

# The migration-asylum nexus in Turkey

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## Abstract

*With the announcement of The Hague Programme towards a common immigration policy for the European Union in 2004, Turkey became central to the efforts of the European Union to control unwanted flows of people through its borders. Turkey's geographical position close to the conflict regions such as Iraq and Afghanistan causes it to attract large numbers of asylum seekers and irregular migrants every year. Also due to the deficiency of the Turkish asylum system, the distinction between irregular migration and migration for asylum purposes is blurred. These shifting statuses of asylum seeker and migrant are connected to the insistence of Turkey in preserving the geographical limitation set out by the 1951 Geneva Convention. However, there are other reasons deeply rooted in the immigration and asylum policy of Turkish state. This paper will show the formal and informal impediments to claiming asylum in Turkey by looking at the legislation and policy in this field.*

## Introduction

Debates about so-called bogus asylum seekers (people who seek asylum but are accused of being economic migrants) have drawn much media and political attention across Europe. Immigration, more generally, is increasingly viewed as a contentious social issue by electorates. Castles argued that migration models have changed in the post Cold War era due to economic globalisation and, more recently, the securitisation discourse following the events of 11 September 2001 (Castles, 2007, p. 26). Irregular migration is increasingly framed as a danger Europe and the restrictive immigration and asylum policies of European Union member states are following this discourse. As a matter of fact, the migration policy of European Union has already been shaped by internal security concerns. The Europeanization of migration during the 1990s saw the issue linked to terrorism and organised crime. The events of September 11 only fostered the restrictive measures on migration and asylum which were already deeply rooted in the internal security regime of EU (Karyotis, 2007, p. 5-6). These policies that shaped new European migration models and migration systems in and around the neighbouring countries and regions have also been affected.

With the announcement of *The Hague Programme* towards a common immigration policy for the member states in 2004, Turkey and other neighbouring countries became central to the efforts of European Union to control unwanted flows through its borders. In recent times, Turkey has experienced increased immigration into its own territory due to its proximity to conflict areas, such as Iraq and Afghanistan. These flows have been comprised of large numbers of asylum seekers and irregular migrants. It is thought that many of these migrants are in transit to Western Europe. While the numbers of border crossings through Spain and Italy dropped recently due to the border patrolling activities of FRONTEX (The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union) and as a consequence of mutual agreements between the Mediterranean members of EU and the North African countries, irregular migration to Greece increased threefold (Human Rights Watch, 2008, p. 19). However, because the state of final destination can transfer an asylum seeker to the state of first entry according to the Dublin Regulation II, the burden on Greece, for instance, doubled as a first entry point from the south-east coast of EU. In 2004, Greece had at least 4'500 asylum applications, but by 2007 the number of asylum claims had increased fivefold to more than 25'000, of whom 5'500 were Iraqi applicants (Human Rights Watch, 2008, p. 20). This development made Turkey the last stop for irregular migrants and asylum seekers on route to Europe (Østergaard, 2008, para. 27). Turkey has become home for irregular migrants as they are stuck in transit attempting to move into Europe.

There is a recognised problem in how agencies policing immigration distinguish between the political construct of genuine asylum seekers and economic migrants. Local and international NGOs have raised their voices about the alleged human rights violations committed by Turkish and Greek coast guards in the Aegean Sea. They reported that there were serious disincentives to the asylum seekers when they tried to lodge an application either at the borders or in detention centres (Human Rights Watch, 2008; Helsinki Citizens Assembly, 2007).

This paper will broaden Castles' argument (2007) that the relationship between the political construct of migrant and asylum seeker is somewhat fluid. Castles argued that this blurring relationship between migration and asylum is often characterized as the *migration-asylum nexus*. The causes for migration-asylum nexus as Castles sees are: globalisation, growing North-South inequality, weak economies, impoverishment, human rights abuses and violence (Castles, 2007, p. 39).

This paper will claim that there are other reasons causing the migration-

asylum nexus that are based on characteristics which are idiosyncratic to Turkey. These include legislation, history and immigration policies. This paper will show that Turkish immigration and asylum legislation together with policy reveals that the migration-asylum nexus should, in the Turkish context and more generally, include accounts of the national idiosyncrasies. For this purpose, first I will look at the settlement laws and the immigration policies pursued after the foundation of the republic and then the present asylum system which shapes the nature of migratory flows in Turkey. I will argue that the Turkish asylum legislation and its implementation facilitate the establishment of a migration-asylum nexus in Turkey.

