Immigration Control in Transit States: The Case of Turkey

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Abstract

Transit countries exhibit many similarities with respect to state-led anti-transit and more restrictive actions toward contemporary transit migration flows. This paper examines the changes after 1990s in state concerns, behaviors, and policies regarding transit migration by taking Turkey as a case study. Which factors led to Turkey's increased attention to immigration, specifically transit migration in spite of its long history of immigration, emigration and the transit migration. Why has Turkey employed restrictive policies and projects to regularize immigration since 1993? How can we explain the anti-transit immigration projects in Turkey? I argue that two driving forces can explain the restrictive policies of Turkey as a transit state. First, Turkey attempts to reconfigure its state authority in different forms to respond to the challenges of irregular migration through immigration control. Second, the Turkish state`s concern is based upon the externalization/adoption of European Union's immigration control policies.

Keywords: *Transit Migration, Immigration Control, Turkey, Irregular Migration, Externalization, EU*

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Introduction

Debates over the issue of migration, specifically immigration, have been gaining more currency in both academic and public discourse in the last two decades. Immigration, in the form of refugee flows, asylum seeking, transit migration, and labor migration is a significant issue for countries of both the North and the South. Despite the facts that the majority of immigration occurs within the global South and that intra-regional migration has been on the rise compared to South to North migration, theories about immigration draw overwhelmingly upon the experiences of the policies of developed countries. Since developed countries in Europe and North America have started to apply more restrictive immigration policies, regulating transit migration from developing neighboring countries has become a salient topic.

Although many transit countries that experience immigration, emigration and transit migration, they do not have concrete migration regimes. The transit countries have started to highlight transit migration over the last decade. The number of government-led activities, such as launching restrictive immigration policies and projects, establishing new institutional mechanisms, and/or sending transit migrants back to their country of origin, has increased. Transit countries have shown more eagerness to regulate transit migration and to halt immigration, if possible. Moreover, comparative studies show that transit countries exhibit strong similarities in anti-transit and more restrictive actions toward contemporary transit migration flow (Kimball 2007; Duvell 2006; Boubakri 2004).

In this context, Turkey is an illustrative case to discuss newfound concern over immigration in the transit countries, as well as to trace policy changes. As Keyman and Icduygu (2000) have noted, the high level of international migration through Turkey in recent decades has received much attention on national and international agendas. Turkey is considered a transit country at the edge of Europe, in addition to being counted a sending and receiving country. Approximately, 1.6 million people those who have Turkish identity and those who are non-Turkish migrated to Turkey after 1923 (Keyman and Icduygu, 2000). After WWII, within the context of labor recruitment, Turks started to immigrate to European countries, primarily to Germany. The emigration has continued in the form of family reunification. Moreover, Turkish citizens are one of the largest groups who have been seeking asylum in Europe since the 1980s.

In addition to its role as a sending and receiving country, Turkey has become a transit country. A vast number of non-European irregular migrants who intended to enter Europe passed through Turkey. The Iranian revolution, political turmoil in the

Middle East, the end of Cold War, the Gulf War, and political/economic difficulties in some African countries have forced Turkey to turn into a de facto country of first asylum. Turkey's geographical location as a transit zone between Europe and Asia attracts human traffickers, too.

In spite of its triple role – as a sending, receiving and transiting country- Turkey has not created a solid migration policy. The 1934 Settlement Law which regulates application procedures for gaining citizenship and the 1951 Geneva Convention which determines Turkey`s international obligations towards refugees coming from Europe have been considered adequate legislation to manage migration issues. Despite the presence of a large number of emigrants, immigrants and transit migrants, the Turkish state did not form any state agency or ministry to manage migration. Nevertheless, Turkey's lack of interest started to change in 1993. After immigration flows of Iraqis between 1988 and 1991, it is the first time that the Turkish state has expressed concerns over migration, specifically over transit migration. It has put in place new migration policies and established institutional mechanisms in order to control transit migration. For instance, the 1994 Regulation on Asylum and the 2006 Settlement Law tighten asylum procedures by placing status determination under the control of the Turkish government. Despite ongoing international criticisms about the Turkey`s asylum policies Turkey have refused to recognize asylum seekers coming from non-European countries and comply with basic international standards including principles of non-discrimination and non-refoulement. In addition to the legislative changes, border controls have been tightened to halt immigration. For the first time in its history, in 2003, Turkey established a government agency to deal with asylum, migration, human trafficking and border protection. Because of new policies and stricter controls, the number of illegal immigrants arrested by Turkish security forces has increased dramatically in the last decade. As of 2012, a new asylum law has been drafted with the assistance of United Nations High Commissioner of Refugees (UNHCR) to establish a comprehensive national asylum system based on international standard and providing protection for current asylum seekers (UNHCR, 2012)

In this paper, I aim to explain the changes after 1993 in state concerns, behaviors, and policies regarding transit migration. This study asks several primary questions: Which factors led to Turkey's increased attention to immigration, specifically transit migration in spite of its long history of immigration, emigration and the transit migration. Why has Turkey employed restrictive policies and projects to regularize immigration since 1993? How can we explain the anti-transit immigration projects in

Turkey?

After examining the policies of the Turkish state regarding immigration control, I argue that two driving forces can explain the restrictive policies of Turkey as a transit state. The first is the state`s authority claim on immigration. Authority claim refers that states reconfigure their authority in different forms to respond to the challenges which has been identified as ''security issues.'' Control of immigration, specifically the control of transit migration is one indicator of a state`s authority claim on its territory and its population. I argue that Turkey has started to focus on immigration control to demonstrate its ongoing authority on providing security of its borders, territory and population. It intensified border enforcement and introduced restrictive asylum regulations since 1993 as a response to pouring of Iraqi refugees into Turkish territory between 1980s and 1995.

