding Turkey are exempt from visa. According to the Ministry of Foreign Affairs (2013a), currently, nationals of 73 countries (holding diplomatic, official or ordinary passports) are exempt from visa while they are entering to Turkey.

²⁰³ Foreigners who apply for an education visa have to submit an acceptance letter from a Turkish University, school or a language course certified by the Ministry of Education besides a valid passport, the non – refundable visa processing fee, a photograph and education visa application form (Ministry of Foreign Affairs, 2013e). The Turkish authorities at the border or at the consular or diplomatic missions can issue two types of visas: Entry (single or multiple) or transit visa (single or multiple). According to the new Law No. 6458, transit visas can only be issued by the Turkish consular missions abroad.

Table 5.3. Countries whose nationals are exempt from or subject to visa in entering Turkey

Countries whose nationals holding all types of passports are EXEMPT from visa	Albania, Andorra, Argentina, Azerbaijan, Bolivia, Bosnia-Herzegovina, Brazil, Brunei, Bulgaria, Chile, Colombia, Costa Rika, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hong – Kong Special Administrative Region of PRC, Iceland, Iran, Israel, Italy, Kazakhstan, Kosovo, Kyrgyzstan, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Macao Special Administration, Macedonia, Malaysia, Monaco, Mongolia, Montenegro, Morocco, New Zealand, Nicaragua, Panama, Paraguay, Romania, Russian Federation, St. Christopher Nevis, San Marino, Serbia, Seychelles, Singapore, Slovenia, Republic of Korea, Sweden, Switzerland, Syria, Tajikistan, Thailand, Trinidad and Tobago, Tunisia, Turkish Republic of Northern Cyprus, Turkmenistan, Ukraine, Uruguay, Uzbekistan, Vatican (Holy See), Venezuela
Countries whose nationals holding diplomatic or official passports are EXEMPT from visa	Afghanistan, Austria, Bangladesh, China, Cuba, Palestine, Netherlands, Norway, Belgium, Algeria, Bahrain, Peru, Philippines, Portugal, Qatar, St Lucia, St. Vincent and the Grenadines, Saudi Arabia, Slovakia, South Africa, Spain, Sudan, Tanzania, United Arab Emirates, United Kingdom, Vietnam, Yemen
Countries whose nationals holding ordinary passports can obtain visas at BORDER GATES	Antigua – Barbuda, Armenia, Australia, Austria, Bahamas, Bahrain, Barbados, Belarus, Belgium, Canada, Croatia, Dominica, Dominican Republic, Grenada, Greek Cypriot Administration, Haiti, Kuwait, Maldives, Mexico, Moldova, Netherlands, Norway, Oman, Pakistan, Poland, Portugal, Qatar, St Lucia, St. Vincent and the Grenadines, Saudi Arabia, Slovakia, South Africa, Spain, US of America, United Arab Emirates, United Kingdom,
Countries whose nationals holding ordinary, official or special passports with a valid Schengen or OECD member's visa or residence permit can obtain visas at BORDER GATE on the condition they travel Turkey by Turkish Airlines	Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Djibouti, Egypt, Equatorial Guinea, Eritrea, Gabon, Gambia, Ghana, Guinea, Guinea - Bissau, India, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mauritania, Mozambique, Namibia, Niger, Nigeria, North Korea, Republic of Congo, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Togo, Uganda, Zambia, Zimbabwe
Countries whose nationals holding ordinary passports need to obtain visas in diplomatic missions	Belize, China, Cuba, Cote I'voire, Democratic Republic of Congo, East Timor, Ethiopia, Fiji, Indonesia, Iraq, Ireland, Jamaica, Kiribati, Laos, Mali, Marshall Islands, Mauritius, Nauru, Nepal, Northern Mariana Islands, Palau Republic, Palestine, Papua New Guinea, Peru, Philippines, Solomon Islands, Sri Lanka, Surinam, Taiwan, Tonga, Tuvalu, Vanuatu, Vietnam, Western Samoa, Yemen

Source: Ministry of Foreign Affairs, 2013a; 2013b

Nationals of 73 countries are exempt from visa (tourist visa) in entering Turkey, while nationals of other 42 countries, who need to obtain visas, can obtain them as visa stickers (*bandrol*) up to 90 days at the border – crossing points for a fee of 15

€.²⁰⁴ These foreigners, who prefer to obtain *bandrol* at the border – crossing points rather than applying for a tourist visa at the consular offices abroad, are required to present a valid travel document (passport) and non – refundable visa processing fee and they may be asked for other relevant documents by the Turkish border officials (Ministry of Foreign Affairs, 2013e). In addition to the sticker – type visa, the *bandrols*, there is also the ‘stamp-type’ visa, *kaşe*, which is issued at the border in very exceptional cases upon the permission of the Ministry of Interior. They are issued for the foreigners who need to obtain visas and who failed to obtain it before their departure (European Commission, 2006).²⁰⁵

Furthermore, nationals of other 45 countries, who have a valid Schengen or OECD country’s visa or residence permit can obtain their *bandrol* visas at the border – crossing points if they travel Turkey via Turkish Airlines. They have to present the same documents. Nationals of only 36 countries with ordinary passports and official or special passports in some cases are required to obtain their short – term touristic visas from the Turkish diplomatic or consular missions in their home countries.

Though the webpage of Ministry of Foreign Affairs (2013b) on visa regime provides a list of the countries, nationals of whom have to acquire their short term visas from Turkey’s diplomatic or consular missions abroad, it does not provide any information about the visa application, the process or even about the documents that applicants have to provide. The www.konsolosluk.gov.tr website, on the other hand, explains the documents that foreigners must submit to the consular offices during a visa application. These documents are a valid travel document, completed visa form, one photograph of the applicant, documents supporting the purpose and the conditions of the planned visit, guarantees

²⁰⁴ While nationals of Canada and Australia are required to pay 45€ for three month multiple entry visa, Armenian nationals pay 10€ for one month multiple entry visa (Ministry of Foreign Affairs, 2013a). Nationals of all the other countries pay 15€ up to three months.

²⁰⁵ Stamp – type visas are issued in three circumstances: “a) if the foreigner is a member of a delegation travelling to Turkey, who due to time constraints, was not able to obtain a visa prior to his departure, b) if the alien is a holder of an official passport and travelling for an official purpose, c) if there is not any Turkish Embassy or Consulate in the alien’s country of residence and he has been invited by a Turkish sponsor for business meetings” (European Commission, 2006: 6).

regarding means of subsistence and the non – refundable visa processing fee (Ministry of Foreign Affairs, 2013e).

In 2012, 31.782.832 foreigners entered Turkey from border – crossing points (Ministry of Culture and Tourism, Turkey, 2012). As Mr. Naci Koru, Deputy Minister for Foreign Affairs, (Press Conference concerning Electronic Visa, April 24, 2013) informs, 62% of these visitors entered Turkey without visas as they were exempt from it. Though the remaining 38% obtained visas – 95% of them obtained theirs at the border – crossing points while only 5% of them obtained their visas from diplomatic or consular missions of Turkey. In other words, in 2012, almost 20 million foreigners entered Turkey without visas, while around 12 million of them entered with visas. Around 11.5 million of 12 million visa holder foreign visitors; obtained their visas in the form of *bandrols* at the border – crossing points while only around 600.000 visitors applied to and obtained theirs from diplomatic and consular missions of Turkey. As it is understood, Turkey has a large volume of visitors, who either do not become subject to visa processes or become subject to very facilitated visa processes. These numbers and the practices confirm that Turkey has a very liberal, unrestrictive short – term visa regime.

Moreover, Turkey aims to smooth the way further for the visitors, who need to obtain visas to enter Turkey. In order “to facilitate short term travels to Turkey”, *bandrol* and *kaşe* visas are currently being replaced by *e – visa*, which is granted to the nationals of all countries entitled to acquire *bandrol* (Ministry of Foreign Affairs, 2013d: 2). By April 17, 2013, nationals of these countries are able to apply for *e – visa* via internet (www.evisa.gov.tr) for 24 hours a day, 7 days a week. If they are not in the list of persons banned from entry, they will obtain their visas in only 2 or 3 minutes and they will be able to download their visas after paying visa fee with a credit or a bank card.²⁰⁶ Currently, nationals of 94 countries can obtain *e-visas* via www.evisa.gov.tr. Ministry of Foreign Affairs

²⁰⁶ According to Mr. Naci Koru, Deputy Minister for Foreign Affairs, after the system became operational in April 17, 2013, 1.818 visas were issued through the *e-visa* system and 41.755 US Dollars were collected as non – refundable visa processing fee in the first 7 days (Naci Koru, Deputy Minister for Foreign Affairs, Press Conference concerning Electronic Visa, April 24, 2013).

expects to issue 1 million *e – visas* in 2013 and by issuing 7 – 8 million *e – visas* a year in the long run, it aims to minimize the issuance of visas in diplomatic and consular missions and at the border – crossing points (Naci Koru, Deputy Minister for Foreign Affairs, Press Conference Concerning Electronic Visa, April 24, 2013). Table 5.4 visually presents the countries, nationals of which are eligible for *e – visa*. As it is seen in the table Ministry of Foreign Affairs has coded these countries into two categories as ‘Category 1 Countries’ and ‘Category 2 Countries’.

Table 5.4. Countries, nationals of which are eligible for *e - visa*

Category 1 Countries [Nationals of which are eligible for e – visa]	Category 2 Countries [Nationals of which are also eligible for e – visa provided that they comply with some criteria] ²⁰⁷
Antigua and Barbuda, Armenia, Australia, Austria, Bahamas, Bahrain, Barbados, Belarus, Belgium, Canada, Croatia, Dominica, Dominican Republic, Greek Cypriot Administration of Southern Cyprus, Grenada, Haiti, Hong Kong (BN(O)), Hungary, Indonesia, Ireland, Jamaica, Kuwait, Maldives, Malta, Mauritius, Netherlands, Norway, Oman, Poland, Portugal, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Slovakia, South Africa, Spain, U.S.A, United Arab Emirates, United Kingdom	Algeria, Angola, Bangladesh, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Republic of the Congo, the Democratic Republic of theCôte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, India, Iraq, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mexico, Moldova, Mozambique, Namibia, Niger, Nigeria, Pakistan, Rwanda, São Tomé and Príncipe, Senegal, Sierra Leone, Somalia, Sudan, Swaziland, Tanzania, Togo, Uganda, Yemen, Zambia, Zimbabwe

Source: Electronic Visa Application System (2013).

Following these lines, in line with the aims of the border policy Turkey’s visa regime for short – term visitors, who are assumed to enter Turkey for touristic purposes, is highly liberal, visa regime of Turkey for short term visas can hardly be said to function as a pre - border against the movement of foreigners into its territory.

Unlike the facilities in the short – term visa procedures, long – term visas have to be obtained from the diplomatic missions and consular offices of Turkey. However, many foreigners enter Turkey with or without short – term visas and

²⁰⁷ Nationals of these countries are eligible for *e – visa* if they have valid Schengen or OECD countries’ visa or residence permit and if they travel Turkey via Turkish Airlines (Electronic Visa Application System, 2013).

they later register themselves to the General Directorate of Security. In many cases, they do not even register themselves; they either fall into irregularity or leave the country for a day or two and then come back with fresh 90 days short – term visas. According to the new Law, duration of the stay either with a visa or visa exemption shall not exceed 90 days in 180 consecutive days (Law No. 6458 Article 11). Though this regulation existed before, it was not enforced effectively by the authorities. Many foreigners, who were either exempt from visa or subject to *bandrol*, were making one – night – stay bus trips to Greece or Georgia and then they were coming back the very next day to acquire fresh 90 days stay with visa exemption or with new short – term visa (interview notes with Irregular Migrant # 8, 17/09/2012; Irregular Migrant # 5, 09/06/2011).

Carrier sanctions, on the other hand, do not seem to exist in Turkey, at least in the legislation. There is no law, directive, regulation, circular or any kind of document or report concerning the application of carrier sanctions by Turkey. Therefore, it is presumed that there is no arrangement that function as second – layer of pre – borders. However, as Mr. Naci Koru, Deputy Minister for Foreign Affairs, has explained; the countries whose nationals are required to obtain visas from the diplomatic or consular missions of Turkey prior to their departure are called as the ‘Category 2 Countries’. And nationals of these countries can obtain *bandrols* at the border – crossing points if they have valid visa or residence permit from a Schengen or an OECD country and if they travel via Turkish Airlines. Mr. Naci Koru informed that since 2010, Turkish Airlines is responsible for bringing these people back if they are refused entry (Press Conference Concerning the Electronic Visa, April 24, 2013). In that sense, though Turkey has this arrangement only with Turkish Airlines, the country seems to have partial second – layer of pre – borders without openly stating them. However, this practice should not be understood as the strict carrier sanctions applied by the EU. Turkish Airlines was totally a State Economic Enterprise of Turkey very recently.²⁰⁸ In line with this, rather than having the aim of applying harsh, strict carrier sanctions,

²⁰⁸ Though Turkish Airlines was privatized twice in 2004 and 2006, 49.12 % of its shares still belong to the Turkish state (Republic of Turkey, Prime Ministry Privatization Administration, 2013).

Ministry of Foreign Affairs aims to boost Turkish Airlines, which seems to return this favor by bringing back its passengers when they are refused entry. Mr. Ahmet Davutoğlu, Minister for Foreign Affairs affirms this thinking in answering a question about the issuance of *e-visa* at Turkish Airlines Kiosks in airports out of Turkey (Press Conference Concerning Electronic Visa, April 24, 2013):

“Agreements with Airlines other than Turkish Airlines will be made about this issue. However, Turkish Airlines is the light of our eyes. [Turkish Airlines] is a national Turkish company, institution that has to be promoted with priority. If a foreign company applies and if it can assume the responsibilities, [we can make an agreement with them as well], why not? We do not discriminate other Turkish companies. This arrangement [*e – visa*] will increase the passenger capacity of Turkish Airlines.” (Quote # 5.3.1).

It should also be noted that the visa facilitation for the nationals of ‘Category 2 Countries’ does not depend only on the travelling via Turkish Airlines. It depends primarily on those foreigners’ holding a Schengen or an OECD countries’ valid visa or residence permit. In that sense Turkish Airlines does not carry any heavy responsibility as these foreigners have already been checked and controlled by the Schengen states’ or OECD states’ diplomatic or consular offices, which carry the real responsibility. Minister for Foreign Affairs, Ahmet Davutoğlu (*ibid.*) explains this criterion in this way:

“That person has a visa, which is credible for us. He has acquired a Schengen or a US visa or he has residence permit for long term. In addition, Turkish Airlines has issued a ticket to him. It is obvious that this person is not a random person. He is a person, who has acquired a visa from a country that asks for more conditions than Turkey.” (Quote # 5.3.2).

Besides these pre – borders, which do not seem to function as so, Turkey has two digital borders: POLNET and E – visa (www.evisa.gov.tr). These databases are integrated and POLNET is the main database checked by E – visa. POLNET is also known as Security Information System (*Emniyet Bilgi Sistemi – EBS*) and it is similar to EU’s SIS and SIS II (European Commission, 2006). It became operational in January 2002 and it is available at all border – crossing points. It includes 26 categories, which are called as projects by the Directorate of Security (Kocabal, 2003). POLNET “contains data on persons who are prohibited entry, persons with criminal records, international arrest warrants, as well as data on invalid passports” (European Commission, 2006: 8). The categories (programmes

or projects) of *GBT*, *Yabancılar*, *Tahdit* and *Yolcu Giriş – Çıkış* are related to foreigners.

GBT (*Genel Bilgi Toplama Sistemi* – General Data Collection System) keeps the records of Turkish National Police and Gendarmerie. According to the Directorate of Security in order to take preemptive and preventive precautions for the acts against the state's constitutional order and its general security; *GBT* includes the data of ex – convicts, of persons who committed crimes but could not be caught by the security forces, and of any kind of identity documents stolen or found (Bilgi Teknolojileri Dairesi Başkanlığı, 2013).

The category of *Yabancılar* includes the data of the all registered foreigners in Turkey.²⁰⁹ In addition to the information about their identities, this category also includes information about these foreigners' residence permits, visas, passports and points of entry. Data of asylum – seekers who have applied to the UNHCR in Turkey or whose statuses as refugees have been recognized by this body are also kept under this category.

Category of *Tahdit*, meaning restriction or restraint in Turkish, includes the data of persons who are restricted for entering or exiting Turkey, of persons who are persons of interest for the security forces, and the data of stolen or lost passports. *Yolcu Giriş – Çıkış* (Passenger Entry – Exit) records all data related to international travels. During the checks and controls made at the border – crossing points, the data of new travelers to Turkey are recorded under this category. This category and *Tahdit* are checked by the Passport Police and Gendarmerie at Turkey's all international border – crossing points - at airports and at border – crossing points on land and maritime borders. Similar to the previous category, this category includes the data of persons whose entry to and exit from Turkey are banned and it also includes the data about lost or stolen passports (*ibid.*). As foreigners recorded in *Tahdit* are not issued visas or they are refused entry at the border – crossing points, it is thought that there is a list of banned foreigners.

It has not been possible to acquire any information from the Ministry of Interior about the existence of such a list, the nationalities of the foreigners in it

²⁰⁹ These are the foreigners who are registered to the Foreigners Bureau of the Ministry of Interior

and the reasons for banning a foreigner and why they are thought to be detrimental for Turkey (Ministry of Interior, Answer to e – petition, August 20, 2013). However, three newspaper articles, written in different years in different newspapers give information about the list of foreigners whose entry to Turkey has been banned. The first article was published by *Hürriyet* (16/10/2005). It made news about a Turkish asylum – seeker, who sought asylum in Germany after 1980 coup in Turkey. Mehmet Asal, who was convicted for his ideological stance after 1971 coup, sought asylum in Germany and after he was removed out of Turkish citizenship for not serving his compulsory military service, he acquired German citizenship in 2004. The article notes that though he became a German citizen, he was denied entry to Turkey three times on the grounds that his name appeared under the category of *Tahdit*. The article gives rise to a thought that Turkish people, who were politically active in the 1970s and had to seek asylum in the European countries after 1980 coup have probably been listed as the people that might be detrimental for the constitutional order and general security. Secondly, *Today's Zaman* (24/01/2007) notes that 195.537 foreigners from 154 countries were banned for entry to Turkey. According to the article, there were authors, politicians and human rights activists among the banned people and it is implied by the article that they were banned either because they demonstrated support for PKK or because they criticized Turkey harshly for its approach towards the conflict in its southeast. The article noted that some Italian and Greek politicians, who had visited the PKK's Beqa'a camp as well as a film director and members of NGOs such as Reporters Without Borders were reported to be on the list. In addition to these people, who expressed their support for PKK, the list was reported to include foreigners such as Yasin al – Qadi, who was being investigated by US on the grounds that he had a link with the al – Qaeda. The third and the last article appeared recently on *Bugün* newspaper (16/03/2013). It made news about a list of banned foreigners and by referring to an unknown report, it informed that together with National Police and Governorships, Ministry of Interior banned the entrance of 641.852 foreigners to Turkey for various reasons. According to the article, the foreigners who were banned were

Intelligence Service agents of other countries, foreigners with contagious diseases, smugglers, prostitutes and human smugglers. The main motives for banning their entrance to the country were enumerated as general security, irregular work, lack of financial means, smuggling, acting contrary to general public morality (*genel ahlak*), having been deported from Turkey before, extradition of criminals, general public health, being a tramp or beggar. The article informed that entrance of 66.755 foreigners to Turkey were permanently banned on the grounds that they were perceived detrimental to national security, while 554.156 foreigners were banned temporarily. According to the article, Georgians made up the most banned group with a number of around 35.000. More than 30.000 of them were banned entry because of acting contrary to general public morality and health (*ibid.*).²¹⁰ Following these lines, it is understood that category of *Tahdit* has taken reference from the Passport Law No. 5682 in determining the categories of foreigners who are going to be banned. As the new Law, Law No. 6458 on Foreigners and International Protection sustains the categories of foreigners who are banned entry to Turkey, it can be said that these categories of banned people will continue to remain within the Category of *Tahdit*. National police will continue recording foreigners who are perceived detrimental to Turkey within this category and these people are going to be refused entry. As foreigners recorded in *Tahdit* are not issued visas or they are refused entry at the border – crossing points, it can be said that via *Tahdit*, POLNET constitutes a digital border against the movement of foreigners into Turkey.

The other database - www.evisa.gov.tr is administered by the Ministry of Foreign Affairs. It has become operational very recently on April 17, 2013 and it is expected to compile all short – term visa applications and lower the work load of the diplomatic and consular missions of Turkey regarding short – term visa applications, processing and issuance (Naci Kuru, Press Conference Concerning Electronic Visa, April 24, 2013). It is understood that E – visa is

²¹⁰ 487 Georgian nationals were banned from entry because of court orders; 142 of them for not being Meshketian Turks as they claimed to be; 5 of them for being B-girls; 488 of them for being wanted by Interpol, 1300 of them because their residence permits were cancelled; 377 of them for committing marriage frauds and 913 of them for not having proper addresses in Turkey (*Bugün*, 16/03/2013).

integrated with POLNET and it questions the related categories before issuing an *e – visa*. As Mr. Ahmet Davutoğlu, Minister for Foreign Affairs, explained:

“Directorate of Security gave access to Ministry of Foreign Affairs to its data and database. Ministry of Interior told that it could protect the security of its country at ease. Government institutions are working integratively in this structure [*e – visa*]” (Press Conference Concerning Electronic Visa, April 24, 2013). (Quote # 5.3.3).

The physical borders make up the last layer of borders against the movement of foreigners. Turkey has a 6.530 km of coastline at Mediterranean, Aegean and Black Seas and it has 2.949 km of land borders, shared by 8 different countries, among which Schengen Member States, non – Schengen EU Member States and non – EU, south Caucasian and Middle Eastern states exist. On the west, Turkey has borders with Greece (203 km) and Bulgaria (269 km), while on the east it borders to Georgia (276 km), Armenia (328 km), Azerbaijan (Nakhchivan, 18 km), Iran (560 km), Iraq (384 km) and Syria (911 km). On these physical borders, Turkey has 142 border – crossing points, 131 of which are currently active. Turkey has 7 railway, 50 air, 59 maritime and 26 land border – crossing points, where authorized entry into the Turkish territory takes place.²¹¹

Physical borders – Land (green) and maritime (blue) – are governed by two Laws; Law No. 3497 of 1988 on the Protection and Security of the Land Borders and Law No. 2692 of 1982 on the Turkish Coast Guard Command. The aim of the Law No. 3497 is to protect and ensure the security of the land borders of Turkey. In order to fulfill this task, Land Forces Command prevents trespassing of persons in the form of entry and exit along the customs line and in the first degree military restricted area; it keeps track of and catches the perpetrators of the crimes, committed in the first degree military restricted area; it takes the necessary legal actions against these perpetrators and it delivers these persons to the local security forces. In addition to these Land Forces Command applies the Law No. 4104 of 1941 on Asylum – Seeking of Combatant Foreign Army Members to the

²¹¹ Akyaka (Kars - Armenia) railway border – crossing point; Çanakkale and Bozyazı (Mersin) maritime border – crossing points; Sinop and Gaziemir (İzmir) air border – crossing points and Çıldır Aktaş (Ardahan – Georgia), Şemdinli – Derecik (Hakkari – Iraq), Çukurca – Üzümlü (Hakkari – Iraq), Şenyurt (Mardin – Syria), Mürşitpınar (Şanlıurfa – Syria) and Gülyazı (Şırnak – Iraq) land border – crossing points are currently inactive (Border Management Bureau, Ministry of Interior, March 26, 2013).

foreign army members, who cross borders to seek asylum in Turkey; takes the weapons and ammunition of other refugees and delivers them with these weapons and ammunition to the relevant authorities.

Blue borders, on the other hand, have been regulated by the Law No. 2692 of 1982 on the Coast Guard Command. Law No. 2692 has assigned the responsibility of protecting and securing all coasts, territorial waters and internal waters to the Coast Guard Command which functions under the authority of Ministry of Interior Affairs during the peacetime. Coast Guard Command has many duties to fulfill in ensuring the protecting and security of the blue borders. The Law explains only one of them clearly: preventing any kind of smuggling over seas. Apart from this, it refers to many other Laws including Passport Law No. 5682 of 1950 and Law No. 5683 of 1950 on the Residence and Travel of Foreigners in Turkey and notes that Coast Guard Command is responsible for monitoring and preventing the acts contrary to these Laws, for catching those criminals, for taking the necessary legal actions and delivering the persons involved to these acts to the authorities. Though the new Law No. 6458 on Foreigners and International Protection is replacing the Laws No. 5682 and 5683, up until now, these Laws and their inadmissible categories guided the Coast Guard Command in protecting Turkey's blue borders and preventing entrance of foreigners.

On the east, Armenia's refusal to recognize the 1921 Treaty of Kars and its refusal to accept Turkey's territorial integrity in addition to the exacerbation of the conflict between Armenia and Azerbaijan in Karabakh, led Turkey to seal its borders with Armenia in April 1993. Turkey has closed the Dogu Kapı / Akhourian border – crossing point and it put an end to direct land communication between the two countries (Tocci, *et al.* 2007, p. 2).²¹²

²¹² Though both countries recognize each other, there is no diplomatic relations between them. Despite the attempts in the late 2000s, Turkish – Armenian border remains closed. According to the answer of the Minister for Foreign Affairs, Ali Babacan, to a written questionnaire about Turkish – Armenian border, the border remains closed not only because of the Karabakh dispute, but also because of the Armenia's hostile attitude towards Turkey, its support for the Armenian Diaspora, which is struggling to make third country parliaments to recognize 1915 events as 'genocide', the reference to Turkey's Eastern Anatolian region as 'Western Armenia' in Article 11 of Armenia's 1990 Proclamation of Independence and the existence of Mountain Ararat in the

Turkey's borders to Georgia have been marked by relatively high cross – border trade since the early 1990s. Sarpi border – crossing point is the main border gate along this border and high – volume of entry and exit of travelers and exportation of goods are reported to exist (Report of the Committee of Parliamentary Inquiry on Border Security Measures and Precautions (20/11/1996)²¹³). In 2009, Sarpi border crossing point was renovated. In its opening ceremony, Mr. Recep Tayyip Erdoğan, Prime Minister of Turkey, explained the function of these borders and he expressed that his government wanted to facilitate movement of people through these borders:

"This border, which had separated our nations for 70 years, turned into a bridge of friendship where our peoples could embrace after Georgia gained its independence. This virtual portal should not remain a gate of formality; our people should easily pass through this border. We should quickly eradicate all bureaucratic obstacles to this," (Today's Zaman, 06/03/2009)

Turkey's borders with Syria have been demarcated by the Border Agreement of October 20, 1921 between France and Turkey. As a result of the conflict in Syria which began in March 2011 and escalated to a civil war in September 2012, tensions remain high along the Turkish – Syrian border. In July 2012, Turkey sealed its borders with Syria except refugees. Since the beginning of the conflict more than 320.000 refugees crossed the border and registered to the camps (UNHCR, 2013c).²¹⁴ Turkey's military has had to strike targets on the Syrian territory from time to time since October 2012.²¹⁵ The current relations at the border are very tense but problems have always existed. According to the Report of the Committee of Parliamentary Inquiry on Border Security Measures and

Coat of Arms of Armenia (Armenian Constitution, Article 13, paragraph 2) (Answer to the Written Questionnaire No. 7 / 580, December 31, 2007). According to the Minister, all these factors raise questions whether Armenia recognizes Kars Agreement, which demarcated Turkish – Armenian border in 1921.

²¹³ Konya Milletvekili Mustafa Ünalı ve 18 Arkadaşının Hudutlarımızın Güvenliği Konusunda Alınan ve Alınması Gereken Tedbirleri Araştırmak Amacıyla Anayasanın 98 inci, İçtüzüğü'nün 104 ve 105 inci Maddeleri Uyarınca Bir Meclis Araştırması Açılmasına İlişkin Önergesi ve (10/7) Esas Numaralı Meclis Araştırması Komisyonu Raporu, www.tbmm.gov.tr

²¹⁴ Turkish government estimates that the total number of Syrian asylum – seekers in Turkey is more than 400.000 (UNHCR, 2013c).

²¹⁵ In October 2012, when a mortar bomb fired from the Syrian territory killed five Turkish citizens and Turkey's army struck targets in Syria as a response. Since then no bomb has been fired to Turkey but from time to time mortar bomb shells fell into the Turkish territory. Military responds them immediately. The very last unfortunate event was the explosion of a minivan at the Reyhanlı border – crossing point in February 2013. Nine people died at the border – crossing point.

Precautions (20/11/1996) Syria did not recognize the borderline with Turkey. The Report continued to note that the border area between two countries had been laid mines and ‘the key’ showing whereabouts the mines had been laid was lost. Because of the land mines, Turkish Security Forces were not able to reach to the border and control the border marks and Syria claimed right on this mined land.²¹⁶ Moreover, the Report highlighted that more than 20 PKK training camps existed very near to the borderline and that PKK terrorists had de-mined a specific part of this mined land, from where they were able to enter to the Turkish territory at ease without the control or detection of the Turkish Security Forces. Though de – mining of the land along the border has been discussed in the Parliament several times, no action has been taken up until the conflict broke out in Syria. The other reported problem along the border is smuggling. Fuel, tobacco and arms are the most commonly smuggled goods along this border.

Turkey’s mutual borders with Iraq are 384 km long and the borderline has been determined or settled by the Treaty of Ankara, which was signed on June 5, 1926 between Turkey, Iraq and UK. Kurdish people inhabit on both sides of the Turkish – Iraqi border and the borderline passes through an isolated, mountainous region. According to the Report of the Committee of Parliamentary Inquiry on Border Security Measures and Precautions (20/11/1996), these geographical and also climatic conditions along the border made controlling it a very difficult task. However, the situation got worse when the Iraqi government lost control over northern Iraq after the developments in Iraq in the early 1990s. As a result of the lack of authority in northern Iraq, PKK found refuge in this area and set up training camps. The main problems along this border have been infiltration of PKK terrorists and smuggling. As the Report of the Committee of Parliamentary Inquiry on Border Security Measures and Precautions (*ibid*: 7) notes, Turkey was not able to provide border security at a satisfactory level:

“...[It is understood] that the geographical structure and climate conditions of the entire Iraqi border pose greater difficulties compared to other border

²¹⁶ According to the Report of the Committee of Parliamentary Inquiry for the Border Security Measures and Precautions (20/11/1996) the land mined area is 140.000.000 square km. and along the Turkish – Syrian border, there were 469 border marks. 7 of them were in good condition, 25 of them were broken and 437 of them could not be controlled because of the land mines.

regions, and that most of the force has to be reserved to the massive struggle with internal security and terrorism in Eastern and Southeastern Anatolia, that there is a power vacuum in Northern Iraq and that other bordering countries do not attach the necessary importance to border security and that the border security is not ensured at desired levels due to the smuggling activities between our country and neighboring countries as a result of economic disparities.” (Quote # 5.3.4).

Besides providing physical security systems, land mines and technical equipment such as thermal cameras and high – technology radar systems, the Report also recommended building several dams along the border to transform a large percentage of it to a natural border in order to prevent infiltration by PKK terrorists. Moreover, the Report also noted that evacuation of villages, which were near to the border but far from the border – posts, was necessary.

During the 1990s and in the early 2000s, Turkish – Iraqi border was on the news with cross – border land and air operations of Turkish security forces. As it is also explained in the quotes above, Turkish security forces’ efforts for closing the border and hunting down the terrorists were in vain as the region was highly mountainous. Therefore, despite the protests and condemnations from the Iraqi governments, Turkey has conducted numerous cross – border land and air operations to Iraq between 1990 and 2010 (NTVMSNBC, 22/02/2008; Today’s Zaman, 2/12/2012). Upon a call from their leadership, PKK has started to retreat its forces from Turkey since May 2013, however clashes continue to occur especially along the borderline from time to time. The other problem along the Turkish – Iraqi border is smuggling. According to Department of Smuggling, Intelligence, Operations and Information Gathering, fuel smuggling is the most common type of smuggling along this border (Kaçakçılık İstihbarat, Harekat ve Bilgi Toplama Dairesi Başkanlığı, 2011).

Turkey’s borders with Iran have been demarcated very early between the Ottoman Empire and the Safavid Dynasty by the 1639 Kasr – ı Şirin Agreement. There have been minor changes, but in general lines, the borders are still located where they have been demarcated by this Agreement. Likewise Iraqi border, mainly Kurdish people inhabit on both sides of the Turkish – Iranian border. On September 15, 1992, Turkey and Iran signed a Memorandum of Understanding in order to ensure the security of their mutual borders. In line with the third article of

this memorandum, Governors of the cities sharing this mutual border – Governors of Ağrı, Van and Hakkari from Turkey and Governors of Tabriz and Urmia convened once in every three months and discussed the matters related to the border. According to the Report of the Committee of Parliamentary Inquiry on Border Security Measures and Precautions (20/11/1996: 6), although the Iranian side was persuaded to take the necessary measures in order to prevent the irregular border – crossings by Iranian and third country nationals – “Bangladesh, Pakistan, Afghanistan, etc.” and infiltration of PKK terrorists, volumes of both types of border – crossings were increasing in 1996. According to the Report (*ibid.*), due to the geographical and the climatic characteristics of the land where the borders are located, Turkey was having difficulties in controlling and managing its borders with Iran. In those years the main problems at the Turkish – Iranian border were smuggling, irregular border – crossing by smugglers and the infiltration of PKK terrorists. In 2003 Turkey and Iran agreed to cooperate against terrorist movements along their mutual borders (Habibi, 2003). However, despite the efforts, it is still very difficult to control the border (Interview notes with Mr. Ömer Faruk Gültekin, October 5, 2012). Smuggling of everything, including humans, is an important economic activity along the border. Most commonly smuggled goods are livestock and fuel. Moreover, 80% of all drugs that reach Europe transit Turkey – entering the country primarily from Iran into Hakkari and Van districts (United Nations Office on Drugs and Crime, 2010).

The borderline between Turkey and Bulgaria amounts to 269 km. Currently, there are three border – crossing points on the border: Malko Tarnovo – Dereköy, Svilengrad – Kapıkule and Lesovo – Hamzabeyli. In the 1970s and 1980s, this border was marked by the cross-border movement of Bulgarian Turks, who had been fleeing from the authoritarian regime in Bulgaria. These movements made a peak in 1989, when Bulgaria, under the authoritarian rule of Todor Zhivkov, expelled Bulgarian Turks to Turkey.²¹⁷ In early 2000s, the

²¹⁷ Bulgarian Turks were left to the border by trains and they were forced to cross the border. That year only within three months half a million Bulgarian Turks are believed to cross the border. In a couple of months the regime has changed in Bulgaria and transition to democracy and free market economy has taken place.

country has opened a new page for itself by following the EU accession path. Since then, the relations between Turkey and Bulgaria are marked by regional cooperation. Since 2005, governments have been working together to construct 15 border – crossing points more along the border. Though Bulgaria is an EU Member since 2007, it has not joined to the Schengen Area yet. The country hopes to join the Schengen Area, however, the officials fear that joining the Schengen Area will attract irregular migrants from Turkey and from other countries transiting Turkey. That is why, by the help of the EU, Bulgaria is upgrading its Soviet – era border control systems by “pumping technological resources to fortify border controls” and by “placing infrared cameras along the border” (Hilton, 2011).

Turkey shares 216 km – long borders with Greece. Only 13 kilometres of this border are land borders, the remaining part is a natural border, formed by River *Evros*, which meanders in Thrace for 480 km. There are two border – crossing points along the border: Pazarkule – Kastanion and Ipsala – Kipi. Greece is an EU Member since 1981 and it has been in the Schengen Area since 2000. In recent years, largely as a result of these memberships, Turkish – Greek borders have been in the news about the irregular cross – border movements by third country nationals. According to the 2012 Annual Risk Analysis Report of FRONTEX (2012a: 18) “irregular migration pressure on EU’s external borders has increased especially on the Western Mediterranean Route, where Turkey and Greece lied” and irregular border crossings increased 369 % at Greece’s land border with Turkey in 2010. Furthermore, according to Mr. Roman Fantini (Senior Strategic Analyst at FRONTEX), in 2011, 9 out of every 10 irregular migrants, who arrived to the EU by crossing its external borders irregularly, entered from Turkish – Greek borders (Interview notes, May 9, 2012).

As the Report of the Committee of Parliamentary Inquiry on Border Security Measures and Precautions (20/11/1996) show, irregular border – crossings from Turkey to Greece is not new and it has long been the main problem along this border. Quoting from the Commander of the 3rd Mechanized Division, which was responsible for controlling 296 km western land borders (80

km of Turkish – Bulgarian border and 216 km long – Turkish – Greek border), the

Report notes:

“[It is stated] that this is the ideal border for the citizens of states like Bangladesh, Pakistan, Iraq, Syria, Iran who enter Turkey by various means to cross over to European Community countries and that these acts of passage have created a business sector in Istanbul with an emerging class of experts and brokers in the field among whom there might be terrorists and smugglers, that the guides who operate the passage and those who own land in border regions earn a generous income from this business, that the passage is conducted be by dry land or by boat over the river Maritsa, that the active fisheries in the Maritsa river ease the passage, that the terrorists who are on the way to the PKK camps in Greece also employ this path, that the presence of villages very close to the border both in Greece and in Turkey facilitate the process, that sometimes Greece hurls the citizens of countries like Bangladesh, Pakistan, Iraq and Iran into Turkey, that this always prepares the atmosphere for conflict and, that the lodging and subsistence of these people - whose numbers total up to thousands - after they are caught cause major problems and that they threaten our battalions and forces with the diseases they are infected with and in terms of intelligence.” (Report of the Committee of Parliamentary Inquiry on Border Security Measures and Precautions, 20/11/1996: 11) (Quote # 5.3.5).

