2 Migrants' Uncertainties versus the State's Insecurities

Transit Migration in Turkey

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2.1 Introduction

> He's in Turkey illegally, having already been deported back to his native Iran once before. An Iranian Kurd, he was in prison for his political beliefs, and – as he put it – for thinking un-Islamic thoughts. Twice now, he's paid $500 to be smuggled by night across the steep mountain passes into Turkey (Morris 1998).

Since the early 1980s, Turkey has become an important route for so-called transit migration flows in the south-east of Europe. People from different parts of the South and East have begun to use the Turkish peninsula as a bridge to the West and the North, where they hope to find better living conditions. The number of such people is unknown as there are no figures available for 'irregular transit migration' passing through Turkey, which is an expected result, given the murky nature of this phenomenon. The only existing data cover the number of irregular migrants who were apprehended in Turkey between 1995 and 2009, with a total figure of around 800,000, as compiled by the Bureau for Foreigners, Borders, and Asylum at the Directorate of General Security of the Ministry of Interior.

The issue of irregular transit migration is receiving increasing attention from the media in Turkey – with a special focus on the misfortunes of those irregular migrants who try to cross the Aegean Sea between Turkey and Greece – as well as from policymakers and government officials who are under constant pressure from the European Union to stop the tide of irregular migration and from non-governmental and international organisations that are concerned about the humanitarian and human rights aspects of the issue (Kirişci 2008).

In this chapter, the issue of transit border crossings in Turkey is presented from two different perspectives. Based on Anthony Giddens' (1996) argument that 'ontological uncertainty/insecurity' has become an essential constituent of life in the post-Cold War era, as far as the transit migration

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issues are concerned, we see Turkey as a platform for two parallel environments. The first environment, which is inhabited by irregular transit migrants, is full of uncertainty, where the dynamics of migration entail an innovative normative view that does not treat migrants as a security threat in an *a priori* fashion (Appadurai 1996), but as humans living with ambiguity and facing an unclear future. The second environment, which is envisioned by the Turkish state, defines migration in terms of insecurity – a view that Appadurai warns against.

The chapter is divided into four parts. The first section gives facts and figures regarding transit border crossings and presents a taxonomy delineating who is considered an 'irregular transit migrant' in Turkey. In the second section, the 'environment of uncertainty' faced by migrants is analysed with details on the experience and nature of irregular migration in Turkey. In the third section, the Turkish state's 'environment of insecurity' is examined with a focus on the policies and actions created to manage irregular transit migration. Irregular transit migration as an issue within EU-Turkish relations is also considered in this section, which is followed by the conclusion.

The chapter is based on various sources. The facts and figures are derived from the data compiled by the Bureau for Foreigners, Borders, and Asylum at the Directorate of General Security of the Ministry of Interior, on the number of irregular migrants apprehended in Turkey since the mid-1990s, and on new data released by the Turkish General Staff on irregular border crossings since September 2006. The context of the transit migrants is analysed through a comparison of two studies commissioned by the International Organization for Migration: *Transit Migration on Turkey* (IOM 1995) and *Irregular Migration in Turkey* (İçduygu 2003). Although the methodology of these studies is not based on representative sampling, and their findings cannot be generalised, they are pioneers within a limited scholarly literature on transit migration in Turkey. They provide insight into the personal attributes of transit migrants who face an uncertain environment in Turkey and convey information about irregular transit migration in the country, in general.

2.2 Transit border crossings in Turkey: Some facts

There are 117 official points of entry into Turkey: seven by rail, 41 by air, 20 by land and 49 by sea. While Turkey's sea border measures 8,333 km in total, the total length of the country's land border is 2,949 km. Turkey shares 269 km borders with Bulgaria, 203 km with Greece, 276 km with Georgia, 328 km

with Armenia, 18 km with Azerbaijan, 560 km with Iran, 384 km with Iraq, and 911 km with Syria. Turkey's geographical position is the main reason why the country is susceptible to irregular transit border crossings, turning it into an almost natural bridge between its politically and economically unstable neighbour countries in the East and the South and its prosperous neighbours in the West and the North. Moreover, Turkey's mountainous eastern borders and the length of its Aegean and Mediterranean shores make it an attractive travel route for irregular transit migrants. Transit migrants enter Turkey in many different ways: by using forged documents; by hiding in vehicles passing across land borders; by passing land borders on horses, donkeys, or on foot; by crossing sea borders on ferries, fishing boats or small boats; or by entering the country legally but failing to leave when their visas expire (İçduygu & Toktaş 2002).