The second driving force for the Turkish state`s concern is based upon the argument of externalization/adoption of immigration control policies. I argue that a transit states` policies are the outcome of the externalization of United States (U.S) and member countries of EU control policies and the adoption of them by transit states. The externalization refers the EU's and the U.S's pressure on transit countries to cooperate in the realm of migration control to stop or to regulate the flow of immigrants reaching their borders. The European countries and the US have asked transit countries for tightening their border controls, implementing deterrent policies for transit migrants, becoming a first safe country for asylum seekers and allowing receptive centers on their territory. On the other side of the game, transit states are likely to adopt the externalization as a strategic method of negotiation between them and their northern neighbors. Through immigration control, they expect greater regional integration and good foreign relations with their northern neighbors, including economic aid, and financial assistance. In the Turkish case, the EU has directed Turkey's attention to transit migration since 1999, the year Turkey received candidate status. Turkey is interested in cooperation with the EU in border controls and in tackling illegal migration. But, due to the previously mentioned cause, state's authority claim, Turkey has not yet adopted the European Union's *acquis* on asylum matters, common visa regulations, and readmission agreements (Council of European Union 2012). It determines who is eligible to enter to, stay, and exist from its territories.

In this sense, both Turkey's authority claim and the externalization/adoption reflect Turkey's attention to immigration and developing restrictive policies. I will trace Turkey's newfound concern in immigration into two realms: legislation

and border enforcement. New policies in these realms show how the Turkish state attempts to demonstrate its authority and how it adopts the externalization of the EU policies. Historical evaluation of the policies will be emphasized to explain the causal mechanisms shaping more restrictive immigration control. Before discussing the Turkey`s case, I would like to review literature on the transit migration for examining the growing attention of the states on the issue. In the review, the concepts of transit migration and transit states will be defined. Then, I would focus on the explanations for transit state`s newfound concern for immigration control.

Transit Migration and Transit State in Politics of International Migration

The study of the politics of international migration began to emerge in the 1980s and 1990s. As a result of the call to ''bring the state back in'' to social scientific analysis of migration, disciplines and subdisciplines such as political science, public administration, public policy and international politics have begun to study migration. Although the growing emphasis on the state has substantially contributed to migration theory, its contribution has remained partial due to the geographic narrowness that has accompanied it. The regional focus of political scientists on Western Europe, North America and Japan led to generating inadequate micro and macro explanations. Many of the comparative studies have discussed immigration policies and their consequences in receiving state liberal democracies in order to build general and unifying hypotheses regarding migration theory. Many political scientists have the underlying assumption that immigration and immigration control are hot topics only for the developed countries.

Although the countries in Africa, South America, Asia and the Middle East have been experiencing a larger volume of international migration, they have not yet become a significant part of migration theory. Among the three forms of international migration that occur in the developing countries, transit migration has captured more attention than other forms in the last decades. The new, growing interest of developed countries in transit countries is associated with two factors. First, as Icduygu (2003, 2004) noted, some policies and practices in Europe such as regularization and amnesty can, ironically encourage a form of transit migration in the peripheries of the continent. Second, the goal of controlling the external borders of developed countries in order to stop immigration flows and illegal entries requires close cooperation with the transit countries through which immigrants crossed. Driven mainly by policy concerns, the programs and conferences dedicated to the discussion of transit migration have increased since 1990s.

The concept of transit migration seems to have entered the migration policy discourse during the early 1990s. One of the earliest definitions was offered by the United Nation Economic Commission (UN/ECE), which defined transit migration as migration in one country with the intention of seeking the possibility there to emigrate to another country as the country of final destination (Duvell 2007). By putting aside the contentious issue of immigrants` intentions towards staying or leaving, Ann Kimball (2007) has defined transit migration as a journey that encompasses more than the source and destination country, while Aspasis Papadopoulou (2005) has defined it as a stage between emigration and settlement. Ahmet Icduydu (2003) has considered transit migration as a phenomenon whereby migrants come to a country of destination with the intention of going and staying in another country. He argued that whole journey is a context specific one: both local and international context matters.

The transit phenomenon may cut across various categories of migrants, ranging from legal, illegal and irregular migrants to readmitted migrants, asylum seekers and refugees (Cassarino and Fargues 2006). Transit migration is often identified with irregular migration, illegal employment, human smuggling, human trafficking and organized crime. Thus, the issue of whether such migrants are immigrants or transit migrants cannot be easily resolved.

Similar to transit migration, the concept of a transit country/state should be defined precisely. The determination of the common characteristics of transit states is crucial to constructing a definition. While empirical studies prefer to use the concept of *transit country, country of transit or transit route*, recent theoretical work by Kimball (2007) which draws upon the experiences of Morocco and Mexico, utilizes to the concept of *transit state*. Kimball defines a transit state as a state that resides at the crossroads of the first and third worlds. Kimball offers a typology summarizing the set of transit states. This typology provides a good starting point for construction of a shared language among scholars studying transit migration. In addition, systematic emphasis on the state creates a framework to discuss migration policies. The elements of the transit state according to Kimball are: 1) It must border a fully developed country; 2) must exhibit a high emigration, low immigration and transit migration; 3) must serve as a primary staging ground for migrants to plan clandestine entrance to heavily guarded destination countries; 4) must implement restrictive immigration policies and activities. To be categorized as a transit state, the country has to meet these four criteria. The replacement of the concept of transit country by transit state reflects the recognition of the state`s growing role, instead of

being passive actor in the migration in the transit routes. Turkey meets four criteria. Due to the aim of this paper, analyzing the states' policies, I will use the concept of transit state.