In order to overcome these problems and to control this border effectively, the Report proposed several measures such as preventing these people in Istanbul or in other cities before they reached to the border, preventing their entry to Turkey via visa regime or other means in the first place, prevention of irregular border – crossings at eastern borders, expropriation of privately owned territories along the borders, penalization of citizens guiding irregular migrants and aggravating the penalties for contrariety to the Passport Law, etc. (*ibid.*).

The main problem remains to be irregular border – crossings by the third country nationals and Turkish nationals at this border. After 16 years of the submission of the Report of the Committee of Parliamentary Inquiry on Border Security Measures and Precautions, Mr. Roman Fantini (Interview notes, May 9, 2012) described the same problem along this border:

[From time to time we have high flows in other Mediterranean states. Turkey – Greece border is always high and it has started to increase. [...] Volume of the flow passes from Turkey – Greece never decreases. Other routes are declining. Sea routes from Northern Africa to Spain and Italy shifted to land borders, to Greece – Turkey borderline. More than 11.000 people were detected only in previous 4 months (January 1, - April 30, 2012) (Interview, May 9, 2012)].

Fantini (*ibid.*) pointed Turkey's visa policy and the expansion of Turkish Airlines for the increase in the volume of irregular border – crossings along Turkish – Greek border. In his view, would – be irregular migrants were also getting help from the local people:

[Visa policy of Turkey – This is the main problem. Some nationals, who are at the black list of the EU, can easily enter Turkey and try to attempt Turkey – Greece border. These people can come to Turkey legally. Then they try to pass the borders. They land to Atatürk Airport and take a trip to Edirne, just 3 hours. There are cafes at Edirne. They go to these cafes and ask for help. Even the local people show them how to or from where to pass. It is so easy. Massive expansion of Turkish airlines [means] more flights to more distances. They are cheap flights. It also affected the volume (*ibid.*)]

He also underlined that Turkey did not have enough infrastructure such as detention centers to deal with the phenomena:

[You have to have a system to identify people, call their consulates. You do not have detention. You release people. [...] Turkish gendarmerie says that they often detect the same people 3 times. If you do not have infrastructure, you release them. Thermo vision cameras and everything, do not mean anything if you do not have enough system (*ibid.*)]

According to Mr. Roman Fantini (*ibid.*) for all these reasons, “transiting Turkey is so attractive” for the irregular migrants and they are heading towards to the Turkish – Greek border. In line with this problem of irregular border – crossing mainly by irregular migrants, Greece requested the assistance of FRONTEX's Rapid Border Intervention Teams (RABIT) in October 2010 and it also started to build a fence wall (4 meters high, 12, 5 km long) to its 13 km – long land border with Turkey (Europa, 2011b; BBC News, January 4, 2011). Greece completed building the fence wall in December 2012, when it also started to dig 6 meters – deep, 30 – meters wide, 120 km – long, water – filled trench along its border with Turkey, which is demarcated by Evros.

Following these paragraphs, firstly, Turkey's visa regime does not function literally as a pre – border against the movement of foreigners. Short term

visa regime of the country, in particular, is highly liberal. Nationals of many countries are either exempt from visa or they enter Turkey via facilitated arrangements. Moreover, it should be noted that in many developed countries and in the emergent EU region – state, the pre – borders function in the home country of the visitor, way before he begins his journey. Contrary to this general practice, currently, majority of the foreign visitors obtain their visas at the border – crossing points, after their arrival to the Turkish territory. Furthermore, the Ministry of Foreign Affairs (2013d: 2) expresses that they aim to “to facilitate the entry of foreigners to Turkey”. In line with these, it seems indisputable that Turkey does not employ visas and visa procedures to read the intention of foreigners and thereby detect and filter them. In that respect, visas and visa procedures do not constitute a border against the movement of foreigners into its territory. In addition, Turkey does not apply sanctions to the carrier companies. Following these lines, it can be said that though Turkey has the means, it does not operate them to function as pre – borders against the movement of foreigners into its territory.

While Turkey’s visa regime and visa procedures do not function as detecting and filtering mechanisms in other words as a layer of pre – borders; with its category of *Tahdit* and with the lists of foreigners in it, Turkey’s Security Information System, the POLNET does function as a digital border against the movement of foreigners. Foreigners listed within this category are not issued visas and if they come from a country, nationals of whom are exempt from visa in entering Turkey, they are refused entry at the border – crossing points. Therefore, it can be said that Turkey has digital borders against the movement of foreigners into its territory.

Lastly, Turkey has physical borders against the movement of foreigners into its territory. Along these borders, irregular border crossings by foreigners take place at the borders with Iran, Iraq, Syria, Greece and Bulgaria. While the main problem along the borders with Bulgaria and especially with Greece is the irregular border crossings by third country nationals from Turkey; irregular border crossings by PKK terrorists and smugglers into Turkey make up the main problem

along the borders with Iran, Iraq and Syria. In the last decade, especially after being recognized as an EU candidate, Turkey has stepped up its efforts to prevent irregular border crossings by third country nationals from Turkey into Greece and Bulgaria. However, according to FRONTEX Annual Reports, the majority of the irregular border crossings into the EU (9 out of 10 for 2012) take place along the borders, between Turkey and Greece. Many would – be irregular migrants, who want to enter to the EU and continue to Western European Member States without coming across any border controls and checks try to cross these borders. On the other hand, along the eastern borders with Iran, Iraq and Syria, Turkey has taken many measures since late 1980s in order to prevent infiltration of PKK terrorists and irregular border crossings by smugglers. However, as Ömer Faruk Gültekin (October 5, 2012, interview notes) explains, Turkey faces many difficulties in managing its borders.

5.4. BORDERING AGAINST WHOM? WHY?

Borders can become impediments to all kinds of movement. However, in reality, borders are erected for the movement of people, not for all of them, but for some of them. In Turkey, there are first layer of pre – borders, there are physical borders and there is a network of digital border: POLNET. Though Turkey has multi – layered borders, it does not seem to erect its borders against the movement of foreigners. However, the words of Ahmet Davutoğlu (Press Conference Concerning Electronic Visa, April 24, 2013) in presenting *e – visa* is illuminative: “Persons, whose travels to Turkey are detrimental, must be prevented from entry”. Who were considered to be detrimental and thereby refused entry or in other words which groups of foreigners were considered to have *mala fides* in entering Turkey and thereby bordered against and othered in the period between 1990 and 2010 is main question of this section.

As the related speeches of Ministers for Foreign Affairs and of Interior, who served in Turkey in the period between 1990 and 2010; the legislation on borders and their management reveal, with all these layers, Turkey’s Border

Policy tried to eliminate threats to political regime, to Turkey's territorial integrity, to general public morality and to familial structure in Turkey. In line with these guidelines, Turkey's borders tried to prevent primarily PKK terrorism, smuggling and prostitution. In this respect, it tried to erect restrictive borders for the foreigners who might involve in these acts in Turkey but at the same time, as its visa regime showed, it wanted to establish lax borders for the foreigners who would enter Turkey for touristic or business purposes. In line with these, as the examination of parliamentary speeches, reports, interview notes and Passport Law and Law on Foreigners show while foreigners who were perceived as tourists and businessmen were Turkey's *bona fide*, foreigners, who were perceived as detrimental to its political regime and territorial integrity and to general public morality, were its *mala fide* people during the two decades between 1990 and 2010.

In 1993, Turkey has updated its 'security concept'; it removed Greece from the first place and put PKK at the top of the list of security threats (MP, Metin Ergun, 13/07/1999). The parliamentary debates, speeches and answers of the Ministers for Foreign Affairs and of Interior also showed that the main security risk of people who were perceived detrimental to Turkey were those who were affiliated with PKK. In that sense, foreign politicians, journalists, NGO members who seemed to support PKK and criticized Turkey for its actions against PKK terrorism were bordered against at Turkey's pre – and digital borders. In addition to these, any one including former Turkish nationals were bordered against if it is perceived that they might become involved with PKK terrorism.

Secondly, it is inferred from the speeches, newspaper articles and parliamentary debates between other MPs and also from the former Passport Law and the Law No. 6458 on foreigners, people who behaved contrary to general public morality or who were perceived to behave so in the future, were also bordered against at its pre – and digital borders. Who were these people? As it is understood from the debate on Sarpi border crossing point and news paper articles these were foreign women coming mainly from CIS*. It should be underlined that women coming from Turkic Republics and Azerbaijan were almost always

excluded in these discussions while the women coming from Georgia, Romania, Russian Federation, Moldova and Ukraine were raised as disrupters of general public morality and Turkish familial structure. It is understood that women coming from Turkic Republics and Azerbaijan were excluded due to their ethnic and religious identities. However, it is intriguing to see that women coming from Armenia, religiously and ethnically different from Turkey, were not mentioned in any of these debates. Following these lines, also keeping in mind the dissolution of Soviet Union and the economic difficulties caused by it in the emerging CIS* countries during the 1990s, it can be said that in general lines, women coming from poor non – Muslim and non – Turkic countries in Turkey’s neighborhood were also bordered against up until mid 2000s. All of these women no matter which country they were coming from called as ‘*Nataşa*’ and they were labeled as prostitutes in the public. Interestingly, by and after mid – 2000s upon official requests from the Russian governments for not using ‘*Nataşa*’ in the media and economic recovery in Russian Federation, which increased Russian tourists, resulted in a kind of de – bordering against women coming from this country (Hürriyet 14/03/2001; 02/02/2002). In order to support tourism sector and increase cultural interactions, Turkey has signed visa – free agreement with Russian Federation in 2010. Since April 2011, citizens of Russian Federation are exempt from visa in their travels to Turkey. Similarly, Romania became an EU Member in 2007 and economic and social conditions of the country changed. However, as it is reported by the *Bugün* newspaper (16/03/2013), Georgians - women are still on top of the list.

While these groups of people seemed to be bordered against at the pre – and digital borders of Turkey, at its physical borders – those with Iraq, Syria and Iran come forward in all discussions – PKK terrorists and smugglers became the foci of bordering process in Turkey. Irregular border – crossings by these groups were tried to be prevented at the physical borders. Here, it has to be pointed out that, these borders are amid the living space of the Kurdish people. Moreover, not only both sides of these borders are inhabited by Kurdish people but also in most of the cases, these people are relatives. It is understood that this fact has been seen

as the root cause of the problems along these physical borders. In confirming this line of reasoning, Department of Smuggling, Intelligence, Operations and Information Gathering explains the existence of relatives on both sides of the border as one of the reasons for smuggling along the borders:

“The fact that the residents of the border regions where smuggling is widespread have relatives living in both sides of the border and that smuggling is facilitated by this way adds a trade dimension to the relation of kinship.”(Kaçakçılık İstihbarat, Harekat ve Bilgi Toplama Dairesi Başkanlığı, 2011: 3) (Quote # 6.3.6).

Similarly, the words of Minister of Interior Abdülkadir Aksu (06/02/1990) on Turkish citizens living in Uludere, district of Şırnak, bordering city to Iraq, worth to be recalled:

“Due to the characteristics of the region, our citizens have been visiting their relatives across the border regularly for a long time. [...] It is reported that a total of 47 people from 4 families from the Kayadibi area of the Taşdelen village in the town of Uludere have left this area in December 1989 while some went to Iraq. Similar incidents happen when some Iraqis illegally cross the border, reside in some cities and go back. Naturally, these illegal acts of trespassing are very seriously considered. Declarations by some citizens who still reside in the Kayadibi area depict that these people are loyal citizens to the state and have no intention of leaving their village while these declarations have also pointed out to the structural problems troubling lives in this area which the State of Emergency Governorship was informed. Esteemed representatives, we are of the conviction that we fulfill our duty in the struggle against the terrorist elements acting as tools of complex ideological frameworks terrorizing the regional population in the rural regions by taking utmost advantage of the terrain of our Southeast provinces.” (Abdülkadir Aksu, Minister of Interior, *TBMM Genel Kurul Tutanağı*, [18. Dönem, 40. Cilt, 73. Birleşim] 06/02/1990: 288) (Quote # 6.17).

It is understood from this quote that Ministry of Interior was trying to keep the record of irregular border crossings of not only nationals of neighboring countries but also Turkish citizens living in the bordering region as far as possible. Moreover, it is intriguing to see that especially in the early 1990s, these irregular border crossings from both sides to visit relatives or for long term stays were questioned by the state authorities in order to understand whether the visitors, from both sides, were affiliated with PKK or not. It is inferred from the words of the Minister, Abdülkadir Aksu that while nationals of neighboring countries were checked whether they were involved in PKK, Turkish visitors were checked out

whether they were ‘loyal citizens to the state’. Following these lines, it can be said that at its physical borders, Turkey approached Iraqi, Syrian and Iranian nationals having Kurdish origin with mistrust and as they were perceived as either perpetrators or collaborators of PKK terrorism and / or smuggling, Turkey tried to border against them and it othered them.

Compiling all these discussions, in the period between 1990 and 2010, bordering processes of Turkey targeted three main groups of people. Firstly, Turkey erected its borders to filter and to prevent the entrance of foreign nationals who supported PKK and criticized its actions and policy against PKK. Secondly, especially during the 1990s, Turkey tried to filter women coming from poor non – Muslim and non – Turkic neighboring countries on the grounds that they might behave contrary to general public morality. Thirdly, Iraqi, Syrian and Iranian nationals having Kurdish origin were tried to be bordered against and their irregular border crossings were tried to be prevented at the borders as they were believed to be either perpetrators or collaborators of PKK terrorism and / or smuggling. Following these lines, in line with the updated ‘security concept’ of the country, it would not be wrong to say that foreign nationals who were believed to be associated with PKK terrorism were the primary *mala fide* people for Turkey in the period between 1990 and 2010. However, in addition to these people, poor women from non – Muslim and non - Turkic neighboring countries seem to be the secondary *mala fide* for Turkey.

Considering general preconditions explained in the previous pages, it is thought that the primary factors for driving Turkey to undergo such a bordering process against these groups of people are those discussed under the title of ‘Making of Turkey’. Turkey has border – disputes with its neighbouring countries, which also came out of the Ottoman Empire. It is understood from the Report of the Committee of Parliamentary Inquiry on Border Security Measures and Precautions (20/11/1996), Syria was reluctant to recognize the 1921 Border Agreement and similarly Armenia sees Turkey’s eastern region as Western Armenia. Moreover, PKK, a secessionist and separatist terrorist organization, aimed for Kurdish independence first and later autonomy for the Kurds living in

Turkey since 1984 and Turkey has been trying to end PKK terrorism, with numerous measures including conducting cross – border operations and declaring State of Emergency Rule in eight provinces. In line with these problems and disputes, physical borders were discussed mainly within the framework of state of emergency, and the main issues in these discussions were infiltration PKK terrorists, sudden attacks to border – posts and cross – border operations. The references given by the Ministers of Interior to *Misak – Milli* borders, ‘the indivisible unity of Turkey’s territory’, ‘Turkey’s territorial integrity’, ‘inalterability of borders’ and ‘international recognition for Turkey’s borders’ in their speeches related to physical borders also confirms this line of reasoning. Due to the PKK problem in Turkey and because of the problems with the neighbors, it is inferred that the main concern at the borders is to protect the ‘territorial integrity’ of Turkey. This concern guided the bordering process in Turkey in the period between 1990 and 2010 and people who were thought to be associated or affiliated with PKK became number one *mala fide* people for Turkey. As the main concern at the borders was protecting the ‘territorial integrity’ of Turkey, it is believed that making of Turkey has still been an undergoing process that is why the factors discussed under this general precondition dominated the bordering process.

Secondly, geographical factors are believed to be influential in the bordering process of the country. Its geographical location made it a threshold as well as a transit country for all kinds of smuggling and trafficking. Moreover, as a result of its geographical location Turkey was one of the most affected countries from the dissolution of the Soviet Union, which transformed the economic, social and political structures of the neighboring countries and made Turkey a transit and a destination country for their nationals. Moreover, difficult geographical and climatic conditions especially at the eastern and southeastern borders have always affected border management negatively. When combined with PKK terrorism, these conditions aggravated the circumstances and despite the transfer of more security forces, Turkey was not able to manage these borders effectively.

Thirdly, not the demographic conditions but the economic ones were influential. During 1980s and 1990s tourism was the main driver of economic growth in Turkey. In those years, especially in the early 1980s, tourism revenues made up almost one tenth of Turkey's GDP. Thus in aiming to attract tourists, Turkey tried to smooth the way for them to come to the country. A restrictive visa regime would hamper this strategy. With the motivation of attracting more tourists, Turkey has followed a very liberal visa regime – nationals of many countries have been exempt from visa in entering Turkey and many of them from other countries have been able to acquire their visas at the border gates. These visa facilitation arrangements have been made with so many countries that it has not been possible to find out a common denominator among them. As it is seen from the tables above, nationals of European Union countries and neighboring countries are either exempt from visa or they benefit from visa facilitation arrangements. Similarly, citizens of Japan, US, Canada, Australia and New Zealand benefit from visa facilitation arrangements. These visa facilitations are not in place only for the countries with high GDP and GNP levels, nationals of North African countries with low levels of GDP and GNP also benefit from similar visa facilitation arrangements. Following these lines, it is thought that the underlying idea of visa exemption and visa facilitation is to attract tourists, visitors and also businessmen from these countries as far as possible.

While the factors told under the 'making of Turkey', 'geography' and 'economy' were influential, the factors told under 'migration dynamics' and 'EU candidacy' do not seem to affect the bordering process of Turkey in the period between 1990 and 2010. Though Turkey increasingly features the characteristics of an immigration country, targeted especially by a high number of irregular migrants, irregular migration does not exist in the political agenda of the government. Interview notes with police officers dealing with foreigners in Istanbul and with the experts in Migration and Asylum and Border Management Bureaus revealed that neither irregular migration nor border crossings by would be irregular migrants has been a priority for Turkey. None of the interviewed police officers or government officers thought that international migration in

general and irregular migration in particular was an important phenomenon for Turkey that should be controlled and prevented. In addition to this, none of them mentioned about the borders – any of them – as a controlling mechanism before they were asked. Following these lines, it can be clearly noted that migration dynamics in Turkey was not an influential factor in guiding Turkey's border policy and in the bordering process in the country in the period between 1990 and 2010.

The factors discussed under the EU candidacy are also believed to be uninfluential in guiding Turkey's border policy and the bordering process in this period. Turkey is a candidate country and in the event of its accession, its eastern borders will be the most eastern border of the EU. Moreover, its airports will give access to the EU area – though not to the Schengen Area in the short run. Chapter 24 – Justice, Freedom and Security has not been opened, yet. Though there has been work in progress, it would not be correct to say that Turkey's border policy and its bordering process against the movement of foreigners have taken shape in accordance with those of the EU. In other words, EU candidacy and accession process have not been influential in guiding Turkey's border policy and its bordering process.

EU accession process fell short of influencing these processes in Turkey, primarily because Turkey has had different problems especially along its physical borders. Secondly, though it has been clearly known that EU's number one priority has been the prevention of irregular migration and irregular migrants and the officials were trying to prevent irregular border crossings by those people, as a result of the inexistence of a credible membership perspective and the existence of problems in the accession process, the chance of Turkey for becoming a part of EU region is considered to be very less.

Following these lines, national matters in particular those about the well being of the political regime and the integrity of Turkey's territory marked the Turkey's border policy and its bordering process in the period between 1990 and 2010. In line with this while the factors discussed under the general preconditions 'the making of Turkey', 'economy' and 'geography' have become influential

factors in these processes. The main focus of Turkey’s border policy was on its physical borders, especially on those at its east and southeast. While border policy was geared towards preventing PKK terrorism and smuggling along the physical borders; at pre and digital ones, it tried to prevent the entrance of people who similarly might endanger national security and general public morality. In line with this priorities or guidelines; Turkey’s *mala fide* people became those who might endanger national security, political regime, Turkey’s territorial integrity and general public morality.

As a result, bordering processes in Turkey has taken place against the foreigners, who were or were believed to be affiliated with PKK, supported PKK, criticized Turkey for its actions against PKK in the east and southeastern regions; former Turkish nationals, who were convicted for ideological issues before – acting against the political regime; Iraqi, Syrian and Iranian nationals with Kurdish origin and poor women coming from non – Muslim and non – Turkic neighboring countries. Turkey’s Border Policy, its *mala fide* people and the groups became subject to the bordering processes of Turkey in the period between 1990 and 2010 are visualized in the Table 5.5 below:

Table 5.5. Turkey’s Bordering Processes, 1990 – 2010

TURKEY	Border policy against	<i>Mala fide</i> people	Bordering against
	Threats to political regime Threats to territorial integrity Threats to general public morality Turkish familial structure PKK terrorism, Smuggling, Prostitution	People who might endanger national security, political regime, Turkey’s territorial integrity, general public morality	Iraqi, Syrian and Iranian nationals, who are of Kurdish origin Foreign politicians, NGO members, journalists, who support PKK and criticize Turkey for its policy against PKK Poor women from non – Muslim and non – Turkic neighboring countries

5.5. IMAGINING TURKEY WITHIN THE BORDERS OF THE EMERGENT EU REGION – STATE: WHY NOT?

As the analyses on emergent EU region – state’s and Turkey’s border policies, borders and bordering processes show; different guidelines underpinned their border policies, they approached to the borders and border management differently and they bordered and othered different groups of people for different reasons. EU erects its borders against the movement of foreigners, who are believed to have *mala fides* in entering its territory – those foreigners who might fall into irregularity in the EU. In that respect, irregular migration and irregular migrants are the main concerns of the emergent region – state when borders are contemplated.

Moreover, as the analysis in Chapter 3 shows, EU bordering processes take place against and others primarily Muslim Arabs who are living in geographically close and economically backward countries but also nationals of African countries and economically backward countries.

Unlike the emergent EU region – state, irregular migration and irregular migrants had not become important issues within the context of borders against the movement of foreigners in Turkey. During two decades between 1990 and 2010, out of 708 speeches given by Ministers for Foreign Affairs and of Interior, irregular migration appeared only once in 1996 and it was about irregular migrants either originating from or transiting Turkey. In line with this, unlike that of the emergent EU region – state, Turkey’s Border Policy did not aim to prevent the entrance of foreigners who might become irregular migrants in Turkey. In other words, foreigners who might fall into irregularity were not Turkey’s *mala fide* people. Therefore Turkish governments did not have any intention to set up functioning pre – borders, visas and carrier sanctions to impede the movement of foreigners, who might fall into irregularity upon entry to Turkey. Turkey’s *mala fide* people that it bordered against were different: the foreigners who might be detrimental to Turkey’s political regime, to Turkey’s territorial integrity, to general public morality and Turkish familial structure. In line with these, in the period between 1990 and 2010, Turkey erected its borders against foreigners who

might be proprietor or collaborator of PKK terrorism, who might involve in smuggling or prostitution. In erecting its borders against these foreigners, Turkey bordered against and othered primarily Iraqi, Syrian and Iranian citizens of Kurdish origin; foreign politicians, NGO members and journalists who supported PKK or criticized Turkey for its policy and actions against PKK and poor women from non – Muslim, non – Turkic neighboring countries.

Though Turkey's guidelines underpinning its border policy, its border management and bordering processes were very different from those of the EU region – state, Turkey's candidacy to the EU, requires it to comply with the requirements in the field of borders and migration. The accession process does not proceed smoothly; however as a candidate to EU membership, Turkey has taken steps to comply with the requirements of Chapter 24, which includes EU *acquis* on migration, asylum, visa policy, external borders and Schengen among many other issues. Though Turkey's priorities at its borders have been different, it is understood that the government has taken important steps.

Turkey has not been presented the promised opening benchmarks of Chapter 24 yet (Euractiv 07/02/2013). However, it amended Turkish Penal Code to include human smuggling and human trafficking in 2002, it adopted the Strategy Paper on the Protection of the External Borders in Turkey in 2003 and adopted the Action Plans for the adoption of EU *acquis* on 'Asylum and Migration' and 'Border Management' in 2005 and 2006. Screening Report for Chapter 24 was released on June 6, 2006. In line with the underlined incompatibilities and the guidelines for overcoming them, Turkey has set up two bodies, under the responsibility of Ministry of Interior, Border Management Bureau and Migration and Asylum Bureau in 2008. While the main aim of the former is "to make every effort to introduce integrated border management in Turkey" the latter aims to develop asylum and migration management capacity of Turkey including framing of a new Foreigners Law in Turkey (Interview notes with Ömer Faruk Gültekin – Senior Expert at Border Management Bureau, October 5, 2012 & Interview notes with Hakkı Onur Arner – Expert at Migration

and Asylum Bureau, October 5, 2012). Moreover, Turkey has opened several Detention Centers and introduced Biometric Passports.

Since 2003, with these attempts Turkey has been taking steps though small ones to align its border policy, border management and bordering processes with those of the EU region – state. However, as a result of Turkey’s own priorities at its borders and bordering processes, there has been limited progress and since the release of the 2006 Screening Report, European Commission (2006) reported the same incompatibilities. As the Report highlighted, firstly, the EU was expecting Turkey to align with its visa lists. It is explained in the Report that Turkey had visa free regime with twelve countries which were on EU’s black list and it still had a visa requirement for eight countries which were on its white list (*ibid.*, p. 7). As noted by the European Commission’s 2012 Regular Report on Turkey, the same incompatibilities persist:

“There has been limited progress on visa policy. The Ministry of the Interior has introduced new provisions on short stays in Turkey. However, Turkey did not align with the EU lists of countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement” (European Commission, 2012a: 76).

In the Progress Report, European Commission also complained about the lack of controls at borders and the differential treatment to EU citizens:

“No additional measures were taken to further strengthen checks at borders following the visa exemptions launched in early 2009. Furthermore, Turkey continue discriminating between Member States as regards visa policy: the citizens of 11 EU Member States continue to be required to hold a visa before entering Turkey, while the citizens of 16 Member States are exempted from this obligation” (*ibid.*: 77).

Similarly, incompatibilities between Turkey’s management of its physical borders and EU’s border management continue to exist. According to Ömer Faruk Gültekin (interview, October 5, 2012), Turkey’s border management in particular the multi – headedness in the management is incompatible to the EU border management:

[One of the issues that bother EU is the multi – actorness [of border management]. It requests only one body responsible for border management, that this body to be under civil authority and it requests that the people who conduct this job [border management] to be professionals. These are the pillars of

Integrated Border Management. Currently, privates [soldiers] conduct border management.]

In its 2003 Strategy Paper on the Protection of External Borders, Turkey has undertaken “to institute a new organization within the Ministry of Interior for all border protection services including coast guards to be carried out by non – military specially trained professional force” (Ministry of Interior, 2003: 2). 2006 Screening Report repeated the same need – a single civil authority under the Ministry of Interior with professional border guards – for stepping up Turkey’s efforts to comply with the Integrated Border Management (European Commission, 2006, p. 7). There has been progress in adopting Integrated Border Management in Turkey since 2006. Moreover, under the coordination of the Ministry of Interior, Turkey has conducted several projects funded under the EU’s Instrument for Pre – Accession Assistance (IPA).²¹⁸

Despite these developments, European Commission’s 2012 Regular Report on Turkey reports limited progress on adopting external borders and Schengen *acquis* by Turkey:

“Legislation on transferring border management tasks and coordination to a specialised and professional border security entity has not yet been submitted to parliament for approval. The draft roadmap for Integrated Border Management (IBM) has not yet been approved. The delays in the adoption of the law and the IBM roadmap are a major institutional hindrance towards the institutional development and implementation of integrated border management. Both intra-agency and inter-agency cooperation and coordination need to be developed considerably in the interests of efficient border management. The proposed legislative amendment on expanding the tasks of Deputy Governors to act as administrative heads of the border agencies is still pending in the parliament” (European Commission, 2012a : 76).

Though the Report explains that a Memorandum of Understanding between FRONTEX and Turkey has been signed in 2012; the lack of risk analyses;

²¹⁸ ‘Integrated Border Management Stage I’, ‘Integrated Border Management Stage II’, ‘Integrated Border Management Twinning’ and ‘Education of Border Police’ are among the prominent projects. It is understood that in these projects, Turkey has exchanged experiences with EU Member States in particular with Finland and Spain. Though it is strictly underlined that Turkey is not taking any EU country’s border management as a model, similarities with Finland’s mountainous borders and Spain’s maritime borders with those of Turkey’s, make officials in the Border Management Bureau monitor these EU Member States’ border management practices very closely.

impeded not only effective border management but also functioning of this Memorandum.

As the Screening Report shows, establishing Integrated Border Management is very expensive. Moreover, setting up a new authority and transferring all border control duties need strenuous efforts. In addition to these, the findings of this study in the previous pages were pointed as the main discord between Turkey and EU in the field of borders by Ömer Faruk Gültekin (interview notes, October 5, 2013). According to him, Turkey and the EU approach to the borders differently and they prioritize different issues to be prevented:

[The most important thing for the EU is the prevention of irregular migration and human smuggling passing through its borders [...] EU's priority is illegal migration. Our priority is terror.]

Though he noted that there has been an increase in the volume of irregular border crossings by irregular migrants and in the number of irregular migrants in Turkey in recent years and explained that Turkey's liberal visa regime lied behind these increases, Ömer Faruk Gültekin (October 5, 2013) clearly enunciated that irregular migration is seen as a problem of EU but not of Turkey:

[Turkey is no longer a transit country. It has become a destination country. Now, [irregular migration] bothers us, too. Visa waiver agreements have increased the volume of illegal migration. He enters Turkey legally but exits illegally. He either goes to EU or waits until he becomes illegal. [However] I told to a Swedish expert as well. I told him that "Illegal migration is your problem, not ours.]

Similarly, Hakkı Onur Arıner (Expert at Migration and Asylum Bureau of Ministry of Interior, October 6, 2012) expressed that irregular migration is not in the political agenda of Turkey:

[We don't do much regarding irregular migration. This subject is not in the political agenda of Turkey yet. What will happen when it becomes the agenda? We have to be careful. The better we regulate regular migration, the more the irregular migration will decrease. This is how we think.]

Interviews with experts in Migration and Asylum and Border Management Bureaus and also with the police officers dealing with foreigners in Istanbul revealed that unlike the emergent EU region – state, neither irregular migration nor border crossings by would be irregular migrants has been a priority for Turkey. Interestingly, though all of these government officials acknowledged that Turkey has been transforming from a transit to a destination country for irregular migrants, all of them noted that irregular migration was a problem of the EU, but not of Turkey. Moreover, their approaches to irregular migration were noteworthy. None of them associated irregular migration with criminality and all of them told that there was pressure from the EU to control and prevent irregular migration. As Ömer Faruk Gültekin (October 5, 2012) expressed:

[When we consider history, we see that people are constantly on the move. When there is draught, they move to another place. When you assemble all the wealth of the country in America and let the rest starve, the people will of course migrate. [...] The EU constantly tells me to act as a buffer zone, to prevent illegal border crossings and to absorb them. All these will have consequences. This is the main worry of FRONTEX; that they coordinate very well with us so that from here, from Edirne, illegal border crossings to Greece are prevented.]

Interview notes give rise to a thought that EU's 'securitized' perspective on irregular migration is not shared and as a result is not internalized by the bureaucrats in Ministry of Interior and by the police officers who are dealing with foreigners. Therefore although they try to control and prevent irregular migration and irregular border crossings by would be irregular migrants, they seem to do it as an obligation without believing its legitimacy. The words of a police officer working in Kumkapı Foreigners' Guesthouse (the only Detention Center in Istanbul) are illuminative in that respect:

[These people are not guilty. They are not thieves, nor are they murderers. I fail to understand why we keep these here. These are people who have fled their country. If there is turmoil in my country tomorrow, I might be in their place. We keep them because Europe says so. (Informal Interview with Police Officer # 5, May 12, 2012.)

Currently, EU's approach to irregular migration is not shared in Turkey. However, this does not mean that it is going to be the same in the future. Migration dynamics is in transition in Turkey and every year more and more irregular migrants are heading towards Turkey. As well as those who want to transit Turkey and reach EU – Europe, there are many others who choose Turkey as the destination country and who involve in circular migration in Turkey. It is highly probable that irregular migration becomes a political agenda item of the country soon.

Due to its proximity to irregular migration source countries, a probable increase in the volume of irregular migrants transiting Turkey in the event of full membership is among the most discussed issues within the context of Turkey – EU relations; however by prioritizing the same phenomenon at its borders, Turkey can border and other irregular migration likewise the EU region – state. In other words, it is thought that by inserting would – be irregular migrants into its own category of *mala fide* and bordering against and othering them, Turkey can overcome its responsibilities in the fields of border and migration as a candidate to EU region – state. And it can take place within the borders of this regionalization.

If it is recalled the third country nationals who were caught at the borders while crossing them irregularly were primarily of Iraqi, Pakistani, Afghan, Moldavian, Palestinian, Iranian, Burmese, Somalia, Romanian, Russian, Georgian, Bangladeshi, and Ukrainian origin. Turkey does not have any cultural or linguistic ties with these countries. Moreover, it has signed re – admission agreements with several of them.²¹⁹ If Turkey prioritizes irregular migration at its borders and if its bordering processes start to target would be irregular migrants, by establishing functioning pre – borders and increasing controls at its maritime and easternmost borders, Turkey can make its borders impermeable for these would – be irregular migrants.

²¹⁹ Turkey has signed re- admission agreements with Bosnia – Herzegovina (2012), Kirgizstan (2003), Moldavia (2012), Nigeria (2011), Pakistan (2010), Romania (2004), Russian Federation (2011), Syria (2001), Ukraine (2005), Yemen (2011), Greece (2001) (Ministry of Foreign Affairs, 2013f).

On the other hand, in addition to foreigners who are believed to enter for business and touristic purposes, Turkey can negotiate for its *bona fide* people with the EU region – state. If it is recalled from the parliamentary speeches, due to the foreign policy objectives of the country and cultural ties, Ministers have never spoken positively about introducing a strict visa regime for the nationals of CIS* countries and Turkic Republics. Nationals of Turkic Republics in particular are of great interest for Turkey. Likewise Spain’s cultural and linguistic ties to Latin American countries, Turkey has cultural, ethnic, religious and linguistic ties to Turkic Republics. Currently, Azeris, Kazaks, Turkmen, Uzbeks and Kyrgyz nationals are exempt from visa in travelling to Turkey. Following these lines, it is thought that likewise Spain, while Turkey makes its border impermeable to EU region – state’s *mala fide* foreigners, would – be irregular migrants from third countries such as Pakistanis, Iraqis or Afghans, it can negotiate with the EU region – state to include its own *bona fide* people to EU’s *bona fide*. Thereby, as nationals of most former Spanish colony Latin American countries do, due to their cultural, ethnic and linguistic ties, nationals of Turkic Republics might enjoy free movement into the territory of EU region – state. Moreover, as the analysis on Spanish border policy, borders and bordering processes have revealed, most of the Latin Americans are believed to settle in Spain, similarly, Turkey might become a kind of concentration center not only for the Turkic people but also for Muslims living all over the EU region – state. It is not impossible to contemplate that such a Turkey, an EU member with a consolidated democracy, stable economy and high living standards, can act as a magnet, for the Turkic people and for the Muslims within the EU region – state.

However, if Turkey complies with the EU region – state’s border policy and bordering processes and thereby borders and others would – be irregular migrants intending to come from third world countries, which do not have any commonality with either EU region – state or with Turkey, then likewise Spain, Turkey would alienate itself from the other neighboring regions and it would become a borderland for the EU region – state and its borders would carry characteristics of a frontier, where different political, economic and cultural

systems meet. As a frontier of the EU region – state, then Turkey would need to militarize its borders in order to prevent irregular border – crossings by would be irregular migrants.

6. CONCLUSION

This study has researched the borders, border policy and bordering processes against the movement of foreigners into the emerging EU region – state, in the EU member Spain and EU candidate Turkey between 1990 and 2010. The primary aims were to search the nature of borders, bordering processes and the ‘others’ of this emergent region in order to discuss the nature, character and future limits of regionalization in Europe within the framework of contemporary border literature and new regionalism theory. With its comparative dimension, the study researched the congruities and incongruities between EU Border Policy, borders and bordering processes and those of Spain and Turkey in order to come up with fresh thoughts on Turkey’s quest for EU membership.

The findings of the study have shown that the Border Policy of the emergent EU region – state tried to prevent drug trafficking, terrorism, but it mainly focused on mobility. With having such a focus, it aimed to regulate the movement of non – Europeans into the Schengen territory by introducing impermeable borders against the entry of unwanted non – Europeans. It is understood that for these ends, along the *actual physical borders*, the EU has introduced mechanisms that function as different layers of borders against the movement of foreigners into its territory. These mechanisms, which are conceptualized as *pre – borders* and *digital borders* in this study, are Schengen visa regime, carrier sanctions and virtual databases for collecting data about the travelers - SIS, SIS II, EURODAC and VIS. While the *pre – borders* have made up the first line of defense against the entry of unwanted non – Europeans, the *digital borders* have functioned as surveillance tools.

As the findings display, in managing these multi – layered borders, the EU has an implicit categorization of non – Europeans as *mala fide* and *bona fide* people. While it aimed to make its borders permeable for the *bona fides* – those non – Europeans who are believed to act in good faith without fraud and deceit, it

strived to make them impermeable for the *mala fides* – those that are considered to be detrimental for the member states. The EU Border Policy has dictated its multi – layered borders to detect and filter those so considered *mala fide* people.

