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**MIGRATION 'SECURITIZATION'
AND ITS EVERYDAY IMPLICATIONS:
AN EXAMINATION OF TURKISH
ASYLUM POLICY AND PRACTICE**

Kristen Biehl

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CARIM
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**Migration ‘securitization’ and its everyday implications: an examination of
Turkish asylum policy and practice**

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Within this framework, CARIM aims, in an academic perspective, to observe, analyse, and predict migration in the North African and the Eastern Mediterranean Region (hereafter Region).

CARIM is composed of a coordinating unit established at the Robert Schuman Centre for Advanced Studies (RSCAS) of the European University Institute (EUI, Florence), and a network of scientific correspondents based in the 12 countries observed by CARIM: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestine, Syria, Tunisia, Turkey and, since February 2007, also Libya and Mauritania. All are studied as origin, transit and immigration countries. External experts from the European Union and countries of the Region also contribute to CARIM activities.

The CARIM carries out the following activities:

- Mediterranean migration database;
- Research and publications;
- Meetings of academics;
- Meetings between experts and policy makers;
- Early warning system.

The activities of CARIM cover three aspects of international migration in the Region: economic and demographic, legal, and socio-political.

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Abstract

Generally known as a migrant-sending country, in the last two decades Turkey has evolved into a migrant-receiving and transit country. Since the 1980s, in particular, Turkey has found itself on various migratory routes, receiving a steady influx of migrants and refugees from the Middle East, Asia, Eastern Europe and parts of Africa. As with much of the rest of the developed world, the immediate response of the Turkish authorities to these mixed flows has been characterized by a 'securitizing' and 'criminalizing' discourse. The main goals of this paper are twofold. First, I examine the historical development of Turkish asylum policy in order to illustrate the manner in which discourses on security play out in policy making. Second, based on accounts collected from refugees living in Istanbul and 'satellite cities' across Turkey, I explore the impact of these discourses and resulting policies on the everyday lives of refugees in Turkey, with particular attention to the ways in which the line drawn by the authorities between 'illegal' migrants and 'genuine' refugees are increasingly blurred.

Control over whom enters a country with the intention of settling and taking up citizenship there has long been the prerogative of the sovereign state. Historically, states have preferred to admit persons who are likely to strengthen a country's national cohesion (Cohen 1999; Brubaker 1992). Hence, depending on that country's citizenship ideals – i.e. whether it is territorially, religiously, racially or ethnically defined – states have historically preferred to admit persons that are likely to strengthen a country's imagined sense of national identity (ibid). However, many present-day scholars scrutinizing the issues of transnationalism, diaspora and globalization have begun to argue that this prerogative of the sovereign nation-state to include and exclude based on a territorialized understanding of identity and belonging is endangered by the forces of globalization and by the changed context of migration. For the past two decades, global innovations in telecommunications and transportation have led to a proliferation of cross-border flows in people, materials, and cultural ideas, and of transnational networks. Increasing mobility and deterritorialization in the 'age of migration' (Castles and Miller 1999) stand as an important challenge to the assumed fixity between spaces (territory), people and identity (culture). In particular, the development of 'transnational communities', groups who operate in social fields that transgress geographical, political and cultural borders, have come to present a powerful challenge to traditional nation-state ideas of belonging (Castles and Davidson 2000).

Nevertheless, the marginalization of the 'national unity bias' does not mean that immigration policies worldwide are becoming more liberal. Far from it. We are witnessing, instead, perhaps, the most restrictive immigration policies the world has ever seen. While migration flows across the world steadily increase, there is a growing reluctance on the part of industrialized countries to allow immigrants into their communities (Castles and Miller 1999). Increasingly the issue of migration provokes a sense of crisis, being viewed by many as a 'security threat' to national welfare systems, cultural and national identities, as well as domestic peace and stability (Harris 2002; Joly 1996; Lutterbeck 2006; Nadig 2002; Richmond 1995; Sassen 2002). In the aftermath of 9/11, these perceptions of threat have intensified as immigration, particularly from the south, has increasingly been linked to international, and especially Islamist terrorism (Sassen 2002; Statham 2003). This growing fear of non-Western migration has led most Northern countries to resort to fortified border policing measures and restrictive legislation, practically blocking all means of legal entry. In that sense, it is possible to argue that only the rhetoric has changed from being one of 'national unity' to one of 'national security.'

The increasingly popular 'securitization' approach to migration has taken a particularly heavy toll on asylum seekers and refugees, with governments following narrower interpretations of whom is a refugee and state obligations towards refugees (Loescher 2001). Despite heightened criticism by human rights activists, national security concerns have, in effect, legitimized various 'deterrence mechanisms' against potential asylum seekers, such as placing refugees in harsh, austere camps; deporting them to 'safe' third countries; or even sending them to overseas processing zones, irrespective of that countries human rights record. Undoubtedly, such security measures have a very real effect on the everyday existence of refugees and asylum seekers. First of all, security discourses frequently create divisions and suspicions within society. In many European and North American countries, the actual laws, practices and discourses on asylum have led to the conflation of migration, illegality and criminality (Story 2005). On the other hand, the various security measures, such as prolonged detention or highly intrusive investigations, can have profound psychological and health-related consequences for refugees who have already been under stress in their homelands (Lacroix 2004). The impact of this 'securitizing' approach to migration on the everyday experiences of refugees in European and North American countries is relatively well documented. In the following sections though, I would like to throw light on the Turkish experience, as there has been little academic interest on this subject.