The task of acquiring adequate, reliable data on the volume and trends of transit migration is difficult because of its irregular nature, but there are some rough estimates available. The data compiled by the Bureau for Foreigners, Borders, and Asylum at the Directorate of General Security of the Ministry of Interior, on the number of irregular migrants apprehended in Turkey since the mid-1990s, and new data released by the Turkish General Staff on irregular border crossings since September 2006, give us some figures which implicitly reveal the nature of transit migration through Turkey. An evaluation of the figures on persons apprehended by Turkish security authorities on charges of irregular migration shows that this type of migration has increased considerably from the mid-1990s to the early 2000s. While almost 11,000 and 19,000 irregular migrants were apprehended in 1995 and 1996, respectively, the number increased to 47,000 in 1999 and 94,000 in 2000 (table 2.1). Since 2001, the number of irregular migrants apprehended has shown a decreasing drift from nearly 83,000 in 2002 to less than 50,000 in the year 2005, with only a slight rise to nearly 52,000 in 2006. This recent rising trend continued in 2006 and 2007, when 64,000 and 66,000 migrants were apprehended respectively (table 2.1). It is important to note that the figures stand for only those irregular migrants who were actually apprehended and that the scale of irregular migration through Turkey is naturally much greater than these data suggest. Taking into consideration the relevant literature on migration, it can be inferred that the actual number would be at least two or three times higher than the number of migrants apprehended (İçduygu 2007a).[1] Consequently, the scale of such

1 Various field studies conducted by Içduygu, mainly at the two borders of Turkey the ones between Iran and Turkey, and Greece and Turkey, since the early 1990s indicated that even

a figure illustrates that the range of irregular migration within Turkey in recent years is analogous to that in many other countries of the world that are known to attract large-scale irregular immigration.

Of course, not all these apprehended migrants in Turkey were transit migrants. However, the estimates of transit migrants in the country are also based on assumptions inferred from the data on the number of migrants apprehended. Taking into consideration the countries of origin of the apprehended irregular migrants, it can be claimed that those migrants entering Turkey especially from the Eastern and Southern borders intend to use Turkey as a bridge to reach their destination countries in the West and North. From 1996 to 2008, almost 800,000 irregular migrants were apprehended in Turkey and nearly half of them seemed to be transit migrants (table 2.1). Thus, it can be deduced from the above data that at the beginning of the 2000s, around 51,000 to 57,000 transit migrants a year had intentions to pass through Turkey annually. Currently, this number seems to have fallen to the level of 20,000 to 30,000. Most transit migrants had entered the country illegally through human smuggling, though the recent liberalisation of Turkey's visa policy enables more people to arrive legally and on regular flights, though they then leave or attempt to leave with the help of smugglers. It appears that over the period of 1995-2008, the five primary source countries for irregular migrants, who were typically transit migrants, were Iraq, Pakistan, Afghanistan, Iran and Bangladesh (table 2.2). The recent in- and outflow of Syrian refugees is not yet reflected in these older figures.

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Table 2.1 Indicative numbers of migrants to Turkey, 1996-2008

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Total
Undocumented migration	28,439	29,426	47,529	94,514	92,365	82,825	56,219	61,228	57,428	51,983	64,290	65,737	731,983
Illegal entries				51,400	57,300	44,200	30,348	34,745	19,920	18,876	30,120	31,080	
Overstays				43,200	35,100	38,600	25,852	26,455	23,921	33,107	34,170	34,657	
Asylum applications	5,100	6,800	6,600	5,700	5,200	3,794	3,966	3,908	3,914	4,548	7,640	12,981	70,151
Afghanistan				100	400	47	77	341	365	339	427	897	
Iran	1,700	2,000	3,800	3,900	3,500	2,505	3,108	2,029	1,716	2,297	1,668	2,117	
Iraq	3,300	4,700	2,500	1,600	1,000	974	342	964	1,047	724	3,470	6,904	
Residence permits	n/a	n/a	n/a	168,100	161,254	157,670	152,203	155,500	131,594	186,586	183,757	174,926	1,471,590
Work				24,200	22,414	22,556	21,650	27,500	22,130	22,805	25,475	18,900	
Study				24,600	23,946	21,548	21,810	15,000	25,240	24,258	22,197	28,597	
Other				119,300	114,894	113,566	108,743	113,000	84,224	139,523	135,365	127,429	
Total	33,539	36,226	54,129	268,314	258,819	244,289	212,388	220,636	192,936	243,117	255,687	253,644	2,273,724