While non – Europeans, who are businessmen, tourists, students, scientists, workers, persons in need of international protection and others having a legitimate interest to access the Union’s territory are the EU region – state’s *bona fide* people, those non – Europeans, who cross borders at points other than border crossing points and /or have intentions to infringe on the purpose of travel and overstay their authorized length of stay are considered to be its *mala fides*. In other words *mala fide* non – Europeans are the people who are considered that they might fall into irregularity after they enter into the EU territory. Thus, *mala fide* travelers are the future irregular migrants, whom multi – layered EU borders are trying to filter and prevent. In these respects, EU employs its borders as an external control mechanism to manage immigration, in particular irregular migration.

As it is presented in the study, the major flow of irregular migration to the EU is the status related flows, which are made up of individual non – Europeans, who fall into irregularity after crossing all layers of external borders legally. That is why along the actual physical borders, the EU has increasingly relied on *pre* – and *digital borders* that would detect and filter the so considered *mala fides* – the future irregular migrants – before they step a foot on its territory. As it is discussed in the study, these layers of borders assess non – Europeans who want to travel into the EU territory and in doing that they try to read their intention. If they are considered to have *mala fides* in entering the EU territory, they are not granted entry. In other words, they are penalized for their future, but not yet committed act.

However, very interestingly, the analyses on EU’s visa lists, Common Consular Instructions and VIS deployment plans put forward that some groups of people who might also fall into irregularity and become irregular migrants are not bordered against. According to the findings of this study, the people who are Muslim Arabs living in a poor country geographically close to EU are the prime

suspects for having *mala fides*. In other words, the bordering processes of the emergent EU region – state primarily borders and others Muslim Arabs living in geographically close and economically backward countries. The other suspects, having less attention when compared with these prime suspects are sub – Saharan Africans and Asians with some exceptions.

In line with the general paradigm among western industrialized states – the justification of exclusionary attempts against mobility in the name of securing and governing one’s ‘own’ economic welfare and identity, the EU region – state’s bordering against might – be irregular migrants is explained by the arguments on securing economic welfare and providing security. Since the early 1990s, international movement of people, in particular irregular migration has been introduced as a security risk and a challenge for the EU. Though identitarian concerns have not been explicitly stated at the official level, the ‘others’ in the bordering processes of the emergent region shows that they also play an important part. The primary suspects for having *mala fides* in entering the EU territory are the groups of people whose ethnic, racial or religious identities can not be accommodated with the identities in Europe - Muslims Arabs living geographically close and economically backward countries. Therefore identitarian matters are also believed to be influential in the emergent EU region – state’s bordering and othering processes. Following these lines of reasoning, the study puts forward that the EU region – state borders against and others those non – Europeans, who are suspected to endanger Member States’ welfare, security and national identities.

In line with these, another finding of the study is the new terminology of the EU in dealing with the movement of foreigners. It is understood that the EU has started to employ the terms ‘*bona fide*’ and ‘*mala fide*’ in managing the movement of foreigners into its territory. In the first years of the European integration on borders, in their documents the EU institutions were using the term ‘illegal migration’. In the face of criticisms, this term left its place to a more neutral term ‘irregular migration’. ‘Irregular migration’ was not only neutral but also it was not criminalizing foreigners who fell into irregularity. However, as the

approach of the EU towards this phenomenon has not changed, these two terms became synonymous in due time. As the study puts forth, since the mid – 2000s, this terminology is being replaced by the implicit categorization of foreigners into *bona* and *mala fides*. These terms are neutral and they are implicit, thus they give more space for the EU institutions to define their content without triggering criticisms.

While the analyses on EU region – state’s Border Policy, borders and bordering processes against the movement of foreigners presented these findings, the examination of Spanish Border Policy, borders, their management and bordering and othering processes against the movement of foreigners in the period between 1990 and 2010, provided food for thought on how a Member State located at the actual physical borders of this emergent region – state befitted itself within the ‘borders’ of this regionalization and tension points in this process. As it is thoroughly examined in Chapter 4, Spanish Border Policy, borders, their management and bordering and othering processes against the movement of foreigners have started to undergo a transformation when Spain became a member in 1986. However, this transformation accelerated when Schengen Area, to which Spain is also a participant, entered into force in 1995. As the findings display, in the early 1990s, the main concern of Spanish Border Policy were drugs, drug trafficking and terrorism. However, by and after 1997, irregular migration and in particular irregular border crossings by non – Europeans became its main concern.

Spain complied with EU’s *pre – borders* and it has shared its *digital* ones. Though it was reluctant, it aligned with EU visa lists as early as 1991, increased the number of its diplomatic missions, started to apply carrier sanctions and to send successful transactions about non – Europeans to SIS, SIS II and EURODAC. However, as a member located at the actual physical borders of the EU region, Spain has put geographical flows of irregular migration forward and its Border Policy focused on *physical borders* to prevent the entry of irregular migrants.

The focus of the Spanish Border Policy was not on air borders or on all land or sea borders. By and after 1997, its focus has been on the southern

maritime borders at Mediterranean and at Atlantic and land borders with Morocco at two Spanish communities in Northern Africa – Ceuta and Melilla. Land and maritime borders with Morocco have not been controlled only; they have been policed, militarized and furnished with high tech surveillance systems. Unlike the other physical borders, those with Morocco came up with irregular migration and irregular border crossings. There has been a ‘visible’ migration pressure at these borders with *pateras* and long - distance determined swimmers. Along the guidelines of the Spanish Border Policy, physical borders and their management at these sites tried to prevent the sailing of would – be irregular migrants to the Mediterranean; if they already sailed, they aimed to detect and intercept them; if they have been able to reach to the shores without being detected and intercepted, the borders aimed to detect and apprehend them at the shores.

Interestingly, though Spanish Border Policy focused on southern *physical borders* to prevent irregular border crossings by would be irregular migrants in the period between 1997 and 2010, actual irregular entries to Spain were insignificant. There is a high volume of foreigners from third countries, which do not share a common border with Spain. In 2010, 31% of all foreigners in Spain were born in Latin America, 16% in Africa, 28% in rest of the EU and 14% in Romania. As the referred former studies with solid methodology presented, irregular migration stock of Spain has been fed mainly by the status related flows – by the visa – overstayers, who entered Spain via airports and then fell into irregularity by overstaying their visas. However, airports have not been given importance in the face of irregular migration up until 2005. Due to the increase in the volume of eastern European migrants in Spain in the mid – 2000s, by and after 2005, those ‘internal borders’ with France also attracted attention and the government was even called to close this border to prevent irregular border crossings and regulate irregular migration of Bulgarians and Romanians. However, Spain’s attention was always on maritime and land borders at Mediterranean and at Atlantic.

Spanish borders at these sites are not only lines that separated Spain and EU from other states. They separate two different economic, political, cultural,

sociological and demographic systems. They represent a sharp, even brutal divide between less developed and developed EU. The gap between these systems widened after Spain became an EU member. Moreover, EU's so – considered *mala fide* people were primarily found just across these borders in the geographically close, but economically poor Muslim Arab countries. In these respects, Spain's southern maritime and land borders carry more of a character of a frontier.

The outcome of the analysis on the bordering processes of Spain, on the other hand, is in line with the guidelines of the Border Policy and what / whom the borders tried to prevent. During the period between 1990 and 2010, Spanish bordering processes targeted primarily North Africans – Moroccans, Mauritanian, Senegalese; Romanians, Bulgarians, Peruvians, Cubans, Dominicans, Colombians, Bolivians and Ecuadorians. While North Africans, primarily Moroccans, Romanians and Bulgarians were othered, Colombians, Bolivians, Peruvians, Cubans, Dominicans and Ecuadorians were believed to be only bordered against.

Latin Americans are coming from former Spanish colonies and they have historical, linguistic, religious and cultural commonalities with Spanish people. That is why they are seen as 'close' by both Spanish people and governments. Because of these commonalities, it is believed that Latin Americans do not need any integration policy and they are thought to provide 'new blood' to the demographically ageing Spanish population. In line with these they are not seen as 'foreigners' or 'others' in the Spanish society but perhaps seen as 'distant cousins'. Northern Africans, primarily Moroccans, on the other hand, have different cultural, linguistic and religious identities. They were coming from a geographically very close but culturally very far 'otherized' territory. Moreover, there is the possibility that they might continue their journeys to other EU Member States. Lastly, Romanians and Bulgarians were bordered and othered against because they have started to come Spain in very large numbers by and after 2004, they were associated with organized crime and they did not have any commonalities with Spanish people except living in the same continent. In these

respects, it is thought that Romanians, Bulgarians and black listed Latin Americans are the tension points between EU's and Spain's bordering and othering processes.

Following these lines, the findings in Chapter 4 display that in the period between 1990 and 2010, responsibilities to the EU partners, concerns about Spanish identity and culture in the face of rapid transition from an emigration to an immigration country and geographical realities marked Spain's Border Policy and its bordering processes. Though it is not stated in any part of its legislation, the study puts forward that Spain's *mala fide* people, for whom it wanted to make its borders impermeable, were those who might endanger Spanish identity and culture, whose entrance might thwart Spain's relations with its EU partners and who engage in transnational organized crime. Its *bona fide* people, on the other hand, in line with those of EU's, are businessmen, tourists and researchers but also Latin Americans. In that respect, Spain tried to make its borders permeable for these groups of people.

The outcome of the analyses on Spain's Border Policy, borders and Spanish bordering / othering processes against the movement of foreigners puts forward that Spain has internalized the aims and guidelines of the EU Border Policy and started to target free movement of persons in the first place. This internalization needed the reconfiguration of its *mala fide* people – foreigners whom it would border against and as a result other at its borders. Spain is located at the most southern edge of the EU, at a site where two different economic, political, sociological and demographic systems exist and it neighbors a region where EU's *mala fide* people predominantly live. Though it was unwilling in the early 1990s, it fulfilled the obligation of bordering against emergent region – state's *mala fide* people, which are primarily Muslim Arabs living in the geographically close, economically less developed countries – Northern Africa. However, as the study strongly argues, in tuning its *mala fide* people with those of the EU and bordering / othering them, or in befitting itself within the borders of the emergent EU region – state, Spain has also negotiated for its *bona fide* people – Latin Americans to become EU's *bona fide* people as well. By and after 2001,

13 of 19 former Spanish colony Latin American countries are still in the EU's white list. Their nationals enjoy free movement into Spanish and EU territory. Though they continue to migrate to the EU in irregular ways, due to the commonalities in language, history, religion and culture, they are believed to settle in Spain, but not in another EU Member State. Thereby, they are believed to be not giving any nuisance to the European partners. In that respect, it is thought that during the negotiations on visa lists, Spain might have underlined and persuaded the other European partners that these people have been targeting Spain as the destination country even if they overstayed their permitted duration of stay and fall into irregularity. As the numbers, figures and percentages of Latin Americans within the whole immigrants in Spain is recalled, it is very likely that Spain has become a kind of concentration center within the emergent EU region – state, where all Latin Americans have been settling down due to historical, political, cultural and linguistic commonalities.

While Chapter 4 shows that with tension points, there is a high level of congruence between Spanish Border Policy, borders and bordering processes and those of the emergent EU region - state, the examination of Turkish Border Policy, borders and bordering processes in Chapter 5 has put forward that Turkey's concerns at its borders were different in the period between 1990 and 2010 and though Turkey is a candidate to become a part of the emergent EU region – state, the aims and guidelines of Turkey's Border Policy, its borders and bordering and othering processes were incongruent to those of the emergent EU region – state. Unlike those of EU's and Spain's, in approaching to the movement of foreigners into its territory, Turkey's Border Policy did not aim to prevent the entrance of foreigners who might become irregular migrants in Turkey in the period between 1990 and 2010. It targeted foreigners who might pose threats to political regime, to territorial integrity, to general public morality and to Turkish familial structure. While it tried to establish impermeable borders for the people who are considered to pose these threats upon entry into the Turkish territory, Turkey aimed to make its borders permeable enough to allow tourism, business and cultural interaction with the neighboring countries.

As the study presents, Turkey has partial *pre – borders*, *digital borders* and *physical borders*. However, similar to Spain, Turkey’s Border Policy has mainly focused on *physical borders* but to a lesser extent on *digital borders* to eliminate the aforementioned threats. Turkey does not apply carrier sanctions and thereby it has only first layer of *pre-borders*, the visa regime. However, its visa regime does not function literally as a pre – border against the movement of foreigners. Short term visa regime of the country, in particular, is highly liberal. Nationals of many countries are either exempt from visa or they enter Turkey via facilitated arrangements. Moreover, unlike those of the emergent EU region – state (as a result of Spain), this layer of *pre – borders* do not function in the home country of the visitors; majority of the foreign visitors to Turkey obtain their visas at the border – crossing points, after their arrival to the Turkish territory. In that respect, unlike to those of the EU region – state and Spain, Turkey’s *pre – borders* do not aim to read the intention of the foreigners and thereby detect and filter them. Furthermore, Turkey aims to facilitate the entry of foreigners into Turkey.

While Turkey’s visa regime does not function as a layer of *pre – borders*; with its category of *Tahdit* and with the lists of foreigners in it, Turkey’s Security Information System, the POLNET does function as a *digital border* against the movement of foreigners. Those foreigners, who are listed under *Tahdit* are not issued visas and they are refused entry at the border – crossing points. In 2013, more than half a million foreigners have been banned from entry to Turkey on the grounds of national security, irregular work, lack of financial means, smuggling, acting contrary to general public morality, having been deported from Turkey before, extradition of criminals, general public health, for being a tramp or beggar. Among these categories, the largest numbers of foreigners are found under the categories of national security and acting contrary to general public morality and health. The list consisted of foreign authors, politicians and human rights activists, who were banned for demonstrating support to PKK, for visiting PKK’s Beqa’a camp or for criticizing Turkey for its approach to the conflict in its southeastern. Moreover, the most banned group is the Georgians for acting contrary to general public morality.

Turkey's *physical borders*, on the other hand have been marked by irregular border – crossings and in the period between 1990 and 2010, its attention was, in particular, on southeastern borders with Iran, Iraq and Syria. In those years, especially during the 1990s, Turkey's number one political priority was ending PKK, a secessionist and a separatist organization that aimed for Kurdish independence first and later autonomy for the Kurds living in Turkey. As it is discussed thoroughly, these borders lied amid the living space of Kurdish people. Not only both sides of them have been inhabited by Kurdish people but also in most of the cases, they have been inhabited by relatives. In line with these, due to the PKK terrorism, Turkey's attention was on these physical borders, where it tried to prevent the infiltration of PKK terrorists and smuggling.

The other physical borders, on the other hand, in particular those with Georgia, came under focus during the 1990s with prostitution and smuggling. Not only the parliamentary debates but also newspaper articles in those years showed that Christian women coming from former communist states, were labeled as *Nataşa* and they became a source of concern on the grounds that they would disrupt general public morality and Turkish familial structure. Interestingly, Muslim women and women coming from Turkic Republics but also from Armenia were almost always excluded from the category of *Nataşa* and they were not perceived to involve in prostitution.

Following these lines, as the findings of the study display, Turkey's *mala fide* people, for whom it tried to make its borders impermeable were the people who might be detrimental for the political regime, to Turkey's territorial integrity, to general public morality and Turkish familial structure. In that respect, in the period between 1990 and 2010, Turkey's Border Policy targeted the people who were perceived as perpetrators or collaborators of PKK terrorism and people who were considered to involve in smuggling and prostitution. In line with these its bordering and othering processes took place against Iraqi, Syrian and Iranian nationals, who are of Kurdish origin; foreign politicians, NGO members and journalists, who support PKK and criticize Turkey for its policy against PKK and poor women from non – Muslim and non – Turkic neighboring countries. As the

findings of the analysis display, its *bona fide* people, on the other hand, were businessmen, tourists, researchers, nationals of Turkic Republics and people of Turkish descent in the neighboring countries.

Unlike the analysis on Spain, the outcome of the analysis on the Border Policy, borders and bordering processes of Turkey is believed to be explained by the factors told under ‘making of Turkey’, ‘geography’ and ‘economy’. It is believed that making of Turkey has still been an undergoing process thereby making ‘territorial integrity’ as well as the safety of the political regime became the most important things within the context of borders. In other words, unlike Spain and the emergent EU region – state, due to the secessionist aims of PKK terrorism; Turkey’s territorial integrity and its recognized national borders were perceived to be under threat. In that respect, in the period between 1990 and 2010, while Spanish borders increasingly become biopolitical borders, Turkey’s borders continued to be national.

Moreover, Turkey’s geographical location has become an important determiner for these bordering and othering processes as it made Turkey a threshold as well as a transit country for all kinds of smuggling and trafficking. As a result of its geographical location Turkey was one of the most affected countries from the dissolution of the Soviet Union, which transformed the economic, social and political structures of the neighboring countries and made Turkey a transit and a destination for their nationals. In addition, difficult geographical and climatic conditions especially at the eastern and southeastern borders have always affected border management negatively. Economic factors, on the other hand, were also influential in these bordering processes as during the 1990s, tourism was the main driver of economic growth in the country, Turkey wanted to make its borders lax for the tourists and a restrictive visa regime would hamper this strategy. That is why it did not have functioning *pre – borders*.

Differently from Spain, migration dynamics and relations with the emergent EU region - state in the form of candidacy have not been influential in these bordering and othering processes. Though Turkey increasingly featured the characteristics of an immigration country and it increasingly became a destination

country for high number of irregular migrants, irregular migration did not exist in the political agenda of the governments. As the findings of the study shows, still today, irregular migration is not seen as a risk for Turkey that its borders should try to detect and prevent. It is seen as a problem of the EU. Moreover, due to the inexistence of a credible membership perspective, Turkey seems unwilling to take on setting up of border management systems against irregular migration on its own. In that respect, though Turkey is a candidate and in the event of its accession, its eastern borders will be the most eastern border of the emergent EU region – state, due to the its differential approach to the phenomenon of irregular migration and the problems in its accession process, emergent EU region – state and its Border Policy priorities, borders and bordering processes has not become influential on those of Turkey’s as much as it has been supposed to.

As the findings in Table 6.1 in the next page, on Border Policies, *mala* and *bona fide* peoples and bordering processes of the emergent EU region – state, Spain and Turkey shows, though there is a high level of congruence between the emergent EU region – state and Spain with tension points highlighted in bold, Turkey has had different priorities at its borders and bordered against and othered different groups of people in the period between 1990 and 2010.

Table 6.1 Comparison of Bordering Processes of the EU, Spain and Turkey

	EU region – state	Spain	Turkey
<i>Bona fide</i> people	Businessmen, Tourists, students, scientists, persons in need of international protection and others having a legitimate interest to access the EU’s territory, nationals of countries with high GDP levels, nationals of all Spanish speaking countries in the Americas except Bolivia, Colombia, Dominican Republic, Ecuador and Peru and nationals of almost all Western Balkan countries	Businessmen, Tourists, researchers, students, Latin Americans , nationals of countries with high GDP levels	Businessmen, Tourists, researchers, students, nationals of Turkic – Republics, people of Turkish descent in the neighboring countries
<i>Mala fide</i> people (for whom the borders are meant to be restrictive)	People who might endanger EU Member States’ welfare, national identities and their security	People who might endanger Spanish culture, and Spanish identity People whose entrance might thwart Spain’s relations with its EU partners People who engage in transnational organized crime (drug trafficking, human trafficking, human smuggling and terrorism)	People who might endanger national security, political regime, Turkey’s territorial integrity, general public morality
Border Policy against	Irregular migration Drug Trafficking Terrorism	Irregular migration Drug Trafficking Terrorism	Threats to political regime, Threats to territorial integrity, PKK terrorism, Smuggling, Prostitution
Bordering against / Othering	Primarily Muslim Arabs living in economically backward countries, which are geographically close to the EU But also sub – Saharan Africans and Asians	North Africans – primarily Moroccans, Mauritanian, Senegalese Romanian and Bulgarians Bolivians, Colombians, Cubans, Dominicans, Ecuadorians and Peruvians	Iraqi, Syrian and Iranian nationals, who are of Kurdish origin Foreign politicians, NGO members, journalists, who support PKK and criticize Turkey for its policy against PKK Poor women from non – Muslim and non – Turkic neighboring countries

These bordering processes against the movement of foreigners give clues for the nature, character and for the future of the emergent region – state and regionalization in Europe. As the findings put forward emergent EU region – state’s borders are not permeable, porous or fuzzy for the movement of foreigners into its territory. There is no openness of borders. In these respects, emergent EU region – state’s borders do not allow cross border interaction, communication and free movement of people. What’s worse, EU region – state’s implicit categorization of non – Europeans, who want to travel to its territory, as *mala fide* and *bona fide* is highly problematic as reading the intentions of travelers is impossible and penalizing them by not granting entry to its territory for an act that she might commit in the future is illegitimate and irrational. Moreover, as the findings display, emergent EU region – state’s prime suspects for *mala fide* non – Europeans, who are suspected to become *future* irregular migrants, are primarily the Muslim Arabs living in poor geographically close countries. They are bordered against and othered. In doing that, emergent EU region – state’s borders concretize exclusion of non – EU, in particular Muslim Arab Northern Africa, by clearly demarcating ‘here’ and ‘there’, ‘inside’ and ‘outside’ but also ‘us’ and ‘them’ and ‘we’ and ‘other’. That is why these borders have increasingly taken the character of a frontier, making up a deep dividing line between EU and its neighbors.

As the analysis display, when the issue is the movement of people, the EU does not behave like an emergent region – state but like a nation – state at its borders. In other words, it falls short of an emerging region – state but mimics nation – state mentality in erecting its borders against the movement of foreigners into its territory. These make EU region – state highly exclusive against the non – Europeans and their movement into its territory. Similar to a nation – state, it has identification, control and surveillance mechanisms and its borders are restrictive and impermeable trying to keep the ‘them’ / ‘foes’ / ‘others’ ‘outside’ in order to protect the welfare, security and identities of the fellow countrymen. What is worse is that the ‘others’ in its bordering process – Muslim Arabs in geographically close poor countries – make up an identifiable group, whose

identities cannot be accommodated within Europe, showing that besides economic and demographic matters, its bordering process largely leans on cultural and identitarian matters. Moreover, the ‘others’ in this process are the historical others of the European continent and the ‘European idea’. For all these reasons, while the internal borders were disappearing, its external borders have increasingly taken the character of a frontier. Though its *physical borders* have increasingly become frontiers, with its *pre* and *digital borders* detecting and filtering so considered *mala fide* non Europeans, who might become future irregular migrants in its territory, the EU tended to resemble more than anything but a ‘Gated Community’ letting the desirables in but filtering and keeping the undesirables out. The EU region – state’s acquiesce of the characteristics of a Gated Community portrays its self segregation and its exclusion of undesirable non – European persons, whom might be detrimental for itself. A Gated European Community does not only cause resentment of outsiders but it also concretizes the economic and cultural divisions and gaps between EU and its neighbors.

Besides providing food for thought on its nature and character, the findings on the bordering and othering processes of the emergent EU region – state also display that regionalization in Europe has almost reached its limits, not only in terms of geography but also in terms of culture and economy. Apart from the Western Balkan countries, who are already potential candidates doing not bad on the way to accession, on the south, its borders reached to Mediterranean, where Northern Africa lies beneath, on the north, there is Norway, reluctant to join the EU, on the north east there are Ukraine, Belarus and Moldavia – aspirant to become members but they are not recognized as candidates as they are making up a buffer zone with Russia, which shows no interest in the EU. And on the east, there lies Turkey – an estranged candidate. As a candidate, Turkey is within the limits of this regionalization. Though Turkey’s accession process has its own difficulties and though nationals of Turkey are far from enjoying free movement into EU’s territory and they are resented at EU for this reason, the discussion on the limits of regionalization in Europe implies that Turkey might become the last

member that might bring real changes to the Border Policy, borders, bordering processes of the EU.

There has been high degree of divergence between Turkey and EU in approaching their borders and objects of bordering in the period between 1990 and 2010. Despite this divergence, the examination of Spanish experience in befitting itself within the borders of the emergent EU region – state presents that Turkey can benefit itself within these borders as well. In the period between 1990 and 2010, Turkey and EU approached their borders and border management differently and they bordered and othered different groups of people for different reasons. Though this is the case for Turkey, the findings show that before it became a member, Spain was approaching to its borders differently from the EC / EU and it was bordering against different groups of people, as well. Neither immigration nor irregular migration had a political priority for Spain. Spanish approach has completely changed in the first half of the 1990s. As the findings display, irregular migration became the predominant theme in the context of borders by and after 1997 and Spain started to border against primarily irregular migrants at its borders. Spanish attitude had to change as Spanish borders made up the southernmost borders of the EU – a strategic frontier of the emergent EU region – state in terms of foreigners. There, Spain neighbored to a region where EU's number one suspects for having *mala fides* are found. As Spain tried to establish impenetrable physical borders against these people, these borders increasingly took the character of a frontier separating two economic, political, demographic and cultural systems with deep divisions.

It has to be underlined that in assuming this gate – keeper role of the emergent EU region – state, during the 1990s, Spain both contributed to the formation of EU Border Policy and it complied with it. Moreover, though it was reluctant at first, it has reconfigured its *mala fide* people, it tuned it with those of the EU and has made would – be / might – be irregular migrants number one suspects for its *mala fide* people. In order to detect and filter them, it has set up functioning *pre borders* in line with the EU requirements and shared EU's *digital borders*.

However, Spain has succeeded to keep 13 of 19 former Spanish – colony Latin American countries in the EU’s white visa list thereby nationals of these countries continued to enjoy free movement into Spanish territory but also to the EU territory. Therefore it is understood that in parallel to complying with the bordering and othering process of the emergent EU region – state’s others, its *mala fides*; Spain has succeeded to make its own *bona fide* people – the Latin Americans to a large extent to become emergent EU region – state’s *bona fide* people as well.

Spanish experience is illuminative for Turkey. Irregular migration from and through Turkey to the EU is one of the most raised concerns about Turkey’s full membership. In the event of full membership, Turkey’s eastern borders will be the most eastern borders of the EU and Turkey has geographical proximity to irregular migration source countries. Therefore, an increase in the volume of irregular migrants both transiting and settling in Turkey is expected. However, as the Spanish experience shows, Turkey can overcome these concerns and benefit itself within the borders of emergent EU region – state by prioritizing the same phenomenon at its borders. This would mean bordering against irregular migration likewise the EU region – state. In other words, it is thought that by inserting would – be irregular migrants into its own category of *mala fide* and bordering against them, Turkey can fulfill its responsibilities in the fields of border and migration. By this way, it can make its borders ‘secure’ in the eyes of EU.

In the period between 1990 and 2010, the majority of the foreigners who were caught at Turkey’s borders while crossing them irregularly, were nationals of Iraq, Pakistan, Afghanistan, Moldavia, Palestine, Iran, Burma, Somali, Romania, Russia, Georgia, Bangladesh, and Ukraine. Though Turkey has religious commonalities with several of them, it does not have any cultural or linguistic ties with the nationals of these countries. If Turkey prioritizes irregular migration at its borders and if its bordering processes start to target would be irregular migrants, by increasing controls and with better border management at its maritime and easternmost borders, Turkey can make these borders

impermeable for geographical flows of irregular migration. Moreover, by establishing functioning *pre – borders*, a functioning visa regime and the introduction of carrier sanctions, which will function as filtering and detecting mechanisms, chances of Turkey in dealing with status – related flows is as high as the other EU Member States.

On the other hand, in doing these, likewise Spain, Turkey can negotiate for its own *bona fide* people with the EU region – state. Similar to Spain’s cultural, religious and linguistic ties to Latin America; Turkey has cultural, ethnic, religious and linguistic ties to Turkic Republics and also to the people of Turkish descent in the neighboring countries. They are thought to be Turkey’s *bona fide* people. Currently, Azeris, Kazaks, Turkmens, Uzbeks and Kyrgyz nationals are exempt from visa in travelling to Turkey. Following these lines, it is thought that likewise Spain, while Turkey makes its border impermeable to EU region – state’s *mala fide* people, would – be /might - be irregular migrants from third countries such as Pakistanis, Iraqis or Afghans, it can negotiate with the EU region – state to include its own *bona fide* people to those of EU’s. Thereby, as nationals of most former Spanish colony Latin American countries do, due to their cultural, ethnic and linguistic ties, nationals of Turkic Republics might enjoy free movement into the territory of EU region – state. Moreover, as the analysis on Spanish border policy, borders and bordering processes have revealed, most of the Latin Americans are believed to settle in Spain, similarly, Turkey might become a kind of concentration center not only for the Turkic people but also for the Muslims living all over the EU region – state. It is not impossible to contemplate such a Turkey, an EU member with a consolidated democracy, stable economy and high living standards, can act as a magnet, for the Turkic people and for the Muslims within the EU region – state.

On the other hand, foreign policy priorities of Turkey dictated it to behave in another direction from that of the EU in the field of borders and bordering against foreigners. Though due to the PKK terrorism, Turkey bordered against and othered nationals of Iraq, Syria and Iran with Kurdish origin, at the same time as a result of its foreign policy priorities, it gave special emphasis to the free

movement of nationals of neighboring countries in particular tourists and businessmen to make Turkish economy the locomotive economy of the whole region. In the event of membership, Turkey will need to border against nationals of these countries. Changing foreign policy objectives and looking forward to regionalization in Europe is one of the choices. Full integration without looking back to its neighbors might bring bordering against and othering the nationals of neighboring countries. If Turkey chooses this option, very similar to Spain, it will alienate itself from neighboring countries and in due time likewise Spanish borders at Mediterranean, Turkey's eastern borders will take the character of a frontier. Another choice may be bordering selectively without othering. In that respect, Turkey may try to negotiate facilitated access for several groups from these countries, such as businessmen, students, researchers or tourists.

On the other hand, the findings of this study on Border Policies, borders and bordering processes of the EU, Spain and Turkey present not only conceptual but also theoretical implications. Firstly, they confirm but at the same time deviate from several aspects of the conceptual and theoretical approaches of the contemporary scholars. If it is recalled, contemporary border scholars have been putting forward that the technological and political developments of the twentieth century triggered mainly by globalization have changed the role and the functions of the borders. They claimed that the importance of borders for protection or defense understood in the traditional sense has been devalued. It is articulated in the literature that rather than being interested in the location of the borders, states are now concerned over the functions and purposes of them and their main concern is the control of transboundary flows and activities and the penetration of undesirable individuals, goods and information. As it can be deduced, when they have been asserting these arguments, contemporary border scholars have been contemplating about the *physical borders*. Though the findings on *physical borders* in the case of Spain, confirm these arguments, the findings in the case of Turkey refutes them. In the period between 1990 and 2010, Spain did not approach its *physical borders* with a concern about protection or defense understood in the traditional sense. Moreover, Spain has not been concerned about

any change that might take place in the location of its borders despite the fact that it had been fighting with ETA. Furthermore, since the early 1990s, its *physical borders*, in particular southern of them - as the other borders have become 'internal borders' - have increasingly taken a 'biopolitical' character as their main concern has become the regulation of movement of foreigners into Spanish territory.

The same 'biopolitical character' is also observed at the emergent EU region – state's borders, from the very beginning. As the findings present, the main concern of the EU at its borders is the movement of foreigners. Since the very first integration on borders, the EU has tried to regulate the movement of foreigners.

The findings of the case on Turkey, on the other hand, refute the arguments of the contemporary border scholars. Though Turkey has been exposed to the same technological, almost the same political developments and it has been highly affected by globalization; protection and defence kept their importance at its *physical borders*. In other words, Turkey's *physical borders* remained to be 'national'. During these twenty years, the main concern of Turkey at its borders was infiltration of secessionist PKK and inalterability of the recognized national borders. Although Spain's EU membership seems to be the main determiner for this difference between the cases at first glance, it is thought that such a difference can not be explained only by this factor. Therefore, the first objection generated from the findings of this study is that the *physical borders* of all states, which are more or less associated with the developed countries, as a result are exposed to the effects of globalization, technological and political developments of the twentieth century do not necessarily aimed to function to regulate the transboundary flows.

Secondly, the findings of the study are in line with another argument within contemporary border literature which puts forward that borders should not be perceived as only physical lines and that they can exist at different spatial or social scales. As it has been presented, *physical borders* do make up only a layer among others against the movement of foreigners. It is understood that besides the *physical borders*, all three cases have different layers of borders against the

movement of foreigners into their territory. In line with the contemporary border literature, the mechanisms conceptualized as *pre* and *digital borders* here, function as borders and they enclose or exclude without being situated to a specific physical location. *Digital borders*, in particular, removed the spatiality of borders by making travellers' data accessible with a computer and internet connection. Moreover, the first revisited argument of the literature above is in line with the findings, functions of emergent EU region – state's and Spain's these layers of borders gained importance; they do not only enclose the territory for the foreigners; but before that they function as filtering mechanisms by detecting at first. And in order to detect, they function as intention readers, they make an evaluation whether the intended travellers have *mala* or *bona fides* in entering their territories. On the other hand, Turkey's layers of borders, though it has them, except the second layer of *pre – borders* – the carrier sanctions, do not function in that way precisely because Turkey does not make them function so. In these respects, it would not be wrong to say that the understanding about borders is under transformation with breaking its links from the physical scale.

Thirdly, the findings of the study present new questions for the bordering and othering processes in the contemporary border literature. According to the literature, borders separate 'there' from 'here' thereby 'us' from 'them' and 'we' from 'the other'. In that respect, contemporary border studies have concluded that every bordering process is an othering process as it delimits 'we' from 'the other'. Though the findings confirm this line of thinking, in particular about bordering against movement of foreigners at *physical borders*; it also very interestingly put forward that at *pre* and *digital borders* – othering came first. In other words, it is strongly considered that the Others, who have already been sketched, are being bordered against at these layers of borders. That is because as the outcome of the analysis present, in order to border, *pre* and *digital borders* have to know / have to have a definition beforehand what or who is detrimental to their political entity. Not only of Spain and of Turkey but also bordering processes of EU at *pre* and *digital borders* show that the already defined others are being bordered against.

Likewise the others, the *mala fides*; the *bona fides* are also predefined. Besides businessmen, tourists, researchers and students, Spain and Turkey wanted to make their borders permeable for the groups of people whom they shared linguistic, cultural, and religious commonalities with. The borders should be lax for the distant cousins, who were left outside of the political borders. In this respect, these findings point an important fact that both of these states try to image their territorial borders with linguistic, cultural, religious or ethnic references.

Moreover, the outcome of the analysis on Spain presents valuable insights for the concepts of border and frontier. The findings seem to be convincing that the frontier does not exist naturally but it is created. In other words, the frontier does not come out just because two different economic, social, demographic or cultural etc. systems exist side by side. They are created when *physical borders* are closed and tried to be made impermeable with all kinds of instruments in order not to allow people to cross, to visit or even to contemplate about the other side. In that respect, when *physical borders* are closed against the movement of people, they can become a frontier, with keeping the Others at the other side and as a result harbouring exclusion and human drama.

The findings of the study also have implications for the new regionalism theory. Regionalization in Europe, says the theory, has gone beyond free trade areas and it encompassed many issues such as economic, political, security, social and cultural. The theory puts forth that 'Europeanization of Europe' has been taking place with Europe having high degree of regionness, with its region – state, the EU and with its regional identity. The emergence of such a regionalization with a supranational region – state is explained by the theory with the emergence of a different kind of politics more inclusive than exclusive politics of nation – states. The theory explains that with its emerging region – state, regionalization in Europe is now in a different dimension, transcending the national understandings.

However, very interestingly, the examination of the Border Policy, borders and bordering processes against the movement of foreigners in the emergent EU region – state shows that it has behaved the exact opposite at its borders. It has behaved like a nation – state. Its borders are not 'fuzzy', they are clearly

demarcated against the movement of non – Europeans. Moreover, the regional identity it has been building is as exclusive as that of a nation – state. Though there is cultural plurality inside the region, these pluralities still have commonality to meet. It is meaningful to see that historical others, whose cultural, religious, racial or linguistic identities can no way be accommodated, are bordered against and othered at its borders. These findings tell that, through the practices at its borders for the movement of foreigners, EU region - state re-circulates the exclusive approach of nationalism in a different disguise – a *regional* or a *continental nationalism* perhaps - which shows that there is no real transcendence of national politics or of thinking the same way with a nation – state in the regionalization of Europe. This nature also affects the future limits of regionalization in Europe, denoting that EU region – state has geographical limits, based on identity and culture. Following these, it is thought that new regionalism theory has to reconsider itself to bring explanations for this exclusive, nationalistic way of regionalization in Europe.

Lastly, in order to generalize or falsify the findings, it is believed that this research should be furthered and should be added new dimensions by more case studies. In that respect, research on Border Policies, borders and bordering processes on other Member States and candidate states keeping the external borders of the emergent EU region – state should be conducted. It is considered that further research can be conducted on border policies, borders and bordering processes of Poland, Romania, Portugal, Italy and Finland in order to find out for what or whom they are bordering against, if their borders have become frontiers and if they were able to bring their own *bona fide* people into the list of EU *bona fides*. Though there are several valuable studies on Finnish – Russian borders, all of them are ethnographic studies dealing mostly with how the concept of ‘border’ has changed in the minds of the people living in the borderland after the fall of the Soviet Union and they do not have a specific time limit to observe changes in due time.²²⁰

²²⁰ Anssi Paasi (1996; 1999; 2005) and Vladimir Kolossov (2005).

Another further research may focus on earlier dates and bordering processes of old Member States, such as UK and France. By the help of these studies, transformation of borders and bordering / othering processes within the EU can be put into a historical order. It is considered that as old immigration countries with colonial ties, these case studies can provide explanation on the determination of the emergent EU region – state's *mala fide* people in the first place.