Generally known as a migrant-sending country, in the last two decades Turkey has increasingly evolved into a migrant-receiving and transit country (İçduygu 2000, 1995; Kirişçi 2007). Since the 1980s, indeed, Turkey has found itself on various migratory routes, receiving a steady influx of

migrants from the Middle East, Asia, Eastern Europe and parts of Africa. Located at the heart of a troubled region, Turkey has received thousands of asylum seekers fleeing from several major wars, including the Islamic revolution in Iran, the 1991 Gulf War, the conflicts in Bosnia and Kosovo, in Afghanistan and Iraq, and most recently refugees from countries such as Somalia and Sudan. Several reasons might account for this increase. First, Turkey is seen as one of the few stable countries in the region. Second, Turkey's is situated at an important transit point on the migratory routes to Europe from Asia, the Middle East and Africa.

On the other hand, Turkey is one of the few remaining countries in the world to maintain the 'geographical limitation' in the 1951 Geneva Convention relating to the Status of Refugees.¹ Turkey, in fact, grants asylum only to refugees who have European origins, whereas non-European refugees are granted only temporary asylum in Turkey until a 'durable solution'² has been found. Security considerations, proximity to countries on its Southern and Eastern borders marked by instability, and fears over becoming the European Union's 'dumping ground,' are key factors promoting reservations over the removal of the 'geographic limitation' (Kirişçi 1996, 2001b, 2002, 2004). However, this measure has in no way prevented the increasing numbers of non-European refugees from coming into Turkey to seek asylum. Instead, Turkey has become an attractive destination hosting one of the largest refugee resettlement programs in the world, both through the United Nations High Commissioner for Refugees (UNHCR) and through private sponsorship programs to Canada, Australia, and the US.

But the application process for acquiring refugee status and being accepted for third-country resettlement in Turkey is grueling. Refugees may spend up to three years or even more waiting for their applications for refugee status and resettlement to be finalized by the UNHCR. While their case is pending, many do not know whether their case will be accepted, how long it will take or whether they will find a third country willing to accept them. Furthermore, during this lengthy and uncertain waiting period, asylum seekers must abide by the strict Turkish regulations on asylum, such as moving to a 'satellite city'³ chosen by the Ministry of Interior. As will be illustrated in the following sections, refugees arriving in Turkey already have limited resources and few, if any, supportive networks in these cities. This process forces many refugees to opt instead for a life of 'illegality' in the major cities in Turkey. Despite the serious dangers involved, trying to enter Europe with the help of human smugglers also becomes a much more attractive prospect.

In light of this context, I would like, in the following sections, to examine the historical development of Turkish asylum policy in order to illustrate the manner in which discourses on security play out in policy making. In the final sections I will attempt to explore how 'securitizing' tendencies impact the everyday lives of refugees in Turkey, based on interviews conducted over the summer of 2007 with nine refugees living in Istanbul and twenty-three refugees living in ten different 'satellite cities' across Turkey.⁴

¹ According to UNHCR, as of September 30, 2002, these countries are Congo, Madagascar, Monaco and Turkey.

² Durable solutions consist of voluntary repatriation, local integration or third-country resettlement.

³ These cities are Adana, Afyon, Ağrı, Aksaray, Bilecik, Burdur, Çankırı, Çorum, Eskişehir, Gaziantep, Hakkari, Hatay, Isparta, Maraş, Karaman, Kastamonu, Kayseri, Kırıkkale, Kırşehir, Konya, Kütahya, Mersin, Nevşehir, Niğde, Sivas, Şırnak, Tokat, Van and Yozgat. Asylum seekers are not issued residence permits for Istanbul unless there are critical circumstances related to health or safety that requires them to live there.

⁴ In Istanbul, 4 Sudanese, 1 Rwandan, 1 Iraqi, 1 Iranian, 1 Nigerian and 1 Mauritanian. From the satellite cities: 10 Iranian, 2 Iraqi, 3 Somali, 3 Sudanese, 4 Eritrean and 1 from the Democratic Republic of Congo. 15 were male and 8 were female. All interviews were conducted together with an interpreter.

1. Turkish Asylum Legislation:

As stated above, concerns over strengthening national identity and maintaining national unity, have had a strong impact on the immigration practices of nation-states. Since the founding of the Turkish Republic in 1923, the immigration policies of Turkey have showed very clear tendencies in this respect. Until recently, the only law on immigration and asylum in Turkey was the Law on Settlement (Law 2510), which was adopted in 1934. During the early years of the Republic, this law served as a tool for the construction of a new and homogenous Turkish national identity, as it only allowed immigrants or refugees of Turkish descent/ethnicity and culture to settle and integrate in Turkey (Kirişçi 2003). According to Article 3 of this law, a 'refugee' was a person who had arrived to seek asylum as a result of compulsion and who had the intention of staying in Turkey temporarily. Those of 'Turkish descent and culture' on the other hand, could decide to settle permanently. After signing and ratifying the 1951 Geneva Convention on the Status of Refugees and its 1967 Protocol, Turkey was forced to revise this narrow definition of a 'refugee'. Nevertheless, by holding onto the 'geographical limitation', the Turkish authorities were able to maintain a selective criteria, by only allowing refugees of 'European origin' to seek asylum and settle in Turkey.⁵