Sources: UNHCR Ankara Office (2002-2006), Bureau for Foreigners, Borders, and Asylum at the Directorate of General Security of the Ministry of Interior (2000-2008)

Table 2.2 Apprehended irregular migration cases, 1995-2006

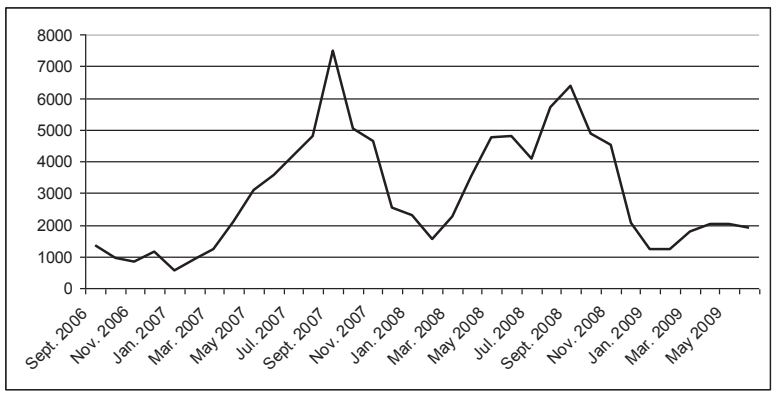
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	Total
Afghanistan	24	68	81	921	2,476	8,746	9,701	4,246	2,178	3,442	2,363	3,665	37,911
Albania		1		9	792	1,026	1,137	580	341	318	220	57	4,481
Algeria	27	25	69	207	102	430	305	542	378	397	375	144	3,001
Armenia	4	2		1	98	474	452	505	494	835	858	933	4,656
Azerbaijan	21	3	3	10	620	2,262	2,426	2,349	1,608	1,591	1,410	937	13,240
Bangladesh	113	322	301	2,408	1,193	3,228	1,497	1,810	1,722	3,271	1,524	2,313	19,702
Bulgaria	21	22	39	103	1,005	1,699	1,923	3,132	989	550	363	376	10,222
Egypt	4	12	99	29	94	382	184	182	222	257	137	80	1,682
Georgia	37	9	9	5	809	3,300	2,693	3,115	1,826	2,294	2,348	1,989	18,434
Germany		1	1		372	629	458	586	988	1,477	984	634	6,130
India	2	25	18	102	189	779	599	475	846	803	206	105	4,149
Iran	252	362	364	1,116	5,281	6,825	3,514	2,508	1,620	1,265	1,141	972	25,220
Iraq	2,128	3,319	5,689	14,237	11,546	17,280	18,846	20,926	3,757	6,393	3,591	6,412	114,124
FYROM	1				439	488	384	197	185	105	54	0	1,851
Moldova	19		17	5	5,098	8,312	11,454	9,611	7,728	5,728	3,462	1,575	53,009
Morocco	28	53	93	295	369	1,401	849	603	361	402	171	138	4,763
Nigeria	1	20	30	84	137	450	301	733	117	142	34	73	2,122
Pakistan	708	435	307	1,798	2,650	5,027	4,829	4,813	6,258	9,396	11,001	3,508	50,730
PRC				1	115	545	264	674	787	788	339	295	3,808
Romania	68	12	107	36	3,395	4,500	4,883	2,674	2,785	1,785	1,274	1,013	22,532
Russian Federation	5	4	52	2	1,695	4,554	3,893	2,139	2,130	1,266	1,152	730	17,622
Sierra Leone				20	42	462	273	121	14	6	2	6	946