APPENDICES

APPENDIX 1: LIST OF INTERVIEWS

EU, FRONTEX

09/05/2012 Roman Fantini, Strategic Analyst at Risk Analysis Unit, FRONTEX

SPAIN

28/08/2011 Irregular Migrant # 1

05/09/2011 Dr. Tona Lizana, Directora del Plan director de Inmigracion, Generalitat de Catalunya, Departament de Salut

05/09/2011 Irregular Migrant # 2

09/09/2011 Magda Garcia, La Direccio Generalitat de Catalunya per la Immigracio

10/09/2011 Irregular Migrant # 3

13/09/2011 Irregular Migrant # 4

14/09/2011 Xavier Alonso, La Direccio Generalitat de Catalunya per la Inmigracio, European Commission, DG Home Affairs

16/09/2011 Informal Interview with Police Officer # 1

20/09/2011 Ramon Sanajua, Director Gabinete Técnico de Inmigración, Ayuntamiento de Barcelona

26/09/2011 Rafael Lopez, Member of Parliament, Parlament de Catalunya, Partido Popular

27/09/2011 Pancho Campo, Director de Consell Economic i Social de Barcelona

01/10/2011 Informal Interview with Police Officer #2, El Prat Airport

01/10/2011 Informal Interview with Police Officer #3, Monserrat
03/10/2011 Prof. Dr. Roman Garcia Flecha, Universidad de Barcelona

TURKEY

09/06/2011 Irregular Migrant # 5
12 /08/2011 Irregular Migrant # 6
18/01/ 2012 Informal Interview with Police Officer # 4, Avcılar Police Center, Human Smuggling Unit
05/03/2012 Prof. Dr. Kemal Kirişçi, Boğaziçi University
03/04/2012 Helen Nilsson, IOM, Istanbul
06/04/2012 Irregular Migrant # 7
09/05/2012 Informal Interview with IOM Personel # 1
12/05/2012 Informal Interview with Police Officer # 5, Kumkapı Detention Center, Istanbul
12/05/2012 Informal Interview with Police Officer # 6, Kumkapı Detention Center, Istanbul
17/09/2012 Irregular Migrant # 8
05/10/2012 Ömer Faruk Gültekin – Border Management Bureau, Ministry of Interior, Ankara
06/10/2012 Hakkı Onur Arner – Migration and Asylum Bureau, Ministry of Interior, Ankara
06/10/2012 Metin Çorabatır – UNHCR Turkey, Ankara
07/10/2012 Informal Interview with Police Officer # 7, Foreigners' Bureau, Turkish National Police, Ankara

APPENDIX 2.1: QUESTIONNAIRE, SPAIN

1. Is Spain a country of immigration? Should it become one?
2. Where do the international migrants come from?
3. How important is international migration
 - a. to Spain?
 - b. to the European Union?
4. Why do you think the international migrants (regular and irregular) are coming to Spain?
5. International Migration to Spain should be regulated according to

	Yes	No
a. labor quotas	<input type="checkbox"/>	<input type="checkbox"/>
b. geographical quotas	<input type="checkbox"/>	<input type="checkbox"/>
c. professional skill quotas	<input type="checkbox"/>	<input type="checkbox"/>
d. race and ethnic quotas	<input type="checkbox"/>	<input type="checkbox"/>
e. it should not be regulated at all	<input type="checkbox"/>	<input type="checkbox"/>

6. What do you think about irregular migration? When do you think irregularity occur?
7. Does Spain receive more irregular migrants than other EU countries?
8. Should irregular migration be controlled? Or should all the controls be removed?
9. Can irregular migration be dealt with border controls?
10. What would happen if all border controls removed?
11. How does European Union affect border regime / controls in Spain?
12. What do you think about the Schengen regime (visa and border controls)?

13. How should be the visa regime? restrictive or lax? Why?
14. To whom should Spain apply visa?
 - a. People coming from Northern Africa
 - b. People coming from Sub – Saharan Africa
 - c. People coming from Russia, Ukraine and Moldova
 - d. People coming from Asia
 - e. People coming from Canada and US
 - f. People coming from Latin America (Ecuador, Chile, Cuba, Mexico, Brazil)
15. What does being the southeast member of European Union mean for Spain in terms of irregular migration?
16. Do you think most of the irregular migrants transit Spain and settle in northern European countries?
17. What do you think about Northern Africa and migration from there to Spain?
18. What do you think about Latin America and migration from there to Spain?
19. Do you think Turkey's accession to the EU will increase (or decrease) irregular migration to the EU?

APPENDIX 2.2: QUESTIONNAIRE, TURKEY

1. Is Turkey a country of immigration? Should it become one?
2. Where do the international migrants come from?
20. How important is international migration
 - a. to Turkey?
 - b. to the European Union?
21. Why do you think the international migrants (regular and irregular) are coming to Turkey?
22. International Migration to Turkey should be regulated according to

	Yes	No
a. labor quotas		
b. geographical quotas		
c. professional skill quotas		
d. race and ethnic quotas		
e. it should not be regulated at all		

23. What do you think about irregular migration? When do you think irregularity occur?
24. Does Turkey receive more irregular migrants than other EU countries?
25. Should irregular migration be controlled? Or should all the controls be removed?
26. Can irregular migration be dealt with border controls?
27. What would happen if all border controls removed?
28. How does European Union affect border regime / controls in Turkey?
29. What do you think about the Schengen regime (visa and border controls)?
30. How should be the visa regime? restrictive or lax? Why?

31. To whom should Turkey apply visa?
 - g. People coming from Africa
 - h. People coming from European Union
 - i. People coming from Russia
 - j. People coming from Asia
 - k. People coming from Canada and US
 - l. People coming from neighbors (Iran, Iraq, Syria, Georgia, Azerbaijan, Armenia)
32. What will being the eastern member of the European Union mean for Turkey in terms of irregular migration?
33. Do you think most of the irregular migrants transit Turkey for EU?
34. What do you think about Turkic Republics and migration from there to Turkey?
35. What do you think about CIS* and migration from there to Turkey?
36. What do you think about Middle East and migration from there to Turkey?
37. Do you think Turkey's accession to the EU will increase (or decrease) irregular migration to the EU?

APPENDIX 3.1: CONSULTANTS ON *BONA FIDE* AND *MALA FIDE*

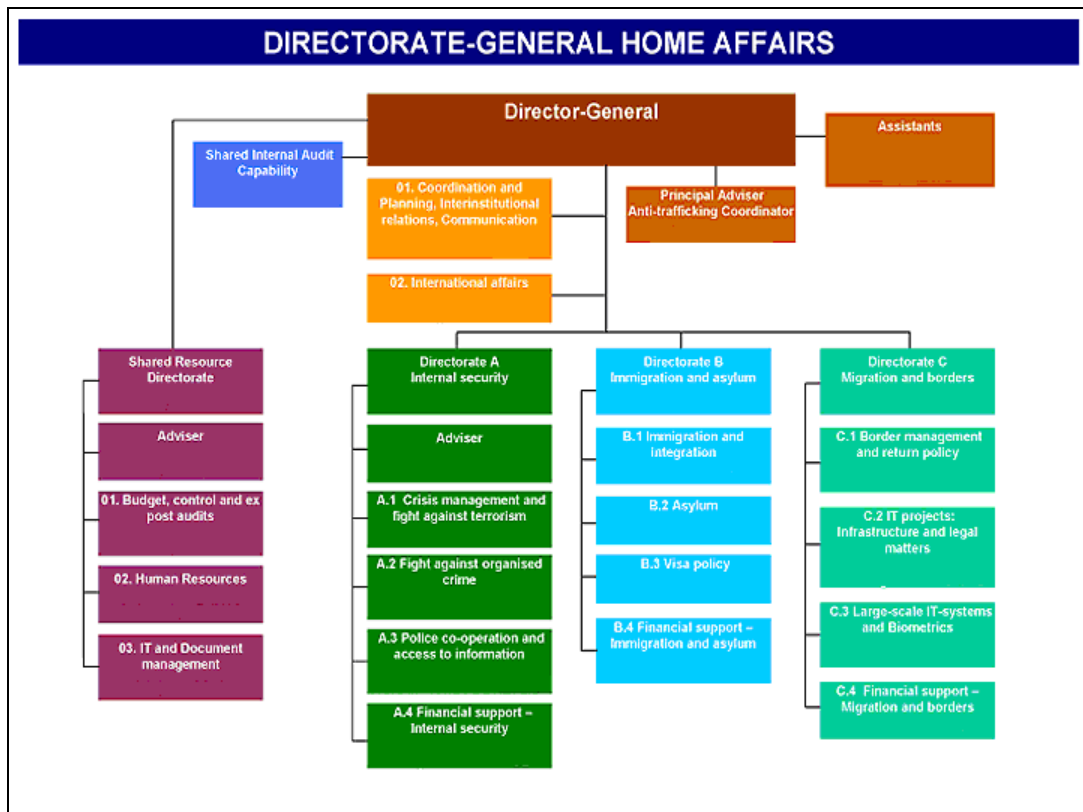
Prof. Dr. Eser Karakaş, Bahçeşehir University

Associate Prof. Dr. Cengiz Aktar, former UNHCR Director

Dr. Aslıhan Öztezel, Bahçeşehir University Faculty of Law

Yasemin Özcan, LL.M

APPENDIX 3.2: DG HOME AFFAIRS ORGANIZATIONAL CHART



Source: European Commission (2011i).

APPENDIX 4: MINISTERS' AND MPS' SPEECHES IN CONGRESO DE LOS DIPUTADOS

Quote # 4.1:

Minister Mayor Oreja (December 18, 1997: 10717):

“El número 14 se refiera al compromiso real de las instituciones comunitarias ante el hecho de que Ceuta y Melilla constituyen la principal frontera sur de Europa. La principal novedad (y sólo hablo de ella en este sentido) es que la Unión Europea, en el pasado mes de noviembre, y a través de una comisión de financiación, ha aprobado un proyecto relevante para España: la construcción de un centro de acogida en Melilla y un proyecto para la asistencia, formación y mantenimiento de los desplazados y solicitantes de asilo que se encuentran en Ceuta y Melilla. La financiación va a significar 747.000 ecus, aproximadamente 124 millones de pesetas. Vuelvo a insistir en que la participación de estas ciudades de la Unión se traduce en la financiación, en parte, de proyectos puntuales relacionados con la situación de la frontera sur de Europa.”

Quote # 4.2:

Minister Mayor Oreja (February 23, 1999: 2734):

“El Gobierno español es consciente de la necesidad de sensibilización y de explicación a nuestros socios de lo que es el concepto de la frontera sur de Europa y de que la Unión Europea se implique de una manera más activa y más profunda en el tratamiento de este fenómeno desde una óptica global, que incluya no sólo el aspecto de la lucha contra los elementos de delincuencia a los que acabo de referirme, sino el diseño de estrategias de cooperación y codesarrollo con los países del sur. Se trata de aportar soluciones globales para paliar un fenómeno complejo y que preocupa a nuestras sociedades.”

Quote # 4.3:

Minister of Interior Rajoy Brey (December 13, 2001: 12856):

“Pues bien, el objetivo del programa SIVE consiste en dotar a las unidades operativas de la Guardia Civil de los medios y recursos que garanticen la cobertura de la frontera sur de la Unión Europea —tenemos además un compromiso con nuestros socios de la Unión—, potenciando su eficacia en el desempeño de esta función mediante el establecimiento de un sistema operativo que impida la entrada ilegal de personas y mercancías por el litoral español”.

Quote # 4.4:

Minister Josep Pique (February 28, 2001: 5017):

“...es que hay una enorme petición de visados, una enorme presión sobre nuestras representaciones diplomáticas y consulares procedentes de aquellos

países que son el origen básico de las corrientes migratorias legales que vienen a nuestro pas. No hablo, por tanto, de lo que pueda ser la presión de la inmigración ilegal, que me parece que tiene otros cauces y otras respuestas, sino de dar respuesta a lo que viene a ser una presión migratoria procedente de aquellos países y de aquellas personas que quieran entrar legalmente en nuestro país a través del correspondiente visado y de la obtención de un contrato de trabajo. [...] En estos momentos el flujo de inmigración legal viene fundamentalmente de Marruecos, en un 20 por ciento; a continuación vienen países como Ecuador, como es bien conocido, o como China o algunos países del Este [...]"

Quote # 4.5:

Minister Corcuera Cuesta (December 11, 1991: 32):

"Es claro que España no podía quedar rezagada en esta iniciativa, y prueba de ello es que así se comprendió en la proposición no de ley, presentada y aprobada por la práctica totalidad de los grupos parlamentarios españoles relativa a extranjería que [...] insta al Gobierno a avanzar decididamente en la integración de España en el futuro espacio sin fronteras, con adhesión al Acuerdo de Schengen y la participación activa en los trabajos comunitarios en la perspectiva de 1993" (Corcuera Cuesta, 11/12/1991: 32).

Quote # 4.6:

Minister Belloch Julbe, (November 11, 1994: 11047):

"Las fronteras exteriores comunes y la lucha contra la delincuencia organizada internacional, especialmente en las formas más graves - narcotráfico, delincuencia económica y terrorismo-, hacen necesario aumentar la cooperación y el intercambio de información entre las policías nacionales."

Quote # 4.7:

Minister Rajoy Brey (December 13, 2001: 12855):

"Una vez que he hecho el planteamiento general en materia de lucha contra la inmigración ilegal, voy a referirme al SIVE, [...] tiene mucha relación con la lucha contra la inmigración ilegal, puesto que es un instrumento que entre otras cosas sirve a los efectos del control de fronteras."

Quote # 4.8:

Minister Rajoy Brey, (June 28, 2001: 8551):

"[...] por una o por otra razón quedaron incluidos en la lista negra, la de los países sometidos a la obligación del visado, Cuba, Perú y la República Dominicana. De este modo conseguíamos que todos los demás países latinoamericanos quedaran consolidados en la lista blanca con la única excepción de Colombia, que hasta ahora estaba en la lista gris, precisamente porque España se había opuesto a que pasara a la lista de obligación del visado. Digo esto, porque es importante destacar que el Gobierno español ha mantenido una postura muy activa durante la negociación del reglamento de

visados en estos años. [...] Pues bien, de conformidad con el tratado constitutivo de la Comunidad Europea, la denominada lista gris tenía que desaparecer por imperativo legal, de acuerdo con la armonización total prevista en el artículo 62 del tratado. La decisión sobre la consolidación de estas listas no podía ser bloqueada por España, ya que desde Maastricht, en 1992, se aceptó que esta decisión se tomara por mayoría cualificada. Es decir, en Maastricht, en 1992, se dijo: La decisión acerca de los países cuyos nacionales necesitan visado para entrar en la Unión Europea [...] se toma por mayoría cualificada. [...] un voto en contra por parte de España hubiera supuesto volver a la propuesta de la Comisión que habría sido adoptada por mayoría cualificada aun votando España en contra, quien habría quedado claramente en minoría.”

Quote # 4.9:

MP Mr. Jordi Xucla i Costa (Catalan Parliamentary Group) (February 9, 2005: 3290 - 3291):

“Señor diputado, efectivamente durante 2004 se ha observado un incremento importante del número de extranjeros, de inmigrantes ilegales que pretendían entrar en nuestro país por los diferentes pasos de la frontera hispanofrancesa, fundamentalmente por la provincia de Girona. En este año y por aplicación del acuerdo de readmisión hispanofrancés devueltos a Francia 83.289 inmigrantes irregulares [...] Cito: Cientos de inmigrantes sin papeles en su mayoría procedentes de países como Rumanía o Bulgaria cruzan cada día por algún punto fronterizo de las comarcas de Girona procedentes de Francia y de la mano de redes organizadas. (La Vanguardia, 16 de enero de 2005.) [...]¿Que Medidas ha adoptado el gobierno para frenar y controlar el fuerte incremento de la inmigración irregular, en los últimos meses, por carreteras secundarias del Pirineo Catalán?”

Quote # 4.10:

Minister of Interior Rajoy Brey on June 28, 2001: 8551:

“[...] por una o por otra razón quedaron incluidos en la lista negra, la de los países sometidos a la obligación del visado, Cuba, Perú y la República Dominicana. De este modo conseguimos que todos los demás países latinoamericanos quedaran consolidados en la lista blanca con la única excepción de Colombia, que hasta ahora estaba en la lista gris, precisamente porque España se había opuesto a que pasara a la lista de obligación del visado. Digo esto, porque es importante destacar que el Gobierno español ha mantenido una postura muy activa durante la negociación del reglamento de visados en estos años.”

APPENDIX 5.1: MİSAK – İ MİLLİ

Resistance movement became influential in the last Ottoman Chamber, which adopted movement's National Pact (*Misak – ı Milli*)²²¹ in February 1920; and recognized and affirmed that 'the independence of the State and future of the nation could only be assured by following the principles in it' (Shaw and Shaw, 2002, p. 347; Zürcher, 2003). *Misak – ı Milli* consisted of six articles that defined the territory and borders of the Turkish state that resistance movement wanted to establish:

- “1. The fate of the territories of the Ottoman state and especially the places with an Arab majority and those occupied by enemy forces at the time of the 30 October 1918 armistice agreement shall be decided by a free vote of the inhabitants of these territories, all of the lands *within and outside* the 1918 armistice lines, inhabited by people attached to one another on the basis of religion, custom, and aspirations, harboring mutual feelings of respect and sacrifice, and representing the Ottoman – Muslim majority respectful of their racial and social rights and the condition of their districts, represent a whole that can under no pretext be separated from one another in practice or in law.
2. We accept a new plebiscite in the case of the three Sancaks [Kars, Ardahan, and Batum] which had by general vote decided to join the mother country when they were first freed [from Russian occupation].
3. The legal status of Western Thrace, which is to be settled at the Turkish peace treaty, shall be decided by the free vote of its inhabitants.
4. The city of Istanbul, which is the seat of the Islamic caliphate and of the Ottoman sultanate and government as well as the Sea of Marmara must be protected from every danger. So long as this principle is observed, whatever decision arrived at jointly by us and other states concerning the use for trade and communication of the Straits of the Black Sea and the Mediterranean shall be honored.
5. The rights of minorities as agreed on in the treaties concluded between the Allied powers and their enemies and certain of their associates shall be confirmed and assured by us on condition that Muslim minorities in neighboring countries will benefit from the same rights.

²²¹ *Misak – ı Milli* depended on the 12th Point of President Wilson's 14 Points, which he formulated and announced on January 8, 1918 for the establishment of post – WWI peace. 12th of these Points is related to Ottoman Empire, which says: “The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development, and the Dardanelles should be permanently spooned as a free passage to the ships and commerce of all nations under international guarantees” (Britannica Online Encyclopedia, 2013c: 1).

6. Like every country, in order to secure a more effective and well – ordered administration that will enable us to develop our political, judicial, and financial affairs, we also need complete independence and sovereignty as a fundamental condition of our life and continued existence. Therefore we oppose restrictions that are harmful to our political, judicial, and financial affairs; we also need complete independence and sovereignty as a fundamental condition of our life and continued existence. Therefore we oppose restrictions that are harmful to our political, judicial and financial development. The conditions of the settlement of our [foreign] debts shall be determined likewise, in a manner not contrary to these principles” (Oran 2010: 57; Shaw and Shaw, 2002: 348).

APPENDIX 5. 2: MINISTERS' AND MP'S SPEECHES IN *TBMM*

Quote # 5.1:

MP Süleyman Hatinoğlu (on behalf of ANAP Group) (*TBMM Genel Kurul Tutanağı* [19. Dönem, 20. Cilt, 25. Birleşim], 11/ 11/ 1992: 318):

“Birçok Uzakdoğu ülkeleri seks turizmine açıktır; ama, bizim ülkemiz ve insanımız dinî, ahlakî ve millî değerlerinden taviz veremez. [...] Doğu Karadeniz Bölgesinde yaşayan halkımızın bu olumsuz gidişten etkilenmemesi mümkün değildir. Karadeniz, böylece hızla bizden ve ahlaktan uzaklaştırılmaktadır. [...] Sağlığın ötesinde, devlet, milletin dinî ve ahlakî bütünlüğünü de korumalıdır. [...] Ticarî amaçla gelen Rus turistlerin dışında fuhuş için gelenler de mutlaka birbirlerinden ayırt edilmelidir. Bize vize uygulanıyorsa, biz de Rusya'dan gelenlere vize uygulamalıyız, özellikle Türkî cumhuriyetlerin dışında, gelenlere artık kesinlikle vize uygulama zorunluluğu gelmektedir.”

Quote # 5.2:

MP Kemalettin Göktaş (on behalf of RP Group) (*TBMM Genel Kurul Tutanağı* [19. Dönem, 20. Cilt, 25. Birleşim], 11/ 11/ 1992: 324):

“Geçen hafta Trabzon'da yapılan bir toplantıda, Sayın Trabzon Valisi bakın ne diyor. Sayın Vali, Bağımsız Devletler Topluluğundan Türkiye'ye yanında eşya getirmeden ve cebinde bir kuruş para olmadan gelmeye başlayanlar olduğunu ifade ediyor ve "Cebinde para yok, bavulu yok, turistse şayet, o da değil; şu gerçek ki, fuhuş ticareti için geliyorlar" [diyor]. [...] Bugüne kadar toleranslı davrandık, sırf turizmi baltalamamak için [...] Fuhuş, inançlarımıza aykırı olduğu gibi, toplumumuzun ahlakî ve ailevî yapısının bozulmasına da neden olur. [...] Bu nedenle, bu kapıyla meydana gelen olumsuzlukların asgariye indirilmesi için, aşağıdaki tedbirlerin alınmasını zarurî görüyorum. 1. Gelenlere mutlaka vize uygulaması konulmalıdır. 2. Gelenler, işlemler için 10 dolar veriyor. Bu paranın en az 50 dolara çıkarılması gerekir. 3. Emniyetçe yapılan tespitlerde, bir şahsın yılda 7-8 defa geldiği tespit edilmiştir. Bu nedenle, turistik amaçlı gelenleri yılda bir defayla sınırlandırmak lazımdır. 4. Gümrük kapısına mutlaka bilgisayar alınması lazımdır. Çünkü, bu bilgisayar olmadığı müddetçe, sınır dışı edilen insanlar, 15 gün sonra pasaportunu değiştirerek tekrar geri dönebilmektedirler.”

Quote # 5.3:

MP Atilla Mutman (On behalf of SHP Group) (*TBMM Genel Kurul Tutanağı* [19. Dönem, 20. Cilt, 25. Birleşim], 11/ 11/ 1992: 326):

“... halkımızı uyarıcı faaliyetlere girişecekler, fuhuş ve kaçakçılık gibi uygunsuz işlerle iştigal eden kişileri yakından izleyip, bunları ikaz edeceklerdir. Bu konuda, Dışişleri Bakanlığımızın, ülkemize uygunsuz

amaçlarla girecekleri sezilen yabancılara vize verilmemesi için dış temsilciliklerimizi uyarılmış olmasını memnuniyetle karşılıyor ve bu hususun hassasiyetle takip edilmesini caydırıcı bir önlem olarak görüyoruz” (*Ibid*: 326).

Quote # 5.4:

MP Esat Bütün (*TBMM Genel Kurul Tutanağı* [19. Dönem, 20. Cilt, 25. Birleşim], 11/ 11/ 1992: 334):

“... ahlak çökmüş [...] sınırlarımızın kapılarını açsak, içeriye fahişeler dolacak; Avrupa ülkeleri sınır kapılarını bizlere açsa, Türkiye’de insan kalmayıp, insanlarımız oraya gidip sığınmacı veya işçi olacak. [...] gerek Kapıkule’den, gerek Sarp Sınır Kapısından girenler ve gerekse sahillerimizi çıplaklar kampına çeviren zihniyet nedeniyle yarın bir gün, Allah göstermesin, ülkemizi birtakım bulaşıcı hastalıklar sardığı zaman bu seferde tıpkı güneydoğudaki olaylar gibi, Türkiye’nin bütçesini bu hastalıklarla mücadeleye harcasak bile kurtulamayacağız. [...] Türkiye, yolgeçen hanı değildir. Bu insanlar, turistik amaçla gelip de başka bir iş yapıyorsa, buna mani olunmalıdır; parası, pulu olmayan bu insanların Türkiye’ye girişine müsaade edilmemelidir. Almanya’ya, Batı ülkelerine, daha birçok ülkeye vizesiz giriş var mı? Nasıl giriliyor? O ülkelere kolaylıkla girilmiyor; yani, belli şartlar getirmişler, uyguluyorlar.”

Quote # 5.5:

Minister for Foreign Affairs, Hikmet Çetin (*TBMM Genel Kurul Tutanağı* [19. Dönem, 20. Cilt, 25. Birleşim], 11/ 11/ 1992: 336 - 339):

“Sarp Sınır Kapısının açılmasıyla yetmiş yıllık, yüz yıllık bir hasret yolunun da açılmış olduğunu kabul etmek gerekir. [...] Çünkü, yüz yıldır hasret kalan bu insanların bir kısmı da Türkiye’yi bir model olarak görmekte; Türkiye’yi, gidilecek, görülecek ve yaşanacak bir yer olarak görmektedir. Bu olanağın mutlaka sağlanması gerekir, devam etmesi gerekir. Bunun, ülkemizin komşularıyla olan ilişkilerinde de büyük yarar getireceğine inanıyorum.”

Quote # 5.6:

Minister for Foreign Affairs, Ahmet Davutoğlu (*TBMM Genel Kurul Tutanağı* [23. Dönem, 68. Cilt, 95. Birleşim], (26/04/2010): 229):

“Özellikle, ekonomik karşılıklı bağımlılığa dikkatinizi çekmek istiyorum: Niçin biz vizeleri kaldırmaya çalışıyoruz komşu ülkelerle? Niçin bütün bölgelerle bu vizeleri kaldırma esası içinde ekonomik iş birliğine yönelmek istiyoruz? Çünkü, haritayı lütfen zihninizde tasavvur ediniz, batıda Fransa-Almanya-İtalya hattını çizin, kuzeyde Rusya, en doğuda Çin ve Hindistan, bütün bu ortada kalan havzada ve Afrika’da en büyük ekonomi Türk ekonomisidir ve aslında bütün bu bölgelerin lokomotif ekonomisi olma gücüne sahibiz. Dolayısıyla, istiyoruz ki, bütün sınırlar açılsın, istiyoruz ki, iş adamları, insanlar, mallar, bu bölgelerde istediği gibi serbestçe hareket edebilsin. İstiyoruz ki, bu bölgelerde güvenlik hâkim olsun, şüphe hâkim olmasın, çatışma hâkim olmasın. İşgaller bitsin, donmuş krizlere çözümler

bulunsun. Bu perspektif hayata geçerse, bütün bu bölgelerin lokomotifini Türkiye olacaktır.”

Quote # 5.7:

Minister for Foreign Affairs, Ahmet Davutoğlu (*TBMM Genel Kurul Tutanağı*)

[23. Dönem, 87. Cilt, 37. Birleşim (20/12/2010: 58):

“Biz, Balkanlarla, Kafkasya'yla, Orta Asya'yla, Orta Doğu'yla mutlak anlamda vizelerin kalktığı, her türlü insan, mal serbestiyetinin sağlandığı serbest ticaret, serbest vize rejiminin uygulanmasını istiyoruz. Bu, bizim müteşebbisimize büyük bir imkân sağlayacaktır ve bir anlamda, tarihin normalleşmesini de temin edecektir”

Quote # 5.8:

Minister for Foreign Affairs, Ahmet Davutoğlu (*TBMM Genel Kurul Tutanağı*)

[23. Dönem, 87. Cilt, 37. Birleşim (20/12/2010: 58):

“Yine, üçlü, dörtlü mekanizmalar kuruyoruz. Balkanlarda, Bosna-Hersek-Türkiye-Sırbistan arasında, yine Bosna-Hersek-Türkiye-Hırvatistan arasında; Orta Doğu'da, Türkiye-Ürdün-Lübnan-Suriye arasında; Orta Asya'da Türkiye-Azerbaycan-Türkmenistan arasında bu benzer mekanizmalarla iş birliğini geliştiriyoruz ve nihayet ikili ilişkilerimize yeni bir mahiyet kazandırıyoruz. [...] Bu bölgelerde vize kaldırma çalışmalarımızı en etkin şekilde de sürdürmeye kararlıyız. Böylece, bölgeyle bütünleşme çabalarımız en üst noktaya ulaşacak”

Quote # 5.9:

Minister of Interior Ülkü Güney (20/03/1996: 334):

“Kara sınırlarımız ve denizlerimizdeki mevcut duruma göz atmadan önce, acaba, neden, yasal olmayan yollardan giriş ve çıkışlar yapılıyor; ülkemizde, bu tip sınır ihlalleri neden yapılmaktadır konusunu araştırdığımızda, bunun analizini yaptığımızda, en başta, yasadışı, kanlı bir örgüt olan PKK eğitim kamplarına katılım için çıkış ve eğitim sonu dönüşlerin burada rol aldığını görüyoruz. Yani, PKK militanları, bu noktalardan, eğitim amacıyla, zaman zaman yurtdışına sızmakta; eğitimlerini tamamladıktan sonra da, yine, bazı zayıf noktalardan yurdumuza geri dönmektedirler. İkincisi, kaçakçılar tarafından, uyuşturucu ve silah kaçakçılığı amacıyla kullanılmaktadır. Bir de, özellikle Kürt kökenli vatandaşlarımızın bir bölümünün yurtdışında çalışma istekleri, bu tip, yasal olmayan çıkışlara neden olmaktadır. Bir neden de, yeni bir hayat kurmak, iş bulmak amacıyla, yasal yollardan yurtdışına çıkamayan - ki, hepinizin bildiği gibi, Avrupa ülkeleri vize uygulaması yapmaktadırlar- yasal yollardan bir türlü vize alamayan vatandaşlarımız, kanunsuz bir şekilde, bu, yasal olmayan, kaçak yolları denemektedirler”

Quote # 5.10:

(Minister of Interior İsmet Sezgin, *TBMM Genel Kurul Tutanağı* [19. Dönem, 2. Cilt, 18. Birleşim] 19/12/1991: 96):

“Bölücü terör örgütü PKK [...] eylemlere başladığı 1984 yılında bölgede 200 – 250 kişilik bir silahlı militan gücüne sahipken, bugün bu sayının 5 binlere ulaştığı tahmin edilmektedir. Adı geçen örgüt militanlarının güvenlik kuvvetleriyle giriştikleri silahlı çatışmaları gün boyu sürdürebildikleri, özellikle sınır karakollarına, askerî birliklere, il ve ilçe merkezlerine büyük gruplarla saldırarak çok sayıda güvenlik görevimizi şehit edebildikleri maalesef görülmektedir.”

Quote # 5.11:

Minister of Interior, Nahit Mentеше (*TBMM Genel Kurul Tutanağı* [19. Dönem, 48. Cilt, 46. Birleşim] 16/12/1993: 150):

“Anayasamızın bize tanıdığı yetki çerçevesi içinde temel amaç ve görevimiz; ülkenin bağımsızlığını ve bölünmez bütünlüğünü korumak ve bu yönde almış olduğumuz etkin ve doğru önlemleri, tavizsiz uygulamaktır. [...] Her zaman, her yerde ve her koşulda Türkiye'nin birliğini ve bütünlüğünü savunduk, savunuyoruz ve savunmaya devam edeceğiz; çünkü devletimizin dilini, Bayrağını, simgelerini, sınırlarını ve Türkiye Cumhuriyetinin hükümlerini haklarını her türlü tartışmanın dışında tutma azim ve kararlılığımızdan, bizi hiçbir güç döndüremez. [...] Türkiye'nin, dünyanın kabulü olan sınırları vardır. Bu sınır, -demin de arz ettiğim gibi- Misakı millî sınırdır ve yetmiş yıl önce, bedeli, milletimizce ödenerek çizilmiştir”

Quote # 5.12:

Minister of Interior, Nahit Mentеше, (*TBMM Genel Kurul Tutanağı* [19. Dönem, 43. Cilt, 25. Birleşim] 09/11/1993: 62):

“Değerli arkadaşlarım, bize şimdi diyeceksiniz ki, diplomatik birtakım girişimler içinde değil misiniz? Elbette... Suriye'yle de görüşüyoruz, İran'la da görüşüyoruz, Irak'la da görüşüyoruz. Bir taraftan, içteki düşmana karşı, PKK'ya karşı mücadelemizi yaparken, elbette, diğer taraftan da, birtakım dostlarımızı da uyarıyoruz. [...] Görüşüyoruz, uyarıyoruz, "PKK'nın arkasından çekiliniz" diyoruz; onlar bize "yokuz" diyorlar; ama, biz, bu müzakereleri devam ettirme azminde ve kararındayız”

Quote # 5.13:

Minister of Interior, İsmet Sezgin (*TBMM Genel Kurul Tutanağı* [19. Dönem, 20. Cilt, 25. Birleşim], 11/11/1992: 286 – 287):

“[...] bölücü terör örgütü, kamplarını, otorite boşluğu bulunan Kuzey Irak'taki alanlara taşımıştır. Burada kadrolarını eğiterek, sınır karakollarımıza büyük gruplar halinde saldırı yapabilme olanağına kavuşmuşlardır. Hudutlarımıza yakın Kuzey Irak'taki dağlık bölgede teşkil ettikleri kamplara yerleşen ve sayıları 7 binin üzerinde olduğu değerlendirilen teröristlere karşı, Peşmergeler tarafından 5 Ekim 1992 tarihinde, bunları bölgeden atmayı amaçlayan bir harakât başlatılmıştır. Bu harekâtın başlatılmasından hemen

sonra, hudut güvenliğini sağlamak ve teröristlerin sınırlarımızdan ülkemize girmelerini önlemek amacıyla, güvenlik kuvvetlerimiz tarafından, 12 Ekim 1992 tarihinde sınır ötesi operasyonlara başlanmış, Haftanın ve Şivi bölgelerinde PKK kamplarına girilmiştir ve arama tarama faaliyetleri devam etmektedir.” (İsmet Sezgin, Minister of Interior, TBMM Genel Kurul Tutanağı [19. Dönem, 20. Cilt, 25. Birleşim], 11/11/1992: 286 – 287).

Quote # 5.14:

Minister of Interior, Ülkü Güney, (*TBMM Genel Kurul Tutanağı* [20. Dönem, 2. Cilt, 26. Birleşim] 20/03/1996: 337):

“Terör faaliyetlerinde bulunanların yuvalandığı, eğitim gördüğü yerler özellikle Bekaa Vadisidir. Bu nedenle, Suriye ve Irak sınırlarımız büyük bir önem arz etmektedir; çünkü, bilindiği üzere, Bekaa'dan sonra, özellikle Körfez Harekâtı sonrası Kuzey Irak'ta oluşan otorite boşluğundan faydalanan PKK, o bölgeye yerleşmiştir. Bu nedenle, özellikle son yıllarda ülkemizde artan terör eylemlerinde kullanılan teröristlerin yurtdışında eğitim gördükleri ve ülkemize sızma suretiyle kanlı eylemler gerçekleştirdikleri hepimizin malumudur. Bu eğitimlerin, özellikle, Suriye'nin denetiminde bulunan Bekaa Vadisi ile, Körfez bunalımı sonrasında bir otorite boşluğunun oluşturulduğu Kuzey Irak bölgesinde yapıldığı bilinmektedir. Bu sebeplerle, sınır ihlallerinin, özellikle Suriye ve Irak sınırlarında yaşandığını görmekteyiz”

Quote # 5.15:

Minister of Interior Mr. Ülkü Güney (*TBMM Genel Kurul Tutanağı* [20. Dönem, 2. Cilt, 26. Birleşim], 20/03/1996: 339):

“İran sınırında da kaçakçılık faaliyetleri veya terörist sızmalarının vuku bulunduğu doğrudur. İran da, sınırın kendi tarafında, üzerine düşen güvenlik gereklerini yerine getirmemesi için, zaman zaman sızmaların olduğu doğrudur. İran da, kendileriyle yapılan sınır anlaşmalarına ve sınır güvenliğine ilişkin protokollere, zirve görüşmelerine sadık kalmamıştır. Zaman zaman -basından takip ettiğimize göre- bazı radikal dinci gruplara mensup teröristler ile PKK'lı teröristlerin burada eğitim gördüklerine dair haberlere de sık sık rastlamaktayız; [...] Bu konuda şu anda bir şey söylemek doğru değildir; ama, İran'ın, radikal dinci grupların ve PKK'nın arkasında olduğu artık doğrulanmıştır, kanıtlanmıştır diyoruz. Bu nedenle, özellikle rejim açısından tehlike arz eden İran ile ilişkilerimizin [...] yeniden gözden geçirilmesi gerektiği kanısındayız”

Quote # 5.16:

Minister of Interior, Saadettin Tantan (*TBMM Genel Kurul Tutanağı* [21. Dönem, 6. Cilt, 32. Birleşim], 13/07/1999: 190):

“Terörist hareketlerin olduğu sınırlara şöyle bir baktığımızda, Suriye sınırından Kafkasya'ya kadar, içten ve dıştan nasıl kuşatıldığımız hepimizin malumudur” .