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

In the 1980s, however, Turkey saw its first massive flow of non-European, hence non-Convention, refugees, namely Iranian refugees fleeing the Khomeini regime. Initially, the Iranians did not pose a problem either, as most entered the country legally with tourist visas and found their own way on to third countries. Very few of them approached UNHCR to seek asylum. Then in the late 1980s and early 1990s, Turkey saw a sudden and dramatic growth in numbers of refugees and migrants arriving from both European and non-European countries. Iraqi refugees started entering Turkey *en masse* during the 1980-1988 Iran-Iraq war and the Gulf war of 1990-1991. In 1989, Turkey also received about 310,000 Bulgarian Turks, who were fleeing the Zhivkhov regime's assimilation campaigns. In 1992, an estimated 20,000 to 25,000 Bosnians, then in 1999, approximately 20,000 Albanians from Kosovo sought refuge in Turkey (Kirişçi 2002). Although smaller in numbers, refugees also started to arrive from countries such as Afghanistan, Palestine, Somalia, Sudan and Sri Lanka. However, most of these refugees entered the country illegally and without any identity documents. After arrival, they would generally head directly to UNHCR to make their applications and while waiting for their applications to finalize, they would settle in major cities without registering with the police. Therefore, it became increasingly common for UNHCR recognized refugees to turn up at airports in Istanbul or Ankara, ready to depart to their resettlement countries, without ever having had any legal presence in Turkey (Kirişçi 1996).

⁵ Though it exceeds the scope of this paper, it should be stated that in practice, 'European' refugees are also rarely granted permanent settlement. Seemingly, the Law on Settlement continues to form the ideological background to most of Turkey's asylum practices (Kirişçi 2002, 27). For instance, almost all the 'European' refugees coming to Turkey, the major groups being the Bulgarians in 1989, the Bosnians in 1997, and the Kosovars in 1999, were either allowed to stay temporarily on an unofficial basis (as 'guests')⁵ or those who had 'Turkish descent' were allowed to benefit from the Law on Settlement. Hence, to date there are actually very few officially recognized 'European refugees' in Turkey. The number of people who are recognized as 'refugees' by the Turkish state is said to be around only 30 people (20 of them Chechen, some Azeris).

Growing numbers of refugees was not the only concern that the Turkish state had in relation to the movement of foreign nationals in Turkey. The collapse of the communist regimes in Eastern Europe created a wave of migration to Turkey as well. The economic problems confronted by post-Soviet states, coupled with Turkey's liberal visa regime towards these countries, led to a significant rise in irregular migrant labor to Turkey (İçduygu 2003). Therefore, the Turkish authorities became increasingly concerned that the movement of people in and out of Turkey was getting out of hand. During the same period, the Turkish government was fighting a war in its southeastern regions against the armed Kurdish separatist group, the Kurdish Workers Party (PKK). There were growing concerns over PKK activity and infiltration from Northern Iraq and Iran, which made the issue of border control a security matter. Furthermore, there were growing disputes between UNHCR and the Turkish authorities over how to define 'asylum seeker'. The state view was that most non-European asylum seekers arriving in Turkey were actually illegal/economic migrants. Therefore, Turkish security forces began deporting many persons that the international community considered genuine asylum seekers or refugees, crippling the previously smooth working relations between UNHCR and the Turkish authorities (Kirişçi 1996).

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

In an effort to regularize all asylum applicants in Turkey and bring all status determination under the control of the Turkish government, the 1994 Regulation introduced various new guidelines and restrictions. Accordingly, all non-European refugees who arrived in Turkey and applied to UNHCR with a view towards being resettled in a third country were required to file a separate 'temporary asylum' claim with the Turkish government. This procedure has come to be termed the 'dual procedure' because even though the examination criteria are exactly the same (i.e. whether or not there is 'well-founded fear of persecution' based on one or more of the five Convention grounds), the Turkish procedure grants non-European asylum seekers the status of 'asylum seeker' (hence the right to temporarily reside in Turkey), whereas the UNHCR application grants the status of 'refugee' (hence the right to seek third-country resettlement). Though this curious bending of terminology (i.e. giving an asylum seeker the status of an 'asylum seeker' after he or she has been recognized as fitting the Geneva definition of a 'refugee') leaves much to be desired, the important point here is that the 1994 Regulation emphasizes that as far as the Turkish government is concerned, the legally relevant and binding decision is the 'temporary asylum' decision made by the MOI (article 6).

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

However, the MOI's determination to control the movement of all asylum seekers and refugees in Turkey did soften in the late 1990s due to international criticism. In January 1999, the 5-day limitation was changed to 10-days and negative decisions were allowed to be appealed in the administrative courts. Also, a number of court rulings by both the Turkish administrative courts and the European Court of Human Rights in favor of asylum seekers prompted the Turkish authorities to be more cautious about their deportations (Kirişçi 2002). Therefore, by the late 1990s, the 'good working relationship' between UNHCR and the MOI had returned, with UNHCR taking the lead in making RSD decisions and the MOI, generally, following suit.⁶