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	Total
Stateless					61	322	235	0	0	0	0	0	618
Syria	78	86	144	476	776	1,399	782	462	623	1,097	983	1,238	8,144
Tunisia	3	48	81	44	76	255	216	191	274	301	300	292	2,081
Turkey					2,085	3,289	5,304	6,951	5,660	3,341	2,164	2,052	30,846
Ukraine	9	4	17	4	1,715	4,527	3,451	2,874	1,947	1,341	1,335	1,004	18,228
UK		2		4	233	643	423	451	510	563	662	537	4,028
Uzbekistan	1	1			142	587	535	533	584	714	652	287	4,036
Other	7,808	13,948	20,603	7,382	3,632	7,695	8,055	6,908	8,461	10,644	662	2,006	97,804
Unknown		20	315	127	292	2,998	2,499	1,934	826	716	4,074	16,606	30,407
Total	**11,362**	**18,804**	**28,439**	**29,426**	**47,529**	**94,514**	**92,365**	**82,825**	**56,219**	**61,228**	**43,841**	**51,983**	**616,527**

Source: Compiled by Ahmet İçduygu from data obtained from UNHCR Ankara Office (2002-2005) and the Bureau for Foreigners, Borders, and Asylum at the Directorate of General Security of the Ministry of Interior (2000-2005)

As mentioned earlier, information published by the Turkish General Staff on irregular border crossings since September 2006 comprises recent data, which present certain figures that expose characteristics of transit migration through Turkey. This new data on irregular border crossings is largely complementary to the information provided by the Security Forces detailed above. Based on this new data, there were about 102,000 foreign citizens apprehended in the period September 2006-June 2009 because they infringed the rules of border crossings in Turkey. Thus, on average, almost 100 persons are detained on the borders of Turkey on a daily basis. Looking at the monthly pattern of these apprehensions, it is seen that irregular border crossings increase in the month of September and decrease in the winter months of January and February (figure 2.1). It can be inferred from these figures that climate conditions affect both the scale of migration and/or the success of the border guards in apprehending irregular border crossers.

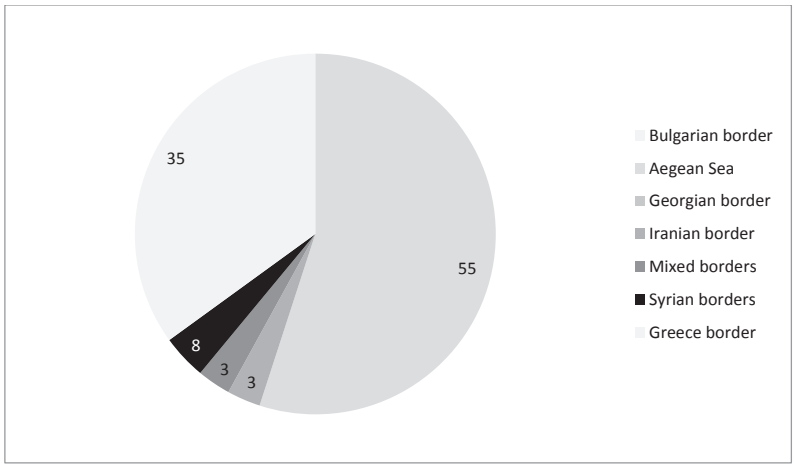
Figure 2.1 'Illegal' border crossings by season, 2006-2009



Source: Compiled by the authors based on the data provided by the Turkish General Staff

Based on the same data, in the period between September 2006 and February 2008, while 21 per cent of those irregular border crossers were from the Palestinian Territories, 19 per cent were from Iraq, 11 per cent from Afghanistan, another 10 per cent from Mauritania, 10 per cent from Pakistan, and 8 per cent from Somalia. The data point out that nearly 35 per cent of these irregular border crossers were caught on the borders between Greece and Turkey while they were departing, and the majority of those remaining were apprehended on the eastern borders of Turkey (mostly on the Iraqi, Iranian and Syrian borders) while they were entering the country (figure 2.2).

Figure 2.2 'Illegal' border crossings by location, 2006-2008



Source: Compiled by the authors based on the data provided by the Turkish General Staff

Asylum seekers in Turkey are also a potential source of transit migration, partly because Turkey is a bridge between Asia, Europe, and Africa, and partly because of Turkey's geographical limitation in the 1951 Geneva Convention. Since the 1980s, Turkey has been one of the key arrival points for many asylum seekers from its eastern peripheries – which are beset by political irregularities, problems, and turmoil – a large majority being citizens of Iran and Iraq. In fact, this completely conflicts with the geographical limitation clause that Turkey recorded while signing the Geneva Convention of 1951. The clause states that Turkey would only consider asylum applications made by persons from European countries and would not accept any responsibility for asylum seekers from outside Europe.[2] While the geographical limitation is in place, almost all persons seeking asylum