Quote # 5.17:

Minister of Interior, Abdülkadir Aksu (*TBMM Genel Kurul Tutanağı*, [18. Dönem, 40. Cilt, 73. Birleşim] 06/02/1990: 288):

“Bölgenin özelliği sebebiyle öteden beri, vatandaşlarımız, zaman zaman, sınır ötesindeki akrabalarının yanına gidip gelmektedirler. [...] Uludere ilçesi Taşdelen Köyü Kayadibi Mezrasında 4 aileye mensup toplam 47 kişinin, Aralık 1989'da mezrayı terk ederek, bir bölümünün Irak'a gittikleri duyumu alınmıştır. Aynı şekilde, Irak uyruklu bazı kişilerin de, sınırı yasal olmayan yollardan geçerek, ülkemize giriş yaptıkları ve değişik şehirlerde kalarak tekrar geri döndükleri de rastlanan olaylardandır. Pek tabiidir ki, söz konusu kanunsuz geçişler üzerinde hassasiyetle durulmaktadır. Halen Kayadibi Mezrasında oturmaya devam eden bazı vatandaşların alınan beyanlarından, kendilerini, evlerini terk etme gibi düşüncelerinin olmadığı, devlete bağlı birer vatandaş olarak köylerinde yaşamak istedikleri; bununla beraber, bazı altyapı meselelerinin olduğu öğrenilmiş ve meselenin halli için de Olağanüstü Hal Valiliği harekete geçirilmiştir. Sayın milletvekilleri, güneydoğu bölgemizde, bölgenin arazi yapısından azamî şekilde istifade ederek, kırsal kesimdeki yöre halkı üzerinde terör estirmeye çalışan çapraşık ideolojilerin maşası durumunda bulunan terörist unsurlara karşı yürütülen mücadelede üzerimize düşen görevi en iyi bir şekilde yerine getirdiğimize dair inancımız tamdır.”

APPENDIX 5.3: OTHER SPEECHES AND REPORTS IN TURKISH

Quote # 5.3.1:

Minister for Foreign Affairs, Ahmet Davutođlu (Press Conference Concerning Electronic Visa, April 24, 2013):

“Türk Hava Yolları’ndan [THY] başka hava yolları ile de bu konuda antlaşmalar yapılacak. Ancak THY bizim gözümüzün nurudur. Öncelikli olarak teşvik edilmesi gereken ulusal bir Türk şirketimiz, kurumumuzdur. Herhangi bir yabancı şirket başvurursa, imkanları sağlayabiliyorsa neden olmasın? Diğer Türk şirketlerini ayırmayız. THY’nin yolcu kapasitesini arttıracak bir işlem”

Quote # 5.3.2:

Minister for Foreign Affairs, Ahmet Davutođlu (Press Conference Concerning Electronic Visa, April 24, 2013):

“Bu insanın bizim için kredible olan bir vizesi var. Schengen vizesi, Amerikan vizesi almış veya uzun süre oturma izni var. THY de ona bilet kesmiş. Bu kişi belli ki rastgele bir kişi değil. Vize şartları bizden daha zor ülkelerden vize almış bir kişi.”

Quote # 5.3.3:

Minister for Foreign Affairs, Ahmet Davutođlu (Press Conference Concerning Electronic Visa, April 24, 2013):

“Emniyet Genel Müdürlüğü datasını, veri tabanını Dışişleri Bakanlığı’na açtı. İçişleri Bakanlığı, ben ülkemizin güvenliğini rahatlıkla koruyabilirim dedi. Devlet kurumları bu yapıda [*e-vize*] entegre çalışıyorlar”

Quote # 5.3.4:

The Report of the Committee of Parliamentary Inquiry for the Border Security Measures and Precautions (20/11/1996: 7):

“[...]Irak sınırının tamamında coğrafi yapının ve iklim şartlarının diğer sınır kesimlerine göre daha fazla güçlükler arz ettiği, Doğu ve Güneydoğu Anadolu bölgesinde yürütülmekte olan iç güvenlik ve terörle mücadeleyle ağırlık verilmesi sonucu gücün önemli bir bölümünün bu görevlere ayrılması zorunda kalındığı, Kuzey Irak'taki otorite, boşluğu ve diğer sınır komşusu ülkelerin sınır güvenliğine gereken önemi vermedikleri ve komşu ülkeler ile ülkemiz arasındaki kaçakçılığa konu ekonomik dengesizlik sebebiyle sınır güvenliğinin arzu edilen düzeyde sağlanamadığı [anlaşılmıştır]”

Quote # 5.3.5:

The Report of the Committee of Parliamentary Inquiry for the Border Security Measures and Precautions (20/11/1996: 11):

“Türkiye'ye çeşitli yollardan giren Bangladeş, Pakistan, Irak, Suriye, İran gibi devletlerin vatandaşlarının Avrupa Topluluğu ülkelerine geçebilmelerinde en ideal sınırın bu sınır olduğu ve bu geçirme eylemlerinin İstanbul'da bir sektör oluşturduğu bu konuda uzman ve simsarların ortaya çıktığını, bu kişilerin arasında terörist ve kaçakçıların da bulunabileceği, geçiş işlemini sağlayan kılavuz ve sınırda arazisi bulunanların bu işten büyük paralar kazandıkları, geçişlerin kuru veya botla Meriç nehrinden sağlandığı, Meriç nehrinde balıkçılık yapılmasının da bu işe yardımcı olduğu, Yunanistan'daki PKK kamplarına giden teröristlerin de bu yoldan faydalandıkları, gerek Türkiye, gerekse Yunanistan'ın sınıra yakın köylerinin olmasının bu işi kolaylaştırdığı, bazen Yunanistan'ın kendi sınırları içinde yakaladığı Bangaldeş, Pakistan, Irak, İran v.s. ülke vatandaşlarını getirip sınırdan Türkiye'ye attığı, bunun da her zaman bir çatışma ortamına zemin hazırladığı, sayıları zaman zaman binlere ulaşan bu kişilerin yakalandıktan sonra barınma ve yaşelerinin büyük sorun yarattığı gibi taşıdıkları hastalıklar ve istihbarat açısından da tabur ve bölüklerimizi tehdit ettikleri [belirtilmiştir]”

Quote # 5.3.6:

Kaçakçılık İstihbarat, Harekat ve Bilgi Toplama Dairesi Başkanlığı, 2011: 3:

“Yine kaçakçılığın yaygın olarak yapıldığı sınır bölgelerinde yaşayanların, sınırın her iki tarafında akrabalık bağlarının olması ve bu yolla kaçakçılığın daha kolaylıkla yapılabilmesi, akrabalık ilişkisi yanında bir nev'i ticari ilişkiyi de beraberinde getirmektedir.”

BIBLIOGRAHY

- Ahmad, Feroz (1993; 2003) *The Making of Modern Turkey*, London: Routledge.
- Aksu, Kenan (2012) 'Introduction' in Kenan Aksu (ed.) *Turkey – EU Relations: Power, Politics and the Future*, Newcastle: Cambridge Scholars Publishing, pp. 1 – 17.
- Aktar, Ayhan (1996a) 'Economic Nationalism in Turkey: The Formative Years, 1912 – 1925' in *Boğaziçi Journal*, Vol. 10, No. 1 – 2, pp. 263 – 290.
- Ayhan, Aktar (1996b) 'Trakya Yahudi Olaylarını "Doğru" Yorumlamak', *Tarih ve Toplum*, Kasım 1996, No. 155, pp. 301 – 312.
- Aktar, Ayhan (2000) *Varlık Vergisi ve Türkleştirme Politikaları*, İstanbul: İletişim Yayınları.
- Aktar, Ayhan (2009) 'Turkification Policies in the Early Republican Era' in Catharina Dufft (ed.) *Turkish Literature and Cultural Memory: Multiculturalism as a Literary Theme after 1980*, Wiesbaden: Harrossowitz Verlag, pp. 1 – 35.
- Aktar, Ayhan (2010) 'Conversion of a 'Country' into a 'Fatherland': The Case of Turkification Examined, 1923 – 1934' in Ayhan Aktar, Niyazi Kızılyürek and Umut Özkırımlı (eds.) *Nationalism in the Troubled Triangle: Cyprus, Greece and Turkey*; Houndsmill: Palgrave Macmillan.
- Aktar, Ayhan & Demiröz, Damla (2006) 'Yunan Tarih Yazımında Mübadele ve Göç' *Kebikeç*, No. 22, pp. 85 – 99.
- Aktar, Cengiz; Baykan, Barış & Genç, Deniz (2013) 'AB Üyelik Müzakerelerinde Son Durum', BETAM Research Note 144.
- Alscher, Stefan (2005) 'Knocking at the Doors of "Fortress Europe": Migration and Border Control in Southern Spain and Eastern Poland', Center for Comparative Immigration Studies, Working Paper 126.
- Altman, Ida (1995) 'Spanish Migration to the Americas' in Robin Cohen (ed.) *The Cambridge Survey of World Migration*, Cambridge: Cambridge University Press.
- Andalucia – Andalucia (May 18, 2009) 'Physical Map of Spain' [Electronic Source] Retrieved on December 12, 2012 from <http://www.andalucia-andalusia.com/Physical-Map-of-Spain.html>

- Anderson, Malcolm (1998) 'European Frontiers at the End of the Twentieth Century: An Introduction' in Malcolm Anderson & Eberhard Bort (eds.), *The Frontiers of Europe*, Pinter: London, pp. 1-11.
- Anderson, Malcolm & Bigo, Didier (2003) 'What Are the EU Frontiers For and What Do They Mean?' in Kees Groenendijk, Elspeth Guild and Paul Minderhoud (eds.), *In Search of Europe's Borders*, New York: Kluwer Law International, pp. 7 – 27.
- Ankara Agreement, 1963, <http://www.abgs.gov.tr/index.php?p=117&l=2>
- Apap, Joanna (2008) 'Management of External Borders' [Electronic Source], Retrieved on May 12, 2012 from <http://circa.europa.eu/irc/opoce/fact_sheets/info/data/policies/freedom/article_7307_en.htm>
- Arango, Joaquin (2000) 'Becoming a Country of Immigration at the End of the Twentieth Century: the Case of Spain' in *Eldorado or Fortress: Migration in Southern Europe*, New York: Palgrave Macmillan., pp. 253 – 277.
- Arango, Joaquin (2005) 'Regularizing Immigrants in Spain: A New Approach' *Migration Policy Institute*, Migration Information Source [Electronic Source], retrieved on July 1, 2011 from <<http://www.migrationinformation.org/Feature/display.cfm?ID=331>>
- Aronowitz, Alexis (2001) 'Smuggling and Trafficking in Human Beings: The Phenomenon, The Markets That Drive It and the Organisation That Promote It' in *European Journal on Criminal Policy and Research*, Vol. 9, pp. 163-195.
- Aslan, Sanem (2007) "'Citizen, Speak Turkish!": A Nation in the Making' in *Nationalism and Ethnic Politics*, Vol. 13, No.2, pp. 245 – 272.
- Balch, Alex & Geddes, Andrew (2011) 'The Development of EU Migration and Asylum Regime' in Huub Dijkstra and Albert Meijer (eds.) *Migration and the New Technological Borders of Europe*, Hampshire: Palgrave Macmillan, pp. 22 – 40.
- Baldwin-Edwards, Martin (1997) 'The Emerging European Immigration Regime: Some Reflections on Implications for Southern Europe' in *Journal of Common Market Studies*, Vol. 35, No. 4, pp. 497 – 519.
- Balkır, Canan and Kırkulak, Berna (2009) 'Turkey, the New Destination for International Retirement Migration' in Heinz Fassman, Max Haller and David Lane (eds.), *Migration and Mobility in Europe: Trends, Patterns and Control*, Cheltenham: Edward Elgar Publishing, pp. 123 – 142.

- Başaran, Ece (2008), 'Evaluation of the "Carriers Liability" Regime as a part of the EU Asylum Policy under Public International Law' in *Uluslararası Hukuk ve Politika*, Vol. 4, No. 15, pp. 149 – 163.
- Bayraktar, Hatice (2006) 'The anti – Jewish pogrom in Eastern Thrace in 1934: new evidence for the responsibility of the Turkish government', *Patterns of Prejudice*, Vol. 40, No. 2, pp. 95 – 111.
- BBC News (January 4, 2011) 'Greece plans Turkey Border Fence to tackle Migration', [Online News], Retrieved on April 12, 2013 from <<http://www.bbc.co.uk/news/world-europe-12109595>>
- BBC News (April 27, 2012) 'Spanish Unemployment Hits Record: 5.64 Million', [Online News], Retrieved on August 23, 2012 from <<http://www.bbc.co.uk/news/business-17866382>>
- Berkes, Niyazi (1978) *Türkiye'de Çağdaşlaşma*, İstanbul: Doğu – Batı Yayınları.
- Bigo, Didier (1998) 'Frontiers and Security in the European Union: The Illusion of Migration Control' in Malcolm Anderson & Eberhard Bort (eds.), *The Frontiers of Europe*, Pinter: London, pp. 148 -165.
- Bigo, Didier (2004) 'Criminalisation of "Migrants": The Side Effect of the Will to Control the Frontiers and the Sovereign Illusion' in Barbara Bogusz, Ryszard Cholewinski, Adam Cygan and Erika Szyszczak (eds.), *Irregular Migration and Human Rights: Theoretical, European and International Perspectives*, Leiden: Martinus Nijhoff Publishers, pp 61 – 93.
- Bigo, Didier & Anderson, Malcolm (2003) 'What are the EU Frontiers For and What Do They Mean?' in Kees Groenendjik, Elspeth Guild and Paul Minderhoud (eds.) *In Search of Europe's Borders*, The Hague : Kluwer Law International, pp. 7 – 27.
- Bilgen, Arda (2011) 'Drug Trafficking and Countermeasures in Turkey: A General Assessment' *The European Strategist: International Affairs from a European Perspective*, [Electronic website], accessed on March 13, 2013 from <<http://www.europeanstrategist.eu/2011/11/drug-trafficking-and-countermeasures-intur-key-a-general-assessment-2/>>
- Bilgi Teknolojileri Dairesi Başkanlığı (2013) 'Projeler' [website], retrieved on April 30, 2013 from <http://www.bilgiteknolojileri.pol.tr/Sayfalar/projeler.aspx>
- Bilgin, Pinar (2004) 'A Return to 'Civilisational Geopolitics' in the Mediterranean? Changing Geopolitical Images of the European Union and

- Turkey in the Post – Cold War Era’ in *Geopolitics*, Vol. 9, No. 2, pp. 269 – 291.
- Bing Maps (2012), Map of Mediterranean, Retrieved on August 24, 2012, from <www.bing.com/maps>
- Bing Maps (2012), Map of Spain, Retrieved on August 30, 2012, from <www.bing.com/maps>
- Bing Maps (2013), Map of Turkey, Retrieved on March 1, 2013 from <www.bing.com/maps>
- Boccardi, Ingrid (2002), *Europe and Refugees: Towards an EU Asylum Policy*, Cornwall: Kluwer Law International.
- Border Management Bureau, Ministry of Interior (March 26, 2013) ‘Border – Crossing Points’ [Electronic Document], retrieved on April 22, 2013 from <<http://syb.icisleri.gov.tr/>>
- Boswell, Christina (2005) *Migration in Europe*, Unpublished paper, prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration. [Electronic Version] Retrieved on May 27, 2010 from <http://www.gcim.org/attachements/RS4.pdf>
- Boswell, Christina (2007), ‘Migration Control in Europe After 9/11: Explaining the Absence of Securitization’ in *Journal of Common Market Studies*, Vol. 45, No. 3, pp. 589 – 610
- Boswell, Christina & Geddes, Andrew (2011) *Migration and Mobility in the European Union*, Hampshire: Palgrave Macmillan.
- Bover, Olympia & Velilla, Pilar (2001) ‘Migrations in Spain: Historical Background and Current Trends’ paper presented at the CEPR conference on European migration, Munich, 14 – 15 November 1997, [Electronic Version], retrieved on December 15, 2012 from <http://www.olympiabover.name/pv_obj_cache/pv_obj_id_E1F65D178E423E99-5007EA46E4757F2E120E0500/filename/Paper-graf.pdf>
- Boyne, Roy (2000) ‘Post – Panopticism’ in *Economy and Society*, Vol. 29, No. 2, pp. 285 – 307.
- Börzel, Tanja (1999) ‘Towards Convergence in Europe? Institutional Adaptation to Europeanization in Germany and Spain’ in *Journal of Common Market Studies*, Vol. 37, No. 4, pp. 573 – 96.

- Börzel, Tanja (2002) 'Pace-Setting, Foot-Dragging, and Fence-Sitting: Member State Responses to Europeanization' in *Journal of Common Market Studies*, Vol. 40, No. 2, pp. 193 – 214.
- Börzel, Tanja (2003) 'How the European Union Interacts with its Member States', *Institute for Advanced Studies*, Political Science Series No.93.
- Börzel, Tanja & Risse, Thomas (2003) 'Conceptualizing the Domestic Impact of Europe' in Kevin Featherstone & Claudio. M. Radaelli (eds.) *The Politics of Europeanization*, Oxford University Press: New York, pp. 57 – 83.
- Breaking Barriers to eGovernment (2012), 'Authentication and Identification', [Electronic Source], Retrieved on May 30, 2012 from <http://www.egovbarriers.org/?view=example&example=identification>
- Brewer, Kelly & Deniz Yüksek (2009) 'A Survey on African Migrants and Asylum Seekers in Istanbul in Ahmet İçduygu & Kemal Kirişçi (eds.) *Land of Diverse Migrations: Challenges of Emigration and Immigration in Turkey*, Istanbul Bilgi University Press: Istanbul, pp. 637-718.
- Britannica Online Encyclopedia (2012a), 'Spain', [Electronic Source], Retrieved on August 23, 2012 from www.britannica.com
- Britannica Online Encyclopedia (2012b), 'Catholic Monarchs' [Electronic Source], Retrieved on August 28, 2012 from www.britannica.com
- Britannica Online Encyclopedia (2012c), 'Morisco' [Electronic Source], Retrieved on August 28, 2012 from www.britannica.com
- Britannica Online Encyclopedia (2012d), 'Strait of Gibraltar' [Electronic Source], Retrieved on October 22, 2012 from www.britannica.com
- Britannica Online Encyclopedia (2012e), 'Pyrenees' [Electronic Source], Retrieved on December 14, 2012 from www.britannica.com
- Britannica Online Encyclopedia (2013a) 'Turkey', [Electronic Source], retrieved on January 30, 2013 from www.britannica.com
- Britannica Online Encyclopedia (2013b) 'Ottoman Empire', [Electronic Source], retrieved on January 30, 2013 from www.britannica.com
- Britannica Online Encyclopedia (2013c) 'Fourteen Points', [Electronic Source], retrieved on March 28, 2013 from www.britannica.com
- Brochmann, Grete (1999), 'The Mechanisms of Control' in Grete Brochmann, & Thomas Hammar (eds.), *Mechanisms of Immigration Control: A*

Comparative Analysis of European Regulation Policies, Berg Publishers: New York, pp. 1 – 29.

Broeders, Dennis (2011) 'A European 'Border' Surveillance System under Construction' in Huub Dijkstra and Albert Meijer (eds.) *Migration and the New Technological Borders of Europe*, Hampshire: Palgrave Macmillan, pp. 40 – 68.

Bulmer, Simon, J. & Radaelli, Claudio, M. (2004) 'The Europeanization of National Policy?' *Queen's Papers on Europeanization*.

Bureau of European and Eurasian Affairs, United States, Department of State (2012) 'Background Note: Spain', [Electronic Source] retrieved on August 22, 2012 from <<http://www.state.gov/r/pa/ei/bgn/2878.htm>>

Buzan, Barry, Waever, Ole & Wilde, de Jaap (1998). *Security: A New Framework for Analysis*, Lynne Rienner Publishers, Inc.: Colorado.

Campbell, Patricia J., MacKinnon, Aran & Steven, Christy R. (2010) *An Introduction to Global Studies*, Wiley – Blackwell: Malden.

Candar, Cengiz & Fuller, Graham, E. (2001)'Grand Geopolitics for a New Turkey' in *Mediterranean Quarterly*, Vol. 12, No. 1, pp. 22 – 38.

Caoduro, Elena (2011) 'Face to Face with the Muslim 'Other': European Cinematic Responses to Al-Qaeda'. *Alphaville: Journal of Film and Screen Media*, pp. 4 – 14.

Carling, Jørgen (2007)' The Merits and Limitations of Spain's High-Tech Border Control', *Migration Information Source*, [Electronic Version], retrieved on October 15, 2012 from <<http://www.migrationinformation.org/Feature/display.cfm?ID=605>>

Carrera, Sergio (2007) 'The EU Border Management Strategy: FRONTEX and the Challenges of Irregular Migration in the Canary Islands', CEPS Working Document No. 261 / March 2007 [Electronic Document] Retrieved on August 20, 2010 from <<http://www.ceps.eu>>

Castles, Stephen (2000) International Migration at the Beginning of the Twenty – First century: Global Trends and Issues, *International Social Science Journal*, Vol. 165, pp. 269 – 281.

Castles, Stephen & Mark J. Miller (2003) *The Age of Migration: International population Movements in the Modern World*, Palgrave Macmillan: Hampshire.

- Cauvet, Phillippe (2011) 'Deterritorialisation, reterritorialisation, nations and states: Irish nationalist discourses on nation and territory before and after the Good Friday Agreement' in *Geojournal*, Vol. 76, No. 1, pp. 77 – 91.
- Caviedes, Alexander (2004) 'The Open Method of Co-ordination in Immigration Policy: A Tool for Prying Open Fortress Europe?' in *Journal of European Public Policy*, Vol. 11, No. 2: 289 – 310.
- Cebeci, Münevver (2004). 'EU as a Desecuritization Project'. Unpublished lecture notes given on April 27, 2004 for the Master Course 'International Politics of the European Union'.
- Central Intelligence Agency (2012) 'The World Factbook', [Electronic Source], Retrieved on August 8, 2012 from <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2004-rank.html?countryName=United%20States&countryCode=us®ionCode=noa&rank=11#us>
- Centro de Investigaciones Sociológicas (CIS) (2012a) 'Tres Problemas principales que existen actualmente en España (Multirrespuesta %)' [Electronic Source], retrieved on December 8, 2012 from http://www.cis.es/cis/export/sites/default/-Archivos/Indicadores/documentos_html/TresProblemas.html
- Chartrand, Rene (2006), *The Spanish Main: 1492 – 1800*, New York: Osprey Publishing.
- Cholewinski, Ryszard (2003) 'No Right of Entry: The Legal Regime on Crossing the EU External Border' in Kees Groenendijk, Elspeth Guild and Paul Minderhoud (eds.), *In Search of Europe's Borders*, New York: Kluwer Law International, pp. 105 – 131.
- Christiansen, *et al.* (2000) 'Fuzzy Politics Around Fuzzy Borders: The European Union's 'Near Abroad'', *Cooperation and Conflict*, Vol. 35, No. 4, pp. 389 – 415.
- Clandestino Research Project (2009a), Counting the Uncountable: Data and Trends across Europe, *Size and Development of Irregular Migration to the EU*, [Electronic Document], Retrieved on February 10, 2012 from <http://clandestino.eliamep.gr>
- Clandestino Research Project (2009b), Counting the Uncountable: Data and Trends across Europe, *Political Discourses on Irregular Migration in the EU*, [Electronic Document], Retrieved on February 10, 2012 from <http://clandestino.eliamep.gr>

- Clandestino Research Project (2009c), *Counting the Uncountable: Data and Trends across Europe, Pathways into Irregularity: The Social Construction of Irregular Migration*, [Electronic Document], Retrieved on February 10, 2012 from <http://clandestino.eliamep.gr>
- Clochard, Olivier & Dupeyron, Bruno (2007) 'The Maritime Borders of Europe: Upstream Migratory Controls' in Emmanuel Brunet – Jailly (ed.) *Borderlands: Comparing Border Security in North America and Europe*, Ottawa: University of Ottawa Press, pp. 19 – 41.
- Collinson, Sarah (1996), 'Visa Requirements, Carrier Sanctions, 'Safe Third Countries' and 'Readmission': The Development of an Asylum 'Buffer Zone' in Europe' in *Transactions of the Institute of British Geographers*, New Series, Vol. 21, No.1, pp. 76 – 90.
- Colomer, Josep, M. (2007), 'Empire -, State – and Nation – Building and Deconstructing in Spain' *French Association of Political Science*, [Electronic Source], Retrieved on June 26, 2012 from <http://www.afsp.mshparis.fr/activite/2006/collinz06/txtlinz/colomer3.pdf>
- Congreso de los Diputados (2012) 'Speeches', [Electronic Database], retrieved on November 22, 2012 from <www.congreso.es>
- Convention Relating to the Status of Refugees, (1951), [Electronic Version], Retrieved on November 23, 2011 from <http://www2.ohchr.org/english/law/pdf/refugees.pdf>
- Cornelius, Wayne (1994) 'Spain: The Uneasy Transition from Labor Exporter to Labor Importer' in Wayne Cornelius and Takeyuki Tsuda (eds.) *Controlling Immigration: A Global Perspective*, Stanford: Stanford University Press, pp. 331 – 369.
- Cornelius, Wayne & Tsuda, Takeyuki (1994) 'Controlling Immigration: The Limits of Government Intervention' in Wayne Cornelius and Takeyuki Tsuda (eds.) *Controlling Immigration: A Global Perspective*, Stanford: Stanford University Press, pp. 3 – 51.
- Council of European Regions and Municipalities (2013) 'Turkey' [Electronic Source], retrieved on January 30, 2013 from <<http://www.ccre.org/en/membres/Turquie.htm>>
- Council of the European Union (1995) 'Council Regulation (EC) No. 2317/95 determining the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States', [Electronic Version], retrieved on October 13, 2012 from <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995R2317:EN:-:HTML>

- Council of the European Union (1999) ‘Council Regulation (EC) No. 574/1999 determining the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States’, [Electronic Version], retrieved on October 13, 2012 from <<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1999:072:0002:0005:EN:PDF>>
- Council of the European Union (2000) ‘Council Regulation (EC) No. 2725 / 2000 of 11 December 2000 concerning the establishment of ‘EURODAC’ for the comparison of fingerprints for the effective application of the Dublin Convention’ [Electronic Document], retrieved on May 28, 2012 from <<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:316:0001:0010:EN:PDF>>
- Council of the European Union (2001) ‘Council Directive (EC) No. 2001/51 of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985’ [Electronic Version], retrieved on October 28, 2011 from <http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/133139_en.htm>
- Council of the European Union (2002a) Note: 10019/02 *Plan for the Management of External Borders of the Member States of the European Union*, Brussels.
- Council of the European Union (2003), Note: 10059/1/03 *Effective Management of the External Borders of the EU Member States*, Brussels.
- Council of the European Union (2004a) ‘Council Decision of 8 June 2004: Establishing the Visa Information System (VIS) 2004/512/EC’, [Electronic Document], Retrieved on June 1, 2012 from http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/114516_en.htm
- Council of the European Union (2004b) ‘Council Regulation (EC) No. 2007/2004 of October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, [Electronic Document], Retrieved on June 12, 2011, from <http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/133216_en.htm>
- Council of the European Union (2004c) ‘Council Directive (EC) 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data’, [Electronic Document], Retrieved on June 12, 2011, from < <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:261:0024:0027:EN:PDF>>

Council of the European Union (2004d), ‘Council Regulation (EC) No. 2252/2004 of 13 December 2004 on Standards for Security Features and Biometrics in Passports and Travel Documents Issued by Member States’, [Electronic Source], Retrieved on May 16, 2012 from http://europa.eu/legislation_summaries/justice_freedom_security/fight_against_terrorism/114154_en.htm

Council of the European Union (2006a) Note: 7123/06 *SCIFA Mandate*, Brussels.

Council of the European Union (2006b) ‘Commission Recommendation: Establishing a common “Practical Handbook for Border Guards (Schengen Handbook)” to be used by Member States’ competent authorities when carrying out the border control of persons’ [Electronic Document], Retrieved on August 1, 2012 from <http://register.consilium.europa.eu/pdf/en/06/st15/st15010.en06.pdf>

Council of the European Union (2006c) ‘Council Regulation (EC) No. 562 / 2006 Establishing a Community Code on the Rules Governing the Movement of Persons Across Borders (Schengen Borders Code) [Electronic Document], retrieved on March 23, 2012 from <http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/114514_en.htm>

Council of the European Union (2007a) ‘Council Regulation (EC) No. 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short – stay visas (VIS Regulation)’, [Electronic Document], Retrieved on June 3, 2012 from <<http://register.consilium.europa.eu/pdf/en/07/st09/st09753.en07.pdf>>

Council of the European Union (2007b) ‘Council Decision 2007/533/JHA of 12 June 2007 on the Establishment, Operation and Use of the Second Generation Schengen Information System (SIS II)’, [Electronic Document], retrieved on May 25, 2012, from <<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:205:0063:0084:EN:PDF>>

Council of the European Union (2008) ‘Council Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data’, [Electronic Document], Retrieved on June 4, 2012 from <<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:218:0060:0081:EN:PDF>>

Council of the European Union (2009a) ‘Council Regulation (EC). No. 810 / 2009 of the European Parliament and of the Council establishing a Community Code on Visas’ [Electronic Version], Retrieved on November 2, 2011 from

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:243:0001:0058:EN:PDF>

Council of the European Union (2009b) ‘Council Regulation (EC) No. 539 / 2001 of 15 March 2001 amended by Council Regulation (EC) No. 1244 / 2009 of 30 November 2009 <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2001R0539:20110111 N:PDF>

Council of the European Union (2009c) Note: 5767/09 *Schengen Information System Database Statistics 01/01/2009*, Brussels.

Council of the European Union (2010a) Note: 6162 *Schengen Information System Database Statistics 01/01/2010*, Brussels.

Council of the European Union (2010b), Note: 17476/10 *SCIFA’s Role and Working Methods*, Brussels.

Council of the European Union (2010c), Note: 6504/10 *New JHA Working Structures: Abolition of CIREFI and transfer of its Activities to FRONTEX and the Working Party on Frontiers*, Brussels.

Council of the European Union (2011a) Note: 6434/1/11 *Schengen Information System Database Statistics 01/01/2011*, Brussels.

Council of the European Union (2011b), Note: 17182/11 *The Future of SCIFA*, Brussels.

Council of the European Union (2011c), Note: 13206/11 *Future of CATS*, Brussels.

Council of the European Union (2012a) Note: 8281/12 *Schengen Information System Database Statistics 01/01/2012*, Brussels.

Council of the European Union (2012b) ‘Council Configurations’ [Electronic Source], Retrieved on June 13, 2012 from <<http://www.consilium.europa.eu/council/council-configurations?lang=en>>

Council of the European Union (2012c) Note: 5269/12 *List of Council Preparatory Bodies*, Brussels.

Cowans, Jon (2003), *Modern Spain: A Documentary History*, Pennsylvania: Pennsylvania University Press.

Crowley, John (2003) ‘Locating Europe’ in Kees Groenendijk, Elspeth Guild and Paul Minderhoud (eds.), *In Search of Europe’s Borders*, New York: Kluwer Law International, pp. 27 – 45.

- Daniş, Didem, Cherie Taraghi & Jean-François Perouse (2009) ‘Integration in Limbo’: Iraqi, Afghan, Maghrebi and Iranian Migrants in Istanbul’ in Ahmet İçduygu & Kemal Kirişçi (eds.) *Land of Diverse Migrations: Challenges of Emigration and Immigration in Turkey*, Istanbul Bilgi University Press: Istanbul, pp. 443-637.
- Danish Ministry of Justice (1995) ‘Information Note of the Danish Ministry of Justice to the Parliament’s Legal Committee, 21.9.95 (on justice and police issues)’, in *Migration News Sheet*, No. 151, pp. 95 – 100.
- Davutoğlu, Ahmet (2008) ‘Turkey’s Foreign Policy Vision: An Assessment of 2007’, *Insight Turkey*, Vol. 10, No. 1, pp. 77 – 96.
- De Haas, Hein (2008) *Irregular Migration from West Africa to the Maghreb and the European Union: Overview of Recent Trends*, International Organization for Migration: Geneva.
- Dedeoğlu, Beril & Gürsel, Seyfettin (2010) ‘EU and Turkey: The Analysis of Privileged Partnership or Membership’ BETAM Research Reports [Electronic Version] retrieved on March 2, 2013 from <http://betam.bahcesehir.edu.tr/en/wp-content/uploads/2010/05/EU-and-Turkey-The-Analysis-of-Privileged-Partnership-or-Membership_final.pdf>
- Delanty, Gerard (1995, 2004) *Avrupa’nın İcadı*, Ankara: Adres Yayınları.
- Devlet Planlama Teşkilatı (DPT) (2011) ‘Beş Yıllık Kalkınma Planları’ [Electronic Document], Retrieved on January 31, 2013 from <<http://www.dpt.gov.tr/PortalDesign/PortalControls/WebContentGosterim.aspx?Enc=51C9D1B02086EAFB5A539A4A36E6C>>
- Diez – Nicolas, Juan (2003) ‘Spaniards’ Long March towards Europe’, *South European Society and Politics*, Vol. 8, No. 1 – 2, pp. 119 – 146.
- Dijstelbloem, Huub; Meijer Albert & Besters, Michiel (2011) ‘The Migration Machine’ in Huub Dijstelbloem and Albert Meijer (eds.) *Migration and the New Technological Borders of Europe*, Hamsphire: Palgrave Macmillan, pp. 1 – 22.
- Dijstelbloem, Huub; Meijer Albert & Brom, Frans (2011) ‘Reclaiming Control over Europe’s Technological Borders’ in in Huub Dijstelbloem and Albert Meijer (eds.) *Migration and the New Technological Borders of Europe*, Hamsphire: Palgrave Macmillan, pp. 170 – 186.
- Djadic, Slobodan (1997) ‘Illegal Migration and Resource Allocation’ in *International Economic Review*, Vol. 38, No.1, pp. 97 -117.

- Donnan, Hastings & Thomas M. Wilson (1999) *Borders: Frontiers of Identity, Nation and State*, Berg: Oxford
- Driessen, Henk (1998) 'The 'new immigration' and the transformation of the European – African Frontier' in Wilson, Thomas M. & Donnan, Hastings (eds.) *Border Identities: Nation and State at International frontiers*, Cambridge: Cambridge University Press, pp. 96 – 117.
- Durgun, Sezgi (2011) *Memalik – iŞahane'den Vatan'a*, İstanbul: İletişim.
- Düvell, Franck (2003) 'The Globalization of Migration Control' [Electronic Source], retrieved on March 12, 2012 from <<http://opendemocracy.net>>
- Düvell, Franck (2006) 'Part I: Introduction and Background' in *Illegal Migration in Europe: Beyond Control?*, Franck Düvell (ed.), Hampshire: Palgrave Macmillan.
- Düvell, Franck (2008) 'Clandestine Migration in Europe' in *Social Sciences Information*, Vol. 47, No. 4, pp. 479 – 497.
- Düvell, Franck & Bastian Vollmer (2009), 'Irregular Migration in and from the Neighbourhood of the EU: A Comparison of Morocco, Turkey and Ukraine', *Clandestino Transit Migration Report*.
- Düzel, Neşe (April, 26, 2004) Interview with Prof. Dr. Ahmet Demirel 'Misak-ı Milli Lozan'da bozuldu' *Radikal*, [Electronic Version], retrieved on March 12, 2013 from <http://www.radikal.com.tr/haber.php?haberno=114507>
- Dymond, Jonny (30/11/2002) 'Turkey lifts last state of emergency' *BBC News*, [Electronic Article], retrieved on April 8, 2013 from <<http://news.bbc.co.uk/2/hi/europe/2529853.-stm>>
- Electronic Visa Application System (2013) www.evisa.gov.tr
- Elibol, Kamil (March 16, 2013) '641 bin kişinin Türkiye'ye girişi yasak', *Bugün*, [Electronic Version], retrieved on April 12, 2013 from <www.bugun.net>
- Embassy Pages (2012) 'Spain - Embassies and Consulates' [Electronic Source], retrieved on September 19, 2012 from <<http://www.embassypages.com/spain>>
- EPEC (2004) *Study for the Extended Impact Assessment of the Visa Information System – Final Report*, EPEC: Belgium.
- Erder, Sema (2004) 'Irregular Migration and Turkey' in *Population Challenges, International Migration and Reproductive Health in Turkey and the European Union*, TAP Foundation: İstanbul, pp. 119 – 124.