2. The EU Process

As described above, the fragile relations between the MOI and UNHCR were very much shaped by the Turkish state's concerns over national sovereignty and security in light of both Turkey's ongoing war on its Eastern borders and its new found role as a country of immigration and transit. Given Turkey's bid for European Union (EU) membership and its position as an external border, the EU agenda has also started to play a very influential role in shaping Turkey's asylum and immigration policies. As stated earlier, in most developed countries of the North/West, immigration policy and discourse is characterized by a growing conflict of interest between national security and international human rights. Due to the prospects of EU membership, these tensions have also had a strong bearing on the Turkish reality. In 8 March 2001, the European Commission adopted the *Accession Partnership Document* with Turkey, which set out some of the reforms that Turkey must undertake in order to be considered for EU membership.⁷ In relation to migration, the main conditions were that Turkey should:

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

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

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

⁶ The 1994 Regulation was somewhat hastily prepared without thorough planning for the logistics and resources necessary for the Turkish authorities to make their own status determinations, for instance, a shortages in interpreters in far off satellite cities was a major obstacle. Therefore, the more cooperative stance of the Turkish authorities was also due to pragmatic concerns (Kirişçi 2002).

⁷ Council Decision of 8 March 2001 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Turkey (2001/235/EC) OJ L 85/13 24/03/2001.

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

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

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

Furthermore, since the 1980s, Turkey has seen a rapid and dramatic change in both the size and nature of migration flows to Turkey. Initially, most migrant flows to Turkey consisted of refugees from mainly Iran, Iraq, Bosnia and Kosovo, and labor migrants mainly from the former Soviet states. In recent years though, a new form of migration is being witnessed in Turkey, as well as many Mediterranean and Eastern European countries, under the name of ‘transit migration.’ As İçduygu (2005) argues: ‘One can analytically argue that the term ‘transit migration’ is used for the phenomenon where migrants come to a country of destination with the intention of going and staying in another country. What makes the position of these migrants so unique is their own intention-based, so called ‘temporary’ character, in the country of transit, together with the largely ‘irregular’ or ‘illegality’ based nature of their movement’ (p. 8). In that sense, within the European regional context, all migrants who intend to travel to Europe, and do so in an ‘irregular’ manner by passing through the peripheral countries within or outside the European borders have come to be classified as ‘transit migrants.’ Because of their ‘irregular’ nature, transit migration has become a hotly-debated political issue and there is growing pressure from EU states for Turkey to stop transit migration into Europe.

Turkey’s geographical terrain facilitates illegal entry and exit of the country and the extent of transit migration through Turkey is a well-documented phenomenon (İçduygu 2000, 2003, 2005, Duvell 2006, Manneart 2003). Therefore, European concerns over transit migration have had a clear effect in shaping Turkey’s EU membership conditions. Turkey’s awareness of these European concerns is also precisely why, in both the NPAA and NAP, the removal of the geographical limitation is conditioned on ‘burden-sharing’ and the success of the EU Accession negotiations. There is a clear EU trend in pursuing increasingly exclusive immigration policies, with some countries taking up a ‘zero immigration’ policy. Therefore, as borders get more difficult to cross, many migrants trying to make their way into Europe are becoming stuck in peripheral zones such as Turkey. This is not necessarily limited to so-called ‘illegal’ or ‘irregular’ migrants. For instance in Turkey, all non-European refugees who wait several years before their applications and resettlement is finalized, may also be considered ‘transit migrants’ (İçduygu 1996). Some of them may also drift into ‘illegality’, a consequence of the uncertainties of the UNHCR asylum application process and indefinite waiting periods for results, not to mention the difficult living conditions in Turkey, which will be described below. Some, on the other hand, wait patiently to be resettled. But zero-immigration policies also have a bearing on refugee resettlement rates. For instance, each year fewer European countries accept refugees from Turkey and their quota levels are extremely low. In that sense, for many migrants and

refugees, who have no means or intention of going back where they came from, or of legally moving forward into Europe, the supposedly transit state, is becoming permanent (Brewer & Yükseser 2006). These realities continue to feed into Turkish perceptions that they are the EU's new 'dumping ground', and constitute a powerful line of reasoning behind Turkey's reluctance to change its asylum regime. Furthermore, there are so many contradictions and uncertainties in Turkey's journey towards EU membership that this realization has perhaps led the Turkish authorities to hold onto the 'geographical limitation' issue as a bargaining chip.

3. Turkish Asylum Policy as Lived by Asylum Seekers

As previously stated, the sudden and dramatic changes in migration flows to Turkey and concern over national security were some of the key developments which led to the production of the 1994 Regulation. In a similar manner, the new concerns and expectations associated with the EU Accession process, as described above, have also culminated in the production of the most recent national legislation in relation to asylum. In June 2006, the MOI introduced the 'Implementation Directive' to provide very detailed instructions for the General Directorate of Security personnel on the implementation of the 1994 Regulation, such as formally defining the procedures of seeking 'temporary asylum' and the specific rights, benefits and obligations of 'temporary asylum seekers'.⁸ In this section, I will be examining some of the rights and obligations stated in the 2006 Implementation Directive to illustrate how securitization concerns continue to shape Turkish asylum policy and practice. I will also attempt to explore how the everyday experiences of refugees in Turkey are structured by these policies.