2 This is partly related to the refugee problem in post-war Europe and is partly a ramification of the anti-communism policies that Turkey adopted during those years, meaning Turkey would grant asylum to persons who arrived from the Soviet Union and Eastern Europe during the Cold War. With its absolute pledge for protection and placement of persons fleeing communist regimes, in particular, Turkey undertook to serve a very limited number of asylum seekers. In fact, during the Cold War years, migratory movements in Turkey involving asylum seekers from the Soviet Union and Eastern Europe were scarce and limited, with their numbers being notably low. According to the UNHCR data, between 1945 and 1991, less than 8,000 asylum applications from the Soviet Union and Eastern European states were filed with Turkish authorities as per Turkey's position under the Geneva Convention of 1951. More than half of these applications were filed between 1979 and 1991 (İçduygu 2003).

in Turkey are non-European – mostly of Iranian and Iraqi origin. In reality, this limitation is not employed: non-European asylum seekers are granted temporary asylum and, once they are granted refugee status through a joint procedure of the UNHCR and the Ministry of Interior, they are resettled to a third country. This asylum process turns Turkey into a transit country for those people who have been granted refugee status and are waiting for resettlement, which reflects the definition of transit migrants as 'refugees awaiting resettlement' (IOM 2004: 53). In fact, from 1997 to 2008, more than 27,000 of the total of 56,000 asylum seekers (more than 48 per cent) were granted refugee status and re-settled in other countries, making them transit migrants in Turkey in the last ten years.[3] Later, 14,000 asylum seekers were waiting for their status to be determined and more than 10,000 refugees were waiting for resettlement. These numbers further increased in 2013, when the number of refugees (excluding Syrian refugees) reached over 33,000 and thus record levels. In the meantime, both groups have come to form a segment of overall transit migration in Turkey. Thus, the movement of asylum seekers and that of transit migrants often amalgamate and the distinctions between transit migration, irregular migration, and asylum seeking are often blurred.

2.3 Environment of uncertainty

> I left Iran illegally with the help of an 'agent' – crossing the border with Turkey. I spent 10 days in a 'safe house' – a secret location where you cannot go out. I paid $8,000 to escape. It is a lot of money: but if it's about your life – I think you will pay even more if you need to. I travelled in different cars all the time and at night-time. Like a James Bond film. But James Bond always lives. You maybe die. Sometimes I was travelling with other people – sometimes not. The route is secret and you always travel at night so you don't know where you are. I don't know what countries I travelled through. I know I went through Turkey, but nowhere else. I was not fearful, just glad to escape. I have never done anything illegal in my life – but I had to leave (BBC 2008).

Not only is the line blurred between transit migration, irregular migration, and asylum seeking, but these groups all face an uncertain future. Transit

3 For a detailed elaboration of these figures, see the UNHCR Ankara Office webpage www.unhcr.org.tr.

migrants often find themselves in an environment of uncertainty, which is a result of three main factors. First, most transit migrants are irregular border crossers and their 'illegality' makes them more vulnerable than other migrants. The irony is that while living in constant fear of apprehension by transit country security forces, transit migrants also lack the protection provided by those same forces. Moreover, their 'illegality' deprives them of employment and housing rights as well as health services and/or education. The second factor adding to their environment of uncertainty is their 'temporary' situation. Transit migrants, by the nature of their migration, are directed towards a third country, but the duration of their temporary transit situation is usually unknown. Third, transit migrants' movements are usually facilitated by human smugglers or traffickers, and thus they often have no control over their crossings, or sometimes even over their destination. Thus, the environment faced by transit migrants is defined here as uncertain because of the 'illegal', vulnerable, temporary, and restraining nature of transit migration.

Transit migrants' environment of uncertainty in Turkey can be better understood through an analysis and comparison of two studies commissioned by the International Organization for Migration: *Transit Migration in Turkey* (IOM 1995) and *Irregular Migration in Turkey* (İçduygu 2003). These studies, besides being pioneers within a limited scholarly literature on transit migration in Turkey, also provide insight into the personal attributes of transit migrants who face an uncertain environment in Turkey and convey information about irregular transit migration in the country in general.