- Erder, Sema (2007) “‘Yabancısız’ Kurgulanan Ülkenin ‘Yabancıları’”in Aylan Arı (ed.) *Türkiye’de Yabancı İşçiler: Uluslararası Göç, İşgücü ve Nüfus Hareketleri*, Derin Yayınları: İstanbul.
- Ertem, Haşim Emre (2007) *Illegal Immigration to EU Countries: New Asylum Policies in Spain and Germany*, unpublished Master’s Thesis, delivered to Institute of Social Sciences, Marmara University.
- Ette, Andreas & Thomas Faist (eds.) (2007) *The Europeanization of National Policies and Politics of Immigration: Between Autonomy and the European Union*, MacMillan: Hampshire
- Etxezarreta, Miren *et. al.* (2011) ‘Boom and (deep) crisis in the Spanish economy: the role of the EU in its evolution’, Communication for 17th Workshop on Alternative Economic Policy in Europe, Vienna, September 2011 [Electronic Source], Retrieved on December 7, 2012 from <http://www2.euromemorandum.eu/uploads/ws1_etxezarreta_et_al_boom_and_deep_crisis_in_the_spanish_economy_the_role_of_the_eu_in_its_evolution.pdf>
- Europa (2007) ‘The Schengen Area and Cooperation’ Retrieved from the Official website European Union, on December 12, 2007 from <http://europa.eu/scadplus/leg/en/lvb-/l33020.htm>
- Europa (2008) ‘Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI)’ [Electronic Source], Retrieved on June 21, 2012 from <http://europa.eu/legislation_summaries/other-/l33100_en.htm>
- Europa (2009), ‘The Schengen Area and Cooperation’ [Official Web Site of the European Union], accessed on September 26, 2011, <http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_migration/l33020_en.htm>
- Europa (2010), ‘Financial Penalties on Carriers’ Cooperation’ [Official Web Site of the European Union], accessed on November 12, 2011, <http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_migration/l33139_en.htm>
- Europa (2011), ‘Frequently Asked Questions: The Visa Information System Goes Live’ , [Official Web Site of the European Union], accessed on August, 8, 2012, <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/11/682&format=HTML&aged=0&language=EN&guiLanguage=en>

- Europa (2011b), 'Press Release: FRONTEX and the RABIT Operation at the Greek – Turkish Border' [Electronic Document], retrieved on March 12, 2013 from <[http://europa.eu/rapid/press-release MEMO-11-130_en.htm](http://europa.eu/rapid/press-release_MEMO-11-130_en.htm)>
- Europa (2012), 'Euro – Mediterranean Partnership (EUROMED)', [Official Web Site of the European Union], accessed on August, 30, 2012, <http://www.eeas.europa.eu/euromed/index_en.htm>
- European Commission (1989) 'The Turkish Economy: Structure and Developments', Opinion delivered to the Council of Ministers [SEC (89) 2290 Final].
- European Commission (2001a) 'Communication from the Commission to the European Parliament and the Council: Development of the Schengen Information System II [COM (2001) 720 final], [Electronic Document], retrieved on May 21, 2012 from <http://europa.eu/legislation-summaries/other/133183_en.htm>
- European Commission (2001b) 'Communication from the Commission to the Council and the European Parliament on a Common Policy on Illegal Immigration [COM (2001) 672 Final] [Electronic Document], retrieved on May 21, 2012 from <http://europa.eu/legislation_summaries/other/133183_en.htm>
- European Commission (2002) 'Towards integrated management of the external borders of the Member States of the European Union' [COM(2002) 233 – Final], [Electronic Document], Retrieved on May 23, 2012 from <http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/misc/71091.pdf>
- European Commission (2003a) 'Communication from the Commission to the Council and the Parliament: Development of the Schengen Information System II and possible synergies with a future Visa Information System (VIS) [COM (2003) 771 – Final], [Electronic Document], Retrieved on May 23, 2012 from <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0771:FIN:EN:PDF>
- European Commission (2003b) 'Communication from the Commission to the Council and the European Parliament Wider Europe – Neighborhood: A New Framework for Relations with our Eastern and Southern Neighbors [COM (2003) 104 Final], Brussels.
- European Commission (2003c) 'Communication from the Commission to the Council, European Parliament and the European Economic and Social Committee on the role of the customs in the integrated management of external borders [COM (2003) 0452 Final],

- European Commission (2004a) Commission Staff Working Document: Issues Arising from Turkey's Membership Perspective, [COM (2004) 656 final] retrieved on March 2, 2013 from <http://ec.europa.eu/enlargement/archives/pdf/key_documents/2004/issues_paper-en.pdf>
- European Commission (2005) *Eurobarometer 63: Public Opinion in the European Union*, [Electronic Version] retrieved on March 1, 2013 from http://ec.europa.eu/public_opinion/archives/eb/eb63/eb63.4_en_first.pdf
- European Commission (2006) Screening Report Turkey: Chapter 24 – Justice, Freedom and Security', [Electronic Version], retrieved on March 23, 2013 from http://www.abgs.gov.tr/files/tarama/tarama_files/24/screening_report_24_tr_internet_en.pdf
- European Commission (2007a) 'Commission Staff Working Document – Annual Report to the Council and the European Parliament on the activities of the EURODAC Central Unit in 2006 [SEC (2007) 1184 Final', [Electronic Document], retrieved on May 27, 2012 from <<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007SC1-184:EN:HTML>>
- European Commission (2007b) 'Report from the Commission to the European Parliament and the Council of 6 June 2007 on the evaluation of the Dublin system [COM (2009) 299) Final]', [Electronic Document], Retrieved on May 27, 2012 from <<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0299:FIN:EN:PDF>>
- European Commission (2007c) 'Report from the Commission to the European Parliament and the Council on the Evaluation of the Dublin System', [SEC (2007) 742], [Electronic Document], retrieved on May 27, 2012 from <<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0299:FIN:EN:PDF>>
- European Commission (2007d) *Guidelines for Integrated Border Management in the Western Balkans*, Brussels.
- European Commission (2007e) 'Towards a Common European Union Immigration Policy' [Electronic Version], Retrieved on December 16, 2007 from http://ec.europa.eu/justice_home/fsj/immigration/fsj_immigration_intro_en.htm
- European Commission (2008a) Commission Staff Working Document [SEC (2008) 153] 'Preparing the next steps in border management in the European Union: Impact Assessment', Brussels.
- European Commission (2008b) Communication from the Commission to the European Parliament, The Council, The European Economic and Social

Committee and The Committee of the Regions: Preparing the next steps in border management in the European Union [COM (2008) 69 – Final]’, [Electronic Document], Retrieved on August 12, 2012 from <<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0069:FIN:EN:PDF>>

European Commission (2009a) ‘Report from the Commission to the European Parliament and the Council of 25 September 2009 – Annual Report to the Council and the European Parliament on the activities of the EURODAC Central Unit in 2008 [COM (2009) 494 Final]’, [Electronic Document], Retrieved on May 27, 2012 from <<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0415:FIN:EN:PDF>>

European Commission (2009b) ‘Communication from the Commission to the European Parliament and the Council of 26 January 2009 – Annual report to the Council and the European Parliament on the activities of the EURODAC Central Unit in 2007 [COM (2009) 13 Final]’, [Electronic Document], Retrieved on May 29, 2012 from <<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0013:FIN:EN:PDF>>

European Commission (2009c) ‘Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions – Justice, Freedom and Security in Europe since 2005: An Evaluation of the Hague Programme and Action Plan [COM (2009) 263 Final]’, [Electronic Document], Retrieved on June 23, 2012 from <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0263:FIN:EN:PDF>

European Commission (2009d) ‘Commission Decision of 30 November 2009 determining the first regions for the start of operations of the Visa Information System (VIS)’ [Electronic Document], Retrieved on August 10, 2012 from <<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:023:0062:0064:EN:PDF>>

European Commission (2010a) ‘Report from the Commission to the European Parliament and the Council: Annual Report to the European Parliament and the Council on the Activities of the EURODAC Central Unit in 2009 [COM (2010) 415 Final]’, [Electronic Document], retrieved on May 27, 2012 from <<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0415:FIN:EN:PDF>>

European Commission (2010b) ‘Visa Information System (VIS)’ [Electronic Source], Retrieved on May 23, 2012 from http://ec.europa.eu/home-affairs/policies/borders/borders_it_vis_en.htm

- European Commission (2011a) ‘What are EU Regulations?’ [Official Website of the European Commission] <http://ec.europa.eu/eu_law/introduction/what-regulation_en.h-tm>
- European Commission (2011b), *Migrant Integration: Aggregate Report*, Qualitative Eurobarometer, Brussels.
- European Commission (2011c) ‘Report from the Commission to the European Parliament and the Council [COM (2011) 549 Final], Brussels.
- European Commission (2011d) ‘Press Release: EU ‘Smart Borders’: Commission wants easier access and enhanced security’ [Electronic Source], Retrieved on June 14, 2012 from <<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/1234>>
- European Commission, (2011e), ‘The “Dublin” Regulation – Which EU State is responsible for examining an asylum application?’ [Electronic Source], retrieved on May 27, 2012 from http://ec.europa.eu/home-affairs/policies/asylum/asylum_criteria_en.htm
- European Commission, (2011f), ‘EURODAC – An EU – wide Electronic Fingerprints Database Supporting the “Dublin” System’ [Electronic Source], retrieved on May 27, 2012 from <http://ec.europa.eu/homeaffairs/policies/-asylum/asylum_identification_en-.htm>
- European Commission, (2011g), ‘The Visa Information System (VIS): fast, fair and secure procedures for visa issuance’ [Electronic Source], retrieved on May 27, 2012 from <http://ec.europa.eu/homeaffairs/policies/borders/-borders_vis_en.htm>
- European Commission (2011h), ‘EU Agencies for Enhancing Cooperation on Home Affairs’, [Electronic Source], Retrieved on June 12, 2012 from http://ec.europa.eu/home-affairs/policies/agencies/agencies_intro_en.htm
- European Commission (2011i), ‘DG Home Affairs – About us, who we are and what we do’ [Electronic Source], Retrieved on June 12, 2012 from <<http://ec.europa.eu/dgs/home-affairs/about.htm>>
- European Commission (2011j), ‘DG Home Affairs – Documentation Centre’ [Electronic Source], Retrieved on June 13, 2012 from http://ec.europa.eu/homeaffairs/doc_cen-tre/borders/borders_it_en.htm
- European Commission (2012), ‘Crossing the Borders’, [Electronic Source], Retrieved on April 27, 2012 from http://ec.europa.eu/homeaffairs/policies/-borders/borders_schengen_en.htm

- European Commission (2012a) ‘Commission Staff Document Turkey 2012 Progress Report’ [Electronic Document], retrieved on May 5, 2013 from <http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/tr_rapport_2012_en.pdf>
- European Council (1993) ‘Copenhagen European Council Presidency Conclusions (1993) [Electronic Version], Retrieved on February 13, 2013 from <http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/03001.EN4.htm>.
- European Council (1994) ‘Essen European Council Presidency Conclusions’ (1994) [Electronic Version], Retrieved on September 13, 2012 from <http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/03001.EN4.htm>.
- European Council (1995) ‘Madrid European Council Presidency Conclusions’ (1995) [Electronic Version], Retrieved on September 26, 2012 from <http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00400C.EN5.htm>
- European Council (1997) ‘Luxembourg European Council Presidency Conclusions’ (1997) [Electronic Version], Retrieved on September 26, 2012 from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00400C.EN5.htm
- European Council (1999) ‘Tampere European Council Presidency Conclusions’ (1999) [Electronic Version], Retrieved on December 05, 2006 from http://europa.eu.int/council/off/conclu/oct99/oct99_en.htm#asylum.
- European Council (1999b) ‘Helsinki European Council Presidency Conclusions’ (1999) [Electronic Version], Retrieved on February 2, 2013 from <http://www.europarl.europa.eu/summits/hell1_en.htm>
- European Council (2001) ‘Laeken European Council Presidency Conclusions’ [Electronic Document], Retrieved on June 13, 2012 from <http://ec.europa.eu/governance/impact/background/docs/laeken_concl_en.pdf>
- European Council (2002) ‘Presidency Conclusions: Seville European Council, June 21 and 22, 2002’, [Electronic Document], Retrieved on May 12, 2012 from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/72638.pdf
- European Council (2004) ‘Presidency Conclusions: Brussels European Council, November 4 -5, 2004, [Electronic Document], Retrieved on June 22, 2012 from <http://www.consilium.europa.eu/uedocs/cmsUpload/EU_4.5-11.pdf>

- European Council (2004b) ‘Presidency Conclusions: Brussels European Council, December 16 – 17, 2004, [Electronic Document], Retrieved on January 23, 2013 from http://ec.europa.eu/enlargement/pdf/turkey/presidency_conclusions16_17_12_04_en.pdf>
- European Council (2010) ‘The Stockholm Programme – An Open and Secure Europe Serving and Protecting Citizens’, *Official Journal of the European Union*, C 115/1, Brussels.
- European Data Protection Supervisor (EDPS) (2011) ‘Eurodac’ [Electronic Source], retrieved on May 27, 2012 from <http://www.edps.europa.eu/EDPSWEB/edps/Supervision/Euro-dac>>
- European Parliament (2012a) ‘Committees’, [Electronic Source], Retrieved on June 18, 2012 from <http://www.europarl.europa.eu/committees/en/home.html>>
- European Parliament (2012b) ‘Rules and Procedures of the European Parliament’ [Electronic Document], Retrieved on June 12, 2012 from <http://www.europarl.europa.eu/sides/getLastRules.do?language=EN&reference=ANN-07>>
- European Union (2006) ‘Consolidated Versions of the Treaty on European Union and of the Treaty Establishing the European Community’, *Official Journal of the European Union*, Brussels.
- European Union (2012) ‘Member Countries: Spain’, [Electronic Source], Retrieved on August 22, 2012 from http://europa.eu/about-eu/countries/member-countries/spain/index_en.htm>
- Eurostat (2008) *In the Spotlight - Demographic Change: Challenge or Opportunity?*, Eurostat Yearbook [Electronic Report] retrieved on December 8, 2012 from http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-CD-07-001-SPOT/EN/KS-CD-07-001-SPOT-EN.PDF>
- Eurostat (2011) Asylum Statistics [Electronic Database], Retrieved on February 23, 2012 from http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Asylum_statistics-#Asylum_applications>
- Eurostat (2011a) Unemployment Statistics, Spain [Electronic Database], retrieved on December 7, 2012 from <http://epp.eurostat.ec.europa.eu/portal/page/portal/eurostat/home/>

- Eurostat (2011b) 'Population age structure by major age groups, 1990 & 2010: % of the total population' [Electronic Source], retrieved on December 8, 2012 from <http://epp.eurostat.ec.europa.eu/portal/page/portal/eurostat-/home/>
- Eurostat (2011c) 'Fertility Indicators' [Electronic Database], retrieved on December 8, 2012 from <http://epp.eurostat.ec.europa.eu/portal/-page/portal/eurostat-/home/>
- Eurostat (2012) Harmonised Unemployment Rate by Sex [Electronic Database], Retrieved on August 24, 2012 from <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&language=en&pcode=teilm00&tableSelection=1&plugin=1>>
- External Frontiers Convention (1991) [*Convention between the Member States of the European Communities on the crossing of their external frontiers*] [Electronic Version] Retrieved on May 2, 2012 from http://aei.pitt.edu/1266/1/external_frontiers_COM_93_684.pdf>
- Evans, Graham & Newnham, Jeffrey (1998) *Dictionary of International Relations*, Penguin Books: London.
- Evelien, Brouwer (2005) 'Data Surveillance and Border Control in the EU: Balancing Efficiency and Legal Protection of Third Country Nationals', WP 14, Challenge: Liberty and Security Project, funded by the European Commission in the Sixth Framework Programme, [Electronic Source], Retrieved on May 23, 2012 from <http://www.libertysecurity.org/article289.html>
- Faiella, Graham (2004), *Spain: A Primary Source Cultural Guide*, New York: Rosen Publishing.
- Feller, Erika (1989), 'Carrier Sanctions and International Law' in *International Journal of Refugee Law*, Vol. 1, No. 1, pp. 48 – 66.
- Ferrer – Gallardo, Xavier (2008) 'The Spanish – Moroccan Border Complex: Processes of geopolitical, functional and symbolic rebordering' in *Political Geography*, Vol. 27, pp. 301 – 321.
- Ferrer – Gallardo, Xavier (2007) 'Border Acrobatics between the European Union and Africa: The Management of Sealed –off Permeability on the Borders of Ceuta and Melilla' in Emmanuel Brunet – Jailly (ed.) *Borderlands: Comparing Border Security in North America and Europe*, Ottawa: University of Ottawa Press, pp. 75 – 95.
- Freeman, Gary (1994), 'Can Liberal States Control Unwanted Migration?' *Annals of the American Academy of Political and Social Science*, Vol. 534, July, pp. 17 – 30.

- Freeman, Gary (1995) 'Modes of Immigration Politics in Liberal Democratic States' in *International Migration Review*, Vol. 29, No. 4 (Winter), pp. 881 – 902.
- FRONTEX, (2012a) 'Annual Risk Analysis 2012' [Electronic Source], retrieved on May 12, 2012 from http://frontex.europa.eu/assets/Publications/Risk_-_Analysis/Annual_Risk_Analysis_2012.pdf
- FRONTEX (2012b) 'Smarter, Faster, Safer' [Electronic Resource], retrieved on June 2, 2012 from <http://www.frontex.europa.eu/featured-stories/smarter-faster-safer--SDnnpj>
- Fry, Maxwell J. (1971) 'Turkey's First Five – Year Development Plan: An Assessment', *The Economic Journal*, Vol. 81, No. 322, pp. 306 – 326.
- Geddes, Andrew (2003) 'Still Beyond Fortress Europe? Patterns and Pathways in EU Migration Policy', *Queen's Papers on Europeanisation*, No.4.
- Geddes, Andrew (2005) 'Europe's Border Relationships and International Migration Relations' in *Journal of Common Market Studies*, Vol. 43, No. 4, pp. 787 – 806.
- General Secretariat of the Council of the European Union (2009), 'Press Release: The Lisbon Treaty's Impact on the Justice and Home Affairs (JHA) Council: More co-decision and new working structures' [Electronic Document], Retrieved on June 14, 2012 from <http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/111615.pdf>
- Gerring, John (2007) *Case Study Research: Principles and Practices*, New York: Cambridge University Press.
- Ghosh, Bimal (1998) *Huddled Masses and Uncertain Shores: Insights into Irregular Migration*, London: Martinus Nijhoff Publishers.
- Giddens, Anthony (1991), *The Consequences of Modernity*, CA: Stanford University Press, Stanford
- Gibney, Matthew J. (2005), 'Beyond the Bounds of Responsibility: Western States and Measures to Prevent the Arrival of Refugees' in *Global Migration Perspectives*, No. 22.
- Gibraltar (2012) [Official Website], retrieved on September 19, 2012 from <<http://www.gibraltar.gov.uk/visa.php>>
- Gillespie, Richard (2002), 'Spain's pursuit of security in the western Mediterranean' in *European Security*, Vol. 11, No. 2, pp. 48 – 74.

- Global Humanitarian Assistance (2011), 'The Arab Spring', [Electronic Source], retrieved on August 10, 2012 from <http://www.globalhumanitarianassistance.org/wpcontent/uploads/2011/07/Arab-Spring.pdf>
- Gobierno de Espana (2012), 'Autonomous Communities and Cities', [Electronic Source], Retrieved on August 23, 2012 from <[www.todofp.es/todofp/formacion/spainskills/quees/ComunidadesAutonomas.html](http://todofp.es/todofp/formacion/spainskills/quees/ComunidadesAutonomas.html)>
- Golafshani, Nahid (2003) 'Understanding Reliability and Validity in Qualitative Research' in *The Qualitative Report*, Vol. 8, No. 4, pp. 597 – 607.
- Goldstein, James *et al.* (2008) *Large Scale Biometrics Deployment in Europe: Identifying Challenges and Threats*, Joint Research Centre Scientific and Technical Reports: Spain.
- Gonzalez – Enriquez, Carmen (2010) 'Spain: Irregularity as a Rule' in Anna Triandafyllidou (ed.) *Irregular Migration in Europe: Myths and Realities*, Aldershot: Ashgate, pp. 247 – 266.
- Goodwin – Gill, Guy (2006) 'Convention Relating to the Status of Refugees, Geneva, July 28, 1951 and Protocol Relating to the Status of Refugees, New York, January 31, 1967' [Electronic Article], retrieved on January 23, 2013 from <<http://untreaty.un.org/cod/avl/ha/prsr/prsr.html>>
- Government of Spain (December 18, 2001) *More Europe: Priorities of the Spanish Presidency of the EU*, Brussels.
- Granell, Francesc (1990) 'Aims and Outcome of the First Spanish Presidency of the Council of the European Communities' *Revista CIDOB D'Afers Internacionals*, Vol. 18, pp. 105 – 112.
- Gregory, Derek; Johnston, Ron; Pratt, Geraldine; Watts, Micheal J. & Whatmore, Sarah (2009) *The Dictionary of Human Geography*, 5th ed., Malden: Wiley – Blackwell.
- Groenendijk, Kees & Guild, Elspeth (2003) 'In Search of Europe's Borders: Article 62 EC, Visas and European Community Law' in Kees Groenendijk, Elspeth Guild and Paul Minderhoud (eds.), *In Search of Europe's Borders*, New York: Kluwer Law International, pp. 1 – 7.
- Guardia Civil (2012) 'Sistema Integrado de Vigilancia Exterior – SIVE', retrieved on October 08, 2012, from <http://www.guardiacivil.es/es/prensa/especiales/sive/introduccion.html>>

- Guild, Elspeth (2001) 'Moving the Borders of Europe', inaugural lecture delivered on May 30, 2001, [Electronic Version], Retrieved on December 11, 2010 from <http://cmr.jur.ru.nl/cmr/docs/oratie.eg.pdf>
- Guild, Elspeth (2003a) 'International Terrorism and EU Immigration, Asylum and Borders Policy: The Unexpected Victims of 11 September 2001' in *European Foreign Affairs Review*, Vol. 8, pp. 331-346.
- Guild, Elspeth (2003b) 'The Border Abroad – Visas and Border Controls' in Kees Groenendijk, Elspeth Guild and Paul Minderhoud (eds.), *In Search of Europe's Borders*, New York: Kluwer Law International, pp. 87 – 105.
- Guiraudon, Virginie (2000) 'European Integration and Migration Policy: Vertical Policy-making as Venue Shopping' in *Journal of Common Market Studies*, Vol. 38, No.2, pp. 251-71.
- Guiraudon, Virginie (2003) 'Before the EU Border: Remote Control of the "Huddled Masses" in Kees Groenendijk, Elspeth Guild and Paul Minderhoud (eds.), *In Search of Europe's Borders*, New York: Kluwer Law International, pp. 191 – 215.
- Guiraudon, Virginie (2006), 'Enlisting Third Parties in Border Control: A Comparative Study of its causes and consequences' in Marina Caparini & Otwin Maranin (eds.), *Borders and Security Governance: Managing Borders in a Globalised World*, Geneva Center for the Democratic Control of Armed Forces, Geneva: LIT Verlag Münster.
- Güder, Gökhan (2011) 'Demografik Dönüşüm, Aile ve Kalkınma' [Electronic Document], retrieved on January 23, 2013 from <http://www.kalkinma.gov.tr/DocObjects/view/-14756/Demografik_D%C3%B6nüşüm,_Aile_ve_Kalk%C4%B1nma.pdf>
- Güven, Dilek (2005) *Cumhuriyet Dönemi Azınlık Politikaları Bağlamında: 6 – 7 Eylül Olayları*, İstanbul: Türk Tarih Vakfı.
- Güven, Dilek (2011) 'Riots against the Non – Muslims of Turkey: 6/7 September 1955 in the context of demographic engineering' *European Journal of Turkish Studies*, Vol. 12, pp. 1- 15.
- Hacettepe Üniversitesi, Nüfus Etütleri Enstitüsü (2009)*Türkiye'nin Demografik Dönüşümü: Doğurganlık, Aile Planlaması, Anne – Çocuk Sağlığı ve Beş Yaş Altı Ölümlerdeki Değişimler: 1968 – 2008*, Ankara: Hacettepe Yayınları.
- Hammar, Thomas (1985), *European Immigration Policy: A Comparative Study*, Cambridge: Cambridge University Press.

- Hannum, Hurst (1990) *Autonomy, Sovereignty and Self – Determination: the Accomodation of Conflicting Rights*, Pennsylvania: University of Pennsylvania Press.
- Hayes, Ben (2004) ‘Statewatch Analysis: From the Schengen Information System to the SIS II and the Visa Information (VIS): Proposals Explained’ [Electronic Report], Retrieved on May 30, 2012 from <http://www.statewatch.org/news/2005/may/analysis-sisII.pdf>
- Hecker, Pierre (2006) ‘Country Profile: Turkey’ *Focus Migration*, [Electronic Article], retrieved on January 30, 2013 from <http://focusmigration.hwwi.de/typo3_upload/groups/3/focus_Migration_Publikationen/Laenderprofile/CP_05_Turkey.pdf>
- Held, David & McGrew, Andrew (2003) ‘The Great Globalization Debate: An Introduction’ in David Held and Andrew McGrew (eds.) *The Global Transformations Reader: An Introduction to the Globalization Debate*, Malden: Blackwell Publishing, pp.1 – 45.
- Hernandez, Albert (2009) ‘Reconquista’ in Miguel A. De La Torre (ed.) *Hispanic American Religious Cultures*, California: ABC – Clio, LLC.
- Herz, Dietmar (2003) ‘European Immigration and Asylum Policy: Scope and Limits of Intergovernmental Cooperation’, Research Paper presented at the 8th EUSA Conference, March 27 – 29.
- Hettne, Björn (1999a) ‘The New Regionalism: A Prologue’ in Hettne, Björn, *et al.* (eds.) *Globalism & the New Regionalism*, Hamsphire: Palgrave Macmillan.
- Hettne, Björn (1999b) ‘Globalisation and the New Regionalism: The Second Great Transformation’ in Hettne, Björn, *et al.* (eds.) *Globalism & the New Regionalism*, Hamsphire: Palgrave Macmillan, pp. 1- 25.
- Hettne, Björn (2002) ‘The Europeanisation of Europe: Endogenous and Exogenous Dimensions’ in *European Integration*, Vol. 24, No. 4, pp. 325 – 340.
- Hettne, Björn (2005) ‘Beyond the ‘new regionalism’ in *New Political Economy*, Vol. 10, No. 4, pp. 543 – 571.
- Hettne, Björn & Söderbaum, Fredrik (2000) ‘Theorizing the Rise of Regionness’, *New Political Economy*, Vol. 5, No. 3, pp. 457 – 472.
- Hilton, Jodi (July 16, 2011) ‘Bulgaria: Migrants’ Latest Route to the EU’ *Global Post*, retrieved on May 19, 2013 from <http://www.globalpost.com/dispatch/news/regions-/europe/110708/bulgaria-turkey-migrants-schengen-area>

- Hix, Simon (2005) *The Political System of the European Union*, New York: Palgrave Macmillan.
- Hollifield, James F. (2004) 'The Emerging Migration State' in *International Migration Review*, Vol. 38, No. 3, pp. 885 – 912.
- Hooghe, L. & Marks, G. (2003) 'Multi-Level Governance in the European Union' in Brent Nelson and Alexandar Stubb (eds.) *The European Union: Readings on the Theory and Practice of European Integration*, London: Palgrave Macmillan.
- House of Lords (2007) Schengen Information System II: Report with Evidence, HL Paper 49, [Electronic Source], retrieved on May 24, 2012 from <http://www.publications.parliament.uk/pa/ld200607/ldselect/ldeucom/49/49.pdf>
- House of Lords (2008) FRONTEX: The EU External Borders Agency: Report with Evidence, HL Paper 60, [Electronic Source], retrieved on March 1, 2012 from <http://www.publications.parliament.uk/pa/ld200708/ldselect/ldeucom/60/60.pdf>
- Hughes, Donna (2009) 'The "Natasha" Trade: The Transnational Shadow Market of Trafficking in Women' in *Journal of International Affairs*, Spring 2000, No.2, pp. 625-651.
- Human Rights Watch (March 10, 1991) 'What happened to the Iraqi Kurds?' [Electronic Report], retrieved on January 22, 2013 from <http://www.unhcr.org/refworld/docid/47fdfb1b0.html>
- Huysmans, Jeff (2000) 'The European Union and the Securitization of Migration' in *Journal of Common Market Studies*, Vol. 38, No.5, pp. 751-777.
- Huysmans, J. (2000). 'The European Union and the Securitization of Migration' in *Journal of Common Market Studies*, Vol. 38, No.5, pp. 751-777.
- Hür, Ayşe (12/02/2006) 'Şeyh Said'den Dersim'e', *Radikal*, [Electronic Article], retrieved on April 8, 2013 from http://www.radikal.com.tr/ek_haber.php?ek=r2&haberno=5542
- IATA (International Air Transport Association) (2012) 'Andorra Customs, Currency & Airport Tax Regulation Details' [Electronic Source], retrieved on September 18, 2012 from <http://www.iatatravelcentre.com/AD-Andorra-customs-currency-airport-tax-regulations-details.htm>
- Ibrahim, Maggie (2005). 'The Securitization of Migration: A Racial Discourse' in *International Migration*, Vol. 43, No.5, pp. 163-187.

- Ibryamova, Nouray (2002) 'Migration from Central and Eastern Europe and Societal Security in the European Union'. University of Miami, *Jean Monnet/Robert Schuman Paper Series*, Vol. 1, No.2
- İçduygu, Ahmet (2004) 'Transborder Crime between Turkey and Greece: Human Smuggling and Its Regional Consequences' in *Southeast European and Black Sea Studies*, Vol. 4, No. 2, pp. 294-314.
- İçduygu, Ahmet (2008) 'Rethinking Irregular Migration in Turkey: Some Demo – Economic Reflections' *CARIM Analytic and Synthethic Notes 2008 / 72*.
- İçduygu, Ahmet & Fuat Keyman (2000) 'Globalization, Security and Migration: The Case of Turkey' in *Global Governance*, Vol. 6, Issue 3, pp. 383-399.
- İçduygu, Ahmet & Şule Toktaş (2002) ' How do Smuggling and Trafficking Operate via Irregular Border Crossings in the Middle East?: Evidence from Fieldwork in Turkey' in *International Migration*, Vol. 40, Issue: 6, pp. 25-52.
- İçduygu, Ahmet & Kemal Kirişçi (2009a) 'Introduction: Turkey's International Migration in Transition' in Ahmet İçduygu & Kemal Kirişçi (eds.) *Land of Diverse Migrations: Challenges of Emigration and Immigration in Turkey*, Istanbul Bilgi University Press: Istanbul.
- İçduygu, Ahmet & Kemal Kirişçi (2009b) 'Conclusion: Challenges Facing Turkey as a 'Migration Transition Country and a Future Research Agenda' in Ahmet İçduygu & Kemal Kirişçi (eds.) *Land of Diverse Migrations: Challenges of Emigration and Immigration in Turkey*, Istanbul Bilgi University Press: Istanbul.
- İçduygu, Ahmet & Sert, Deniz (2009) 'Country Profile: Turkey' *Focus Migration*, [Electronic Report], retrieved on January 12, 2013 from <<http://focus-migration.hwwi.de/Country-Profiles.1349.0.html?&L=1>>
- Instituto Nacional de Estadística (2012), Padron Municipales, <www.ine.es>
- IOM (2000) *The International Migrant Stock: A Global View*, [Electronic Source], Retrieved on December 20, 2010 from <<http://www.iom.int>>
- IOM (2010a) *Irregular Migration*, [Electronic Source], Retrieved on June 16, 2010 from <http://www.iom.int/jahia/Jahia/about-migration/managing-migration/managingmigratio-n-irregular-migration>
- IOM (2010b) *Facts and Figures*, [Electronic Source], Retrieved on December 20, 2010 from <http://www.iom.int>

- IOM (2010c), *World Migration Report 2010*, [Electronic Document], Retrieved on February 16, 2012 from <
http://www.jcp.ge/iom/pdf/WMR_2010_ENGLISH.pdf>
- IOM (2012a) ‘Country Fact Sheet: Turkey’ [Electronic Report], retrieved on January 30, 2013, from http://www.bamf.de/SharedDocs/MILoDB/EN/-Rueckkehrfoerderung/Laenderinformationen/Informationsblaetter/cfstuerkei/downloadenglisch.pdf?__blob=publication-File
- Jandl, Micheal (2004), ‘The Estimation of Illegal Migration in Europe’ in *Studi Emigrazione / Migration Studies*, Vol. XLI, No. 153, pp. 141 – 155.
- Jandl, Micheal (2007) ‘Irregular Migration, Human Smuggling, and the Eastern Enlargement of the European Union’ in *International Migration Review*, Vol. 41, No. 2, pp. 291-315.
- Jefatura del Estado (1985) ‘Ley Orgánica 7/1985, de 1 de julio, sobre derechos y libertades de los extranjeros en España, *Boletín Oficial del Estado*, BOE-A-1985-12767.
- Jessop, Bob (2000) ‘The Crisis of the National Spatio – Temporal Fix and the Ecological Dominance of Globalizing Capitalism’, in *International Journal of Urban and Regional Research*, Vol. 24, No. 2, pp. 323 – 360.
- Jileva, Elena (2002) ‘Visa and Free Movement of Labour: The Uneven Imposition of the EU *acquis* on the Accession States’ in *Journal of Ethnic and Migration Studies*, Vol. 28, No. 4, pp. 683 – 700.
- Joppke, Christian (1998) ‘Why Liberal States Accept Unwanted Immigration’ in *World Politics*, Vol. 50, No. 2, pp. 266 – 293.
- Justice and Home Affairs Ministers (2011) ‘Informal Meeting: Smart Borders in the Schengen Space’ on 18 – 19 July, 2011, [Electronic Document], Retrieved on June 3, 2012 from <http://www.statewatch.org/news/2011/jul/eu-council-informal-jha-smartborders.pdf>
- Kaçakçılık İstihbarat, Harekat ve Bilgi Toplama Dairesi Başkanlığı (2011) ‘Kaçakçılık, Kaçakçılıkla Mücadele ve Yaygın Kaçakçılık Türleri’ [Electronic website], accessed on May 12, 2013 at www.kihbi.gov.tr
- Kalaycıoğlu, Ersin (2005) *Turkish Dyanmics: Bridge Across Troubled Lands*, New York: Palgrave Macmillan.
- Keating, Micheal (1998) *The New Regionalism in Western Europe: Territorial Restructuring and Political Change*, Cheltenham: Edward Elgar.

- Keyder, Çağlar (2003) *Memalik-I Osmaniye'den Avrupa Birliği'ne*, İstanbul: İletişim Yayınları.
- King, Russell (1998) 'The Mediterranean: Europe's Rio Grande' in Eberhard Bort and Malcolm Anderson (eds.) *Frontiers of Europe*, London: Pinter, pp. 109 – 135.
- Kirişçi, Kemal (2002) *Justice and Home Affairs Issues in Turkish-EU Relations*, Tesev: İstanbul.
- Kirişçi, Kemal (2003) 'Turkish Asylum Policies in a European Perspective' in Emrehan Zeybekoğlu and Bo Johansson (eds.), *Migration and Labour in Europe: Views from Turkey and Sweden*, Marmara University Research Center for International Relations, Swedish National Institute for Working Life: İstanbul, pp. 56-72.
- Kirişçi, Kemal (2005) 'To Lift or Not to Lift' the Geographical Limitation to the 1951 Geneva Convention Relating to the Status of Refugees: Turkey's Pre-accession to the EU and Asylum' Draft paper prepared for the 4th METU International Relations, Ankara, 30 June – 2 July, 2005.
- Kirişçi, Kemal (2007) 'Turkey: A Country of Transition from Emigration to Immigration', *Mediterranean Politics*, Vol. 12, No. 1, pp. 91 – 97.
- Kirişçi, Kemal (2008) 'Migration and Turkey: the dynamics of state, society and politics' in Reşat Kasaba (ed.) *The Cambridge History of Turkey: Volume 4 Turkey in the Modern World*, Cambridge: Cambridge University Press.
- Kjaer, Kim (2003) 'How Many Borders in the EU?' in Kees Groenendijk, Elspeth Guild and Paul Minderhoud (eds.), *In Search of Europe's Borders*, New York: Kluwer Law International, pp. 169 – 191.
- Knill, Christoph & Lehmkuhl, Dirk (2002) 'The National Impact of European Union Regulatory Policy: Three Europeanization Mechanisms' in *European Journal of Political Research*, Vol.41, pp. 255-280.
- Kocabal, Ahmet (2003) 'POLNET ve Emniyet Bilgi Sistemi' [Electronic Article], retrieved on April 23, 2013 from www.caginpulisi.com.tr
- Kolossov, Vladimir (2005) 'Theorizing Borders: Border Studies: Changing Perspectives and Theoretical Approaches' in *Geopolitics*, Vol. 10, pp. 606 – 632.
- Koser, Khalid (2000) 'Asylum Policies, Trafficking and Vulnerability' in *International Migration*, Special Issue, pp. 91-111.

