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# INFORMAL 'CIRCULAR MIGRATION' INTO TURKEY THE BUREAUCRATIC AND POLITICAL CONTEXT

*Kemal Kirişci*

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**CARIM Analytic and Synthetic Notes 2008/21**

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**Circular Migration Series**

*Political and Social Module*

Cooperation project on the social integration  
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**CARIM**  
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**Analytic and Synthetic Notes – Circular Migration Series**  
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**Informal “circular migration” into Turkey**  
**The bureaucratic and political context**

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## **Abstract**

This paper examines Turkey's experience in circular migration and depicts the context, form and nature of circular migration patterns. It also explores whether and to what extent these patterns are regulated and which role they play in the public agenda and at the governmental level. Finally the paper aims on a broader scale at sharing the experience of Turkey as an accession country to the EU in the light of migration strategy and politics.

## **Résumé**

Ce papier met en exergue l'expérience de la Turquie en matière de migration circulaire et analyse le contexte, la forme et la nature de différents mouvements circulaires. Le papier explore également si et dans quelle mesure ces mouvements sont régulés et quel rôle ils jouent au sein de l'agenda public et au niveau gouvernemental. Finalement, le papier vise à partager dans une perspective plus générale l'expérience de la Turquie en tant que pays en voie d'accession à l'UE dans les domaines de la politique et de la stratégie migratoires.

## Introduction

Since October 2005 Turkish accession negotiations for membership to the European Union have started. The accession process is fraught with difficulties and is progressing very slowly. Immigration related issues are very central to this process. It is estimated that there are close to four and half million nationals of Turkey living abroad including those who have acquired the citizenship of their host societies. Approximately three and half million of them are in Europe.<sup>1</sup> European public opinion and many European politicians fear the prospects of an additional wave of large numbers of Turkish nationals immigrating to Europe with accession. This is coupled with the integration problem of parts of Turkish immigrant communities suffer from in a number of EU member countries. However, what is often overlooked is that Turkey itself is becoming an immigration country. There are a growing number of asylum seekers, brides and grooms, professionals, retirees and students entering Turkey legally. There are also illegal migrants. They cover a wide range of nationalities from various third world countries such as Afghanistan, Bangladesh, Iran, Iraq, Pakistan as well as from many African countries. Many of them aim to transit Turkey and make their way to Europe. However, an increasing number of these people are getting stranded and staying on in Turkey. Then there is another whole group of people mostly involving the nationals of countries of the ex-Soviet Union and to a much smaller extent and more recently Morocco and Tunisia. These people enter Turkey with the purpose of working in the domestic service sector as well as construction, tourism, textile and increasingly also in the information technology sectors not to mention the education sector. There are clearly those who reside and work legally in Turkey. Yet, the majority does so illegally or in semi-illegality at best. Furthermore, a majority of this “majority”, in an effort to remain within the bounds of some “legality”, moves back and forth between Turkey and their country of origin. In other words there is a form of “circular migration” involving Turkey.

The issue of “circular migration” has gained considerable attention in the EU in recent years. It is seen as a possible way of relieving pressures of immigration into the EU from third countries and at the same time address the growing need for labor within the EU. It is with this in mind that the European Commission adopted a Communication to explore means of managing “circular migration” into the European Union.<sup>2</sup> The Commission uses the term “circular migration” to mean “a form of migration that is managed in a way allowing some degree of legal mobility back and forth between two countries”. The emphasis clearly is on a mobility that is “managed” and “legal”. It is a definition very much in response to efforts to control and prevent illegal migration into the EU. At the same time the Communication also tries to look for an answer to the growing need for both skilled and unskilled labor in many EU member countries. The demographic trends in Europe in general brings an added need to devising programs to fill in the labor gap that is inevitably going to develop as a result of aging and a falling population in Europe. Turkey is actually seen as one of the countries from where managed “circular migration” could take place.

It is however possible to argue that an “unmanaged” form of “circular migration” is already taking place between the EU and Turkey. The term that the European Parliament’s working document on “Migration and Development” of June 2006 together with “circular migration” employs the term “pendular migration”.<sup>3</sup> The latter term may better describe a “reality” that already exists out there.

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<sup>1</sup> For the complete figures see “Turkey – Table 1: Turkish Nationals Abroad by Host Countries (in thousands), 2000-2002” in A. İcduygu, ‘Turkey:’ P. Fargues (ed.) Mediterranean migration report 2005 (Florence: CARIM, European University Institute, The Robert Schuman Centre for Advanced Studies 2005), p. 359.

<sup>2</sup> European Commission, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: On circular migration and on mobility partnership between the European Union and third countries, COM (2007) final, Brussels, 16 May 2007.

<sup>3</sup> European Parliament, Working Document on Migration and Development, Committee on Development, 7 March 2006.

This reality is one where Turkish legal residents, immigrants, students etc... are actually moving back and forth between Turkey and their country of residence and at times their country of second citizenship. There are also Turkish citizens who participate in this “pendular migration” illegally or in a twilight zone between legality and illegality. In as much as this “pendular migration” between Turkey and the EU may be of great relevance and interest to the debate on “circular migration” this paper will focus on the little known phenomenon of “circular migration” **into** Turkey.<sup>4</sup> It is very difficult to put a figure but it is highly likely that the back and forth movement of nationals of third countries, including citizens of the EU, for some form of employment reasons into Turkey is much bigger in size than the number of Turkish citizens doing the same in the other direction.

The purpose of this paper is to examine the experience of Turkey with “circular migration” or “pendular migration”. It aims to address questions such as: what is the form and nature of this migration?, Is it regulated at all?, if it is what form does this regulation take? Is “circular migration” an issue in the public agenda? Are there efforts at the governmental level to formally manage it? Ultimately, this paper aims to share the experience of an accession country Turkey in respect to managing “circular migration” with those engaged in contributing to the shaping of EU policy in this regard. The paper is divided into four sections. The first one examines the place of “circular migration” in overall movement of people into Turkey. The second section offers an analysis of the shape and size of “circular migration” into Turkey followed by a section that investigates the manner in which Turkish authorities try to “manage” this form of migration. In conclusion the paper argues that the distinctively “informal” nature of the Turkish management of “circular migration” may well be ill-suited to the EU even if there may be useful lessons to be drawn from the Turkish experience.