Countries categorized as transit states vary from one study to another. According to Kimball, Russia, Czech Republic, Hungary, Poland, Slovakia, Slovenia, Turkey, Libya, Tunis, Algeria, Morocco and Mexico meet her transit state criteria. Many scholars consider transit migration as a form of migration occurring in the neighborhood of Europe.[2] In this context, De Haas (2007) has stressed Libya, Morocco, Algeria and Tunisia as transit states. By making a regional categorization, Claude (2004) pointed to the former eastern European bloc, West African states and the Maghreb as the transit regions. In a similar vein, Icduygu (2003, 2005) emphasized peripheral zones of Europe such as Eastern Europe, Western Asia, and North Africa. Fargues and Bensaad (2007) have added different countries and regions. They have indicated Yemen that is at the border of Gulf and the countries in the South Asia that are close to Australia as the countries experience transit migration.

Transit migration reflects changes in international migration patterns such as the emergence of new sub-migration regions and new migrant types. The construction of the transit state as an analytical category shows the fact that the state's involvement in migration affairs has been growing. In addition, interaction between state and society, and state and international organizations has been becoming critical for dealing with migration. An emphasis on transit migrants, migration and states will make many contributions to the migration literature. The current migration theory will become more inclusive and comprehensive with the transit migration debate.

Policies of Transit States

Current state concerns with politics of migration show that the state is actively involved in several stages of the migration whether it is ''legal'' or ''illegal''. The state labels any migrant as immigrant, asylum seeker, refugee, transit migrant, clandestine, illegal or irregular migrant according to its legislation. The immigrants contact with the state apparatus to lengthen visas, obtain official permit to work and/or to apply for asylum. In the worst cases, state authorities capture the ''illegal migrants'' or send them back to their countries.

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[2] Duvell has noted that first world countries may well also serve as transit countries. For instance, other European governments further have suspected Italy, Spain and Greece with the claim that they tolerate and encourage transit migration. Ukrainians transit Germany and Austria on their way to take up irregular employment in Portugal (Duvell 2006, 14-15).

Inspired by the growing literature dedicated to empirical research focusing on transit states, some scholars have attempted to theorize the transit states' responses and outcomes.[3] The studies emphasizing the transit state have incorporated existing immigration control theories, which have been based on the policies of developed countries. The explanations generated from the developed countries cases can help explain the restrictive immigration policies of the transit states, but they are unable to capture the whole picture.

As these studies have pointed out, different factors shape states` behaviors toward transit migration. I suggest two explanations for the transit state`s newfound concern for immigration: the state`s authority claim over its territory and the population; and externalization/adoption of the immigration control policies.

State`s Authority Claim and Immigration Control

As Stephen Krasner (2001) argued, sovereign states have control over both their borders and their territory. Traditionally, establishing the rules of entry into and exit from in its territory is an element of national sovereignty. However, in the last decade, many observers have argued that the sovereign state system is now under unprecedented stress because of two developments: globalization and changing international norms with respect to human rights.[4] Generally, migration, specifically immigration control, is a crucial site at which one can see how globalization challenges sovereignty. Many scholars assume that globalization erodes sovereignty of states, because states are no longer able to control flow of capital, ideas and people. For instance, Krasner (2001) cited that Appadurai argued that border wars, culture wars, runaway inflation, massive immigrant populations, or flights of capital threaten sovereignty in many of nation-states. More specifically, Icduygu and Keyman (2000) pointed out the migration regimes of nation states as the indicator of how migration flows in a globalizing world are becoming more complex and not easily controlled by nation-states.

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[3] See Ann Kimball (2007), Hein de Hass (2007), Franck Duvell (2006), Papadopoulou (2005), Icduygu (2003, 2005), and Boubakri (2004).

[4] Numerous international legal norms, standards and instruments are created for the management of migration. International organizations such as the United Nations High Commissioner of Refugees, International Organization for Migration, and civil society organizations make great effort to influence state`s responses to migration in diverse range of issues such as family unification, asylum seeking, forced migration, internally displaced persons, trafficking and smuggling of migrants, migrants` protection and assistance. Like EU immigration and asylum law and policy, regional legal frameworks concerned with migration have been expanding in the last decade.

Despite the challenges posed by globalization, state protects its traditional role in immigration control. Political scientists who focus on international migration argue that state is still significant actor. They call for revisiting the arguments of erosion of sovereignty and crisis of nation-state. For instance, Anthony Messina (2007) has said that state resilience over many matters challenges globalization theory`s claim that the sovereignty of states is undermined by uncontrollable forces. Laurie Brand (2006) has argued that new policies of the emigrant countries regarding to their expatriates are other indicators of states` resilience and drive to maintain authority. Brand has pointed that the state responds to actors from above or below the state who seem threaten state`s sovereignty. The state attempts to renegotiate its role, reshape and reassert its sovereignty. In contrast to the predictions of those who claim erosion of sovereignty, instead states reconfigure their authority in different forms to respond the challenges of globalization and international norms.

Transit migration, in many cases as a form of irregular migration, is seen as a significant threat to state`s authority over its borders, territory and population with respect to its crime side and destabilizing effect. The states tend to view transit migration a criminal problem and a security issue because of two reasons. The first reason of linking transit migration with security is the illegal character of some transit migration. The transit migrant may completely avoid contact with border and immigration authorities, may present fraudulent documents, or make false statements as to circumstances and intentions of the border crossing. The second reason is the involvement of criminal traffickers/migrant traffickers who want to make profit from transit migrants. Trafficking organizations operate as intermediaries in the illegal movement of people from sending to destination country. They exploit migrants as offering one or more of the following services: arrangement of illegal exit, transit and/or entry; provision of fraudulent, stolen or altered travel and identity documentation; provision of information on border control and coastal surveillance, immigration control and asylum procedures; coaching of migrants as to how deceive immigration and law enforcement authorities. It is acknowledged that the absence of efficient border and internal controls, or the corruption of authorities, invites the problems illegal crossing and organized crime (Duvell 2007). International and intergovernmental organizations` statements, which highlight irregular and illegal character of the transit migration help states to point out the criminal side of the issue.