## **The current country profile**

The decision to retain the optional geographical limitation to the 1951 Geneva Convention relating to the Status of Refugees (1951 Geneva Convention) is the most prominent characteristic of the country's migration and asylum profile. Although Turkey was one of the drafters of the 1951 Geneva Convention, she signed it with both time and geographical limitation as expressed in article B (I) (a). In 1967, when the Additional Protocol was accepted, Turkey agreed to lift the time limit, but not the geographical limitation. This limitation gives an option to the states to provide the Convention protection to asylum seekers only coming from Europe. In fact it does not restrain parties from providing the same international protection to the non-Europeans. Although Turkey may apply the 1951 Geneva Convention to the non-European asylum seekers currently it only grants protection to European asylum seekers. Maintaining this limitation that defines a refugee as a person from Europe fleeing persecution allows Turkey to accept only European asylum seekers from Council of Europe member states (Odman, 2008, p. 4). Due to Turkey's refusal, UNHCR (United Nations High Commissioner for Refugee) undertakes the responsibility of assessing asylum applications of non-European nationals. According to the parallel system developed by Turkey, non-European asylum seekers must register with both the Turkish authorities and the UNHCR office in Ankara. When they are recognised as a refugee by both, the UNHCR office resettles them in a third country. During this process, asylum applicants have temporary protection in Turkey. Most of the asylum seekers applied for refugee status determination procedure in Turkey come from Iraq, Iran and Afghanistan but with growing numbers from Africa.

Another element affecting Turkey's migration and asylum profile is related to its aspirations to join the European Union. After opening the accession negotiations in 2005, the European Union membership process

became the biggest driving force behind all reform efforts in the field of asylum. This process even forced Turkey to set a timeframe and agenda to adopt the EU Acquis in this field together with the announcement of a deadline to lift the geographical limitation to the 1951 Geneva Convention, which has been declared as 2012 in the National Action Plan.

According to the statistics of UNHCR from July 2009, 17'593 people were waiting for their application to be finalised in Turkey either as recognised refugee (to be resettled in a third country) or as asylum applicant (UNHCR, 2009). In 2008, 12'981 new applications have been made to the office in one year, representing a 70 per cent increase from the previous year (UNHCR, 2009). And the number of refugees those who were sent to a third country in 2008 was only 3'832. However, more than 2000 refugees out of this number were resettled in the USA due to a special programme for Iraqis. When this programme ends, the settlement numbers will drop below 1000 per year again (UNHCR, 2009). In addition to these numbers, the number of irregular migrants apprehended in Turkey has been quite high since 2000. While the numbers were below 20'000s until 1996, it sharply increased to 94'000 in the year of 2000. According to the report submitted to the Committee against Torture for the third periodic review under the article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by Turkey, a total of 762'149 migrants were apprehended between 1995 and 2008 in Turkey. The government addressed the steady increase in the numbers and noted that 300'000 out of this number were apprehended within the last five years. For the first four months of 2009, 9'429 migrants were also caught (CAT, 2010, p. 18-19).

Due to this, fighting against irregular migration and human smuggling appeared as a major concern of the Turkish government, especially after having started the accession negotiations with the EU. The accession process includes speculation over which measures will be implemented in collaboration with the European Union to help fight against irregular migration. The emphasis in these negotiations is on securing EU borders rather than solving the problems of migrants and asylum seekers in the country. Although there has been improvement in the legislation in regards to asylum and migration, in practice, the conditions in which irregular migrants and asylum seekers are detained or sheltered did not reach the level of international human rights standards. And day-by-day Turkey has become a host country for irregular migrants rather than just being a gateway to Europe. While the duration of their stay in Turkey has lengthened (up to 5-6 years), the consequences and the problems for migrants in terms of human rights protection have become much more severe.

This situation is explained only partly by Turkey's geographical position. Other reasons are recognised such as the lax visa requirements and a lack of effective control mechanisms at the eastern borders (Icduygu, 2003, p. 19). Although all these reasons are explanatory, they do not suffice to fully understand the situation. To understand the migration-asylum nexus in Turkey, it is necessary to look back as far as the foundation of Turkish Republic to uncover the nature of current immigration and asylum policy.