### **Immigration into Turkey and “circular migration”:**

According to government statistics shown in Appendix I and II there has been a steady growth in the number of people entering Turkey. The total number of third country nationals entering Turkey increased from just over 10 million in 2000 to around 20 million in 2005 and 2006. This figure for 2007 is expected to exceed significantly 20 million. This is a trend that started with the collapse of the Soviet Union but has gathered further strength over the last couple of years. Most of the entries into Turkey still come from western European countries. Tourists constitute the bulk of these figures. However, there are also Turkish immigrants with third country citizenship. They are most likely to be young second and third generation immigrants living and working partly in Turkey and partly in Europe. Furthermore, there are students, retirees and professionals with EU citizenship that enter Turkey and among these people there are those who become involved in “circular migration” as they too take up work and/or residence illegally. Many prefer to move back and forth to avoid applying for a residence permit while some actually work teaching languages privately. There is a small but growing number of young EU citizens especially from Germany who work for “call-in telephone” services for customers in Europe.

In this paper attention will be focused on the movement of people from the regions neighboring Turkey. It is from this region that a significant increase in movement of people into Turkey has taken place. As shown in Appendix I in 1964 a mere 414 person from the Soviet Union entered Turkey compared to a grand total of approximately 230,000 persons, mostly from Western Europe. Just before the collapse of the Soviet Union the entry of Soviet nationals had gone up to just over 220,000 out of 2,3 million entries. By 2005 the figure had increased to almost 3,5 million entries from the ex-Soviet

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<sup>4</sup> The phenomenon of “circular migration” from Turkey as opposed to into Turkey is covered by Ahmet İçduygu in his paper entitled “Circular Migration and Turkey: An Overview of the Past and Present Some Demo-Economic Implications” paper prepared for the Meeting between Policy Makers and Experts on Circular Migration: Experiences, Opportunities and Constraints for Southern and Eastern Mediterranean Countries, 28-29 January 2008, Euro-Mediterranean Consortium for Applied Research on International Migration (CARIM), Robert Schuman Centre, European University Institute, Florence.

world constituting almost 20 % of the overall entries up from less than 10 per cent in 1990. A similar trend can also be observed for the Balkans and to a lesser extent the Middle East too. The number of entries in the post-Cold War has steadily increased especially from Iran and Bulgaria but also from a number of other Balkan countries. In 2005 close to 4,2 million entries were recorded from these two regions.

There are many reasons for the sudden surge in the number of entries into Turkey. It is not the purpose of this paper to survey all these reasons except highlight the role of the Turkish visa regime.<sup>5</sup> The current visa policy of Turkey is a very flexible but also complex system. It is possible to speak of three categories of entry into Turkey. The first one is the category of countries whose nationals can enter and remain in the country for a pre-determined length of time, usually three months, without visas. A second group is a category of countries whose nationals must obtain visas prior to arriving in Turkey. Lastly, and most interestingly, is the practice of issuing visas at the frontier in return for a fee that varies from country to country. This practice is known as a 'sticker visa' (*'bandrol'* in Turkish) and is a practice particularly objected to by the EU. The countries on the "sticker visa" list is pretty much stable but the permitted duration of stay for each entry by a national can vary from country to country. It also happens that these duration may be modified across time. Naturally, if you are a national of a country that is on the "sticker visa" list then entry into Turkey is greatly facilitated compared to countries whose nationals have to obtain a visa prior to arriving to Turkey.

The liberal visa system clearly favors nationals of countries from the Balkans and the ex-Soviet Union. There are numerous reasons for this. Firstly, Turkey has traditionally had close cultural ties to many of these countries. These are countries where there are important Turkic or Muslim minorities. The ties between these communities and Turkey were disrupted as a result of the Cold War. Secondly, by and large, these are also countries with which Turkey has cordial if not warm relations. A case in point is Bulgaria. The treatment of the Turkish minority and their mass expulsion in 1989 by the ex-communist regime in Bulgaria had brought Turkey to the brink of war. However, subsequent to the democratization of Bulgaria relations improved significantly and the Bulgaria-Turkish border became completely demilitarized.<sup>6</sup> Armenia is a possible exception. The Armenian border remains closed and relations are tense. Nevertheless, the Turkish government since 2003 has extended the liberal sticker visa policy to citizens of Armenia too. Thirdly, economic relations between most of these countries and Turkey exploded in the course of the last ten years or so. In the first half of the 1990s economic relations primarily took the form of "suitcase trade" as petty traders from the ex-Soviet Union poured into Turkey with the disintegration of the Iron Curtain and the collapse of centrally managed economies.<sup>7</sup> As prosperity especially in Russia increased the number of tourists and income from tourism increased too. Fourthly, very few nationals of these countries constitute security threats to Turkey and very few attempted to move on to Europe through Turkey. The only serious problem, which will be examined in greater detail in the next section, has been overstays and violations of the terms of the sticker visa regime often by individuals engaged in precisely "circular migration".

The last and possibly most important reason is a conviction on the part of Turkish officials that the overwhelming majority of the nationals of these countries will and do return home. This also involves the conviction that they will not become asylum seekers and refugees. There were roughly 25,000 Bosnians and another approximately 17,000 Albanians from Kosovo in the 1990s that enjoyed temporary and informal refuge in Turkey but eventually most of them returned. A few hundred

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<sup>5</sup> For a detailed analysis of the Turkish visa regime see K. Kirişçi, "A Friendlier Schengen Visa Asylum System as a Tool of "Soft Power": The experience of Turkey', *European Journal of Migration and Law*, vol.7, no.4, 2005.

<sup>6</sup> I. Uzgel, "The Balkans: Turkey's Stabilizing Role" in B. Rubin and K. Kirişçi (eds.) *Turkey in World Politics* (Boulder: Lynne Rienner Publishers, 2001), pp. 56-58.

<sup>7</sup> M. Eder et al., *Redefining Contagion: The Political Economy of the Suitcase Trade between Turkey and Russia*, IREX (International Research Exchange, Black and Caspian Sea Research Program, final report, July 2002) and D. Yenal, "Enformel Ekonominin Uluslararasılaşması: Bavul Ticareti ve Laleli Örneği", *Defter*, Winter 1999, 48-72.