The 1995 IOM study, which was based on interviews with 159 irregular transit migrants in Istanbul and Ankara, exclusively focused on transit migrants, reflecting on five major groups of irregular transit migrants in Turkey: Iranians, Iraqis, Bosnians, Africans and others who were mostly Asians. Almost 75 per cent of the transit migrants in the sample were men, 60 per cent were below the age of 30, and more than 60 per cent were either single or divorced. Contrary to the conventional wisdom that most irregular migrants are from rural areas, unskilled and/or uneducated, most of them were born in urban areas, had obtained some education, and had been employed prior to migrating. A significant number of them came to Turkey without valid documents and without enough information about the country prior to their arrival. Almost one out of three respondents was preparing to employ traffickers/smugglers in order to reach their final destination, mainly named as Denmark, Greece, Sweden, the United Kingdom, Australia, Canada, and the USA.

The second IOM study in 2003, which was based on interviews with 53 irregular migrants in Istanbul and Van provinces, mainly concentrated on irregular migrants in general, and not only on transit migrants. Almost one-quarter of the sample were Iranians and Iraqis, another 14 per cent were Afghanis, and the remainder were from some of the former Eastern bloc and African countries. Still, the study highlighted those migrants who largely regarded Turkey as a transit area *en route* to the West. This group represented the irregular transit migrants who also wanted to leave illegally. Like the 1995 sample, the 2003 sample contradicted the stereotypical view of irregular transit migrants as young, unmarried, poor, uneducated and unskilled males from rural backgrounds. On the contrary, the sample showed that irregular transit migrants in Turkey were mainly young, married men *and* women, from diverse national and ethnic backgrounds and with a considerable degree of formal education and experience in urban areas. Like their 1995 counterparts, a majority of these individuals had already worked in their countries of origin before migrating.

While a large percentage of the irregular transit migrants interviewed in the 2003 IOM study had crossed the borders without valid travel documents, only 40 per cent of the respondents in the 1995 study indicated that they had entered Turkey without a valid document. The finding indicates that there were more illegal entries in 2003 than in 1995, which is confirmed by the official statistics which show increases in the second half of the 1990s, mentioned above. Almost 55 per cent of the 2003 respondents reported that their approximate monthly income was either low or below average, while 4 per cent had not received any income at all. They were usually illegally employed in precarious and low-paid jobs, the so-called 3D jobs (dirty, difficult and dangerous), due to their illegal status. The 1995 respondents were in a relatively better situation as two-thirds considered their income to be average, indicating that later-comers had a worse economic status as compared with their forerunners from 1995.

The housing conditions for irregular transit migrants were generally stated as very poor in both studies. In the 2003 study, half of the respondents shared rented accommodation, 10 per cent lived alone, 8 per cent lived with friends, 4 per cent with relatives and 4 per cent lived at their workplace, while 6 per cent lived in hotels and 10 per cent in shelters. In a different study conducted in Istanbul, the migrants interviewed mentioned that while finding housing was not very difficult, without any legal status and regular employment many had to shelter together, sometimes up to ten people in a single room, gathering together in apartments that were badly equipped to house them (İçduygu & Biehl 2008).

As stated earlier, by its very nature irregular transit migration tends to become entangled with asylum seeking processes in Turkey. While the number of asylum applications was lower in the 1995 study, 27 per cent of the irregular migrants interviewed for the 2003 study had applied for asylum and only 6 per cent had actually been granted refugee status. Many of these transit migrants have arrived in Turkey without valid travel documents, with the help of smugglers, making the wish to migrate a considerable economic burden on the migrant and his or her family members. The bribes and payments to the smugglers make the whole process of migration expensive. Both studies revealed that smugglers and traffickers are frequently used and transit migrants have no control over the travel arrangements made by such intermediaries. Some 59 per cent of the sample group in the 2003 study and almost 71 per cent of the respondents in the 1995 study had already attempted to leave Turkey, mostly through paying such intermediaries fees ranging from $50 to $15,000.

Thus, as described earlier, the line between transit migrants and asylum seekers is blurred: the majority find themselves forced into practices of 'illegal' border crossing, living in precarious situations and denied employment and housing rights. Because such migrants typically enter the country without valid documents, they are often stuck waiting for the right moment to be smuggled. The duration of the wait is usually unknown. It typically depends on various factors ranging from availability of funds to the fees demanded by the smugglers to climate conditions, and even to the policies of both the transit and destination countries. Some days are better for taking action than others, but agency usually lies in the hands of other intermediaries, leaving the transit migrants with less control over their futures.