The primary obligation of all asylum seekers in Turkey, and the condition on which they have access to other rights, is that they must reside in places designated by the MOI.⁹ These places are termed 'satellite cities'. There are currently 30 of these satellite cities, most of which are located in the interior of the country. The number of cities selected and their particular locations, i.e. far from the sea and the European borders, reflects a clear attempt on the part of the Turkish authorities to ensure that the asylum-seeker and refugee populations in Turkey are manageable. Furthermore, all asylum seekers are obligated to pursue their temporary asylum requests with the 'Foreigners Police' in the province that they were assigned to and where they must reside until their asylum application has been finalized. Once they have registered and provided their fingerprints, asylum seekers must go to the local police to give their signature documenting that they are residing in the city. The frequency of these signatures is somewhat arbitrary, but generally all family members are required to sign in every day or every other day. Asylum seekers and refugees who want to leave their city of residence to travel temporarily to another place must apply for a 'temporary leave permit'.¹⁰ As with the signature procedure, the practice can be quite arbitrary. The lengths of temporary leave allowed may be between 2 to 15 days, and are generally only granted if the person concerned has an appointment with UNHCR, a legal representative or a doctor. Generally asylum applicants do not have a say in the city that they will be assigned to. One may apply to be transferred to another satellite city only if he/she has a relative elsewhere or has health problems, which cannot be treated in the city of residence.

Section 19 of the Implementation Directive is entitled *Facilities with which Applicants, Refugees and Asylum Seekers shall be provided* and covers the issues of social, economic and health assistance as well as work permits. Considering how detailed the implementation directive is in terms of the 'temporary asylum application procedures,' – how to conduct interviews and file an application; procedures on taking fingerprints or on age determination for minors; conditions for

⁸ Ministry of Interior General Directorate of Security Circular No.57, "Implementation Directive," June 22, 2006 ("2006 Circular")

⁹ Article 17 of the Law on the Residence and Travel of Foreigners in Turkey (law 5683)

¹⁰ Section 17.

granting residence permits; penalties for leaving a satellite city without a permit... – all of which amount to twelve pages, the section on social and economic rights is both extremely vague and limited being only two short pages. For instance, on the issue of general assistance it is stated that, ‘assistance is provided to applicants, asylum-seekers and refugees, by local administrations and NGOs within the framework of their own legislations and practices’. Furthermore, it is noted that all assistance is temporary ‘until applicants, refugees and asylum seekers become self-sustaining’, and depends on the availability of local organization resources. In order to make such assessments, the Directive calls for yearly meetings of the necessary public offices in the provinces concerned. Local NGOs and international organizations are also invited to share the burden. Yet the general expectation stated throughout the Directive is that asylum seekers and refugees must cover their own accommodation and health costs.

Although international migration flows to Turkey are relatively recent, in Istanbul, various refugee and migrant communities have already established a presence in particular neighbourhoods. Therefore, most newcomers to the city are able to find accommodation without too much delay. However, due to the shortage of social and community networks in satellite cities, as well as the reduced economic means of most refugees, particularly of those from African countries, finding accommodation in satellite cities can be a gruelling task. The first contact point for refugees arriving in satellite cities is the police, and this first contact is generally not a welcoming one. As remembered by one Eritrean refugee:

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

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

In February 2007, I went to Karaman to register with the police. They registered me but told me that they had no place for me to stay or food. I slept three days in the bus station, and then went to the police again but they told me, ‘it is your problem and you have to figure it out yourself’.

According to Turkey’s Law on the ‘Work Permits for Foreigners’ (Law No. 4817), which has been in force since September 2003, asylum seekers and refugees are allowed to apply for work permits from the Turkish Ministry of Labour and Social Security, ‘so that during their stay in our country, they may contribute to the national economy and become self-sustainable’. First, though, the applicant must acquire a residence permit that is valid for at least 6 months, a process which involves its own difficulties that will be described below. Second, the applicant must have found an employer interested in hiring, and willing to pay for application and extra taxes. Local unemployment levels in most satellite cities are already high, hence working opportunities for asylum seekers and refugees, who generally do not speak Turkish very well, are scant. Hence, it would be rare to come across an employer willing to go through such costly and complicated procedures. More importantly though, most asylum seekers are uninformed about this right or local police are unwilling to grant it. One Sudanese refugee told how: ‘We are not given permission to work legally. It is especially bad in the winter. There is an availability of work, but you need to have papers. I didn’t ask because I was scared. Previously friends asked, but they were denied, being told that they should not be working in the first place.’ For the reasons explained above, getting formal work is extremely difficult for most refugees living in satellite cities. Some are able to find informal work, but there are many instances where they are exploited and not paid for their labor. If this occurs, they are not able to complain to the authorities either. An Iranian refugee explained to me: ‘I worked a few times before but they refused

to pay me. A friend who had a similar experience went to the police to complain and ask for help but they told him 'Why are you even working? You are not supposed to'.