Chechens continue to be tolerated. Turkey implements the 1951 Convention Relating to the Status of Refugees with a “geographical limitation” permitting only asylum seekers from Europe to receive refugee status.<sup>8</sup> The majority of the refugees that came to Turkey during the Cold War came from the Soviet Union and Soviet Bloc countries. However, what was very important from Turkey’s point of view was that almost all of these refugees were resettled in the West which clearly would not be the case today. The collapse of communism and the gradual democratization in the ex-Soviet world reduced the likelihood of refugee movements. Similarly, the gradual stabilization of the Balkans and the Caucasus also reduced the risk of mass movements of refugees to Turkey.

The case for the nationals of Middle East countries is very different. Turkey requires them to obtain a visa before arriving to Turkey. The only exception has been Iran. It is primarily security consideration accompanied with the fear that many nationals of these countries may choose not to return either by seeking asylum in Turkey or by trying to illegally move on to EU member countries. The “geographical limitation” to the 1951 Convention exempts Turkey from granting refugee status to asylum seekers from non-European countries. Nevertheless, international law requires Turkey to grant them temporary protection until their resettlement to third countries if they are recognized as refugees. However, Turkish officials fear that it is becoming increasingly difficult to ensure resettlement. Furthermore, Turkey is also under growing pressure from the EU to lift the “geographical limitation” and introduce the possibility for recognized refugees to stay on in Turkey.

Lastly, a very important factor that influences Turkey’s visa policy towards these countries is the fact that often the authorities of the country of origin of illegal migrants from these countries do not cooperate with Turkey in ensuring their return home. This is becoming a growing problem at a time when the EU is pressurizing Turkey to sign a formal “readmission agreement” involving illegal migrants from third countries that have transited to Europe via Turkey. This leads Turkish authorities to fear the idea of Turkey becoming a “buffer zone” for the EU. Therefore Turkey continues to require visas from the nationals of Afghanistan, Bangladesh, Pakistan, Syria and many other Arab countries. The exception to list is the Gulf countries, Saudi Arabia and Jordan. Recently, Turkey has also ceased to require visas from nationals of Morocco and Tunisia. The Turkish government has considered lifting a strict visa requirement for Syrian nationals especially since the signing of a “readmission agreement” in 2003 but has been unable to do so due to US and EU pressure.

### **Shape and size of “circular migration” into Turkey:**

An important consequence of the ever larger numbers of people traveling into Turkey from neighboring countries has been illegal employment. The first major form of illegal work became prostitution involving initially Russian women and subsequently women from most of the ex-Soviet Union.<sup>9</sup> This led to the emergence of the practice of referring to Russian women with the name “Natasha”, used in a manner synonymous to a sex-worker. These were women who entered Turkey temporarily to earn an income to survive the difficult transition period from the collapse of communism to the gradual stabilization of Russia and other post-communist countries. This is also a period during which trafficking in women saw a rise. It also coincided with a period when large numbers of travelers from the ex-Soviet world were engaged in “suit-case” trade. Actually, this was a significant development because many who were involved in this trade eventually came to set up businesses (shops and small factories) in their country of origin or in Turkey with Turkish partners.

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<sup>8</sup> For an analysis of Turkey’s asylum policies see K. Kirişçi, “Turkey: The Political and Social Dimension of Migration” in P. Fargues (ed.) *Mediterranean Migration: 2006-2007 Report* (CARIM, European University Institute, Florence, 2007), pp. 327-339 and K. Kirişçi, “Turkish Asylum Policy and Human Rights: Adjusting to International Norms and EU Accession Requirements” in Z. Kabasakal-Arat (ed.) *Human Rights Policies and Prospects in Turkey* (University of Pennsylvania Press, 2007).

<sup>9</sup> D. Yüksekler, *Laleli-Moskova Mekiği: Kayıtdışı Ticaret ve Cinsiyet İlişkileri*, (İletişim Yayınları: İstanbul, 2003).

Today it is possible to find many women who work as shop assistants in outlet shops selling primarily textile products but also other products in Istanbul. These shops cater mostly for visitors from the ex-Soviet world but also from Morocco, Tunisia and since the lifting of travel restrictions from Libya too. Top of the line Turkish textile companies began to employ models from the ex-Soviet world and especially from Russia. Similarly, the tourism and entertainment industry too began to attract dancers, waiters but also animators and sports instructors especially in resorts frequented by Russians and other tourists from the ex-Soviet world. It is also possible to find nationals of the ex-Soviet world working in the construction industry as well as the agricultural sector. There are also an ever growing number of students from the ex-Soviet world but especially from Turkic countries pursuing their university studies in Turkey. The Turkish government runs a number of scholarship programs supporting these students. However, many are often employed in the information technology sector, and especially in Turkish business world that operate in the ex-Soviet world. Clearly, what started as circular migration in suit case trade and prostitution in the early 1990s has evolved and spread into economic activity many sectors of the Turkish economy.

The sector that is most extensively affected by circular migration undoubtedly is the domestic-household service sector. This is a sector that has been growing in parallel to the liberalization and growth of the Turkish economy since the early 1980s. The absence or weakness of social services providing care for babies and small children as well as for the elderly has led young professionals to seek domestic help. Until the end of the Cold War the domestic service sector was dominated by the nationals of Philippines. However, since the end of communism and the liberalization of the Turkish visa regime the composition of the nationalities involved has significantly changed. A large proportion of this help is provided for by Turkish nationals however there are also an ever increasing number of nationals from the ex-Soviet world, Bulgaria, as well as though in much smaller numbers from Morocco and Tunisia. Another important change is that while the employment of foreign nationals in the domestic services was limited to Istanbul and to a lesser extent Ankara the practice has spread to almost all major cities of Turkey. There is a whole network of employment agencies as well as informal networks operating in this sector. In the early days of the sector arrangements were often made through "word of mouth" or personal connections. Today, there are professionally organized employment agencies that keep a list of names in their portfolios and contacts in numerous countries of the region. Typically, employment in the domestic service sector is very "informal" and is so closely linked to the "circular" or "pendular" nature of migration. This also leads to members of the an extended family to become involved in one post but also easily respond to demands that may emerge around a given post.