When aforementioned factors combine with the dramatic growth in the activities of trafficking as well as rapid increase in the number of migrants over the past decade, controlling transit migration become an issue on which state has to demonstrate its

authority. More restrictive immigration policies targeting transit migration emerge as a practice of exercising sovereignty. Public authorities demonstrate their ability to control the flow of people across the border of their state as well as to control the illegal and irregular individuals who could be a priori security threats.

The international discourse, which associates migration with the security, facilitates to view transit migrants as potential security threat. As noted in the UN`s Report of the Global Commission on International Migration (2005), ''incidents involving violence committed by migrants and member of minority groups have led to a perception that there is a close connection between international migration and international terrorism; and also politicians and the public regard irregular migration alike a threat to the sovereignty and security of the state'' (791). Immigration or refugee policy may be easily presented as a matter of national security by states. Thus, the state demonstrates that it has to employ restrictive policies in order to regulate immigration when country's security is under threat and when it is in the national interest to do (Brettel and Hollifield 2007). In addition to states concerns regarding their authority, international context has influenced the transit state`s responses to immigration. Thus, analysis of the interaction between transit states and the international actors such as the EU or the US will shed light on the newfound concern on immigration control.

Externalization/Adoption of Immigration Control Policies

The concept of externalization is mainly used in discussions of the policies of the European Union states regarding transit countries. In addition to the EU`s policies, Kimball (2007) has employed to the concept to analyze how US's immigration policies influence Mexico`s policies toward transit migrants. Externalization aims to prevent migrants from crossing to Europe and the North America.

The EU decided to respond to persistent irregular immigration by intensifying border controls and developing a common asylum law. As a way of the externalization of its policies, the EU included the politics of transit migration into the EU accession processes, European Neighborhood Policy (ENP) and the Europe-Mediterranean Partnership (EMP), the Barcelona Process and the Frontex operations. In addition, the 1990 Dublin Convention, which came into force on 1 September 1997, obliges refugees to apply for asylum in their first safe country. Accordingly, refugees have been obliged to stay in transit countries, whilst transit countries have been obliged to readmit transit migrants. Thus, the responsibility for preventing unwanted immigrants from entering EU territory has been shifted towards previous transit countries such

as Czech Republic and Poland (Duvell 2007). [5] The ENP and EMP show that the EU`s externalization of its immigration policies target all transit countries, both candidate states and non-candidate states.

Scholars such as Haas (2007), Boubakri (2007), and Claude (2004) have applied externalization concept to discuss the EU`s immigration control policies regarding the third countries. Haas has argued that EU countries have attempted to 'externalize' border controls towards the Maghreb countries by transforming them into a ''buffer zone'' to reduce migratory pressures on Europe's southern border. According to Haas, the demands of the EU states from North African countries are the following: to clamp down on irregular migration, to toughen immigration law, to re-admit irregular sub-Saharan migrants from Europe and to send them back to their countries of origin (Haas 2007).

Boubakri (2004) provided a comprehensive analysis by arguing that the EU masks externalization with the term ''cooperation''. Through bilateral agreements, mainly Maghreb states are required to share the task of policing their international borders with the countries of destination. Boubakri offers examples of the various forms of cooperation: introducing some legal regulations to punish those guilty of organizing and participating in illegal migration, the training of coastal surveillance staff, and the provision of electronic equipment and logistical support for the maritime security forces and joint patrols.Like Haas and Boubakri, Claude (2004) argued that the EU`s direct and urgent demands on third countries leave their authorities little alternative but to implement criminal legal measures as imposed by countries in the north. As many scholars have already highlighted, the overall goal of externalization is to prevent the crossing of transit migrants to the U.S and Western Europe and either force them to stay in their transit countries or return them to their country of origin.

While the EU and the U.S aim to externalize their immigration control policies, the transit states are likely to adopt them to regulate transit migration. Kimball (2007) has explained the adoption of externalization as a strategic method of negotiation between transit states and their northern neighbors. She has argued that transit states aim for greater regional integration with their northern neighbors through immigration control. For instance, Mexico embraces the role of transit migration police in the hopes of securing the free movement of labor within North America, while Morocco

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[5]   There is increasing evidence that both Poland and the Czech Republic are becoming countries of destination rather than transit countries (Mitsilegas 2002, 670).

uses transit migration control to lobby the EU for a free trade agreement and other economic aid (Kimball 2007). In the same vein, Turkey has partially adopted the EU policies for potential EU membership and by convincing Europe that its membership will not worsen the current immigration problem in Europe.

In addition to serving as a negotiation strategy, the adoption of the policies provides some benefits. Adoption brings the financial assistance and aids providing by the US and the EU. Provisions of equipments and logistics help transit states to enhance their border controls, while funds improve infrastructures of the conditions of reception centers. Furthermore, the externalization/adoption argument can provide valuable insights when examining the international context in which migration has been occurring and the policies have been developing in the transit states.

To sum up, authority claim of the nation state on immigration control and the externalization/adoption shed light on the transit state`s newfound concern on the immigration control. The variations are also found in likelihood and the capacity of state to formulate and implement restrictive immigration control policies. Such variations generally reflect the different historical experiences and the current conditions of the countries concerned. In this context, Turkey with longstanding international migration experience will be interesting case to discuss the reasons of transit state`s interest on the immigration control. Moreover, being an EU candidate, Turkey is a promising case to explore how externalization/adoption process is working.

Migration in Turkey: Background

In the migration literature, Turkey is considered a sending state due to its involvement in the post-Second World War European labour migration process. It signed a bilateral agreement on labor recruitment with the Federal Republic of Germany in October 1961 with Austria, Belgium and the Netherlands in 1964, with France in 1965, and with Sweden in 1967.As a result of labor recruitment and family reunification, the number of Turkish emigrants living in Europe stood at around four million in 2011. In addition, 440,000 Turkish immigrants, most immigrant labors are living in the US, 200,000 in Australia, and 80,000 in Canada (Sen 2000, 35).