2.4 Environment of insecurity

> Turkish security forces arrested a total of 44 illegal migrants in separate operations, officials said on Saturday. A coast guard boat spotted a rubber boat off Karaburun town of the Aegean province of Izmir with 25 illegal migrants and a Turkish human trafficker on board. Somali and Bangladeshi illegal migrants, who were trying to reach Greek islands, and the Turkish human trafficker were arrested. In a separate operation in the north-western province of Edirne, gendarmerie and border patrol teams caught 19 illegal migrants of Iraqi, Palestinian and Burmese descent. All illegal migrants would be deported, police said (*Sabah Newspaper* 2009).

The concept of security has broadened and migrants have been linked to certain risks (Ibrahim 2005: 164). Policymakers now tend to treat immigration as a security threat. The Turkish state apparatus is no exception. Turkish policymakers envision transit migration within an environment of insecurity where two different dynamics function at the same time. On the one hand, protection of the borders is a national security issue by its nature and illicit border crossers simply violate the law of the state. However, the phenomenon of *transit* border crossers is more complicated: the fact that they intend to move on to third countries also makes the transit country accountable towards those third countries that are, most often, its neighbours. In the case of Turkey, the migrant-receiving neighbours are EU members who increasingly view immigration as a national security issue, and who have become more and more concerned about transit migration in particular. While the issue of transit migration had been on the European agenda since the 1990s, when many illegal immigrants appeared on the shores of Greece, Italy and Spain, the fact that the terrorists who attacked New York (11 September 2001), Madrid (11 March 2004), and London (7 July 2005) were considered to have immigrant backgrounds strengthened the view that immigration is a source of insecurity and uncertainty that encircles the economic, social and political spheres of the region. An analysis of discourses on transit migration within the EU reveals how migration is securitised by building upon the idea that transit migration leads to a chaotic migratory system (İçduygu & Yükseker 2008). It is within this setting that Turkey, due to its geographical position as a transit country, has attracted a lot of policy attention from its European counterparts during the accession negotiations with the EU.

On the other hand, as the intermediaries of irregular border movements, smugglers and traffickers are integral parts of transit migratory flows while also being important constituents of criminal networks. There are diverse reactions regarding human trafficking and smuggling. Some think that such actions are among the unavoidable outcomes of the globalised dynamics of contemporary human mobility (İçduygu & Keyman 2000: 383-384; İçduygu & Ünalan 2002: 3-6). Others regard such actions as major illegal activities led by organised criminal groups (IOM 2000: 8-11; SMOFA 2001), while still others argue that, as migrant-receiving countries tighten the means of legal immigration, the only way for many potential migrants to enter these countries is through irregular border crossings where smugglers and traffickers act as intermediaries (Graycar 2000; İçduygu 2000: 358; Salt 2000: 32; İçduygu & Toktaş 2002).

Within this environment of insecurity, where both national security and criminal networks are at stake, Turkey has taken several legal measures and

pursued various international collaborations to counter irregular migration into the country. To illustrate, in August 2002, the government instituted new clauses to the Penal Code that criminalised human smuggling and trafficking, while establishing firmer controls at the borders and ports. Article 79 of the new Turkish Penal Code Law No 5237, put into force in 2005, classified migrant smuggling and established punishments of three to eight years of imprisonment and judicial fines corresponding to 10,000 days in jail. In the case that an act of human smuggling is proven to be an organised crime, the penalty is increased by half. Article 79 also provided for coercive measures (confiscation of assets, etc.) against legal entities involved in human smuggling. In the meantime, based on the Road Transportation Law (2003) and the Road Transportation Regulation (2004), if a person is sentenced for migrant smuggling, his/her transportation permit cannot be renewed for three years and the person's vehicle is confiscated by the Turkish authorities. Furthermore, as another domestic measure in the fight against illegal immigration, the Law on Work Permits for Aliens, which was enacted in 2003, authorised the Ministry of Labour and Social Security to issue all types of work permits for foreigners to make sure the process is better managed and controlled to avoid illegal employment of foreigners.