What is the size of those foreign nationals who are involved in "circular migration" in Turkey? This is a very difficult question to answer and the figures that are cited in the media and literature are highly contested. This paper will not examine the issue of "numbers". However, Daniş offers an extensive survey of the figures and difficulties associated with identifying the size of irregular migrants in Turkey.<sup>10</sup> She also highlights the difficulties associated trying to differentiate the figure of circular migrants from other entries in Turkey. It is the Police that keep record of entries and exits from Turkey. The statistics in this regard are only provided in global terms on the basis of nationality. The entry figures for a selected group of countries can be seen in Appendix I and II. The Police also provide exit figures on a nationality basis as well as the difference between the two. However, this data too is not suitable for calculating the figures for circular migration as it only gives the annual difference at the end of the calendar year. Furthermore, the data does not also allow the possibility of figuring out what percentage of the total entries and exits are actually repeated by the same persons. The raw data would need to be accessed. However, even if this data was accessed and could be processed there is the problem of individuals who change names or passports in an effort to

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<sup>10</sup> D. Daniş "Introduction" in *Integration in Limbo: Iraqi, Afghan and Maghrebi Migrants in Istanbul* unpublished research report (co-authored with Cherie Taraighi and Jean-François Pérouse), published on the webpage of MiReKoc, 2006. [http://www.mirekoc.com/mirekoc\\_eng.cgi](http://www.mirekoc.com/mirekoc_eng.cgi)

circumvent visa restrictions. Appendix III offers the number of illegal migrants apprehended by Turkish authorities between 1995 and December 2006. There were more than 620,000 persons who were stopped by the Police on grounds of either entering Turkey illegally or overstaying their visa duration. The overwhelming majority of the apprehended individuals coming from Asian and Middle Eastern countries were likely to be transit migrants. They constituted more than 250,000. There were approximately 180,000 persons coming from ex-Soviet and Balkan countries benefiting from the liberal visa policy and an additional 20,000 from EU countries. It would not be terribly wrong to assume that these persons were most likely involved in “circular migration”. However, these figures may well be quite short of representing the actual level of “circular migration” into Turkey.

Yet, even if it may not be possible to determine in a reliable fashion the size and exact form of circular migration into Turkey there is today a burgeoning literature that examines immigration into Turkey in general but also irregular migration. A good part of this literature is actually based on field surveys and interviews with individuals involved in some form of migration into Turkey. Academics such as Bülent Çiçekli, Didem Daniş, Mine Eder, Sema Erder, Ahmet İçduygu, Sermin Kaska, Bianca Kaiser, Kuvvet Lordoğlu, Nilufer Narlı, Jean-Francois Perouse, Barbara Pusch, Abdulkadir Şenkal, Sayım Yorgun, Deniz Yüksek and others have actually highlighted the phenomenon of “circular migration” even if they may not actually have used the term itself.<sup>11</sup> The common denominator to all these publications is that their analysis and observations are actually based on empirical encounters and not just statistics collected by government agencies. Furthermore, the French Institute of Anatolian Studies and the German Orient Institute in Istanbul as well as the Migration Research Program at Koç University support numerous research projects that look at various aspects of migration into Turkey including circular migration. The International Organization of Migration has also been supportive of research projects on irregular migration as well as trafficking unearthing a lot of empirical data. There are also a number of non-governmental organizations ranging from the Foundation for the Development of Human Resources to various associations representing immigrant communities in Turkey that interact with individuals involved in “circular migration”.

### **Managing circular migration: Differentiated informality**

The striking feature of “circular migration” in Turkey is its informal nature. Only a very small proportion of foreign nationals employed in Turkey actually have proper authorization. In 2003 the Turkish government adopted a new law to govern the employment of foreign nationals in Turkey.<sup>12</sup> This law was meant to simplify the procedures to obtain a work permit as well as differentiate between different sectors of the economy. The law, for example, enabled the laying down of procedures to simplify the employment of foreign nationals in the domestic service and entertainment sectors. The ministry of labor and social security has actually prepared a webpage in Turkish as well as in English explaining the procedures to obtain a work permit.<sup>13</sup> Accordingly, a foreign national wanting to be employed in Turkey has to first obtain a residence permit and then complete the relevant forms. The residence permit is granted for an initial period of six months during which the person is not supposed to work. Instead the individual is expected to complete an application and wait for a response. In spite of the extremely user friendly appearance of the web page the bureaucracy involved is considerable. In terms of the domestic service sector a Turkish national wanting to employ domestic help, Turkish or foreign national, has to declare the household where the person is going to work as a work place. This is required to be able to organize the social security and tax dimension of the employment. Here too the process is quite bureaucratic and cumbersome. The problem is then aggravated by the fact that work permits are initially granted for only one year and then needs to be renewed. This requires yet

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<sup>11</sup> See Appendix IV for bibliography covering “circular migration”.

<sup>12</sup> Law 4817, Official Gazette, 6 March 2003, No. 25040. Entered into force on 6 September 2003.

<sup>13</sup> The address of the web page is: [www.workpermit.gov.tr](http://www.workpermit.gov.tr).

another bureaucratic process both with the ministry of labor as well as the Police for the renewal of residence permits. The initial residence and work permits as well as their extension require the payment of expensive fees.

It is not surprising that only a very small proportion of foreign nationals working in Turkey have a work permit and legalized status.<sup>14</sup> There are at least three reasons for this situation. Firstly, in spite of the positive impression created by the glossy and impressive web page the process of granting a work permit remains not only cumbersome but also pretty much informal if not arbitrary. The default preference is clearly the non-deliverance of the permit. This does not necessarily mean an outright rejection but a sort of an "attrition war" where the applicant is implicitly encouraged to give up. It is highly qualified professionals working with prominent Turkish companies with influence over bureaucracy and not to mention the government who succeed in getting the system to deliver work permits. Similarly, prominent universities and high schools are also known to have their work permits issued regularly. It might also be possible to add to this list major sport clubs. Additionally, especially in terms of the domestic service sector, it is foreign nationals supported by prominent individuals such as high ranking bureaucrats, university professors, retired generals and diplomats, former ministers etc... that stand a chance in seeing their application being rewarded with a work permit.