In terms of immigration, Turkey has a long immigration history as a successor state of the Ottoman Empire. It has welcomed immigrants with a Turkish identity, particularly from Balkans, since 1923. The period of government-supported major immigration into Turkey lasted until the early 1970s, after which immigration began

to be discouraged on the grounds that Turkey's population had grown enough and that land to distribute to immigrants had become scarce (Sen 2007). Turkey has not come to consider it a nation of immigrants, although ongoing immigration flows and the irregular migration have made Turkey a receiving country.

Turkey has experienced distinct periods of immigration flows, such as 1979-1987 with an Iranian influx,[6] and 1988-1993 with arrivals of asylum seekers from Iraq and Bulgaria.[7] Immigrants who have legal documents are often from the former Soviet republics and former Communist Bloc countries such as Romania and Moldova; they come to Turkey for the purpose of trade and other economic activities. They work in trade, on farms and in construction companies in the western region of the country. Their numbers rose dramatically from less than half a million in 1989 to over 1.6 million in 1996. Although these figures subsequently declined again in the second half of the 1990s, in 2000-2001 they remained around the 1.4-1.3 million mark (Kaska 2005, 2). Most stay with expired visas and work without permits. With the arrival of women from the former Eastern bloc, immigration in Turkey has become feminized. Many Moldovan women work as house cleaners and domestics in the homes of middle- and upper-class families (Kaska 2005). Young women from Georgia, Moldova, Romania, Russia and Ukraine have also become visible in the entertainment and prostitution sector in metropolitan areas and the country's holiday resorts. Although there is no reliable information available on trafficking in women, it is presumed that considerable exploitation takes place in these sectors (Kaska 2005, 26).

In addition to its sending and receiving country status, in the last two decades, Turkey has been identified as a transit state. Turkey meets almost four criteria of Kimball`s transit state`s category (Kimball 2007). 1) Turkey has have border with fully developed county, in its case, it is a region, Europe. 2) Turkey exhibits a high emigration and transit migration. Although Kimball puts low immigration as a criterion, Turkey differs from the other transit countries with respect to its high immigration rates. 3) Turkey serves a primary staging ground for some migrants to plan clandestine entry to heavily guarded destination countries, such as European countries. 4) As we will discuss below, Turkey have implemented restrictive immigration policies and activities.

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[6] Iranians immigrated to Turkey because of regime change in Iran 1979. Most of them stayed in Turkey only temporarily, and left again for the European countries and for the North America.

[7] Most of the Kurdish asylum seekers arrived in Turkey left, while almost half of the Turkish Bulgarian asylum seekers settled in Turkey.

In 1995, the International Organization for Migratin (IOM) emphasized that the transit migration through Turkey could be viewed as one of the most common of all recently established mobility flows between Africa and Asia and countries of Europe (Duvell 2000). The flow of refugees, asylum seekers, and transit migrants into Turkey has drastically increased since the early 1980s. Unlike the migrants of the early Republican years, most of the post-1980 migrants have been uninvited and unwelcome in the Turkish state. The Iraqis,[8] Iranians[9], Afghans[10] and people from several African countries[11] have been the largest groups for the last decade to use Turkey as transit country to reach Europe.

As seen in the cases of Iranians, Iraqis, Afghans and African immigrants, Turkey has been experiencing dynamic transit migration, carrying thousands of migrants from various parts of the world to Europe (Icduygu and Keyman 2004). State officials often refer that ''one million 'illegal' migrants stay in Turkey.'' Studies on transit migration through Turkey point out that transit migration is not so transitory for many of those experiencing it. Although the majority of migrants have the goal of reaching Europe, their ''transit'' puts them in an indeterminate state in terms of their livelihoods. Specifically, the African migrants and asylum seekers, whose numbers have increased in the past decade, live in poor conditions because of a paucity of employment opportunities, social aid and services targeting them, as well as the weakness of their social networks (Danis 2005).

Although, Turkey had not developed a precise migration policy regarding immigration and the emigration, after 1993 it started to be concerned with transit migration, and has tended to develop more restrictive immigration policies. The policy

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[8] The three main Iraqi groups in Turkey are Kurds, Turkmen and Assyrian-Chaldean Christians. Kurds and Christians are mostly irregular transit migrants who stay in Turkey for periods ranging from a few months to years. Because of their ''Turkish origin'', Turkmens from Iraq could obtain residence permits relatively easily (Kaska 2005).

[9] Similar to Iraqis and Afghans, Iranians have chosen Turkey to apply to asylum and/or to immigrate to Western countries. Iranian asylum seekers, mostly religious and ethnic minorities, use Turkey as a transit country. There are two main groups of Iranians in Istanbul. A small community of those who have acquired Turkish citizenship or permanent residence permits has been living in Turkey.

[10] Afghans mainly composed of younger single men or single female-headed families, who fall under the UNHCR definition and therefore lack refugee status in the country, or who have applied and been rejected, thus slipping into an ''unofficial status, lacking necessary documents for a legal stay in the country (Kaska, 26).

[11] In the last decade, migrants from Algeria, Morocco, Tunusia, Libya, Somalia, Sudan, Nigeria, and Senegal consist populous irregular migrants from Africa. Maghrebis are interested in small trade activities which is known as ''suitcase trade.'' Concurrently, there is a Moroccan nanny network, in particular among the French or French-speaking families of Istanbul (Brewer and Yukseker 2005).

change toward restrictive immigration policies raises some important questions: Which factors have led to the enforcement of a more restrictive immigration policy? How can we explain the anti-transit immigration projects in Turkey? How has Turkey implemented these policies?