## **The immigration and asylum policy of Turkey**

Historically, Turkey is known as an emigration country to Western Europe, first due to the labour recruitment agreements made with Germany in 1961 and 1964, then because of the continuous family unifications during the 1970s and 1980s, and later because of the asylum-seeking after the 1980 Coup d'état. Between 1983 and 1994, 348'000 Turkish citizens have sought asylum in Europe, particularly in Germany, France and Switzerland (Toksoz, 2006, p. 216-217). Before then Turkey has always followed an immigration policy that was in line with the nation building process of the young Turkish Republic. In the 1920s and 1930s, the immigration policy followed by the founders was based on the settlement laws.

The first law adopted for this purpose was the Law on Settlement, Number: 885, (31 May 1926). As Babus' study set out (2006): people who did not share Turkish culture; had infectious disease; were suspected of murder; who were spies, anarchists or gypsies or the ones who had deported from their country of origin would not be admitted as immigrants in Turkey (Babus, 2006, p. 152). Cagaptay (2006) argued that based on the ideas of Turkish nationalist Ziya Gokalp, the term 'culture' in this law indicated the common heritage of the Ottoman-Turkish Muslims and this law addressed the common history, customs, belief systems and ideals of the Ottoman-Turkish populations (Cagaptay, 2006, p. 61). With this law, the new republic opened its doors to the Muslim populations who had previously lived under the rule of Ottoman Empire such as Bulgarian-Turks.

The second Law on Settlement adopted in 1934, Number: 2510 (13 June 1934), was one of the major developments of Turkish Republic for construction of the national identity in policy. For the aim of assimilating non-Turkish elements, the right to freedom of movement within the country for citizens was violated. The non-Turkish population dispersed in the country to be absorbed by the Turkish population. The law, in its original version, divided the Turkish territory into zones and the population was resettled in these zones according to their believed adherence to Turkish culture. The first zones was designated for the population of Turkish culture and ethnicity

and it was open to immigrants of Turkish descent from abroad or any part of the country. The second zones were for the people whose Turkishness needed to be enhanced. The last zones were closed to inhabitants for health, political, military and security purposes (Babus, 2006, p. 182).

Unlike the Ottoman Empire, which developed a generous tradition of protection to various groups of people fleeing persecution in the world, the new Turkish Republic did not allow asylum seekers and refugees to stay permanently in Turkey or let them acquire citizenship (Babus, 2006, p. 155). The most important point about this law was how it defined the 'immigrant' because full refugee status was limited only to persons who qualified as Turkish in some way (Article 3). According to this law, only individuals of Turkish ethnicity and culture (*Türk soyu ve kültürü*) could be accepted as immigrants and refugees to Turkey. The law gave authority to the Council of Ministers to decide upon who could qualify as having Turkish ethnicity.

Article 3 of The Settlement Law stated that those people of Turkish ethnicity, who migrated with the intention of settling in Turkey, would be accepted by the decision of Ministry of Interior. Those immigrants and refugees would resettle in the places shown and would not be permitted to leave those places (Article 7). The immigrants would be helped in their resettlement and subsequently the naturalisation process would be made easier for them (Article 6). The law also stated groups of people who would not be admitted as immigrants to Turkey. Those were anarchists, gypsies, spies, those who did not adhere to Turkish culture and those who were deported from their country of origin (Soyarık-Senturk, 2005, p. 129). In practice, Kurdish populations were forced to live in the western part and Turks were resettled in originally Kurdish-inhabited areas in the eastern part of Anatolia. The practice of resettlement was halted in 1947 and the articles related to the zones and the assimilation of non-Turkish population were abrogated by Law numbered 5098 (Babus, 2006, p. 156). However, the Settlement Law itself stayed in force and continued to have a major influence on the migration and asylum policies of the Turkish state, even into the 2000s.

As a result of criticism brought against this apparent nationalism in the law, a new law replaced the old Settlement Law in 2006 for the European Union Accession Process. This law does not mention refugees at all. It only defines the category of people who cannot immigrate to Turkey. This group basically remains the same as it was defined before. According to this new Law:

*'...foreigners who do not share Turkishness or the Turkish culture, deported persons even those who share the*

*Turkishness and the Turkish culture and the persons who are not allowed to enter Turkey due to security reasons cannot immigrate to Turkey'*

Article 4-(1)

This law once again designates the Council of Ministers as the competent authority to decide upon which communities share Turkishness and for the general naturalisation decisions of immigrants.