Secondly, many employers prefer not to go through the bureaucracy and enjoy instead the advantages of the informality of employing foreign nationals without proper authorization. This way the employer avoids the cost and hassle of trying to obtain a work permit as well as enjoy the hiring and firing flexibility that comes with informality. Furthermore, this way the employer also makes considerable financial savings by not paying taxes and compulsory contributions to the Turkish social welfare and insurance fund. The informality also enables the employer to pay lower wages than would otherwise be the case. Thirdly, more often than not employees seem to prefer the informality as well. The loss of social benefits including health insurance is compensated for by the flexibility of the arrangement that allows them the possibility to return home or change jobs much more freely. This is especially the case in the domestic service sector.

The great difficulty or almost impossibility of getting a work permit leads most of the individuals involved in "circular migration" to organize their employment and presence in Turkey on the basis of a number of strategies. The differentiated nature of the Turkish visa system allows nationals of different countries a stay of different durations. While the nationals of some countries are entitled to a stay up to three months others can stay only for 15 days. Often the nationals of countries in the first group tend to maintain a degree of legality by returning to their country of origin, even if for a day or a couple of hours, and then re-enter Turkey before the initial duration expires. Another strategy is to overstay and risk deportation if stopped by the police, a relatively rare occurrence for individuals working in the domestic sector unlike those in the sex sector, and then pay a fine when leaving the country and even risk receiving a ban from re-entering Turkey for a certain length of time. This strategy is also supplemented by arranging for a close relative or friend to take over the job for a certain period of time before returning to Turkey and maintaining a rotation schedule. It is also generally known that citizens of countries such as Azerbaijan and Moldavia often have new passports issued to return Turkey. However, this is a practice that is becoming increasingly difficult as countries adopt tighter passport systems partly under pressure from western countries and partly as a part of a modernization process. A third strategy was to marry a Turkish national and acquire citizenship. However, this strategy has lost its utility since the government amended the Turkish citizenship law

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<sup>14</sup> For a brief coverage of these figures See A. İcduygu, "Turkey: The Demographic and Economic Dimension of Migration" in P. Fargues (ed.) *Mediterranean Migration: 2006-2007 Report* (CARIM, European University Institute, Florence, 2007), pp. 311, 313 and "Turkey Tables", Table 5, p.343.

discontinuing the possibility of Turkish men to give their citizenship to their spouses at wedding. Instead a three year probation period was introduced.<sup>15</sup>

Turkish authorities employ a differentiated approach to illegal migrants and illegal employment depending on nationality and the sector involved. The nationals of certain countries are much more tolerated compared to the others. The toleration takes many forms. It is most visible in the way in which countries are on one of the three visa lists and the way countries are moved from one list to another as well as the manner in which the permitted duration of stay in Turkey changes from country to country as well as from one year to another. The former of course depends very much on bi-lateral relations with specific countries. However, many additional factors play a role that was mentioned earlier on such as security considerations, fears of refugee movements, economic considerations and cultural links. Bi-lateral cooperation between the Turkish police and the authorities of the country of origin in respect to ensuring the return of illegal migrants plays an important role. The latter, the length of duration, enables the authorities to fine tune the movement of people and can also depend on the nature of relations between the two countries and also the treatment that Turkish nationals receive. For example, the length of stay for Georgian nationals was increased significantly from 15 days to 3 months very recently which also account for a reported increase in the number of Georgian nationals engaged in illegal employment. In contrast Bulgarian nationals who used to enjoy a three month stay that could be renewed regularly was restricted to a three month stay for every six months. The practice was introduced in retaliation to a marked increase in the difficulties that drivers of transiting Turkish trucks began to face in obtaining visas subsequent to Bulgaria becoming a member of the EU.

The differentiated treatment of migrants is evident in the case of for example the Turkmen from Iraq. Turkey has long had a soft spot for the Turkmen minority in Iraq. There are close family as well as cultural links between especially the Sunni Turkmen in Iraq and Turkey. The Turkmen can easily obtain visas from Turkish representations in northern Iraq and also if they turn up at the land crossing in Habur on the border between Turkey and Iraq. They are usually allowed to go through. The authorities are permitted to issue each day a certain number of visas at the frontier at their discretion. It is no secret that the Turkmen from Iraq have it much easier than their Arab or Kurdish counterparts in getting these visas. Beside the advantages of cultural and political factors the Turkmen play a very important role in organizing Turkish business and trade between Turkey and Iraq. However, like is the case with most of the other foreign nationals the Turkmen too have difficulty in getting work and residence permits. However, Daniş notes how the Iraqi Turks Culture and Solidarity Association assist the Turkmen to apply for residence permits but also issues them a special identity card which mention that the “this cardholder is of Turkish origin”.<sup>16</sup> According to Daniş the police appear informally to recognize these cards and often spare their holders from deportation procedures.

Another favorably discriminated group is nationals of Azerbaijan and Turkmenistan as well as Turks of Bulgaria. There are reports suggesting that the Police treat their transgressions of Turkish residence and work regulations with considerable tolerance. This is of course in stark contrast to the treatment that illegal migrants from African and Asian countries receive even if there is a growing community of nationals of African countries in Turkey. They are known to face great economic and social hardship but many of them nevertheless choose to continue to remain in Turkey illegally. Furthermore, there is a law dating from 1981 that provides the possibility of foreign nationals of Turkish descent to enter the Turkish labor market easily provided that they can prove their “Turkish origin”.<sup>17</sup> This was a law adopted in the height of the Cold War with political considerations in mind. Today, however, Turkish officials prefer not to invoke this law and encourage such people to remain in their country of origin. This is often the policy towards Turks from Bulgaria, Macedonia and

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<sup>15</sup> The relevant amendments were introduced to the Citizenship Law No. 403 and published in the Official Gazette, 3 June 2003, No. 25217.

<sup>16</sup> Daniş (2006) op cit, footnote 9.

<sup>17</sup> Law 2557, Official Gazette, 29 September 1981, No. 17473.