- Koser, Khalid (2001) 'The Smuggling of Asylum Seekers into Western Europe: Contradictions, Conundrums and Dilemmas' in David Kyle & Rey Koslowski (eds.) *Global Human Smuggling: Comparative Perspectives*, John Hopkins University Press: Baltimore.
- Koser, Khalid (2005) 'Irregular Migration, State Security and Human Security', Paper Prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration. [Electronic Document] Retrieved on December 27, 2010 from <http://www.gcim.org>
- Koser, Khalid (2007) *International Migration: A Very Short Introduction*, Oxford University Press: New York.
- Kostakopoulou, Dora (2000) 'The Protective Union: Change and Continuity in Migration Law and Policy in Post-Amsterdam Europe', *Journal of Common Market Studies*, Vol. 38, No.3, pp. 497-518.
- Köktaş, Arif (2011) 'Sınır Güvenlik Birimi Kurma Çalışmaları' *Stratejik Düşünce Enstitüsü*, [Electronic Report], retrieved on April 15, 2013 from <http://www.sde.org.tr/userfiles/file/Sinir%20Birlikleri%20Analiz.pdf>
- Kraler, Albert & Reichel, David (2011) 'Measuring Irregular Migration and Population Flows – What Available Data Can Tell?' in *International Migration*, Vol. 49 (5), pp. 96 – 128.
- Kraler, Albert & Rogoz, Madalina (2011) 'Irregular Migration in the European Union since the turn of the millennium – development, economic background and discourse', *Clasdestino Working Paper*, No: 11.
- Kramer, Heinz (2006) 'Turkey and the EU: The EU's Perspective', *SWP Comments*, [Electronic Version], retrieved on February 23, 2013 from http://www.swp-berlin.org/fileadmin/contents/products/fachpublikationen/Heinz_Kramer_ks.pdf
- Kramer, Heinz (2007) 'EU – Turkey Negotiations: Still in the “Cyprus Impasse”', *SWP Comments* [Electronic Version], retrieved on February 25, 2013 from http://www.swp-berlin.org/fileadmin/contents/products/comments/2007C01_krm_ks.pdf
- Kramer, Heinz (2009) 'Turkey's Accession Process to the EU: The Agenda behind the Agenda' *SWP Comments*, [Electronic Source], retrieved on January 23, 2013 from http://www.swpberlin.org/fileadmin/contents/products/comments/2009C25_krm_ks.pdf
- Kreienbrink, Axel (2008) 'Country Profile: Spain' *Netzwerk Migration in Europa*, [online paper available at www.focus-migration.de

- Kyle, David & Rey Koslowski (2001) *Global Human Smuggling: Comparative Perspectives*, The Johns Hopkins University Press: Baltimore.
- Kyle, David & Goldstein, Rachel (2011) 'Migration Industries: A Comparison of the Ecuador – US and Ecuador – Spain Cases', *Migration Policy Institute*, Italy: European University Institute.
- Lahav, Galya (2004) *Immigration and Politics in the New Europe*, Cambridge: Cambridge University Press.
- Lahav, Galya & Anthony Messina (2005) 'The Limits of a European Immigration Policy' in *Journal of Common Market Studies*, Vol. 43, No. 4, pp. 851-877.
- Lander, Mark (December 3, 2011) 'In Turkey to Strengthen Ties, Biden Refuses to Ignore a Host's Economic Boast', *New York Times* [Electronic Version], retrieved on January 30, 2013 from <<http://www.nytimes.com/2011/12/04/world/europe/biden-parries-turkish-officials-economic-boast.html>>
- Latif, Dilek (2002) 'Refugee Policy of the Turkish Republic' *The Turkish Yearbook of International Relations*, Vol. 33, p. 1 – 29.
- Lavanex, Sandra (2001) 'The Europeanization of Refugee Policies: Normative Challenges and Institutional Legacies' in *Journal of Common Market Studies*, Vol. 39, No. 5, pp. 851-874.
- Law No. 5683 on the Residence and Travel of Foreigners in Turkey (1950; 2011), [Electronic Version], retrieved on April 18, 2013 from <<http://www.mevzuat.gov.tr/MevzuatMetin/1.3.5683.pdf>>
- Law No. 6458 (2013), [Electronic Version], Retrieved on April 19, 2013 from <http://gib.icisleri.gov.tr/default_B0.aspx?id=186>
- Lechner, Frank J. & Boli, John (2004, 2008) (eds.) *The Globalization Reader*, Blackwell Publishing: Malden.
- Leimgruber, Walter *et al.* (2003) *Policies and Strategies in Marginal Regions: Summary and Evaluations*, Aldershot: Ashgate.
- Lewis, Bernard (2002) *What Went Wrong? : Western Impact and Middle Eastern Response*, New York: Oxford University Press.
- Lewis, Bernard (2002) *The Emergence of Modern Turkey*, New York: Oxford University Press.

- Liempt, Ilse van (2007) 'Human Smuggling: Types, Origins and Dynamics' in Erik Berggren & Branka Likic-Brboric (eds.) *Irregular Migration, Informal Labour & Community: A Challenge for Europe*, Shaker Publishing: Amsterdam.
- Llorente, Juan Antonio (1826) *The History of the Inquisition of Spain: From the Time of Its Establishment to the Reign of Ferdinand II*, London: William Clowe.
- Lutterbeck, Derek (2006) 'Policing Migration in the Mediterranean' in *Mediterranean Politics*, Vol. 11, No. 1, pp. 59 – 82.
- Lutz, Fabian (September 17, 2012), 'Answer 338 – DG Home Europa Feedback', (Answers to the questions mailed to the DG Home Affairs, European Commission).
- Loughlin, John (1996) 'Europe of the Regions' and the Federalization of Europe' in *Publius: The Journal of Federalism*, Vol. 26, No. 4, pp. 141 – 162.
- MacLennan, Julio Crespo (2000), *Spain and the Process of European Integration, 1957 – 1985*, New York: Palgrave.
- Macmillan Dictionary, 2012 'Gated Community', [Electronic Source], retrieved on August 18, 2012 from <http://www.macmillandictionary.com/dictionary/british/gated-community>
- Macovei, Mihai (2009) 'Growth and Economic Crises in Turkey: leaving behind a turbulent past?' Economic Papers 386, European Commission Directorate – General Economic and Financial Affairs Publications: Brussels.
- Mar – Molinero, Clare & Smith, Angel (1996) 'The Myths and Realities of Nation – Building in the Iberian Peninsula' in Clare Mar – Molinero and Angel Smith (eds.), *Nationalism and the Nation in the Iberian Peninsula: Competing and Conflicting Identities*, Berg: Oxford, pp. 1 – 33.
- Mardin, Şerif (2006) *Religion, Society and Modernity in Turkey*, New York: Syracuse University Press.
- Markova, Eugenia (2010) 'Effects of Migration on Sending Countries: Lessons from Bulgaria', *Hellenic Observatory Papers on Greece and Southeast Europe*, GreeSE Paper No.35.
- Martinez – Bujan, Raquel (2009) 'The entry of female immigrants into personal home care services in Spain' in Heinz Fassmann, Maz Haller and David Iove (eds.) *Migration and Mobility in Europe: Trends, Patterns and Control*, London: Edward Elgar Publishing.

- Mansfield, Edward D. & Milner, Helen V. (1999) 'The New Wave of Regionalism' in *International Organization*, Vol. 53, No. 3, pp. 589 – 627.
- Mateus, Nelson (2010) 'The Borders' maze: Allowing in Versus Keeping Out – Securitization Policies as Gatekeepers' in Ricard Zapata – Barrero (ed.) *Shaping the Normative Contours of the European Union: A Migration – Border Framework*, Barcelona: CIDOB Foundation, pp. 37 – 55.
- McKeown, Adam (2008) *Melancholy Order: Asian Migration and the Globalization of Borders*, Columbia University Press: New York.
- McLaren, Lauren M. (2007) 'Explaining Opposition to Turkish Membership of the EU' in *European Union Politics*, Vol. 8, No. 2, pp. 251 – 278.
- Medieval History (2012) 'Spanish Kingdoms' [Electronic Source], Retrieved on August 26, 2012 from <<http://historymedren.about.com/library/-atlas/blatmapsp1030.htm>>
- Meditz, Sandra W. & Solsten, Eric (eds.) (1988) *Spain: A Country Study*, Washington: GPO for the Library of Congress [Online edition], retrieved on November 13, 2012 from <<http://countrystudies.us/spain/2.htm>>
- Merriam – Webster (2012), *English Dictionary*, [Electronic Version], Retrieved on December 20, 2010 from www.merriam-webster.com
- Metz, Helen Chapin (ed.) (1995) *Turkey: A Country Study*, Washington: GPO for the Library of Congress, [Online Edition], retrieved on January 31, 2013 from <<http://countrystudies.us/turkey/>>
- Migration Watch UK (2010) *The Lisbon European Reform Treaty Impact on Asylum and Immigration Policy*, Retrieved on July 25, 2010 from <http://www.migrationwatchuk.org/Briefingpaper/document/82>
- Milas, Herkül (der.) (2001) *Göç: Rumlar'ın Anadolu'dan Mecburi Ayrılışı [1919 – 1923]*, İstanbul: İletişim.
- Minderhoud, Paul (1998) 'Regulation of Migration: Introduction' in Anita Böcker, et al. (eds.) *Regulation of Migration: International Experiences*, Amsterdam: Het Spinhuis Publishers, pp. 7 – 27.
- Ministerio de Asuntos Exteriores y de Cooperación, Gobierno de España (Ministry of Foreign Affairs, Government of Spain) (2012), [Electronic Source], Retrieved on September 19, 2012 from <<http://www.maec.es/en/MenuPpal/Consulares/ServiciosConsulares/InformacionExtranjeros/Paginas/REQUIREMENTSFORENTRY.aspx>>

- Ministerio de la Presidencia, Gobierno de Espana (Ministry of Presidency, Government of Spain) (2011a) ‘Spain Today’ [Electronic Document], Retrieved on August 23, 2012 from <<http://www.lamoncloa.gob.es/NR/rdonlyres/D30C8C03-BD97-4F33-B3EC94796ECC2EB5/155919/Spain-Today2013.pdf>>
- Ministerio de la Presidencia (2011b) ‘7703 Real Decrato 557 / 2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Organica 4 / 2000, sobre derechos y libertades de los extranjeros en Espana y su integracion social, tras su reforma por Ley Organica 2/2009’ *Boletin Oficial del Estado*, No. 103, Sec 1, Pag. 43821.
- Ministerio del Interior (2010) ‘Schengen Cooperation: The Schengen Information System’ [Electronic Document], retrieved on December 12, from http://www.agpd.es/portalwebAGPD/canalciudadano/derechosciudadano/derecho_Schengen/common/Derecho_Acceso_a_Sistema_Schengen_En.pdf
- Ministerio del Interior (2011) ‘Lucha Contra la Inmigracion Ilegal – Balance 2010’ [Electronic Report], retrieved on December 17, 2012 from <<http://www.interior.gob.es/file/11/11198/11198.pdf>>
- Ministry of Culture and Tourism, Turkey (2012) ‘Entry and Exit Statistics of Foreigners’, [Electronic Website], accessed on April 12, 2013 from <<http://sgb.kulturturizm.gov.tr/TR,50930/istatistikler.html>>
- Ministry of Foreign Affairs, Secretariat General for EU Affairs (2007) *Political Reforms in Turkey*, Ankara: M&B Tanıtım Hizmetleri Ticaret Ltd.
- Ministry of Foreign Affairs (2013a) ‘Visa Information for Foreigners’ [Electronic website], retrieved on April 15, 2013 from www.mfa.gov.tr
- Ministry of Foreign Affairs (2013b) ‘Yabancıların Tabi Olduğu Vize Rejimi’ [Electronic website], retrieved on April 15, 2013 from www.mfa.gov.tr
- Ministry of Foreign Affairs (2013c) ‘Sınır Kapılarımızda Vize Alan Yabancılardan Tahsil Edilen Vize Harçları’ [Electronic website], retrieved on April 15, 2013 from www.mfa.gov.tr
- Ministry of Foreign Affairs (2013d) ‘Türkiye’ye Seyahat E – Vize ile artık daha kolay’ [Electronic website], retrieved on April 15, 2013 from www.mfa.gov.tr
- Ministry of Foreign Affairs (2013e) ‘Information about Turkish Visas’ [Electronic Website], accessed on April 26, 2013 at www.konsolosluk.gov.tr

- Ministry of Foreign Affairs (2013f) ‘Türkiye’nin Yasadışı Göçle Mücadelesi’ [Electronic Website] accessed on September 12, 2013 at http://www.mfa.gov.tr/turkiye_nin-yasadisi-gocle-mucadelesi-.tr.mfa
- Ministry of Interior (2003) ‘Strategy Paper on the Protection of the External Borders in Turkey’ [Electronic Document], retrieved on May 12, 2012 from <http://syb.icisleri.gov.tr>
- Minghi, Julian V. (1963) ‘Boundary Studies in Political Geography’ in *Annals of the Association of American Geographers*, Vol. 53, No. 3 pp. 407 – 428.
- Morata, Francesc & Fernandez, Ana – Mar (2003) ‘The Spanish Presidencies: From Commitment to Reluctance towards European Integration’ in Ole Elgström (ed.), *European Union Presidencies: A Comparative Perspective*, London and New York: Routledge, pp. 173 – 190.
- Müftüler – Baç, Meltem (1997) *Europe in Change: Turkey’s relations with a changing Europe*, New York: Manchester University Press.
- Müftüler – Baç, Meltem (1998) ‘The never-ending story: Turkey and the European Union’ in *Middle Eastern Studies*, Vol. 34, No. 4 pp. 240 – 258.
- Müftüler – Baç, Meltem (2000) ‘Through the Looking Glass: Turkey in Europe’ in *Turkish Studies*, Vol.1, No. 1, pp. 21 – 35.
- Müftüler – Baç, Meltem (2005) ‘Turkey’s Political Reforms and the Impact of the European Union’, *South European Society & Politics*, Vol. 10, No. 1, pp. 16 – 30.
- Müller – Graff, Peter – Christian (1998) ‘Whose Responsibility are Frontiers?’ in Malcolm Anderson & Eberhard Bort (eds.), *The Frontiers of Europe*, Pinter: London, pp. 11 -21.
- Nadig, Aninia (2002) ‘Human Smuggling; National Security and Refugee Protection’ in *Journal of Refugee Studies*, Vol. 15, No. 1, pp. 1-25.
- Neal, Andrew W. (2009) ‘Securitization and Risk at the EU Border: The Origins of FRONTEX’, *Journal of Common Market Studies*, Vol. 47, No.2, pp. 333 – 356.
- Neumayer, Eric (2006), ‘Unequal Access to Foreign Spaces: How States use Visa Restrictions to Regulate Mobility in a Globalized World’ in *Transactions of the Institute of British Geographers*, New Series, Vol. 31, pp. 72 – 84.
- Newman, David (2001) ‘Boundaries, Borders and Barriers: Changing Geographic Perspectives on Territorial Lines’ in Mathias Albert, David Jackson and Yosef Lapid (eds.) *Identities, Borders, Orders: Rethinking International*

- Relations Theory*, University of Minnesota Press: Minneapolis, pp. 137 – 153.
- Newman, David (2003) ‘Boundaries’ in John Agnew, Katharyne Mitchell and Gerard Toal (eds.) *A Companion to Political Geography*, Blackwell Publishing: Malden.
- Newman, David (2006) ‘Borders and Bordering: Towards an Interdisciplinary Dialogue’ in *European Journal of Social Theory*, Vol. 9, No. 2, pp. 171 – 186.
- Newman, David (2011) ‘Contemporary Research Agendas in Border Studies: An Overview’, Doris Wastl-Walter (ed.) *The Ashgate Research Companion to Border Studies*, Farnham: Ashgate, pp. 33 – 49.
- NTVMSNBC (22/02/2008) ‘Gün Gün Sınır Ötesi Operasyonlar’ [Electronic Article], retrieved on April 9, 2013 from <http://arsiv.ntvmsnbc.com/news/436717.asp?cp1=1>
- Official Journal of the European Communities (December 31, 1977) ‘Agreement establishing an Association between the European Economic Community and Turkey’ [Electronic Version], retrieved on January 31 from <http://www.abgs.gov.tr/index.php?p=117&l=2>
- Ohmae, Kenichi (1992) ‘The Emergence of regional States: The Disappearance of Borders’, speech delivered to the Chicago Council on Foreign Relations Corporate Service Program, Chicago, Illinois, On February 7, 1992.
- Oran, Baskın (2004) *Türkiye’de Azınlıklar: Kavramlar, Teori, Lozan, İç Mevzuat, İctihat, Uygulama*, İstanbul: İletişim Yayınları.
- Oran, Baskın (2011) ‘İkinci ‘Varlık Vergisi Faciası’ *Radikal İki*, [Electronic Article], retrieved on March 31, 2013 from <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1044340>
- Ortaylı, İlber (1999) *İmparatorluğun En Uzun Yüzyılı*, İstanbul: İletişim Yayınları.
- Paasi, Anssi (1996) *Territories, Boundaries and Consciousness: The Changing Geographies of the Finnish – Russian Border*, John Wiley & Sons: New York.
- Paasi, Anssi (1999) ‘Boundaries as Social Practice and Discourse: The Finnish – Russian Border’ in *Regional Studies*, Vol. 33, No. 7, pp. 669 – 680.

- Paasi, Anssi (2001) 'Europe as a Social Process and Discourse: Considerations of Place, Boundaries and Identity' in *European Urban and Regional Studies*, Vol. 8, No. 7, pp. 7 – 28.
- Paasi, Anssi (2003) 'Territory' in John Agnew, Katharyne Mitchell and Gerard Toal (eds.) *A Companion to Political Geography*, Blackwell Publishing: Malden.
- Paasi, Anssi (2005) 'Generations and the 'Development' of Border Studies' in *Geopolitics*, Vol. 10, pp. 663 – 671.
- Paasi, Anssi (2005) 'Boundaries as Social Practice and Discourse: The Finnish – Russian Border' in Paul Ganster and David E. Lorey (eds.) *Borders and Border Politics in a Globalizing World*, SR Books: Lanham, pp. 117 – 137.
- Paasi, Anssi (2010) 'Regions are social constructs, but who or what 'constructs' them? Agency in question', *Environmental and Planning*, Vol. 42, pp. 2296 – 2301.
- Pannier, Alice (2010) *Relocating and Reasserting the Border: Spain's Input in Managing Migration to the EU*, unpublished Master Thesis submitted to the King's College London.
- Passport Law No. 5682 (1950; 2011), [Electronic Version], retrieved on April 18, 2013 from <<http://www.mevzuat.gov.tr/MevzuatMetin/1.3.5682.pdf>>
- Peers, Steve (2003) 'EU Borders and Globalization' in Kees Groenendijk, Elspeth Guild and Paul Minderhoud (eds.), *In Search of Europe's Borders*, New York: Kluwer Law International, pp. 45 – 67.
- Petros, Melanie (2005) 'The Costs of Human Smuggling and Trafficking' in *Global Migration Perspectives*, Vol. 31, pp. 1-20.
- Philips, William D., Jr. & Philips, Carla Rahn (2010), *A Concise History of Spain*, Cambridge: Cambridge University Press.
- Pope, Hugh (June 23, 2009) 'Privileged Partnership Offers Turkey Privilege nor Partnership' International Crisis Group Website, [Electronic Article], retrieved on March 1, 2013 from <<http://www.crisisgroup.org/en/regions/europe/turkey-cyprus/turkey/privileged-partnership-offers-turkey-neither-privilege-nor-partnership.aspx>>
- Powell, Charles (1995) 'Spain's External Relations 1898 – 1975' in Gillespie, Richard et. al. (eds.) *Democratic Spain: Reshaping external relations in a changing world*, London: Routledge, pp. 11 – 29.

- Powell, Charles (2003), 'Spanish Membership of the European Union Revisited' in *South European Society and Politics*, Vol. 8, No. 1 – 2, pp. 147 – 168.
- Precott, John Robert Victor (1972) *Political Geography*, Methuen & Co Ltd.: London.
- Prokkola, Eeva – Kaisa (2009) 'Unfixing Borderland Identity: Border Performances and Narratives in the Construction of Self' in *Journal of Borderland Studies*, Vol. 23, No. 4, pp. 21 – 38.
- Radaelli, Claudio M. (2003) 'The Europeanization of Public Policy' in Kevin Featherstone & Claudio M. Radaelli (eds.) *The Politics of Europeanization*, Oxford University Press: New York, pp. 27-57.
- Rainsford, Sarah (October 6, 2005) ' Turkey at the Drugs Crossroads', *BBC News*, [Electronic Version], retrieved on March 12, 2013 from <http://news.bbc.co.uk/2/hi/europe/43-05692.stm>
- Reill, Peter Hanns & Wilson, Ellen Judy (1996, 2004), *Encyclopedia of the Enlightenment*, New York: Facts On File.
- Rekacewicz, Philippe (March, 2012) 'Europe Fuzzy Borders' in *Le Monde Diplomatique*, [Electronic Source], Retrieved on April 23, 2012 from <http://mondediplo.com/maps/europeborders>
- Report of the Committee of Parliamentary Inquiry on Border Security Measures and Precautions (20/11/1996) 'Konya Milletvekili Mustafa Ünalı ve 18 Arkadaşının Hudutlarımızın Güvenliği Konusunda Alınan ve Alınması Gereken Tedbirleri Araştırmak Amacıyla Anayasanın 98 inci, İçtüzüğün 104 ve 105 inci Maddeleri Uyarınca Bir Meclis Araştırması Açılmasına İlişkin Önergesi ve (10/7) Esas Numaralı Meclis Araştırması Komisyonu Raporu'[Electronic Document], retrieved on February 12, 2013 from www.tbmm.gov.tr
- Resmann, Felix (2008) *Immigration Management in Spain: A Case Study of the Immigration Management Politics at the National Spanish and European Union Levels*, unpublished Undergraduate Thesis submitted to the Lund University.
- Resmi Gazete (21/06/1934), 2510 Sayılı İskan Kanunu, [Electronic Version], retrieved on January 30, 2013 from <http://www.mevzuat.adalet.gov.tr/html/554.html>
- Richardson, Nathan (2011) *Constructing Spain: The Re- Imagination of Spaca and Place in Fiction and Film, 1953 – 2003*, Plymouth: Bucknell University Press.

- Riggibiozzi, Pia (2010) 'Region, Regionness and Regionalism in Latin America: Towards a New Synthesis' Latin American Trade Network Working Paper 130, [Electronic Source], retrieved on April 10, 2012, from <<http://www.latn.org.ar/wp-content/uploads/2011/06/WP130.pdf>>
- Rijpma, Jorrit J. (2009) 'EU Border Management after the Lisbon Treaty', *Croatian Yearbook of European Law & Policy*, Vol. 5, pp. 121 – 149.
- Rijpma, Jorrit J. (2010) 'Justice and Home Affairs Agencies: Governing the Area of Freedom Security and Justice after Lisbon' Paper presented at the ECPR Fifth Pan-European Conference, Porto 24-26 June 2010.
- Risse, Thomas, Cowles, Maria Green & Caporaso, James (2001) 'Europeanization and Domestic Change: Introduction' in Thomas Risse, Maria Green Cowles & James Caporaso (eds.) *Transforming Europe: Europeanization and Domestic Change*, Cornell University Press: Ithaca, New York, pp. 1-21.
- Risse, Thomas (2012) 'Identity Matters: Explaining the Ambivalence of EU Foreign Policy' in *Global Policy*, Vol. 3, Issue Supplement 1, pp. 87 – 95.
- Rodger, Jessica (2001) "Defining Parameters of the Non-Refoulement Principle", Research Paper submitted to the, *Victoria University of Wellington Faculty of Law*, [Electronic Version] Retrieved on January 25, 2008 from <http://www.refugee.org.nz/JessicaR.htm>
- Roig, Annabelle & Thomas Huddleston (2007) 'EC Readmission Agreements: A Re-evaluation of the Political Impasse' in *European Journal of Migration and Law*, Vol. 9, pp. 363-387.
- Rosero – Bixby, Luis, *et. al.* (2011) 'Estimating the Number of Immigrants in Spain: An Indirect Method Based on Births and Fertility Rates', *Population*, Vol. 65, No. 3-4, pp. 543 – 560.
- Roses, Joan (2003) 'Why Isn't the Whole of Spain Industrialized? New Economic Geography and Early Industrialization, 1797 – 1910' in *The Journal of Economic History*, Vol. 63, No. 4, pp. 995 – 1022.
- Royo, Sebastian (2002) 'The Experience of Spain and Portugal in the European Union: Lessons for Latin America', *Miami European Union Center Working Paper Series*, Vol. 2, No. 2.
- Sahlins, Peter (1989) *Boundaries: The Making of Spain France & Spain in the Pyrenees*, California: California University Press.
- Sahlins, Peter (1998) 'State formation and national identity in the Catalan borderlands during the eighteenth and nineteenth centuries', Wilson,

- Thomas M. & Donnan, Hastings (eds.) *Border Identities: Nation and State at International frontiers*, Cambridge: Cambridge University Press, pp. 31 – 62.
- Salt, John (2000) ‘Trafficking and Human Smuggling: A European Perspective’ in *International Migration*, Special Issue, pp. 31-54.
- Samers, Michael (2004), ‘An Emerging Geopolitics of ‘Illegal Immigration in the European Union’ in *European Journal of Migration and Law*, Vol. 6, pp. 27 – 45.
- Sasse, Gwendolyn (2005) ‘Securitization or Securing Rights? Exploring the Conceptual Foundations of Policies towards Minorities and Migrants in Europe’ in *Journal of Common Market Studies*, Vol. 43, No. 5, pp. 673-693.
- Sassen, Saskia (1999), *Guests and Aliens*, New York: The New Press.
- Sassen, Saskia (2007), *A Sociology of Globalization*, New York: W. W. Norton & Company.
- Schengen Acquis (1999), [Electronic Version], Retrieved on September 22, 2011 from <http://consilium.-europa.eu/uedocs/cmsUpload/SCH.ACQUIS-EN.pdf>
- Schengen Executive Committee (2000) ‘The Common Manual and the Common Consular Instructions’, *Official Journal of the European Union*, Journal L 239, 22/09/2000 P. 0317 – 0404, Brussels.
- Schierup, Carl-Ulrik, Peo Hansen & Stephen Castles (2006) *Migration, Citizenship and the European Welfare State*, Oxford University Press: New York.
- Schrijver, Frans (2006) *Regionalism after Regionalisation: Spain, France and the United Kingdom*, Amsterdam: Amsterdam University Press.
- Schulze, Hagen (1996) *States, Nations and Nationalism*, Malden: Blackwell Publishers.
- Secretaria General de Inmigracion y Emigracion (2011), *Visados Expedidos en Oficinas Consulares* [Electronic Database], accessed on December 23, 2012 at <http://extranjeros.empleo.gob.es/es/estadisticas/operaciones/visados/index.html>
- Shaw, Stanford Jay & Shaw, Ezel Kural (2002) *History of the Ottoman Empire and Modern Turkey Vol. 2*, Cambridge: Cambridge University Press.
- Shubert, Adrian (2005) *Social History of Modern Spain*, Florence: Routledge.

- Siddqui, Tasneem (2008) 'Securitization Theory and Its Application in Migration', Unpublished Paper submitted to Refugee and Migratory Movements Research Unit, Dhaka.
- Spedalieri, Donato (2003) *Hadrian's Wall: AD 122 – 410*, Oxford: Osprey Publishing.
- Staples, Helen (2003) 'Adjudicating the External Schengen Border' in Kees Groenendijk, Elspeth Guild and Paul Minderhoud (eds.), *In Search of Europe's Borders*, New York: Kluwer Law International, pp. 215 – 251.
- Story, Jonathan (1995) 'Spain's External Relations Defined: 1975 – 1989' in Richard Gillespie, Fernando Rodrigo & Jonathan Story, *Democratic Spain: Reshaping External Relations in a Changing World*, New York: Routledge, pp. 30 – 50.
- Szyszczyk, Erika (2006) 'Experimental Governance: The Open Method of Coordination' in *European Law Journal*, Vol. 12, No.4, pp. 486-502.
- Şafak, Zeynep (April 24, 2013) 'Yabancılara 2 dakikada Türkiye vizesi', *Hürriyet*, retrieved on April 24, 2013 from <http://www.hurriyet.com.tr/ekonomi/23124124.asp>
- Şirin, Aslı (2008) *Back Home?: The Reality of Return in Bosnia – Herzegovina and the Role of the European Union in the Return Process*, Unpublished PhD Thesis delivered to the European Union Institute, Marmara University.
- Tallberg, Jonas (2003) 'The agenda – shaping powers of the EU Council Presidency' in *Journal of European Public Policy*, Vol. 10, No. 1, pp. 1 – 19.
- Tapinos, Georges (1999), *Trends in International Migration: Continuous Reporting System on Migration*, Annual Report, 1999 Edition, SOPEMI.
- Tapinos, Georges (2000) 'Globalisation, Regional integration, International Migration', *International Social Science Journal*, Vol. 52, No. 65, pp. 297 – 306.
- Taran, Patrick & Geronimi, Eduardo (2003) *Globalization, Labor and Migration: Protection is Paramount, Perspectives on Labour Migration*, Report to ILO, [Electronic Source] Retrieved on February 10, 2012 from <http://www.ilo.org/public/english/protection/migrant/download/pom/pom3e.pdf>
- Telo, Mario (2007) 'Introduction: Globalization, New Regionalism and the Role of the European Union' in Mario Telo (ed.) *European Union and New*

Regionalism: Regional Global Actors and Global Governance in a Post – Hegemonic Era, London: Ashgate, pp. 1 – 21.

The Institute of Population Studies Hacettepe University (1974) *The Population of Turkey*, CICRED Series, Ankara: Doğuş.

The Universal Declaration of Human Rights (1948) [Electronic Document], Retrieved on February 16, 2012 from <<http://www.un.org/en/documents/udhr/index.shtml#a13>

The World Bank (2013) GDP per capita, [Electronic Database] accessed on January 13, 2013 at <<http://search.worldbank.org/data?qterm=per+capita&language=&format=>>

Tholen, Berry (2005) ‘The Europeanization of Migration Policy-The Normative Issues’ in *European Journal of Migration and Law*, Vol. 6, pp. 323-351.

Tocci, Nathalie; Gültekin – Punsmann; Simao, Licina & Tavitian, Nicolas (2007) ‘The Case for Opening the Turkish – Armenian Border’ Study for the Foreign Affairs Committee of the European Parliament.

Torpey, John (1998), ‘Coming and Going: On the State Monopolization of the Legitimate Means of Movement’ Working Paper for the Center for the Study of Democracy, UC Irvine, [Electronic Version], Retrieved on October 12, 2011 from <http://escholarship.org/uc/item/2n49r2s3#page-15>

Tourism Maps (2012) ‘Map of Spain’, [Electronic Source], Retrieved on August 23, 2012 from www.map-of-spain.co.uk

Tovias, Alfred (1998) ‘Spain’s input in shaping the EU’s Mediterranean Policies, 1986 – 1996’ in *Mediterranean Historical Review*, Vol. 13, No. 1 – 2, pp. 216 – 234.

Treaty Establishing the European Community (1991) [Electronic Document], Retrieved on October 23, 2011 from http://eur-lex.europa.eu/en/treaties/dat/12002E/htm/C_2002325-EN.003301.html

Treaty on European Union (1992) [Electronic Document], retrieved on June 12, 2012 from <<http://eurlex.europa.eu/en/treaties/dat/11992M/htm/11992M-.html>>

Triandafyllidou, Anna (2010), ‘Irregular Migration in 21st Century Europe’ in Anna Triandafyllidou (ed.) *Irregular Migration in Europe: Myths and Realities*, Aldershot: Ashgate, pp. 1 – 22.

- Triandafyllidou, Anna & Vogel, Dita (2010) 'Irregular Migration in the European Union: Evidence, Facts and Myths' in Anna Triandafyllidou (ed.) *Irregular Migration in Europe: Myths and Realities*, Ashgate: Surrey, pp. 291 – 299.
- Treaty of Rome (1957) [Electronic Version] Retrieved on January 23, 2013 from <http://eur-lex.europa.eu>
- Treaty on European Union (1992) [Electronic Version] Retrieved on July 22, 2010 from <http://eur-lex.europa.eu>
- Treaty on the Functioning of European Union (Lisbon Treaty) (2008) [Electronic Version], retrieved on April 14, 2012 from <<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0042:0133:EN:PDF>>
- Tsardanidis, Charalambos & Guerra, Stefano (2000) 'The EU Mediterranean States, the Migration Issue and the 'Threat' from the South' in Russell King and Gabriella Lazaridis (eds.) *Eldorado or Fortress: Migration in Southern Europe*, New York: Palgrave Macmillan, pp. 321 – 345.
- Republic of Turkey Prime Ministry Privatization Administration (2013) 'Türk Hava Yolları Anonim Ortaklığı' [Electronic Website], retrieved on April 17, 2013 from <http://www.oib.gov.tr/portfoy/thy/thy_eng.htm>
- Türkiye İstatistik Kurumu (TÜİK) (2013a) 'Adrese Dayalı Nüfus Kayıt Sistemi Sonuçları, 2013', Haber Bülteni 13425, [Electronic Source], retrieved on January 30, 2013 from <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=13425>
- Türkiye İstatistik Kurumu (TÜİK) (2013b) 'Kurumsal Olmayan Nüfusun Yıllara Göre İşgücü Durumu', [Electronic Database], retrieved on January 25, 2013 from <http://www.tuik.gov.tr/VeriBilgi.do?alt_id=25>
- Ucarer, Emek (2001) 'From the Sidelines to Center Stage: Sidekick No More? The European Commission in Justice and Home Affairs', *European Integration Online Papers*, Vol. 5, No. 5.
- Ucuzsatar, Necati Ulunay (2002) 'Dissolution of the Ottoman Empire and the Foundation of Modern Turkey under the Leadership of Mustafa Kemal Atatürk' in *Journal of Istanbul Kultur University*, vol. 2, pp. 55 – 68.
- Home Office, UK (March 2012) *An Evidence Assessment of the Routes of Human Trafficking into the UK*, Occasional Paper No. 103, [Electronic Version], retrieved on March 13, 2013 from <<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/occ103>>

- UN (2000) *Protocol Against The Smuggling of Migrants by Land, Sea and Air, Supplementing The United Nations Convention Against Transnational Organized Crime*, [Electronic Version] Retrieved on April 15, 2010 from <http://www.unodc.org/unodc/en/treaties/CTOC/index.html>
- UNHCR (2004) *Chronology for Kurds in Iraq*, [Electronic Document], Retrieved on January 30, 2013 from <http://www.unhcr.org/refworld/country,,MARP,,IRQ,,469f38a6c,0.html>
- UNHCR (2006) *Asylum Applications in the Last Five Years Drop by Half*, [Electronic Version], Retrieved on June 19, 2010 from <http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=441929762>
- UNHCR (2009) *Statistical Yearbook 2009*, [Electronic Version], Retrieved on December 25, 2010, from <http://www.unhcr.org>
- UNHCR (2013a) *Country Operations Profile: Turkey*, [Electronic Document], Retrieved on January 30, 2013 from <http://www.unhcr.org/pages/-49e48e0fa7f.html>
- UNHCR (2013b) Syria Situation Regional Update, *Briefing Notes* [Electronic Document], Retrieved on January 31, 2013 from <http://www.unhcr.org/cgi-bin/texis/vtxsearch?page=home&skip=50&cid=49aea93a7d&scid=49aea93a3d&comid=4a0951386>
- UNHCR (2013c) Syria Regional Refugee Response – Inter - agency Information Sharing Portal, retrieved on May 7, 2013 from <http://data.unhcr.org/syrianrefugees/country.php?id=224>
- United Nations, Department of Economic and Social Affairs, Population Division (2011) *International Migrant Stock: The 2008 Revision* [Electronic Database], Retrieved on February 12, 2012 from <http://esa.un.org/migration/index.asp>
- United Nations, Department of Economic and Social Affairs (2012) *Demographic and Social Statistics*, [Electronic Database], Retrieved on August 24, 2012 from <http://unstats.un.org/unsd/demographic/products/indwm/>
- United Nations Office on Drugs Crime (2010) *World Drug Report*, [Electronic Version], retrieved on March 3, 2013 from www.unodc.org
- United Nations, Statistics Division (2011) *National Accounts Main Aggregates Database* [Electronic Database], accessed on December 7, 2012 through <http://unstats.un.org/unsd/snaama/dnllist.asp>

- Uygun, Ercan (2009) 'The Global Crisis and the Turkish Economy', *TWN Global Economy Series*, No.21 [Online Article] retrieved on January 31, 2013 from http://www.finance.thirdworldnetwork.net/file_dir/6158100194dca5b2b6bb0f.pdf
- Uslu, Emrah (2007) 'The Kurdish Hezbollah in Turkey' [Electronic Article], retrieved on April 12, 2013 from <<http://www.oxfordislamicstudies.com/article/opr/t236/e0317>>
- Ülgen, Sinan (2006) 'Turkish Business and EU Accession' *Centre for European Reform*, [Electronic Article] accessed on January, 12, 2013 from <http://www.edam.org.tr/document/ulgen_cer_essay_dec06.pdf>
- Van der Ploeg, Irma & Sprenkels, Irma (2011) 'Migration and the Machine – Readable Body: Identification and Biometrics' in Huub Dijkstra and Albert Meijer (eds.) *Migration and the New Technological Borders of Europe*, Hampshire: Palgrave Macmillan, pp. 68 – 105.
- Van Houtum, Henk & Van Naerssen, Ton (2002) 'Bordering, Ordering and Othering' in *Tijdschrift voor Economische en Sociale Geografie*, Vol. 93, No. 2, pp. 125 – 136.
- Van Houtum, Henk & Strüver, Abke (2002) 'Where is the Border?' in *Journal of Creative Geography*, Vol. 4, No. 1, pp. 20 – 23.
- Van Wijhe, Alex (April 27, 2010) 'On Borders, Boundaries and Borderlands; Theoretical Limology' [Electronic Document], Retrieved on May 15, 2011 from <<http://criticalgeography.wordpress.com/2010/04/27/on-borders-boundaries-and-borderlands-theoretical-limology/>>
- Vidiani (2013) Physical Map of Turkey [Electronic website], accessed on January 23, 2013 at <www.vidiani.com/maps>
- Vink, Marteen (2002a) 'Negative and Positive Integration in European Immigration Policies', *European Integration Online Papers*, Vol. 6, No.13.
- Vives, Luna (2011) 'White Europe: an alternative reading of the Southern EU Border' in *Geopolitics*, Vol. 2, No. 1, pp. 51 – 70.
- Vogel, Dita & Kovacheva, Vesela (2008) Working Paper No. 1/2008: Classification Report: Quality Assessment of Estimates on Stocks of Irregular Migrants, Hamburg Institute of International Economics, Database on Irregular Migration.
- Vollmer, Bastian (2011) *Briefing: Irregular Migration in the UK: Definitions, Pathways and Scale* [Electronic Document], Retrieved on February 10, 2012 from www.migrationobservatory.ox.ac.uk

- Wallace, William (1994) 'Rescue or Retreat? The Nation State in Western Europe, 1945 – 1993' in *Political Studies*, XLII, pp. 52 – 76.
- Walters, William (2002) 'Mapping Schengenland: Denaturalizing the Border', *Environment and Planning D: Society & Space*, Vol. 20, No. 5, pp. 561 – 580.
- Walters, William (2006) 'Rethinking Borders Beyond the State', *Comparative European Politics*, Vol. 4, pp. 141 – 159.
- Waters, Malcolm (1995; 2001, 2nd ed.) *Globalization*, Routledge: New York
- Weber, Max (1964) *The Theory of Social and Economic Organization* (ed.) Talcott Parsons, Free Press: New York.
- Weiß, Wolfgang (2003) 'Defining the EC Borders' in Kees Groenendijk, Elspeth Guild and Paul Minderhoud (eds.), *In Search of Europe's Borders*, New York: Kluwer Law International, pp. 67 – 87.
- Widgren, Jonas (2003) 'Turkey on the Threshold to the EU: Will Migration be a Complicating or Facilitating Factor?' in Emrehan Zeybekoğlu and Bo Johansson (eds.), *Migration and Labour in Europe: Views from Turkey and Sweden*, Marmara University Research Center for International Relations, Swedish National Institute for Working Life: Istanbul, pp. 47-55.
- Wijk, Joris van (2008) 'Luanda-Holanda: Irregular Migration from Angola to the Netherlands' in *International Migration*, Vol. 48, No.2, pp. 1-30.
- William, Walters (2002) 'Mapping Schengenland: Denaturalizing the Border', *Environment & Planning D: Society & Space*, Vol. 20 No. 5, pp. 561 – 580.
- William, Walters (2006) 'Rethinking Borders Beyond the State', *Comparative European Politics*, Vol. 4, pp. 141 – 159.
- Wilson, Thomas M. & Donnan, Hastings (1998) 'Nation, state and identity at international borders' in Wilson, Thomas M. & Donnan, Hastings (eds.) *Border Identities: Nation and State at International frontiers*, Cambridge: Cambridge University Press, pp. 1 – 31.
- Winterdyk, John & Philip Reichel (2010) 'Introduction to Special Issue: Human Trafficking: Issues and Perspectives' in *European Journal of Criminology*, Vol. 7, No. 5, pp. 1-10.
- Withol de Wenden, Catherine (2007) 'The Frontiers of Mobility' in Antoine Pecoud and Paul de Guchteneire (eds), *Migration Without Borders: Essays*

on the Free Movement of People, UNESCO Publishing / Berghahn Books, pp. 51 – 65.