The Social Assistance and Solidarity Fund (SASF), which was founded in 1986 as a poverty reduction scheme, functions under the authority of governorships and must provide services to all those, citizens and non-citizens alike, with financial difficulties within the borders of Turkey (health, education, shelter, food and clothes). The 2006 Implementation Directive also confirms this point, stating that all matters of social and medical assistance to refugees and asylum seekers will be carried out in cooperation with the SASF. Yet this role is non-binding with the statement, 'if their funds permit.'¹¹ The budget allocated to these funds is already irregular. Furthermore, there are reports to suggest that there is a great deal of discretion in how being 'needy' is determined by the SASF, which leads to arbitrary and inconsistent decisions in the granting of public relief to citizens.¹² In that case the prospect of receiving regular assistance from the SASF is probably bleaker for asylum seekers and refugees, than for citizens. As one Iranian informant living in an Eastern Turkish city bordering Iran told me: 'When you go and apply to the police they send you to the *Valilik* (Governorate) and then they say 'I can't even help my own citizens, how should I help you?'' A further problem, though, is that even before an asylum seeker can apply to the SASF, he or she must request the permission of the local police at the Foreigners' Branch. The Implementation Directive states that: 'Applicants who request an examination or treatment, and are not in need of emergency health assistance, shall lodge his/her request to the Foreigner's Branch whom have the most information about the situation of the applicant. This request shall be evaluated by the Foreigner's Branch and shall be reported in writing to the relevant Social Assistance and Solidarity Foundation.'¹³ In other words, police officers are given the responsibility for making all medical and social assistance referrals. Police officers are trained in security matters, not social work. And the question of whether they are suitable to 'evaluate' the health conditions of applicants or select those deemed 'appropriate' for social assistance, raises serious concerns.

Due, perhaps, to the frustrations associated with police forces in satellite cities having to offer social services, towards the end of 2007, the MOI issued an internal memorandum to all the local authorities of satellite cities, which NGOs working with refugees eventually became aware of.¹⁴ This memo was basically a reminder to these authorities that, due to Turkey's geographical limitation to the 1951 Convention, the Turkish authorities have no obligations to provide assistance to non-European refugees and asylum seekers, and that UNHCR has that responsibility.

Refugees with health problems have been particularly hard hit by the unyielding stance of the Turkish authorities. The Implementation Directive states that all refugees and asylum seekers in Turkey are expected to cover their own health costs, unless it is an emergency situation and they are truly destitute, in which case they must be referred to the SASF. In the past, UNHCR provided emergency medical care, but due to major budgetary cuts, they have had to terminate almost all health assistance. As illustrated by the issuing of the internal memorandum explained above, there is an ongoing struggle between the MOI and UNHCR, each passing the burden of social and medical assistance for refugees to the other. As this account of a Sudanese refugee reflects, the impact of these high level struggles on the everyday lives of refugees is extremely frustrating:

I am very sick and have informed both the UNHCR and the local authorities. No one will help me. The SASF said they will pay only 115 Turkish Lira. I went to the state hospital myself. At the hospital they asked me to show UNHCR papers and a letter saying that UNHCR will pay. They refused to treat me even with a residence permit. The first time was when my wife was pregnant and we went to hospital and she gave birth. They took my UN papers and the hospital called UNHCR, which refused to pay. Then they did not let me leave the hospital unless I paid 250

¹¹ Section 19, paragraph 3, under the 2006 Implementation Directive.

¹² See Keyder and Ustundag (2006) in *Social and Economic Priorities in Eastern Southeastern Anatolia*, Istanbul: TESEV.

¹³ Section 19, paragraph 4, under the 2006 Implementation Directive.

¹⁴ Legal administrator, Helsinki Citizen's Assembly Refugee Advocacy and Support Program, interview by author, 20 March 2008.

Turkish Lira. A Turkish guy (a friend) paid for me. The second time I got sick. The hospital told me to go to Valilik (governorate). I got a stamped paper from there, which I had to take to police. But then the police said you cannot use it, you are not allowed to get medicine through us as a refugee. They took my paper and said 'Git (Leave)!'

The tragicomedy of the situation is reflected in the words of an Iranian refugee: 'When you have a health problem, you call UNHCR which tells you to go to the police and get a letter for the SASF. But when you go to police, they say 'Why should we give you a letter?' And when we go to SASF, they say 'Someone should send us a letter.' You tell me, what am I to do?'

All social, medical and economic rights of asylum seekers and refugees in Turkey are dependent upon holding a valid residence permit. However, obtaining residence permits is a costly procedure,¹⁵ which many refugees and asylum seekers are unable to afford. There is a law, which allows for residence fee exemptions for people who are destitute.¹⁶ However, this right rarely seems to be practiced. Especially after the MOI issued the internal memorandum, this exemption right has become virtually irrelevant as almost all requests are being rejected.¹⁷

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

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

Aside from the heavy costs of trying to establish a 'legal' standing in Turkey, the very presence of asylum seekers and refugees in satellite cities can also lead to some hostility on the part of local inhabitants. When small cities in central Anatolia, which have probably seen very few foreign nationals in their past, suddenly find themselves inundated by Iraqis, Iranians, Afghans, Somalis or Sudanese nationals, this may initially be intriguing. However, locals are rarely aware of who a 'refugee' is or why they have been made to live in their city. Especially in satellite cities, which have low-income levels, the prospect of 'foreigners' receiving cash or other kinds of assistance can lead to resentment.¹⁸

¹⁵ In 2008, the cost of a six-month permit per individual was 354.80 Turkish Lira if over the age of eighteen, and 137 Turkish Lira under the age of eighteen.

¹⁶ The Law on the Travel and Residence of Foreigners in Turkey (No. 5683), Article 88b

¹⁷ Legal administrator, Helsinki Citizen's Assembly Refugee Advocacy and Support Program, interview by author, 20 March 2008.

¹⁸ Today's Zaman, 09.04.2007, 'Burdur refugees stirs up unrest among locals.' <http://www.todayszaman.com/tz-web/detaylar.do?load=detay&link=121185>. Today's Zaman, 23.08.2007, 'Burdur disturbed by refugees residing in city.' <http://www.todayszaman.com/tz-web/detaylar.do?load=detay&link=120204>.