Romania as well as Iraq. Instead individuals who could otherwise benefit from this law are allowed to reside and work in Turkey though in a grey area of legality. One additional advantage that nationals of Azerbaijan and Turkmenistan together with Turks from Bulgaria, Gagauz Turks from Moldova and Iraqi Turkmen is that they speak Turkish and can communicate with the Police and authorities much more easily.

There is also a differentiated treatment of illegal migrants and individuals across sectors of the economy. Those who are working in the information technology sector, the informal education sector as well as the domestic service sector are less likely to be pursued by the Police. Clearly, the people working in these sectors are much less likely to encounter the Police unless they commit a crime or somebody lodges a complaint about them. This is of course not the case for women working in the sex and entertainment industry. Police controls in these sectors are more frequent and it is also more likely that the Police are called upon to intervene. This significantly increases the chances of illegal migrants being apprehended. Nevertheless, the Police considers work permit and visa violations as a much lesser transgression and a smaller threat to public safety and security than prostitution. Furthermore, the Foreigners Department of the Police is often understaffed and under resourced hence priority is given to the deportation procedures of transit illegal migrants and serious offenders. Eder reports how police officers interviewed in detention centers openly remark that they do not consider women working in the domestic service sector a problem. She notes that the Police seem to be tolerant of illegal migrants involved in regular economic activity compared to those who remain unemployed and become involved in petty crime.<sup>18</sup>

Does the government actually have an immigration and employment policy for foreigners? Does the Turkish government support "circular migration"? The answer to the first question is a categorical no although the answer to the second question is more complicated. The Accession Partnership documents of 2001, 2003 and 2006 lays out the harmonization that Turkey needs to achieve in respect to the EU's emerging *acquis* in the area of common immigration policy.<sup>19</sup> In this respect the government in March 2005 adopted an Action Plan on Asylum and Migration.<sup>20</sup> The Plan lays down in minute detail the program that the government intends to follow to meet EU requirements in the area of asylum, combating illegal migration and trafficking as well as the integration of recognized refugees. The Plan does envisage the development of integration program for refugees but is silent on migrants in general. In respect to the immigration *acquis* of the EU there is only reference to the eventual introduction of the right to family reunification and the right for students to work up to 10-20 hours a week.<sup>21</sup> Otherwise immigration into Turkey beyond the existing policy and practice is governed by the law regulating the employment of foreigners in Turkey. In September 2006 Turkey adopted a new Settlement Law replacing the one from 1934. The Law does seem to open the way to Turkey one day lifting the "geographical limitation" to the 1951 Geneva Convention but continues to restrict immigration into Turkey for the purpose of settlement only to individuals of "Turkish descent and culture".<sup>22</sup> The Border Management Action Plan adopted in March 2006, on the other hand,

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<sup>18</sup> Mine Eder, TUBITAK Project 2007-2008 No106K162 with Didem Daniş and Ayşe Parla (coordinator) Modalities of Organization among "New" Migrants: A Comparative Analysis of Bulgarian Turks, Iraqi Turkmen and Moldavians in Turkey. (Ongoing research)

<sup>19</sup> See Accession Partnership Strategy for Turkey, Council Decision, 8 March 2001, 19 May 2003 and 23 January 2006. These documents can be accessed from

[http://ec.europa.eu/enlargement/turkey/key\\_documents\\_en.htm](http://ec.europa.eu/enlargement/turkey/key_documents_en.htm)

<sup>20</sup> The Action Plan on "Asylum and Migration" was officially adopted by the Turkish government on 25 March 2005. It is available with a book entitled Asylum and Migration Legislation (MOI and UNHCR, Ankara, February 2006).

<sup>21</sup> The current law on foreign students does not allow the possibility of work. Regulation 85/9380, Official Gazette, 30 April 1985, No. 18740.

<sup>22</sup> Law No. 5543, Official Gazette, 26 September 2006, No. 26301. For a detailed coverage of the legal framework governing migration into Turkey see L. B. Tokuzlu, Migration Law in Turkey (CARIM-Analytical and Synthetic Notes-2007/01, European University Institute, Florence, 2007).

addresses the issue of border control and the Schengen visa regime.<sup>23</sup> There is actually no reference to circular migration or to the idea of linking migration and development in these two Action Plans other than the notion of providing “training programs” to assist the integration of recognized refugees or persons that have been granted protection in Turkey on humanitarian grounds. The exception to the categorical no as an answer to the first question is the failed attempt of the government to adopt legislation permitting foreign doctors to work in Turkey. The government had hoped to close a shortage in medical personnel in Turkey. However, the law was vetoed by the President in March 2006 and faced massive opposition from the Chamber of Doctors.

The author of this paper has not come across any official dealing with issues of migration who is aware of the European Commission Communication on Migration and Development and is not aware of any policy initiative in line with the Communication in respect to circular migration into Turkey. Officials in the field dealing with migration and especially illegal migration are much more concerned about security and public safety issues. The focus is on the day to day management of the problems associated with migration and movement of people in and out of Turkey. Yet, it would not be wrong to suggest that “circular migration” is informally tolerated and managed. Both the government as well as officials dealing with these issues are well aware of what is actually going on. Why is there such toleration? Turkey’s liberal visa policy is seen as being very beneficial to the Turkish economy. It is seen as encouraging trade but also boosting the lucrative tourism sector that in turn benefits employment and economic growth in general. Circular migration is then considered to be a tolerable cost against the benefits that this liberal visa policy brings. There is also recognition that circular migration is a function of a demand that the Turkish economy is generating. The fact that this demand comes from the relatively well off segments of Turkish society makes it some what easier to tolerate. Additionally until recently there has not actually been an effective lobby against the Turkish liberal visa policy and illegal employment. If anything it is possible to argue that the tourism industry in general has been very supportive of this policy.