Even under this new law Turkish immigration and asylum policy remains nationalistic and protective. The Turkish state welcomes very few immigrants who have no claim of Turkishness and there is no immigration law regulating the integration of immigrants and refugees in Turkey. Taking into account this immigration policy together with the geographical limitation set out by the 1951 Geneva Convention, reveals a strongly nationalistic approach to migration and asylum policy in Turkey.

### **3. Asylum in Turkey**

The main legal regime applied to asylum seekers in the world is the 1951 Geneva Convention, although there are other regional refugee agreements, such as the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee problems in Africa and the 1984 Cartagena Declaration on Refugees for Latin America.

The original Geneva Convention adopted in 1951 provided an option to ratifying states that they could restrict international protection to individuals who were seeking asylum related to either a) 'events occurring in Europe before 1 January 1951'; or b) 'events occurring in Europe and elsewhere before 1 January 1951'. With the ongoing need for refugee protection after 1951, the 1967 Protocol was accepted and the temporal limitation of the Convention for the state parties was lifted. Turkey as an existing party to the Convention ratified the 1967 Protocol, but using the given option, chose to maintain the geographical limitation. Presently, there are only three other states left that still maintain the geographical limitation of the original convention except Turkey.

There is not much information in the official documents about the reason for this geographical limitation. However, it seems that the initial hostility towards non-Turkish populations in favour of nation building process has still been preserved. In the past, Turkey granted *de jure* refugee status only to individuals fleeing communist persecution in Eastern Europe and the Soviet Union (Kirisici, 1996, p. 296). According to the Amnesty International Report,

no single person has been known to have been given refugee status by the Turkish national authorities after 1994 (Amnesty International, 2009, p. 9). In the report of Commissioner for Human Rights of the Council of Europe, there is a mention of 43 recognised refugees under the Geneva Convention (Hammarberg, 2009, p. 6). Even when large numbers of people moved from Bulgaria, Bosnia and Herzegovina, Chechnya and Kosovo due to conflict into Turkey, the Turkish authorities did not allow these people to apply for refugee status. They were only provided permission to stay within Turkey under the legally ambiguous status of guest, even though their countries were in the Council of Europe region. It can be argued that Turkey has used and is still using this geographical limitation as a means to preserve its national identity and to close its doors to non-Turkish populations.

### *The definition problem in the Turkish system*

The only legislation standardising asylum in Turkey is the 1994 Asylum Regulation. This document was a result of an urgent need to tackle the problems of large asylum flows during the Gulf War that forced thousands of people to flee to Turkey from Iraq in 1991 and 1993. As a consequence, it does not provide a comprehensive approach on asylum procedure and the rights of refugees within the country.

Due to Turkey's geographical limitation to the 1951 Geneva Convention, the terms 'refugee' and 'asylum seeker' are defined differently in the 1994 Asylum Regulation than in international law. According to the 1951 Geneva Convention; refugee is an individual who owing to 'well founded fear of persecution for reasons of political opinion, race, religion, nationality or membership in a particular social group, is outside his/her country of nationality and is unable or, as a result of such fear, unwilling to return to it'. In the Turkish 1994 Regulation, the refugee is defined as a foreigner or stateless person of European origin that has been recognised according to the criteria of Geneva Convention; whereas an asylum seeker is defined as a foreigner or stateless person of non-European origin whose status as an asylum seeker has been recognised by a decision of the Ministry of Interior that s/he meets the same criteria. Calling a recognised refugee as an asylum seeker creates an unnecessary mass of terms in the Turkish legal context and causes confusion in the state officials' minds. They often think those who entered into the Turkish territory without official documents are all "irregular" economic migrants.

As it is pointed out by Gibney (2004), the refugee is different from other foreigners in need. The refugee is in need of protection by a state because there is no reasonable prospect of that person finding protection any other way. Therefore using the term "asylum seeker" is narrower than that of the