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

Due to such ambiguities and the uncertainties relating to the lack of assistance by Turkish governing bodies, to the costs of obtaining a legal status and the length of time it takes to reach a decision on refugee applications, many asylum seekers and refugees are forced to make a choice between a 'legal' versus 'illegal' existence in Turkey. Staying 'illegally' in Istanbul is a particularly attractive option for all asylum seekers and refugees, due to both the social-cultural networks and informal labor opportunities it offers. As an Eritrean refugee who was assigned to live in a city in central Anatolia commented: 'UNHCR gave me an appointment for one year later, so it is not worth going back to Karaman. I came back to Istanbul because there is no assistance from either police or charity in satellite cities. Here at least I am able to work part time in a shoe factory.'

Various NGO and faith-based programs in Istanbul play a very important role in making up for the lack of public assistance programs for refugees in Turkey.¹⁹ Although international migration to Turkey is relatively recent, many migrant communities in Istanbul have developed strong networks; and reside in particular neighbourhoods.²⁰ Therefore, newcomers to the city are rarely left on the street, and are quickly able to learn about work and assistance availabilities. Another very important point is that the ethnic and cultural diversity of Istanbul, enhanced by the large numbers of tourists visiting every year, can provide a sense of anonymity (Daniş et al 2006). This sense of anonymity can be particularly important for the refugees coming from Africa.

The asylum application process, involving registration and status determination interviews, as well as separate third-country resettlement applications, can take several years. And for many refugees, it is simply too long and too costly a procedure. One Sudanese refugee living in Istanbul commented, 'My first interview with the UNHCR is not for 10 months. It is a long period, I am not waiting, I will go to Greece instead,' he says, and adds, 'Many Sudanese give up, even some people that are recognized.' The heavy cost of maintaining a 'legal' status in Turkey (i.e. residence fee costs, unemployment in satellite cities, long waiting periods and uncertainties over the final outcome of the application) impel many refugees to invest their money in smugglers instead.

However, the journey to Europe, whether by water or by land, is extremely dangerous. There are countless news stories about migrants dying on the way. The most tragic incident occurred in December 2007, when an overloaded boat smuggling migrants from the shores of Izmir to the Greek island of Chios sank forty-six Palestinian, Iraqi and Somali dying and only six being rescued.²¹ Apart from the many physical risks associated with smuggling, if one is caught while making such an attempt, this can lead to further threats and uncertainties as well. The Turkish authorities are generally suspicious of people who apply for asylum after being caught trying to smuggle themselves into Europe. This suspicion is reflected in the 2006 Implementation Directive (Section 13) where there is a list of the conditions under which a foreigner/asylum seeker will not be granted a residence permit, in order 'to ensure that international protection is not exploited and that people who are genuinely in need of international protection are secured'. The three conditions most relevant to the discussion here are:

- Those who apply after he/she was caught by security units because of his/her illegal presence in Turkey,

¹⁹ For instance the Istanbul Inter-Parish Migrants Program, the Humanitarian Aid Foundation and Caritas have a variety of food, health and education programs.

²⁰ For instance most Iraqi refugees live in the Dolapdere, Kurtulus and Osmanbey area; most Afghans, Iranians and Uzbek's can be found in Zeytinburnu and Aksaray; many West Africans inhabit the Tarlabası neighbourhood, while East Africans prefer Kumkapı and Aksaray.

²¹ Sabah, 11.12.2007 "Göz göre göre ölüme" ('Going to death knowingly') <http://arsiv.sabah.com.tr/2007/12/11/haber,345E526A0AA546158AB9C9FE8A392AB9.html>. Bianet, 12.12.07 '46 Refugees Die in Boat Disaster.' Bianet, 05.01.2008 'Ölen Göçmenleri Unuttuk Çünkü Moralimiz Bozuluyor' ('We forgot about the dead migrants because we get upset') <http://www.bianet.org/bianet/kategori/biamag/103935/olen-gocmenleri-unuttuk-cunku-moralimiz-bozuluyor>

- Those who apply after he/she was deported due to involvement in illegal migration or a crime or was banned from entering Turkey, and somehow made it back into the country,
- Those who apply after he/she was caught while trying to exit Turkey by illegal ways

Thus, if a person is caught while trying to get smuggled out of the country, the position of the Turkish authorities clear: smuggling is an illegal activity. Clearly then, if an asylum seeker is caught after trying to illegally enter Greece, regardless of whether or not he/she has an application with the UNHCR, in the eyes of the Turkish authorities he/she no longer qualifies for a residence permit in Turkey and a deportation order will be made.

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

Being 'illegal' also makes one vulnerable to frequent police harassment. The most 'visible' groups (refugees from African countries) suffer from this the most. In 1993, there was a large-scale roundup of African migrants and asylum seekers in Istanbul. In order to crack down on illegal migration, several hundred Africans were arrested and taken to a UN camp in southeastern Turkey which had initially been set up for internally displaced Kurds (Frantz 2006, Brewer and Yüксеk 2006).

On July 7th 2001, another such incident occurred. Between 250-300 migrants and refugees, citizens of 11 African countries, were picked up by police in several Istanbul neighborhoods, detained for several days, and then dumped on the Greek border.²² The Turkish Human Rights Association said that the authorities mistreated some of the Africans in detention, depriving them of food, clean water, and medical assistance (HRA, 2001). Greece refused them entry and forced them back to the Turkish side. Although Turkey eventually readmitted most of the Africans, three reportedly died and another three were allegedly raped while trapped in the border zone.