Wolff, Sarah (2010) ‘EU Integrated Border Management Beyond Lisbon: Contrasting Policies and Practices’ in Ricard Zapata – Barrero (ed.) *Shaping the Normative Contours of the European Union: A Migration – Border Framework*, Barcelona: CIDOB Foundation, pp. 23 – 36.

Wunderlich, Jens – Uwe (2008a) *Regionalism, Globalisation and International Order*, Abington: Ashgate Publishing Group.

Wunderlich, Jens – Uwe (2008b) ‘The EU – A Post – Westphalian Actor in a Neo – Westphalian World?’, Paper for presentation at the UACES Annual / Research Conference, held on September 1 – 3, 2008.

Yeğen, Mesut (2006) *Devlet Söyleminde Kürt Sorunu*, İstanbul: İletişim.

Yin, Robert K. (2009) *Case Study Research: Design & Methods*, Washington: SAGE Publications.

Yükseker, Deniz & Kurban, Dilek (2009) ‘Permanent Solution to Internal Displacement? A. An Assessment of the Van Action Plan for IDPs’ İstanbul: TESEV Publications.

Zapata – Barrero, Ricard & de Witte, Nynke (2007) ‘The Spanish Governance of EU Borders: Normative Questions’ in *Mediterranean Politics*, Vol. 12, No. 1, pp. 85 – 90.

Zolberg, Aristide, Astri Suhrke & Sergio Aguayo (1989) *Escape from Violence: Conflict and the Refugee Crisis in the Developing World*, Oxford University Press: New York.

Zürcher, Eric Jan (2004) *Turkey: A Modern History*, revised 3rd ed., New York: Replika Press Pvt. Ltd.

Press Conferences

Ahmet Davutoğlu (Minister for Foreign Affairs), Muammer Güler (Minister for Interior Affairs), Mehmet Şimşek (Minister of Finance) and Naci Korum (Deputy Minister for Foreign Affairs, (April 24, 2013), Press Conference Concerning the Electronic Visa (E – Visa), [56 minutes long Video] accessed on April 26, 2013 from <http://www.mfa.gov.tr/disisleri-bakani-davutoglu-e-vize-devrim-mahiyetinde-bir-uygulamadir.tr.mfa>

Newspapers

- Bugün (16/03/2013) ‘641 bin kişinin Türkiye’ye girişi yasak’, retrieved on April 30, 2013 from <http://gundem.bugun.com.tr/641-bin-kisinin-girisi-yasak-haberi/226497>
- El Pais (22/09/1988) ‘España rechaza que se exija a marroquíes, y latinoamericanos visados para entrar en la CE’, retrieved on October 18, 2012 from <www.elpais.com>
- (11/03/1988) ‘España rechazará las peticiones de la CE para elegir visado a los colombianos’, retrieved on October 15, 2012 from <www.elpais.com>
- (31/12/1988) ‘España asume la presidencia de la CE’, retrieved on September 28, 2012 from www.elpais.com
- (23/01/1989) ‘España espera liquidar las reformas pendientes de la Presidencia Griega’ Presidency’, retrieved on September 28, 2012 from <www.elpais.com>
- (10/03/1989) ‘España solicitará visado a marroquíes, argelinos y tunecinos a partir de marzo de 1990’ retrieved on September 28, 2012 from <www.elpais.com>
- (23/02/1989) ‘España presentó el plan para eliminar las fronteras dentro de la UE’, retrieved on September 29, 2012 from www.elpais.com
- (04/11/1990) ‘Fernández Ordóñez ha anunciado la entrada de España en el grupo de países sin frontera’, retrieved on October 5, 2012 from www.elpais.com
- (18/05/1991) ‘Barrera Burocratica’, retrieved on October 13, 2012 from www.elpais.com
- (24/06/1991) ‘Visado para Marroquíes, Argelinos y Tunecinos’, retrieved on September 23, 2012, from www.elpais.com
- (8/02/1992) ‘Perú impone unilateralmente el visado a los españoles’, retrieved on October 13, 2012 from www.elpais.com
- (24/11/1997) ‘Las redes de inmigración han dado paso a 5.000 clandestinos en lo que va de año’, retrieved on October 12, 2012 from www.elpais.com
- (16/01/1998) ‘La policía destina cien agentes al Plan Sur contra las redes de ilegales’, retrieved on October 1, 2012 from www.elpais.com

- (22/01/1998) 'Interior anuncia el cierre inmediato de la frontera de Melilla', retrieved on October 21, 2012 from www.elpais.com
- (09/02/1998) 'El tránsito de trabajadores ilegales por España deja 20.000 detenidos y 1.000 ahogados en 5 años', retrieved on October 21, 2012 from www.elpais.com
- (21/04/1998) 'La inmigración y la lucha contra el terrorismo, ejes del Foro Mediterraneo', retrieved on October 21, 2012 from www.elpais.com
- (05/07/1998) 'La valla que costó 5.000 millones no logra frenar la avalancha de inmigrantes en Ceuta', retrieved on October 29, 2012 from www.elpais.com
- (26/07/1998) 'La Guardia Civil creará un consejo profesional para sus miembros', retrieved on October 21, 2012 from www.elpais.com
- (09/08/1998 - 1) 'La inmigración ilegal invade las costas del sur de España en los meses de verano', retrieved on October 3, 2012 from www.elpais.com
- (09/08/1998 - 2) 'La ley contra las redes de inmigración ilegal tiene lagunas', retrieved on October 21, 2012 from www.elpais.com
- (08/09/1998) 'Detenido en Ceuta el jefe de una red de tráfico de inmigrantes', retrieved on October 1, 2012 from www.elpais.com
- (21/02/1999) 'España blindará su frontera sur a la inmigración', retrieved on October 20, 2012 from www.elpais.com
- (24/05/1999) 'El Gobierno invertirá 25.000 millones para blindar el Estrecho contra la inmigración', retrieved on October 20, 2012 from www.elpais.com
- (25/05/1999) 'Vallas de papel', retrieved on October 22, 2012 from www.elpais.com
- (25/05/1999) 'Iglesia, oposición y colectivos sociales tachan de locura blindar el Estrecho contra las pateras', retrieved on October 20, 2012 from www.elpais.com
- (26/05/1999) 'Mayor justifica que el blindaje del Estrecho contra las pateras es "para estar a la altura que exige la UE"', retrieved on October 20, 2012 from www.elpais.com
- (23/03/2001) 'Carta de los intelectuales españoles Y lista completa de firmantes' retrieved on June 23, 2013 from www.elpais.com

- (02/01/2002) ‘Seguridad contra el terrorismo y la reforma de las economías’, retrieved on September 23, 2012 from www.elpais.com
- (19/06/2002) ‘Aznar asegura que hay un ‘acuerdo basico’ contra la inmigracion ilegal en la UE’, retrieved on September 22, 2012 from www.elpais.com
- (07/08/2007) ‘La llegada de inmigrantes por mar cae un 55% tras el refuerzo de controles fronterizos’, retrieved on September 22, 2012 from <www.elpais.com>
- (11/11/2008) ‘Interior amplía el SIVE al Guadalquivir para frenar la ‘autopista de la droga’, retrieved on September 22, 2012 from <www.elpais.com>
- (01/10/2009) ‘43 estaciones del SIVE vigilan ya la costa desde Huelva hasta Alicante’, retrieved on September 22, 2012 from www.elpais.com
- (07/10/2009) ‘El Gobierno defiende los radares’, retrieved on September 22, 2012 from <www.elpais.com>
- Euractiv (07/02/2013) ‘Turkey: EU Political Benchmarks ‘were never given’ to us’ [Electronic Article], retrieved on May 23, 2013 from <http://www.euractiv.com/enlargement/got-necessary-eu-benchmarks-turk-news-517614>
- Europolitics (February 12, 2002) ‘Justice and Home Affairs: Spanish Presidency Plan to Tackle Illegal Immigration’, retrieved on September 23, 2012 from www.europolitics.com
- Hürriyet (14/03/2001) ‘Nataşa’ya iade-i itibar’, retrieved on August 23, 2013 from <http://hurarsiv.hurriyet.com.tr/goster/printnews.aspx?DocID=-231736>
- Hürriyet (02/02/2002) ‘Lütfen Rus kadına Nataşa demeyelim’, retrieved on September 6, 2013 from <http://hurarsiv.hurriyet.com.tr/goster/ShowNew.aspx?id=52072>
- Hürriyet (15/05/2002) ‘O adama Türkiye yasak’, retrieved on April 30, 2013 from <http://hurarsiv.hurriyet.com.tr/goster/ShowNew.aspx?id=72051>
- Hürriyet (16/10/2005) ‘Türkiye’ye AB kapılarının açıldığı gün benim için ülkeme giriş kapıları kapandı’ retrieved on April 30, 2013 from <http://hurarsiv.hurriyet.com.tr/goster/ShowNew.aspx?id=3388788>
- Milliyet (14/12/1997) ‘Avrupa Sıkıntısı’, retrieved on February 12, 2013 from <http://gazetearsivi.milliyet.com.tr>

----- (11/12/1999) ‘Düğünden Düğüne’, retrieved on February 12, 2013 from <http://gazetearsivi.milliyet.com.tr>

----- (12/12/1999) ‘Üyelik Uzak Değil’ retrieved on February 12, 2013 from <http://gazetearsivi.milliyet.com.tr>

----- (13/12/1999) ‘Lahey Lehimize’ retrieved on February 12, 2013 from <http://gazetearsivi.milliyet.com.tr>

Today’s Zaman (24/01/2007) ‘Almost 200.000 foreigners banned from entering Turkey’, retrieved on April 29, 2013 from http://www.todayszaman.com/newsDetail_getNewsById.action?load=detay&link=100842

Today’s Zaman (06/03/2009) ‘Turkey and Georgia upgrade Sarp Border Gate’ retrieved on May 14, 2013 from http://www.todayszaman.com/newsDetail_getNewsById.action?load=detay&link=168754

Today’s Zaman (2/12/2012) ‘Turkey Conducts 55 cross-border operations into northern Iraq during 2012’ [Electronic Article], retrieved on April 8, 2013 from <http://www.todayszaman.-com/news-299999-turkey-conducts-55-cross-borderoperati-ons-into-northern-iraq-during-2012.html>>

Parliamentary Speeches

Spain – *Congreso de los Diputados*

Alonso Suarez, Jose Antonio (February 9, 2005), Answer given at the *Congreso de los Diputados* in the Plenary Session 64, VIII Legislatura to the question ‘What measures are adopted by the government to control and prevent the increasing irregular migration in the secondary roads of Catalan Pyrenees in the last Months?’ [Que Formula Al Señor Ministro del Interior: ¿Qué Medidas ha adoptado al Gobierno para frenar y controlar el fuerte incremento de la inmigración Irregular, en los ultimos meses, por carreteras secundarias del Pirineo Catalán?][Electronic Document], retrieved on November 23, 2012 from www.congreso.es

Alonso Suarez, Jose Antonio (May 17, 2005), Appearance of Minister of Interior to inform about border controls, Plenary Session 16, VIII Legislatura [Comprencencia del Senor Ministerio del Interior para informar sobre el control de fronteras], [Electronic Document], retrieved on October 23, 2012 from www.congreso.es

Belloch Julbe, Juan Alberto (October 18, 1995) Answer to an urgent interpellation at the *Congreso de los Diputados* Plenary Session 177, V Legislatura ‘What is the result of the contacts and meetings between the Ministers of Interior of French and Spanish States and Interior Department of Basque Government to create a joint commission in the area of former border Irun?’ [¿Cual es el resultado de los contactos y reuniones mantenidas entre los Ministerios de interior de los Estados Frances y Español y el Departamento de Interior del Gobierno vasco para crear una comisaria conjunta en la zona de la antigua frontera de Irun?] [Electronic Document] retrieved on November 11, 2012 from www.congreso.es

Corcuera Cuesta, Jose Luis (March 5, 1991) Speech given to the *Congreso de los Diputados* in the Plenary Session 24, IV Legislatura, Appearance of Minister of Interior to explain the special measures taken by the government for Spain not to become the base of distribution of drugs in 1993 to be consumed in Europe. [Comparecencia del Señor Ministro del Interior para explicar las medidas especiales que el gobierno tiene previsto adoptar para que Espana no se convierta en 1993 en la base de distribucion de las drogas que se consuman en Europa.][Electronic Document] retrieved on November 21, 2012 from www.congreso.es

Corcuera Cuesta, Jose Luis (December 11, 1991) Speech given to the *Congreso de los Diputados* in the Plenary Session 44, IV Legislatura. Appearance of Minister of Interior to inform about Spain’s position in relation to the German proposal and internal security and internal consequences of Schengen Agreement for Spain. [Comparecencia del Ministro del Interior para informar: sobre la posición de España en relación a la propuesta alemana de seguridad e interior y las consecuencias internas que para España tiene la firma del tratado de Schengen] [Electronic Document] retrieved on November 21, 2012 from www.congreso.es

Garrido, Lopez (PSOE MP) (June 28, 2001) Question asked to the Minister of Interior Mariano Rajoy Brey, *Congreso de los Diputados*, Plenary Session 31, VII. Legislatura, ‘Reasons of the Spanish Government for allowing Spain and other EU countries to require entry visa from Colombian citizens, which has led to the protest of Nobel Laureate Gabriel Garcia Marquez and other writers and their determination not to come future to Spain in the future’ [Razones Por Las Cuales El Gobierno Español Ha Permitido Que España Y Diversos Países De La Unión Europea (Ue) Exijan Visado De Entrada A Los Ciudadanos Colombianos, Lo Que Ha Originado La Protesta Del Premio Nobel Gabriel García Márquez Y De Otros Escritores y Su Determinación De No Venir En Lo Sucesivo A España] retrieved on November 21, 2012, from www.congreso.es

Matutes, Abel (November 23, 1999), Speech given to the *Congreso de los Diputados* to the Mixed Committee in the Session 155, IV. Legislatura on the EU Programme during the Council Presidency of Finland [El programa

de la Unión Europea durante la presidencia del Consejo de Finlandia] [Electronic Document], retrieved on December 18, 2012 from www.congreso.es

Mayor Oreja, Jaime (June 25, 1996), Speech Given To The *Congreso De Los Diputados* In The Plenary Session 4, IV Legislatura, Appearance Of Minister Of Interior To Inform About The Policy Guidelines Of His Department. [Comparecencia del Señor Ministro de Interior Para Informar Sobre: Lineas Generales de la Política de su Departamento.][Electronic Document] Retrieved On November 12, 2012 From www.congreso.es

Mayor Oreja (December 18, 1997), Speech given to the *Congreso de los Diputados*, in plenary session 37, VI. Legislatura, Request of the appearance of the Minister of Interior before the Commission of Justice and Interior, to evaluate the performance of the Spanish Administration in connection with the arrival of undocumented immigrants from Africa to the cities of Ceuta and Melilla and Algeciras (Cádiz) and as for the relief and prevention device organized in the Strait of Gibraltar to prevent the deaths of immigrants in your step with boats and evaluate the report and proposals of the Ombudsman in relation to immigration.[Solicitud de comparecencia del Ministro de Interior, ante la Comisión de Justicia e Interior, para valorar la actuación de la Administración española en relación con la llegada de inmigrantes no documentados procedentes de Africa a las ciudades de Ceuta, Melilla y Algeciras (Cádiz), así como para conocer el dispositivo de auxilio y prevención organizado en el Estrecho de Gibraltar para evitar la muerte de inmigrantes en su paso con pateras y valorar el informe y propuestas del Defensor del Pueblo en relación con la inmigración] [Electronic Document], retrieved on December 18, 2012 from www.congreso.es

Mayor Oreja, Jaime (February 24, 1998), Speech given to the *Congreso de los Diputados*, in Plenary Session 20, IV. Legislatura, Minister of Interior to inform about the free movement of persons within the European Union [Comparecencia del señor ministro de Interior (Mayor Oreja) para informar sobre la libre circulación de las personas en la Unión Europea] [Electronic Document] retrieved on November 13, 2012 from www.congreso.es

Mayor Oreja, Jaime (September 16, 1998), Answers given at General Session of *Congreso de los Diputados*, Plenary Session 177, VI. Legislatura [Cortes Generales Diario De Sesiones Del Congreso De Los Diputados Pleno y Diputación Permanente] retrieved on November 9, 2012 from www.congreso.es

Mayor Oreja, Jaime (February 23, 1999), Speech given to the *Congreso de los Diputados* in the Plenary Session 32, VI. Legislatura, Interior Minister Mr. (Mayor Oreja) to report on the balance of Interior issues during the last half of Austrian presidency of the European Union, [Comparecencia del señor

ministro de Interior (Mayor Oreja) para informar sobre el balance de las cuestiones de Interior durante el último semestre de presidencia austriaca de la Unión Europea] [Electronic Document] retrieved on November 13, 2012 from www.congreso.es

Mayor Oreja, Jaime (November 18, 1999), Plenary Session 37, VI. Legislatura, Appearance of Mr. Minister of Interior (Mayor Oreja), to explain the government's position before the Tampere European special summit to give the European Union an area of freedom , justice and security, [Comparecencia del señor ministro de Interior (Mayor Oreja), para explicar la posición del Gobierno ante la Cumbre extraordinaria europea de Tampere para dotar a la Unión Europea de un espacio de libertad, justicia y seguridad], [Electronic Document], retrieved on November 12, 2012 from www.congreso.es

Pique, Josep (February 28, 2001) Answer given at the *Congreso de los Diputados* to the Committee of Foreign Affairs, in the session 12, VII Legislatura to the question ‘On Budget Allocations to be taken to facilitate processing visas in Spanish embassies and diplomatic representations in the countries, which are major source countries for migration’ [Comparecencia del señor ministro de Interior (Pique) para informar sobre dotaciones preseupuestarias que se van a adoptar para facilitar la tramitacion devisados en las embajadas y representaciones diplomaticas de Espana en los principales paises emisores de inmigracion], [Electronic Document], retrieved on December 21, 2012 from www.congreso.es

Rajoy Brey, Mariano (April 4, 2001), Answer given at the *Congreso de los Diputados* in the Plenary Session 70, VII. Legislatura to the question ‘Why did not Spanish government oppose to the inclusion of Colombia to the list of countries whose nationals require visa to enter to the European Union? allowed EU to require entry visa from Colombian citizens?’ [¿Cuáles son las razones por las que el Gobierno no se ha opuesto a la inclusión de Colombia en la Lista de Paises A Cuyos Nacionales se les exige visado para entrar en la Unión Europea?][Electronic Document], retrieved on November 23, 2012 from www.congreso.es

Rajoy Brey (December 13, 2001), Speech given at the *Congreso de los Diputados* in the Plenary Session 45, VII. Legislatura to inform the criminal policy guidelines and fight against illegal immigration, [Comparecencia del señor vicepresidente primero del Gobierno y ministro del Interior (Rajoy Brey) para informar sobre Las directrices de política criminal y de lucha contra la inmigración ilegal adoptadas por el Gobierno para hacer frente a la misma.] [Electronic Document], retrieved on November 23, 2012 from www.congreso.es

Rajoy Brey, Mariano (May 8, 2002), Answer given at the *Congreso de los Diputados* in the Plenary Session 156, VII. Legislatura to the question ‘How

many procedures are open in Canary to expel those non-EU citizens who have reached the archipelago legally and are currently in irregular situations? [Cuántos Procedimientos Están Abiertos En Canarias Para Expulsar A Aquellos Ciudadanos No Comunitarios Que Han Llegado Al Archipiélago Legalmente Y En La Actualidad Se Encuentran En Situación Irregular?] [Electronic Document], retrieved on November 23, 2012 from www.congreso.es

Solana Madariaga, Javier (October 19, 1994), Answer given at the *Congreso de los Diputados* to the Committee of Foreign Affairs in the Session 26, V. Legislatura to the question ‘To explain the irregularities occurred in the processing and granting of entry visas to citizens of Maghreb countries’ [Para explicar las irregularidades que podrian haberse producido en la tramitacion y la concesion de visados de entrada en nuestro pais a ciudadonos Magrebies] [Electronic Document], retrieved on December 21, 2012 from www.congreso.es

Xucla i Costa, Jordi (February 9, 2005) (MP) Question to the Minister of Interior Alonso Suarez, Which measures has been adopted by the government to curb and control the sharp increase in irregular migration in recent months at the alternative roads of Catalan Pyrenees? Plenary Session 64, VIII Legislatura, [Que Formula Al Señor Ministro Del Interior: ¿Qué Medidas Ha Adoptado El Gobierno Para Frenar Y Controlar El Fuerte Incremento De La Inmigración Irregular, En Los Últimos Meses, Por Carreteras Secundarias Del Pirineo Catalán?] [Electronic Document] retrieved on October 29, 2012 from www.congreso.es

Turkey – TBMM

Ağar, Mehmet (30/07/1996) ‘On ilde uygulanmakta olan olağanüstü halin, 31.7.1996 günü saat 17.00'den geçerli olmak üzere dört ay süre ile uzatılmasına ilişkin Başbakanlık tezkeresi (3/422)’ *TBMM Genel Kurul Tutanağı*, [20. Dönem, 20.Cilt, 84. Birleşim] www.tbmm.gov.tr

Aksu, Abdülkadir (06/02/1990), ‘Diyarbakır Milletvekili Fuat Atalay ve 38 arkadaşının, olağanüstü hal uygulamasının sürdürüldüğü Doğu ve Güneydoğu Anadolu bölgelerindeki sorunları çözmekte aceze düşerek vatandaşların güvenini kaybettikleri, uyguladıkları yanlış politikalarla bölgedeki yurttaşların temel hak ve özgürlüklerini ortadan kaldırdıkları, toplumsal barışın bozulmasına neden oldukları ve siyasi nedenlerle vatandaşların sınır ötesi ülkelere göç etmeleri olayına seyirci kaldıkları iddialarıyla Bakanlar Kurulu üyeleri hakkında gensoru açılmasına ilişkin önergesi münasebetiyle’ *TBMM Genel Kurul Tutanağı* [18. Dönem, 40. Cilt, 73. Birleşim], www.tbmm.gov.tr

Aksu, Abdülkadir (06/11/1990), ‘Batman, Bingöl, Diyarbakır, Elazığ, Hakkari, Mardin, Siirt, Şırnak, Tunceli ve Van illerinde devam etmekte olan olağanüstü halin 19.11.1990 günü saat 17.00'den geçerli olmak üzere dört ay süre ile uzatılmasına ilişkin Başbakanlık tezkeresi (3/1432)’ *TBMM Genel Kurul Tutanağı* [18. Dönem, 50. Cilt, 29. Birleşim] www.tbmm.gov.tr

Aksu, Abdülkadir (07/03/1991), ‘10 ildeki olağanüstü halin, dört ay süre ile uzatılmasına ilişkin Başbakanlık Tezkeresi’ *TBMM Genel Kurul Tutanağı* [18. Dönem, 57. Cilt, 91. Birleşim] www.tbmm.gov.tr

Aksu, Abdülkadir (23/11/2005), ‘Cumhuriyet Halk Partisi Grubu Adına Grup Başkanvekilleri İzmir Milletvekili K. Kemal Anadol, İstanbul Milletvekili Ali Topuz ve Samsun Milletvekili Haluk Koç'un, Hakkâri Merkez, Yüksekova ve Şemdinli ilçelerinde meydana gelen olayların araştırılması amacıyla Meclis araştırması açılmasına ilişkin önergesi (10/322)’ *TBMM Genel Kurul Tutanağı* [22. Dönem, 99. Cilt, 22. Birleşim] www.tbmm.gov.tr

Atalay, Beşir (29/01/2008) ‘Artvin Milletvekili Ensar Öğüt'ün sorusu: Kars, Ardahan, Iğdır ve Artvin illerimizde yaşayan vatandaşlarımızın, Gürcistan'da yaşayan akrabalarını görebilmeleri ve hasret giderebilmeleri için bazı sınır geçişlerinin kolaylaştırılmasının düşünüp düşünülmediği’ *TBMM Genel Kurul Tutanağı* [23. Dönem, 13. Cilt, 55. Birleşim] www.tbmm.gov.tr

Atalay, Beşir (05/02/2008) ‘İzmir Milletvekili Ahmet Ersin ve 20 milletvekilinin, uyuşturucu kaçakçılığı ve üretiminin tespiti ile uyuşturucu kullanımındaki artışın sebeplerinin araştırılarak alınması gereken önlemlerin belirlenmesi amacıyla Meclis araştırması açılmasına ilişkin önergesi (10/6)’ *TBMM Genel Kurul Tutanağı* [23. Dönem, 13. Cilt, 58. Birleşim] www.tbmm.gov.tr

Bağış, Egemen (14/12/2010) ‘2011 Yılı Merkezi Yönetim Bütçe Kanunu Tasarısı ile 2009 Yılı Merkezi Yönetim Kesin Hesabı’ *TBMM Genel Kurul Tutanağı* [23. Dönem, 86. Cilt, 32. Birleşim] www.tbmm.gov.tr

Başesgioğlu, Murat (08/07/1997) ‘Batman, Bingöl, Diyarbakır, Hakkari, Siirt, Şırnak, Tunceli ve Van illerinde devam etmekte olan olağanüstü halin 30.07.1997 günü saat 17:00'den geçerli olmak üzere 4 ay süreyle uzatılmasına ilişkin Başbakanlık tezkeresi (3/916)’ *TBMM Genel Kurul Tutanağı* [20. Dönem, 30.Cilt, 117. Birleşim] www.tbmm.gov.tr

Bütün, Esat (11/11/ 1992), ‘Trabzon Milletvekili Kemalettin Göktaş ve 21 arkadaşının, Sarp Sınır Kapısının açılmasından sonra Karadeniz Bölgesi ve çevre illerde meydana gelen ticarî ve sosyal olumsuzlukları araştırmak ve alınacak tedbirleri tespit etmek amacıyla Genel Kurulun 4.11.1992 tarihli 22 nci Birleşiminde açılması kabul edilen genel görüşme’, *TBMM Genel Kurul Tutanağı* [19. Dönem, 20. Cilt, 25. Birleşim], www.tbmm.gov.tr

- Çetin, Hikmet (16/04/1992) ‘İçel Milletvekili M. İstemihan Talay'ın, Türkiye'nin, yeni Türk cumhuriyetleriyle ilişkilerine ilişkin gündem dışı konuşması ve Dışişleri Bakanı Hikmet Çetin'in cevabı' *TBMM Genel Kurul Tutanağı* [19. Dönem, 9. Cilt, 65. Birleşim], www.tbmm.gov.tr
- Çetin, Hikmet (11/11/ 1992), ‘Trabzon Milletvekili Kemalettin Göktaş ve 21 arkadaşının, Sarp Sınır Kapısının açılmasından sonra Karadeniz Bölgesi ve çevre illerde meydana gelen ticarî ve sosyal olumsuzlukları araştırmak ve alınacak tedbirleri tespit etmek amacıyla Genel Kurulun 4.11.1992 tarihli 22 nci Birleşiminde açılması kabul edilen genel görüşme’, *TBMM Genel Kurul Tutanağı* [19. Dönem, 20. Cilt, 25. Birleşim], www.tbmm.gov.tr
- Davutoğlu, Ahmet (26/04/2010), ‘Dışişleri Bakanı Ahmet Davutoğlu'nun, Ermenistan ile ilişkilerin normalleştirilmesi ve Güney Kafkasya'daki gelişmeler konusunda gündem dışı açıklaması ve Batman Milletvekili Bengi Yıldız, Bursa Milletvekili Onur Öymen, Ankara Milletvekili Ahmet Deniz Bölükbaşı ve Çankırı Milletvekili Suat Kınıklıoğlu grupları adına, Balıkesir Milletvekili Hüseyin Pazarcı'nın şahsı adına, aynı konuda konuşmaları’, *TBMM Genel Kurul Tutanağı* [23. Dönem, 68. Cilt, 95. Birleşim] www.tbmm.gov.tr
- Davutoğlu, Ahmet (20/12/2010) ‘Dışişleri Bakanlığı 2011 Yılı Merkezi Yönetim Bütçesi ve Dışişleri Bakanlığı 2009 Yılı Merkezi Yönetim Kesin Hesabı’ *TBMM Genel Kurul Tutanağı* [23. Dönem, 87. Cilt, 37. Birleşim] www.tbmm.gov.tr
- Göktaş, Kemalettin (11/11/ 1992), ‘Trabzon Milletvekili Kemalettin Göktaş ve 21 arkadaşının, Sarp Sınır Kapısının açılmasından sonra Karadeniz Bölgesi ve çevre illerde meydana gelen ticarî ve sosyal olumsuzlukları araştırmak ve alınacak tedbirleri tespit etmek amacıyla Genel Kurulun 4.11.1992 tarihli 22 nci Birleşiminde açılması kabul edilen genel görüşme’, *TBMM Genel Kurul Tutanağı* [19. Dönem, 20. Cilt, 25. Birleşim], www.tbmm.gov.tr
- Güney, Ülkü (20/03/1996) ‘Konya Milletvekili Mustafa Ünaldı ve 18 arkadaşının, hudutlarımızın güvenliği konusunda alınan ve alınması gereken tedbirleri araştırmak amacıyla anayasanın 98 inci, İçtüzüğü'nün 102 ve 103 üncü maddeleri uyarınca bir Meclis araştırması açılmasına ilişkin önergesi’, *TBMM Genel Kurul Tutanağı* [20. Dönem, 2. Cilt, 26. Birleşim] www.tbmm.gov.tr
- Güney, Ülkü (18/06/1996) ‘On ilde devam etmekte olan olağanüstü halin. 18.6.1996 günü saat 17.00'den geçerli olmak üzere, 18.10.1996 günü saat 17.00'ye kadar uzatılmasına ilişkin Başbakanlık tezkeresi (3/347)’, *TBMM Genel Kurul Tutanağı* [20. Dönem, 7. Cilt, 63. Birleşim] www.tbmm.gov.tr

- Hatinođlu, Süleyman (11/11/ 1992), ‘Trabzon Milletvekili Kemalettin Göktaş ve 21 arkadaşının, Sarp Sınır Kapısının açılmasından sonra Karadeniz Bölgesi ve çevre illerde meydana gelen ticarî ve sosyal olumsuzlukları arařtırmak ve alınacak tedbirleri tespit etmek amacıyla Genel Kurulun 4.11.1992 tarihli 22 nci Birleřiminde açılması kabul edilen genel görüřme’, *TBMM Genel Kurul Tutanađı* [19. Dönem, 20. Cilt, 25. Birleřim], www.tbmm.gov.tr
- Menteře, Nahit (09/11/1993) ‘On ilde uygulanmakta olan olađanüstü halin dört ay süre ile uzatılmasına iliřkin Bařbakanlık tezkeresi münasebetiyle’ *TBMM Genel Kurul Tutanađı* [19. Dönem, 43. Cilt, 25. Birleřim] www.tbmm.gov.tr
- Menteře, Nahit (16/12/1993) ‘On ilde uygulanmakta olan olađanüstü halin dört ay süre ile uzatılmasına iliřkin Bařbakanlık tezkeresi münasebetiyle’ *TBMM Genel Kurul Tutanađı* [19. Dönem, 48. Cilt, 46. Birleřim] www.tbmm.gov.tr
- Menteře, Nahit (04/01/1994) ‘Kırřehir Milletvekili Cořkun Gökalp'in, Hakkâri ili Çukurca İlçesi Üzümlü Karakoluna yaptıkları ziyarete iliřkin gündem dıřı konuşması ve içiřleri Bakanı Nahit Mentere'nin cevabı’ *TBMM Genel Kurul Tutanađı* [19.Dönem, 50. Cilt, 59. Birleřim] www.tbmm.gov.tr
- Mutman, Atilla (11/11/ 1992), ‘Trabzon Milletvekili Kemalettin Göktaş ve 21 arkadaşının, Sarp Sınır Kapısının açılmasından sonra Karadeniz Bölgesi ve çevre illerde meydana gelen ticarî ve sosyal olumsuzlukları arařtırmak ve alınacak tedbirleri tespit etmek amacıyla Genel Kurulun 4.11.1992 tarihli 22 nci Birleřiminde açılması kabul edilen genel görüřme’, *TBMM Genel Kurul Tutanađı* [19. Dönem, 20. Cilt, 25. Birleřim], www.tbmm.gov.tr
- Sezgin, İsmet (19/12/1991) ‘Güven Gürkan, Anavatan Partisi Grup Bařkanvekilleri Bayburt Milletvekili Ülkü Güney ve Kütahya, Milletvekili Mustafa Kalemli, Refah Partisi Grup Bařkanvekilleri Malatya Milletvekili Ođuzhan Asiltürk ve Kocaeli Milletvekili řevket Kazan ile 13 arkadaşının, ülkemizin iç güvenlik sorunları konusunda genel görüřme açılmasına iliřkin önergesi (8/3)’ *TBMM Genel Kurul Tutanađı* [19. Dönem, 2. Cilt, 18. Birleřim] www.tbmm.gov.tr
- Sezgin, İsmet (26/06/1992) ‘Batman, Bingöl, Diyarbakır, Elazıđ, Hakkâri, Mardin, Siirt, řırnak, Tunceli ve Van illerinde devam eden olađanüstü halin, 19.7.1992 günü saat 17.00'den itibaren dört ay süreyle yeniden uzatılmasına iliřkin Bařbakanlık tezkeresi münasebetiyle’ *TBMM Genel Kurul Tutanađı* [19. Dönem, 14. Cilt, 89. Birleřim] www.tbmm.gov.tr
- Sezgin, İsmet (11/11/1992) ‘Batman, Bingöl, Diyarbakır, Elazıđ, Hakkâri, Mardin, Siirt, řırnak, Tunceli ve Van İllerinde devam eden olađanüstü halin, 19.11.1992 günü saat 17.00'den geçerli olmak üzere 4 ay süre ile uzatılmasına iliřkin Bařbakanlık tezkeresi (3/674)’ *TBMM Genel Kurul Tutanađı* [19. Dönem, 20. Cilt, 25. Birleřim] www.tbmm.gov.tr

Sezgin, İsmet (09/03/1993) ‘10 ilde uygulanmakta olan olağanüstü halin 1 ilden kaldırılmasına, 9 ilde uzatılmasına ilişkin Başbakanlık tezkeresi (3/86) *TBMM Genel Kurul Tutanağı* [19. Dönem, 31. Cilt, 78. Birleşim] www.tbmm.gov.tr

Tantan, Sadettin (13/07/1999) ‘Altı ilde uygulanmakta olan olağanüstü halin 30.7.1999 günü saat 17.00'den geçerli olmak üzere dört ay süreyle uzatılmasına ilişkin Başbakanlık tezkeresi (3/272)’ *TBMM Genel Kurul Tutanağı* [21. Dönem, 6. Cilt, 32. Birleşim] www.tbmm.gov.tr

Written questionnaires

Answer to the Written Questionnaire No. 7 / 580 (December 31, 2007) Answer of Minister for Foreign Affairs, Ali Babacan to the written questionnaire by İzmir MP Abdürrezzak Erten – ‘İzmir Milletvekili Sayın Abdürrezzak Erten’in 7 /580 Esas No’lu Yazılı Soru Önergesi’ [Electronic Document], retrieved on April 13, 2013 from www.tbmm.org