“refugee” in this respect. An asylum seeker is a person making the same moral claim for entrance as refugee. However, it is the state’s responsibility to decide on admitting a claimant so the status of an asylum seeker as an endangered person is undermined (Gibney, 2004, p.8-10). When a recognised refugee is called as an asylum seeker, it means the moral responsibility of the state towards that refugee is subverted as well. Even if an asylum seeker is not found to be a refugee, s/he cannot be returned to her country of origin if she would be in danger of torture, inhuman or degrading treatment or punishment in that particular country. This is called the principle of non-refoulement which is a fundamental responsibility of states in international law. Although this principle is not equal to a right to admission, states should not reject individuals at the frontiers and should admit them at least temporarily for determining their status (Goodwin-Gill and McAdam, 2007, p. 215). Thus, it is quite simplistic to say that those who are apprehended at the borders are all irregular economic migrants. Even illegal entry or presence in the country does not exclude individuals from seeking asylum on the condition that they present themselves without delay to the authorities and show good cause for their illegal entry or presence according to the Geneva Convention (UNHCR Handbook, 1992, p. 47).

The problem with the Turkish legislation is that there is no such national definition of an asylum seeker as it is defined in international law. As a result, authorities argue that those who enter the country without documents might only be “illegal” migrants. This is confirmed both in legal context and national practice since there is no facility to submit an asylum application at the borders of Turkey, including the international airports.

#### *The formal and informal impediments to claiming asylum in Turkey*

First of all, unauthorised entry or exit to the country is defined as an offence according to the 1950 Passport Law. Thus, those who pass the borders without permission or documents are usually taken straight into custody when they are caught by the Turkish police or gendarmerie without the option to claim asylum. Once they are detained, such migrants are held in custody for an indefinite period until they are able to fund themselves for their return ticket unless there is a readmission agreement between the country they just passed through and Turkey. Secondly, although there is a mention sometimes of a possibility of claiming asylum at the borders, asylum seekers still have problems to submit their applications because the Turkish security forces are not generally aware of the asylum procedure. There is no legal duty enforcing authorities to take asylum applications at the frontiers. And thirdly, asylum application facilities through detention are restricted by an implementation Circular of 1994 Regulation. According to the 2006 Circular,

those who entered Turkey without permission and apprehended subsequently may not be allowed to apply for the refugee status determination procedure when they are kept in custody (Section 13, p. 16). Therefore those irregular migrants caught at the borders are not always able to make their applications when they are sent to detention for the violation of Passport Law.

If they are not caught by the authorities, then a common practice is returning irregular migrants from the border or forcing them to make a border crossing back to where they just came from. This has become a practice of Turkish gendarmerie which is heavily criticised by Human Rights NGOs several times. According to the data compiled from Turkish newspapers by the Human Rights Research Association, 76 asylum seekers/irregular migrants died in 2008 while they were trying to cross one of the borders of Turkey. Unfortunately some of these incidents occurred when the Turkish authorities forced migrants to cross back the borders where they came from (Human Rights Research Association, 2009, p. 9). As UNHCR reported, on April 23, 2008 Turkey deported 42 Iraqi nationals to Iraq who had been caught at the Greek border:

*'The Turkish police then took the 18, which included five Iranian refugees recognised by UNHCR, to a place where the river separates the two countries, and forced them to swim across. According to witnesses interviewed by UNHCR, four persons, including a refugee from Iran, were swept away by the strong river current and drowned'*

(Human Rights Research Association, 2009, p. 9)

If the irregular migrants are not forced to go back by themselves, then they are deported by the Turkish authorities without giving them an opportunity to have a thorough and proper individualised analysis of their claims, such as the story of an Iraqi Sabean man, who was first deported from Greece to Turkey and then from Turkey to Iraq:

*'The Turks took us on a bus to the Iraqi border crossing at Zakho and turned us over to the Kurdish authorities. We were handcuffed. The Iraqi Kurds held 65 of us in a room for four days. They questioned me. I told the Kurdish official that I was a Sabean and that I suffered discrimination in the street, at work, everywhere. He didn't say anything. I told him I didn't have my ID and that I would have a problem if they returned me. He told me that it wasn't his problem'*

(Human Rights Watch, 2008, p. 62)

First of all, detained irregular migrants are not always provided the necessary information on how to apply for asylum. This is also complicated by the absence of interpreters to help communication between them and the officials who are supposed to be on hand at the point of entry to the country, for instance at the seashore where they arrive at. If asylum seekers are not criminally charged, the type of their detention is not officially considered as detention. In fact the European Court of Human Rights found this type of detention unlawful in Turkey in a recent case (*Abdolkhani and Karimnia v Turkey*, Application No: 30471/08, 22.09.2009). According to the law, this type of detention is only for administrative purposes so they do not have the right to access a lawyer. Moreover, refusal of asylum applications in detention is a common practice amongst Turkish police officers.