There are countless other incidents of both the Turkish and Greek authorities pushing illegal migrants back and forth across the borders. Turkish border authorities frequently complain about the Greek practice of dumping unwanted migrants into Turkey.²³ On the other hand, as with the 2001 incident, there are many reports to suggest that the Turkish authorities are also guilty of such practices. Only very recently, such practices resulted in a tragic loss of life. On the April 23rd, 2008 the Turkish authorities attempted to forcibly deport sixty people of various nationalities to Iraq across the official border crossing. The Iraqi border authorities allowed forty-two Iraqi nationals to enter the country, but refused to admit the eighteen Iranian and Syrian nationals. The Turkish police then took the remaining eighteen, including five Iranian refugees recognized by UNHCR, to a place where a river, the Dicle, forms the border between the two countries, and forced them to swim across into Iraqi territory. Four men, including an Iranian refugee, drowned.²⁴

There are also many reports of police exploiting the 'illegal' status of migrants. During Pope Benedict's visit to Istanbul a group of African migrants were allegedly randomly arrested by police

²² The Christian Science Monitor, 03.08.2005. Africans get waylaid in Turkey. www.csmonitor.com/2005/0803/p07s01-woeu.html

²³ Milliyet, 29.07.2004 'Yunanistan, göçmenleri Türkiye'ye bırakıp kaçtı' ('Greece dumped migrants to Turkey and ran away'). www.milliyet.com.tr/2004/07/29/siyaset/siy02.html

²⁴ See <http://www.unhcr.org/news/NEWS/4811e23c4.html> (UNHCR Press release - 25.04.2008). Bia-Net, 29.04.2008, The people forcibly deported by Turkish police drowned in the Dicle river. <http://www.bianet.org/bianet/kategori/bianet/106622/polisin-zorla-sinirdisi-ettigi-multeciler-diclede-boguldu-iddiasi>

and then forced to carry the barricades at a site which Pope Benedict visited.²⁵ But one could say that the level of police brutality against 'illegal' migrants in Istanbul reached its peak on August 20th 2007, when a Nigerian man named Festus Okey was mysteriously shot while in detention at the Beyoğlu Police Station on charges of drug possession.²⁶ My interview with a Nigerian asylum seeker living in Istanbul coincided with this event. He commented that police brutality towards 'illegal' migrants was not new, 'even before Festus's death it was so common that the police take your money, telephone and try to plant drugs on you if you refuse to give your money'. But the death of Festus had created a new psychology, 'where you now live everyday and night, scared that you might lose your life. You don't know what can be, you don't even give a damn about loss, and you just want that life goes on'. Referring to the situation of other 'illegal' migrants and refugees in Istanbul, the Nigerian said:

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

As these comments make clear, not only does the 'securitization' of migration policies situate refugees in an extremely uncertain and unstable predicament making it nearly impossible for refugees to lead everyday lives, it also breeds a discourse of criminality, which, in a sense, justifies and perpetuates the security concerns.

Conclusion

The main purpose of this paper has been to reflect on the strong presence of the 'securitizing' and 'criminalizing' language in Turkish policy developments regarding migration and asylum issues. Satellite city regulations, treatment against 'illegal' migrants were important examples in this respect. But even the mere fact that all dealings with asylum seekers and refugees in Turkey, such as social and economic rights, are left in the hands of police forces should speak for itself. Yet, the 'securitization of migration' is a convenient response. Posing migration as an external threat to 'national security' serves an important political function: it justifies further state control and even gives the state the right to use any means necessary to protect 'national security'. In her comparison of the mechanisms of crime control and migration management within the United States, Story (2005) argues that such securitizing and criminalizing tendencies have a self-perpetuating and self-justifying quality. The examples in Turkey are only too clear: national security concerns, whether over the 'floods of refugees' waiting at Turkey's door or the 'uncontrolled' movement of people within its territory, has led the Turkish authorities to introduce highly restrictive legislation on asylum. Yet livelihoods in satellite cities are so uncertain that many asylum seekers feel forced to choose an even more precarious existence as an 'illegal' foreigner living in Istanbul or trying to get themselves smuggle into Europe. But such a move only further justifies exceptional state practices, such as prolonged detention in 'foreigner guesthouses', deportations and police brutality towards 'illegal' migrants. With this context in mind, the paper has made a modest attempt to provide only a glimpse into the real life implications of the increasingly popular 'securitizing' and 'criminalizing' discourses taking hold within the migration and asylum spheres.

²⁵ Aksam, 11.12.2006 'Polisin koleleri' ('Slaves of the Police') www.aksam.com.tr/haber.asp?a=61159,3&tarih=11.12.2006.
Radikal, 08.12.2006 'Sultanahmet'te kole muamelesi gorduk' ('We were treated like slaves in Sultanahmet') www.radikal.com.tr/haber.php?haberno=206760

²⁶ Milliyet, 30.08.2007 (Place of Death: Beyoğlu Police Station) <http://www.milliyet.com.tr/2007/08/30/son/sontur31.asp>.
Radikal, 09.09.2007 'Polisten Festus Okey açıklaması' ('The police make a statement on Festus Okey incident') www.radikal.com.tr/haber.php?haberno=232406

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