A case in point is the attempt to introduce visa requirement for nationals of Romania. Since 1967 the nationals of both countries could travel to each other’s countries visa free. However, in 2004 Romania found itself obliged to introduce visas for Turkish nationals in parallel with the Schengen regime before accession to the EU. Officials managing Turkey’s visa policy were adamant to introduce visas for Romanian nationals on the ground of reciprocity. However, intense lobbying both with the Police as well as the government coming from the tourism industry preempted the introduction of this policy. Instead a compromise arrangement was reached by incorporating Romania into the “sticker visa” scheme. Similarly, established practice and institutional resistance especially coming from the ministry of foreign affairs prevented the introduction of visa requirements for Iranian nationals on various occasions. This visa free policy towards Iran survived the worst times in Iranian-Turkish relations in the 1980s and part of the 1990s when many in Turkey saw Iran as a threat to Turkish national security. The visa free policy enabled large numbers of regime opponents in Iran in the 1980s to easily flee the country and enjoy temporary protection in Turkey before moving and settling in the West. Today, Turkey is one of the few countries that the Iranian middle-class can visit freely and enjoy the benefits of a liberal economy and society.

Another example of the way in which the details of the visa policy is altered is the case of Gulf countries. The nationals of these countries could enter Turkey without visas until 2003 when visa requirements were introduced. This was done as a first step towards adopting the EU’s Schengen negative visa list. However, these countries were moved on the sticker visa list when Turkish officials became disturbed by not only the growing negative discourse in Europe on Turkish membership but also the reference to the notion of accession negotiations being an “open-ended” process in the Negotiation Framework document adopted in October 2005. The new practice led to a modest increase

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<sup>23</sup> The Border Management Action Plan was adopted 27 March 2006, National Action Plan Towards the Implementation of Turkey’s Integrated Border Management Strategy (MOI, Ankara, March 2006).

in the number of entries into Turkey from these countries. However, what is much more significant is the significant increase in the financial investments made by nationals of Gulf States in Turkey during the course of 2006.

It would be unrealistic to expect in the near or medium term the Turkish government to develop a "circular migration" policy of the kind envisaged in the Commission Communication. However, "circular migration" will continue to be tolerated and micro-managed at the level of the Police and other related bureaucracies. The management will be a micro management adjusting the permitted length of stays often as a function of the course of bilateral relations and also developments within the country of origin. Hence, the differentiated informality characterizing this policy is likely to continue. It is also likely that employment of foreign nationals from the ex-Soviet world especially in domestic service sector as well as entertainment and tourism sectors will continue. Similar remarks can be made about Bulgarian nationals, at least until the Bulgarian economy catches up with EU averages and unemployment falls. Now that nationals of Morocco and Tunisia can travel to Turkey without a visa and stay for three months it is likely that more nationals of these two countries will join "circular migration" into Turkey. However, one important factor that could bring "circular migration" into Turkey to end is if EU-Turkish relations improve and the Turkish government decides to adopt and implement the Schengen visa regime. However, given the serious difficulties in Turkey accession process and the virulent opposition to Turkish membership in a number of key EU member countries it is highly unlikely that Turkey would soon start to replace the current visa regime.

## Conclusion

A very important dimension of Turkey becoming a "new" country of immigration is "circular migration". An undetermined number of nationals from the ex-Soviet Union and Balkan countries as well as nationals of EU member countries move back and forth. However, the nature of this movement into Turkey is clearly very different than the one envisaged in European Commission Communication of May 2007. The "circular migration" into Turkey is marked by informality and a differentiated treatment of migrants. This system clearly has its disadvantages. Informality risks migrants being abused by employers as well as officials. Furthermore, more often than not Turkish not to mention international law gets ignored or overlooked. The differentiated treatment of migrants on the basis of their creed and nationality undermines the principle of a public administration based on equality and objectivity. It brings a disturbing degree of unpredictability both for the migrants as well as their employers.

Yet, the system has its advantages too. It actually allows a significant number of people to generate economic activity for Turkey as well as the country of origin as they move back and forth. It brings a certain degree of dynamism to the region that otherwise could easily fizzle away in red tape. This back and forth movement enables much greater interaction to occur between Turkey and neighboring countries overcoming the prejudices of history and the Cold War. In that sense it would be possible to argue that "circular migration" contributes to "peace building" in the region. Paradoxically, it could also be argued that Turkey's informal management of "circular migration" contributes to economic growth in the region enabling the gradual formation of middle classes that would in due course seek and help to bring about modernization in their respective countries. Research shows that some of the migrants from the ex-Soviet Union involved in the "suitcase" trade of the 1990s have in the meantime set up shops and even little factories at home often with Turkish partners. There are also Turkish businessmen who have moved from running shops in Turkey to manufacturing and retailing in neighboring countries. Often this process is accompanied by a movement away from informality as both Turkey and other countries start to regulate these activities. It is almost possible to follow the trail of "development" as "suit case" trade moves from one neighboring region around Turkey to another region. Research also shows that "suit case" trade between Russia and Turkey has fallen significantly while it is picking up between Turkey and a number of Middle Eastern countries such as Iraq, Morocco and Tunisia. It will not be surprising if "suit case" trade starts to fall as skills and capital is



accumulated by “circular migrants” from these countries and a higher level of economic development is achieved as retailing and manufacturing moves into these countries.

The Global Commission on International Migration as well as the World Bank Report on *Global Economic Prospects* highlights the link between migration and development.<sup>24</sup> Both reports also stress the importance of remittances in terms of economic development. The World Bank Report offers a long list of countries that depend on remittances. Often the income from remittances is greater than official developmental aid and foreign direct investment. Bosnia-Herzegovina and Moldova are two such countries on the list of the World Bank but Armenia and Georgia also appear on similar lists in other sources as countries that depend heavily on remittances. The nationals of these four countries travel to Turkey relatively freely and many do work in Turkey informally. The European Commission Communication advocates “circular migration” as something that could support and benefit the EU’s Neighborhood Policy. Turkey is already doing it paradoxically at a time when Turkey’s membership is being contested. The experience of Turkey deserves closer scrutiny both in terms of lessons in respect to how “circular migration” can help development but also in terms of how “circular migration” might best be managed. However, there must be a happier balance between the “differentiated informality” of Turkey and the over-regulated migration policies of the EU.

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<sup>24</sup> See Migration in an Interconnected World: New Directions for Action (Report of the Global Commission on International Migration, October 2005), and Global Economic Prospects: Economic Implications of Remittances and Migration (World Bank, Washington DC, 2006).