The conditions in the detention centres, which are called as guesthouses, are also far away from meeting the minimum standards of the right to adequate housing which is supposed to be guaranteed for asylum seekers by international law. There are currently 21 guest-houses in Turkey and the overall capacity of them is only 2245<sup>1</sup>. In 2008, just in one year 65'737 people were apprehended by the Turkish security forces for unauthorised entry or presence (CAT, 2010, p. 18). This discrepancy between the numbers of apprehended irregular migrants and the capacity of available detention facilities explains the unbearable conditions of guest-houses, such as the Edirne Tunca detention facility mentioned in the report of Human Rights Watch (2008):

*'On the first day we visited, June 11, 2008, the detainee population was 703. The capacity of the facility is 200..... As a place of indefinite detention, the conditions alone are inhuman and degrading. Words fail to describe the sight and smell of 400 men crammed into a single room. For our own security, we were not allowed to walk into the room, but stood at the only door to the room, a padlocked iron gate, where we peered into the darkness. Though men crowded toward us, they parted their human sea so we could see the jammed crowd all the way to the wall. There was no space between any bodies; they sat shoulder to shoulder both along the walls and in the room's interior'*

(Human Rights Watch, 2008, p. 53)

Turkey plans to open reception and repatriation centres for asylum seekers as part of its Action Plan for the European Union Accession process.

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<sup>1</sup>The information obtained by the author through an application under the Law on Right to Information.

These centres are planned with a capacity of 750 people in seven different provinces in Turkey but none of them has yet been opened. However, the condition for settlement in one of these centres remains obscure. According to the Action Plan:

*'a) applicants who have applied for asylum and who have not yet been granted the status, b) those, who have been granted the refugee status or asylum status, but who cannot freely reside in Turkey, the free residence of whom are not deemed appropriate will have the priority in having shelter in these centres'*

(The Action Plan, 2005, p. 36)

### *Life after the asylum claim*

The 1994 Regulation applies to all those who wish to seek asylum in Turkey. All applicants, both non-Europeans and Europeans, under this regulation are considered as foreigners so they are all required to register with the Foreigners' Police as soon as possible when they enter into Turkey. Those persons who enter the country using irregular ways must present themselves to the governorate at the point that they entered into Turkey, whereas the other asylum seekers who enter into Turkey using regular ways, with valid documents and using the legal entry points, must register with any local governorate where they currently reside (Article 4). Non-European applicants are also required to register with the UNHCR office in addition to the national procedure. Those who fail to apply within a short time after their entry to Turkey have to explain their reasons to the authorities. However, the authorities are supposed to accept the applications of those who failed to apply on entry if they then do so quickly (2006 Circular, Section 2).

Once their applications are taken, asylum seekers are either sent to detention in Guest-houses (detention centres) or assigned to reside freely in one of the so-called Satellite cities (1994 Asylum Regulation, Article 6). There is no mention of the conditions in which asylum seekers are sent to guesthouses. However asylum seekers and refugees are routinely detained after being caught for illegal entry into the country, for being outside the area in which the asylum seeker is assigned to reside (a satellite city) or due to attempted illegal exit from the country. There is no time limit for detention in any part of the legislation. Most of the asylum seekers prefer to stay in big cities in order to work underground to cover some of their living expenses although they have to reside in a certain city (satellite city). For instance the story of this Mauritanian asylum seeker reflects a common situation:

*'I was arrested with a Senegalese friend when I was selling*

*bottles of perfume and watches in a bazaar. I was trying to earn the money I needed to go to Kayseri to register with the police there. I had my UNHCR document with me and my Senegalese friend had a passport with him. The police took us to the police station in Cebeci. In Cebeci, we spent three days without anything to eat. We slept on a foam mattress on the floor. The bed covers were filthy. There wasn't a toilet in the room. We also had to drink water from the bathroom. There was a nice police officer who took us to the bathroom but the other one never listened to us. I started to get sick there. It was very cold. When I was arrested I was feeling dizzy. I asked for medicine but the police refused to give it to me..... Now I am very afraid. I have no money because I am afraid to sell watches. I had to come back to Istanbul because there was nowhere for me to stay in Konya. I am scared of the police so I sometimes don't leave the house for a couple of days in a row. I can't afford to see the doctor for the kidney problem I got in Zeytinburnu'*