This study will concentrate particularly on policy changes in immigration control after 1993. I argue that Turkish state`s newfound interest in the immigration is driven by state`s authority claim and the externalization/adoption of the EU`s immigration policies Before discussing to the role of these factors, it is critical to review Turkey`s immigration policy. The characteristics of traditional immigration policy may shed light on the policy changes. How does Turkey legally define immigrants, to which groups does Turkey grant refugee status? Which groups are identified as illegal immigrants?

The History of Turkey`s Immigration Policy

A number of different pieces of national legislation regulate the entry, exit, stay, and residence of aliens, and include other restrictions on legal migration in Turkey.[12] Immigration regulations are closely linked to the Republic`s notion of national identity and its underlying principle of cultural unity. They were reflected in two main legal documents forming the basis of the country's current immigration policy: the Settlement Code (2006) and the 1951 Geneva Convention on Refugees with its 1967 Protocol. These documents broke down the immigrants into three categories: migrants, convention refugees and the non-convention refugees.

The code currently in effect is 2006 Settlement Code which replaced the 1934 Settlement Code. It states that those people who are of Turkish ethnic descent and Turkish culture are entitled to migrate, settle and receive Turkish citizenship. Successive governments have had different interpretations of who falls within the category of Turkish descent and culture and hence who is allowed to migrate and become a citizen of Turkey. A large number of persons of Turkish descent have migrated to Turkey from Balkan countries and Central Asia, either because they have been expelled to Turkey or because they felt coerced to move to and settle in Turkey as a result of political, religious and ethnic repression as happened to Bosnians, Albanians, Pomaks, Bulgarian Turks, Kosovars, and Meskethian Turks

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[12] Among these are the Turkish Citizenship Code No. 403; Code No. 5543 on Settlement (19/09/2006); Code No. 4817 on Work Permits and Settlement of Foreigners (27/2/2003), Passport Law No. 5682 (15/7/1950); the Labor Law No. 4857; Law No. 6169 on the 1994 Asylum Regulation and so on.

between 1989 and 1999.

The second pertinent legal document is the 1951 Geneva Convention and its Additional Protocol relating to the Status of Refugees. The Convention defines who are refugees, their rights as well as legal obligations of states. Turkey signed the Convention in 1961 with the geographic limitation.[13] Geographic limitation refers that Turkey has international obligations concerning asylum procedures, recognition and protection of refugees coming from Europe. In this context, due to their European background, approximately 20,000 Bosnians were granted temporary asylum in Turkey during hostilities in the former Yugoslavia between 1992 and 1995. Since the signing of the Dayton Peace Plan in 1995, many of these refugees have been slowly returning to Bosnia. 16,000 – 20,000 Albanian refugees from Kosovo arrived in Turkey in 1999. Only around 1,000 Albanian refugees from Kosovo stayed in Turkey (Icduygu and Keyman, 391-392). They were identified as convention refugees.

Turkey's geographic limitation on the 1951 Geneva Convention allows it to refuse to address the needs of asylum seekers from outside Europe. The UNHCR continues to bear the principal responsibility for meeting the material needs of non-European refugees and applicants for asylum. The Turkish authorities continued to provide direct aid in the form of cash, food, clothing, health services and heating material. Non-European asylum applicants receive medical assistance from UNHCR while they are waiting for their application to be decided; if they are granted the status of temporary asylum seeker, they are then entitled to use state health care facilities. The children of applicants for asylum have the right to attend Turkish primary schools. UNHCR resettle refugees out of Turkey, if it recognized them temporary asylum seekers.

Upheavals in the Middle East, Africa, and Southeast Asia led to a steady increase in the number of refugees/asylum seekers coming from outside Europe after the end of the Cold War. Referring the limitation on the Convention, Turkish authorities often state that they have no obligation to recognize these refugees. The one of biggest refugee flows towards Turkey occurred in 1988 and 1991 with the influxes of Kurdish refugees from Iraq. In April 1991, some 450,000 Iraqi Kurds, fleeing their homes after the Gulf War, were denied entry into Turkey. A large proportion of Iraqis returned home, around 20,000 resettled in a third country, and a small number—around 10,000—are still in Turkey. In 2011, more than ten thousand Syrians poured into Turkey after upheavals in their country, and stayed in refugee camps close to

[13] The Law Number 359. Published at the Official Journal Issue # 10898 on September 5, 1961.

the border. Between 2005 and 2010, refugees from Iraq, Iran, Afghanistan, Pakistan, Somali, Sudan consist of the main groups who applied for asylum seeking in Turkey (Multeci-Der 2010 Report). The following table illustrates the number and the status asylum application to Turkey in the same period.

Table 1. Irregular Migrants in Turkey between 2005 and 2009

The number	2005	2006	2007	2008	2009
Irregular Migrants	57,428	51,983	64,290	65,737	nd
Apprehended, then deported Migrants	50,309	44,261	52,652	53,671	34,345
Asylum seeking applications (Turkey's data)	2926	3541	5846	11821	6523
Asylum seeking application (UNHCR data)	3920	4550	7650	12980	7830
The accepted cases	1366	1816	2658	3560	5775
Refused cases	45	72	120	80	127
Application to the European Court of Human Rights	1	-	4	13	7

Source: Table is adapted from the 2010 Multeci-Der Report, 18-19. [14]

As illustrated in the table, Turkey hosts substantial number of irregular migrants who intended to go to the countries in the EU. The huge gap between the number of apprehended migrants and asylum seeking applications raise questions about whether irregular migrants who would seek for asylum in the European countries was granted opportunities to proceed it in Turkey. When they are apprehended, do they benefit from any procedures of international refugee regime like proper application processing and basic living conditions, even they are required to pay residency fee (TBMM 2010 Report; Multeci-Der 2010 Report, IHAD Report, 2011). Despite changes in numbers, UNHCR estimates that there could be over 22,000 people of concern including refugees, returned refugees, stateless person, asylum seekers in Turkey in 2012, keeping the issue's on agenda. (UNHCR, 2011 Report).