On a more international level, in March 2003, the Turkish Grand National Assembly recognised the United Nations Convention against Transnational Organized Crime and its Additional Protocol against the Smuggling of Migrants by Land, Sea and Air, and introduced legal actions in accordance with the agreement. Furthermore, Turkey became a full member of the IOM in 2004, when it embarked on international collaboration to combat human trafficking and addressed several migration issues in general. Moreover, in January 2006, Turkey assumed the Presidency of the Budapest Process, which is an unofficial forum for inter-governmental cooperation and dialogue, involving fifty governments and ten international organisations. The forum aims to prevent irregular migration and establish sustainable mechanisms in the field of migration management.

In terms of further international cooperation, in order to slow down or even end illegal migration, Turkey has also signed readmission agreements with those countries of origin whose citizens are among the larger groups of irregular transit migrants. Such agreements have been signed with Syria, Kyrgyzstan, Romania, Ukraine, and Greece, while negotiations with Pakistan are still continuing. In September 2000, the European Commission was also given the mandate to negotiate a readmission agreement with Turkey. The EC negotiators thought that as a candidate country with a possibility of accession, Turkey had an incentive to negotiate a readmission

agreement (Paalman interview 2005 in Long & Celebic 2006). However, afraid of becoming a border zone, the Turkish negotiating team argued that such an agreement would come into force automatically on Turkey's entry into the EU and was therefore unnecessary, and tied its signature of the readmission agreement to completion of the accession process.

As the discussion above also reveals, irregular migration and other issues related to it have become an integral part of Turkey's EU membership debate. Within this context, an important agenda item in EU-Turkey relations is how Turkey's state institutions and legal frameworks can manage incoming migration and asylum flows. Thus, as detailed elsewhere (see İçduygu 2007b), the strength and stability of Turkey's integration into the EU is subject not only to the economic, social, and political makeovers in the country, but also explicit policy matters.

From the EU's perspective, this was a result of the political discourse with which transit migration is associated, where some published materials presented the phenomenon as yet another threat to Europe (Düvell 2006: 6), and where the concentration and assets dedicated to fight against it already far exceeded its quantitative significance (Collyer 2006: 3). In one such publication, transit migration through Turkey was 'viewed as one of the most common of all recently established mobility flows between Africa and Asia and countries of Europe' where 'it has become clear that thousands of migrants from the developing world who enter Europe are using Turkey as a transit area on their way to their preferred destinations' (IOM 1995: 4; also cited in Düvell 2006). Within this context, since Turkey's candidature to Union membership in 1999, the EU has required Turkey to securitise migration within its borders and to conform fully to the norms of the international refugee regime. Ultimately, both requirements call upon Turkey to devote more resources and energy to managing migration and asylum flows across and within its borders.

From the Turkish side, as implied by the discussion of a possible readmission agreement between the EU and Turkey, there is a feeling that EU policies and practices for managing migration shift the burden of controlling migration to countries on the periphery, like Turkey, turning them into buffer zones between the immigrant-attracting European core and the emigrant-producing peripheral regions. Thus, Turkish policymakers regard the EU's efforts as burden-shifting and try to promote policies that would lead to burden-sharing instead. Within this context, irregular migration and transit border crossings in particular go beyond national security, for they are also key features of an international environment of insecurity where EU-Turkey relations are also at stake.

2.5 Conclusion

> I paid $7,000 to human traffickers so that they take me from Iraq to Greece. They took me through mountains and everywhere, it took me 10 days to get there. But then Greece authorities they sent us back to Turkey. I am not a criminal, I am an engineer. I have done nothing against anybody I just want a safe place (Jones 2009).

In this chapter, we have tried to show that transit border crossings in Turkey can be perceived from two different standpoints. On the one hand, transit migration has been politicised by policymakers and government officers. Under this policy discourse, the phenomenon has become a euphemism for 'illegality', and therefore, a domain of insecurity both for Turkey and the EU – as transit migratory flows through Turkey are usually destined for Europe. On the other hand, transit migrants find themselves in an environment of uncertainty 'with a temporary status of non-belonging that results in exclusion from conventional protections regimes' and which results in 'various human rights concerns' (Düvell 2006). Thus, transit border crossings into and out of Turkey are envisioned in a twofold environment of insecurity and uncertainty, which is perceived by the actors involved – transit migrants and state officers – very differently. It seems that they are different in terms of the dissimilar position of these actors, but as far as the wider picture of irregular transit migratory flows is concerned, they are complementary to each other.

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