(Helsinki Citizens Assembly, 2008, p. 28)

The 30 satellite cities are all provincial cities outside of the major cities of Istanbul, Izmir and Ankara. Asylum seekers usually have no information on which city they will be assigned to live, but it is possible to be sent to a city where their family members reside. Once they are sent to one of these cities, asylum seekers are required to regularly report to the local police for the duration of their residence in the city. They may leave the city temporarily with a written permission from the local police. Non-compliance with this rule may cause the breach of Law on the Sojourn and Movement of Aliens and requires administrative penalties. There is also a compulsory residence fee which has to be paid by each family member every six months. This fee is around three hundred Turkish liras (150 €) currently and if it is not paid during the residency, asylum seekers are not allowed to leave Turkey even if their resettlement is arranged for a third country by UNHCR. Health care and all social benefits such as education requires legal residency which can only be claimed if this fee is paid.

Asylum seekers have formal rights to employment but in reality this is quite rare due to the legal barriers related to the work permits. Under the regulations, asylum seekers and refugees who have a six month residence permit can apply for a work permit at a certain place after receiving a job offer. In order to grant this permit, it is necessary for the employer to

demonstrate that the position cannot be filled by a Turkish citizen. There are also additional costs for both employer and the asylum seeker in terms of having an official translation of all documents needed. According to the Amnesty International report on migration and asylum in Turkey, only one asylum seeker was able to acquire work permit in 2009 (Amnesty International, 2009, p. 22).

The whole application process is long and troublesome and the waiting period to acquire refugee status is at least one year after the initial claim. Depending on the waiting period for resettlement by UNHCR, the whole process can take three to six years. There are a few countries accepting certain numbers of refugees every year from Turkey such as; the USA, Canada, Finland and Australia. Because the numbers are small for resettlement compared to the applications, refugees might have to wait another two to three years to be resettled in a third country.

Beside all the problems related the asylum process, many asylum seekers also live in poor conditions. In the absence of state support to asylum seekers for finding private accommodation and the lack of state-provided accommodation, asylum seekers live in crowded and old houses or hotels without heating and proper facilities. Allowing asylum seekers and refugees to reside freely in the country and freeing them to enter the labour market without restriction would facilitate their integration into Turkish society.

## **Conclusion**

There is not much work done in regard of the interconnectedness of migration and asylum in Turkey. In a recent study conducted among the specific group of Iranian Christian asylum seekers, Kaytaz argued that refugees are stuck in transit by law in Turkey due to the geographical limitation of Turkey to the Geneva Convention (taken from Duvell, 2006, p. 8). In another study conducted among the African asylum seekers and migrants in Istanbul, Brewer and Yürkseker found that the average stay of African refugees in Turkey, before being considered for resettlement, is at least two years (2006, p. 16).

Claiming refugee status can take up to six years and asylum seekers often find themselves forced into a long stay in Turkey. Instead of waiting for their application to be finalised, they often prefer to leave the country for another destination. Some only become irregular migrants in Turkey by accident after they are dropped off by smugglers who are supposed to take them to Greece or Italy. Rejected asylum seekers alternatively try illegal and dangerous strategies to leave Turkey. The length of their stay in the country

depends on the support provided by the local NGOs and people. The formal and informal impediments to claiming asylum in Turkey also leads to the blurring of distinction between irregular migration and migration for asylum purposes. The immigration and asylum policy of Turkish state is still very protective. The continued geographical limitation to the 1951 Geneva Convention is an indicator of the apparent nationalism in the immigration policy of Turkey.

If Turkey were to join the EU and adopt the current EU Acquis she could become a major country in determining the asylum status for many migrants attempting to enter the wider European community. Turkey remains first port of call for many people attempting to enter Western Europe. Before that, it is possible that Turkey could become a safe third country of first asylum because the European Union is planning to initiate a system of joint processing of asylum claims outside the EU territory (European Union, 2005, p. 8). However Turkey's asylum system is not able to handle this burden with its existing deficiencies in meeting the humanitarian needs of asylum seekers and migrants. Migration-asylum nexus is not only a discourse used by politicians; it has serious impacts on the lives of many of migrants entering Turkey. Many asylum seekers become stuck in Turkey for years. Even if they enter the country legally, they still fall into illegality due to the lack of integration possibilities within Turkish law.

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