**Appendix I: Entry of persons from the Soviet Union and former Soviet republics  
between 1964 and December 2006**

	1964	1990	1996	2000	2003	2004	2005	2006
Soviet Union	414	222,537	-	-	-	-	-	-
Russia	-	-	1,235,290	677,152	1,285,825	1,593,704	1,855,900	1,790,041
<b>Central Asian States</b>								
Kazakhstan	-	-	31,373	38,939	65,748	83,315	106,167	127,924
Kyrgyzstan	-	-	8,052	8,789	14,185	24,712	31,017	37,260
Tajikistan	-	-	3,087	952	3,591	4,918	6,811	10,544
Turkmenistan	-	-	5,035	10,987	16,685	26,621	34,292	45,206
Uzbekistan	-	-	13,558	21,062	19,527	20,327	24,634	26,374
<b>Subtotal</b>	<b>0</b>	<b>0</b>	<b>1,296,395</b>	<b>757,881</b>	<b>1,405,561</b>	<b>1,753,597</b>	<b>2,058,821</b>	<b>2,037,349</b>
<b>South Caucasus</b>								
Armenia	-	-	5,345	17,549	23,596	32,982	36,633	38,173
Azerbaijan	-	-	100,249	179,878	193,275	330,995	411,111	347,906
Georgia	-	-	116,709	179,563	172,935	234,535	367,148	498,163
<b>Subtotal</b>	<b>-</b>	<b>-</b>	<b>222,303</b>	<b>376,990</b>	<b>389,806</b>	<b>598,512</b>	<b>814,892</b>	<b>884,242</b>
<b>Western(NIS)</b>								
Belarus	-	-	474	9,622	31,562	63,472	77,029	83,433
Moldova	-	-	8,290	62,687	58,905	71,055	89,849	100,529
Ukraine	-	-	93,794	173,551	227,298	278,047	367,103	451,266
<b>Subtotal</b>	<b>-</b>	<b>-</b>	<b>102,558</b>	<b>245,860</b>	<b>317,765</b>	<b>412,574</b>	<b>533,981</b>	<b>635,228</b>
<b>TOTAL</b>	<b>414</b>	<b>222,537</b>	<b>1,621,256</b>	<b>1,380,731</b>	<b>2,113,132</b>	<b>2,764,683</b>	<b>3,407,694</b>	<b>3,556,819</b>
<b>General TOTAL</b>	<b>229,347</b>	<b>2,301,250</b>	<b>8,538,864</b>	<b>10,428,153</b>	<b>13,461,420</b>	<b>16,854,377</b>	<b>20,275,213</b>	<b>17,994,940</b>

*Source:* Compiled from data obtained from the Foreigners' Department of MOI and State Statistical Institute Annual Reports  
Data current as of 01.12.2006

**Appendix II: Entry of persons from the neighbouring Balkan and Middle Eastern neighbouring states,  
1990-December 2006**

	1990	1996	2000	2003	2004	2005	2006
<b>Middle East</b>							
Iran	219,958	379,003	380,819	512,810	630,021	957,244	811,825
Iraq	13,372	14,137	20,776	29,940	112,196	107,972	114,569
Syria	113,959	92,033	122,417	154,108	196,996	287,343	256,675
Gulf States*	43,088	40,029	19,537	43,503	44,121	62,648	66,799
Pakistan	7,347	12,410	7,908	12,336	10,326	11,698	13,618
<b>Subtotal</b>	<b>397,724</b>	<b>537,612</b>	<b>551,457</b>	<b>752,697</b>	<b>993,660</b>	<b>1,426,905</b>	<b>1,263,476</b>
<b>Balkans</b>							
Albania	1,924	20,971	29,748	32,682	43,983	50,513	46,610
Bosnia		12,115	28,631	35,119	41,794	44,716	37,016
Bulgaria		139,648	381,545	1,007,535	1,313,741	1,620,939	1,083,249
Greece	203,720	147,553	218,092	368,425	460,019	548,268	341,841
Macedonia	-	41,269	108,928	117,819	116,563	119,157	107,327
Romania	352,034	191,203	265,128	184,182	168,889	201,807	225,944
Serbia-Montenegro	-	44,600	128,383	186,423	192,685	175,294	155,229
Yugoslavia	296,843	-	-	-	-	-	-
<b>Subtotal</b>	<b>854,521</b>	<b>597,359</b>	<b>1,160,455</b>	<b>1,932,185</b>	<b>2,337,674</b>	<b>2,760,694</b>	<b>1,997,216</b>
<b>TOTAL</b>	<b>1,252,245</b>	<b>1,134,971</b>	<b>1,711,912</b>	<b>2,684,882</b>	<b>3,331,334</b>	<b>4,187,599</b>	<b>3,260,692</b>
<b>GENERAL</b>							
<b>TOTAL</b>	<b>2,301,250</b>	<b>8,538,864</b>	<b>10,428,153</b>	<b>13,461,420</b>	<b>16,854,377</b>	<b>20,275,213</b>	<b>17,994,940</b>

\* Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and United Arab Emirates.

Data current as of 01.12.2006

**Appendix III: Breakdown by nationality of illegal immigrants arrested by Turkish security forces, 1995-November 2006**

<b>Country of origin</b>	<b>Number of people</b>
Afghanistan	37,194
Bangladesh	19,227
Pakistan	50,401
Iran	25,030
Iraq	113,309
Syria	7,885
<b>Sub-total</b>	<b>253,046</b>
North Africa*	11,964
Former Soviet Republics**	125,889
Central Asian Countries***	11,157
Albania	4,477
Bulgaria	10,165
Romania	22,348
Turkey	30,526
EU	20,817
Others	132,222
<b>Total</b>	<b>622,611</b>

\* Algeria, Egypt, Libya, Morocco, and Tunisia

\*\* Russia, Ukraine, Moldova, Georgia, Azerbaijan, Armenia, Belarus, Lithuania, Latvia and Estonia

\*\*\* Kyrgyzstan, Kazakhstan, Turkmenistan, Uzbekistan and Tajikistan

*Source:* Data obtained from the Foreigners' Department of the Turkish Ministry of the Interior (MOI)

Data current as of 01.11.2006

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