It seems that Turkey's sovereignty claims and the externalization of EU's

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[14] The Multeci-der was compiled the table by using data provided by the Turkish National Police Department of Foreigners, Borders and Asylum within the context of Information Act.

immigration control provide main impetus for controlling transit migration. Turkey has tended to tighten legislation in immigration issues and strengthening border controls. The following sections will discuss mechanisms created to control transit migration in the last two decades.

Tightening of the Immigration Policies

Legislation

Although Turkey has not confronted mass influxes since 1991, the Turkish state prepared the 1994 Asylum Regulation No. 6169, which was amended in 1999 and in 2006. The 1994 Regulation includes the procedures and the principles related to population movements and aliens arriving in Turkey either as individuals or in groups wishing to seek asylum either from Turkey or to request residence permission in order to seek asylum from another country. The regulation aimed to bring status determination under the control of the Turkish government and introduce regulations governing access to asylum procedures (Kirisci 2005, 2). Complete authority was placed in the hands of the Ministry of the Interior and the military authorities. The regulation clearly states that because of Turkey's territorial interests and security, population movements must be stopped at the border and asylum seekers prevented from crossing over into Turkey. State authorities viewed controlled and even uncontrolled movement of foreigners into the country a security threat. As cited in Kirisci and Icduydu (2000), an interior ministry official said: ''Our first consideration is the security of the country. As Turkish citizens we live in an uncomfortable arena. We have to consider the internal security of our country when implementing domestic laws and regulations. If there were no terrorist incidents in Turkey, then there would not be so much work to do.'' (Kirisci and Icduygu 2000, 390).

According to the legislation, non-European asylum seekers must register with the police who carry out an assessment to determine whether they are asylum seekers rather than migrants in fifteen days.   They are required to stay in certain places, called ''acceptation centers'' located in cities determined by the Ministry. Officials of the Ministry assessed whether those people would be referred to UNHCR which carries out a further determination process to establish whether or not the person is a refugee.   Those who pass this test wait in Turkey for eventual resettlement to a third country.[15]

In the Helsinki Summit in December 1999 Turkey became a candidate country,

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[15] http://www.hrw.org/backgrounder/mena/iraq021203/4.htm . Accessed January 5, 2008.

after this date, it began to adopt some part of immigration control policies according to the EU *acquis*. To become a member state, among other requirements, Turkey must formally harmonize all of these directives and regulations with its national law (Kirisci 2005). Due to the EU`s emphasis on the ability of candidate countries to assume membership of the Schengen zone [16] and to guard the external borders of the Union, like other candidate countries, the EU expects Turkey to comply with the *acquis* in border controls, visa polices, and common asylum procedures (Mitsilegas 2002; Favell and Hansen 2002). The EU *acquis* include policy harmonization regarding asylum procedures, such as examining an asylum application and upholding minimum standards for the reception of asylum seekers as well as readmission agreements. [17] In this regard, the EU has stated that it expects Turkey to lift its ''geographical limitation''. The overall aim of the EU is to stop irregular migration across the external borders of the EU or into the countries neighboring the EU. Neighboring important refugee-generating regions, Turkey becomes a critical route to combat with irregular migration towards Europe.

With the directive of the EU, Turkish government formed the Task Force on Asylum, Migration and Border Protection, composed of representatives from the Coast Guard, Gendarmerie, Military, Ministry of Interior, Ministry of Foreign Affairs, Undersecretary of Customs and Secretariat General for European Union Affairs in June 2002. Working groups in this task force were set up to follow up harmonization of the legislation. They organize cooperative studies on border protection, illegal migration, the Schengan visa regime, and asylum (Apap, Carrera and Kirisci 2004). In cooperation with EU organs, the Turkish authorities constituted a ''National Action Plan on Asylum and Migration'' in December 2004, immediately after the EU Twining Project on Asylum and Migration. [18] In accordance with the Turkish National

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[16] Schengen convention included several provisions on visa and border policies among EU states. It states that there would be no internal border controls. External borders were to be subject to uniform principles, but remain in the scope of national powers and legislation. Except, Denmark, and Britain, all EU states are in the Schengen zone. The Treaty of Amsterdam, signed in 1997, formally incorporated Schengen into the framework of the European Union as the Schengen acquis. http://www.migrationinformation.org/Feature/display.cfm?ID=338 . Accessed January 7, 2008.

[17] These legal regulations are as following: 1) Council Regulation concerns the determination of the Member States responsible for examining an asylum application, and standards for the reception of asylum seekers. 2) The Council Directive in 2003 lays down the minimum standards for the reception of asylum seekers. 3) Council Directive of 29 April 2004 determines minimum standards for the qualification and status of third-country national and stateless persons as refugees or as persons who otherwise need international protection, as well as the content of the protection granted. There is also the Council Directive on minimum standards in Members States' procedures for granting and withdrawing refugee status.

[18] Official website of Turkish National Police, http://www.turkishnationalpolice.gov.tr/officers.html. Accessed

Action Plan (NAP), admission/repatriation centers have been established and a new settlement law was introduced in 2006 and asylum law is also drafted as of 2012.

Nevertheless, the Turkish state is reluctant to adopt all of the EU`s directives regarding asylum regulations, signing readmission agreements[19] with the EU countries and lifting geographic limitation to the Geneva Convention. Despite the EU pressure, Turkey's reluctance can be explained by its demands to renegotiate sovereignty for regulating immigration issues as well as its demands to share financial burdens of migration control.

Border Enforcement

Turkey has a common land border with eight countries and coastal borders on the Black Sea, Aegean Sea and the Mediterranean, having 2,949 km land border and 6,530 km coastal border. Most of the land borders lie through mountainous areas where monitoring is very difficult. In addition, the structure of the separated Aegean coastal borders that is full of small islands requires an effective coast guard capability. Illegal border entries have been occurring in the southeastern part of Turkey, while illegal departures have been occurring through Aegean Sea and the Greece-Turkey border.

The Directorate General of Security under the responsibility of the Ministry of Interior is responsible for the coordination and implementation of the integrated border management. Both the Turkish state`s authority claim and the adoption of the EU`s control policies for the sake of EU membership have led to tighten border controls. When compared to other issue areas such as visa regimes and asylum policies, the Turkish state has given priority to its border control.

In cooperation with the EU, Turkey also had to implement its Integrated Border Management Strategy in March 2006. This plan includes legal regulations,

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January 24, 2011. For the entire document of National Action Plan see Nuray EKŞİ, Mültecilere ve Sığınmacılara İlişkin Mevzuat, Beta Basım, Istanbul 2010, s. 93-173.

[19] Readmission agreements grant rights to both receiving countries and transit countries to send migrants, asylum seekers, and stateless person back to their origin countries or ''safe'' transit countries. Agreements establish not only legal framework for repatriation but also facilitate the process by avoiding proper regulation for identity recognition and travel documents. However, they limit ways in which asylum seekers proceed to their application and to end up in a safe transit country where they do not have any links (Kucuk 2008). Turkey preferred to sign readmission agreements with some sending countries like Syria (2001), Kyrgyzstan (2003), Romania (2004), Ukraine (2005), and Pakistan (2011). Except signing a protocol with Greece in 2001, Turkey has been hesitant to sign agreements with EU countries.

administrative structures and physical infrastructure. Before full membership of the EU, Turkey has been asked to tighten its borders with Armenia, Georgia, Iran, Iraq, and Syria. In addition, Turkey has to allow EU-member states access to restricted information and border control operations through the Frontext which was established in 2005 to ''enhance EU's external border security by coordinating the operational cooperation of EU Member States, Schengen Associated Countries and other partners'' (Frontex, 2012). The Greek-Turkish land border was strictly detected for illegal crossings within the context of Frontex's operational cooperation, because it is estimated illegal crossings there accounted for 45 per cent of all illegal crossings at the European Union's external borders. (UNHCR 2010 Report). As a result, the number of illegal crossings fell by more than 60% to just under 2,300 in the first three months of 2010 (Frontex, 2012).

Despite implementation of new strategies to halt immigration, Turkey has been still condemned for leaving Greece`s and the EU`s border insecure by letting illegal immigrants cross the Aegean Sea. While mechanisms exist on paper to protect human rights and the demands of refugees, people caught in the territorial waters of one country and then released into the territorial waters of another by violating the principle of non-refoulement.

As a result of the tightening of legislation, border controls and domestic enforcement, Turkey has advanced in controlling transit migration. It has also furthered attempts to arrest organised human trafficking gangs. Between 2004 and 2008, Turkey apprehended 5288 human smugglers.

Conclusion

Because of its triple roles as a sending, receiving and transit country, Turkey is a significant case in which to examine the migration regime of developing countries. In terms of its sending country role, many studies focus only on issues related Turkish emigrants. In terms of its receiving role, the studies do not go beyond discussing the changes in immigration patterns as result of globalization. The studies about transit migration look narrowly at Turkey as a crossroad for migration to Europe. Scholars who study migration in Turkey have based their analysis on globalization and Europeanization arguments. Thus, many studies underestimate the role of the state in different parts of the migration process. I claim that, as with many other nation-states, the Turkish state is an influential actor in emigration, immigration and transit migration. Therefore, I have incorporated the state into my analysis by asking how the Turkish government has responded to immigration, why it started to consider

transit migration as threat and how it has enforced its restrictive policies since 1993, although it has been a sending, receiving and transit country for a long time.

Similar to other transit states, the Turkish state started to highlight transit migration in the last decades. The newfound concern about transit migration at the state level has resulted in immigration control measures and anti-transit migration policies. The case of Turkey shows that both this newfound concern and its outcomes can be explained by two factors. The Turkish state has aimed to renegotiate its role by exhibiting its ability to control its borders and its population. Mass influx from Iraq between 1988-1991 urged Turkish state reconsider its immigration policies. Since, immigrants are often portrayed as priori threat to domestic security, national integrity and territoriality, population movements are tried to stopped at the border and asylum seekers prevented from crossing over into Turkey. In this context, Turkey first tightened its immigration policy by 1994 Asylum Regulation. Then, with different regulations and policies, it has continued to demonstrate state authority on immigration**.** The refusal to lift geographical limitations on the Geneva Convention should be seen as an effort by the Turkish authorities to control Turkey's population by deciding who will be accepted as refugees. Despite international criticism and the EU's pressure, Turkey insists on developing its own national asylum laws and visa policies. These are significant indicators of Turkey`s exertion of its sovereignty.

The case of Turkey also exemplifies how the externalization of the EU's policies is influential for the candidate states' and neighbor states' immigration policies. The degree of the adoption of the EU's policies by the transit states should be another part of the argument. Otherwise, we would undermine the role of the transit states that adopt policies as a strategic method of negotiation. The Turkish state complies with the EU's *acquis* on migration in order to gain EU membership as well as resources the EU provides for the transit states.

As happened in the cases of Spain, Italy, Mexico, Poland, Morocco, Egypt, the current situation in Turkey shows that what was once perceived as transit migration increasingly turns out to be immigration and that former transit countries are in fact becoming immigration countries. Although important variations can be found in the preferences and the capacity of states to formulate and implement migration policies, transit countries show respective similarities in the last decade. I strongly believe that further cross national studies dealing with the immigration policies of the transit states will substantially contribute to the current migration theory.

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