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Seeking Refuge in Turkey: How and Why?

The Experiences of Turkey's Asylum Seekers

Cavidan Soykan

Institut für Migrationsforschung
und Interkulturelle Studien

IMIS

Institute for Migration Research
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Über die Autorin/About the Author

Dr. Cavidan Soykan ist zurzeit Gastprofessorin am IMIS. Die Autorin promovierte in Soziologie an der University of Essex in Großbritannien und erwarb ihren Bachelor- und Masterabschluss in Politikwissenschaften an der Universität Ankara in der Türkei. Sie arbeitete mehr als zehn Jahre an dem derzeit außer Betrieb gesetzten Human Rights Centre der Fakultät für Politikwissenschaften in Ankara. Die Autorin ist seit 2009 Mitglied der türkischen *Association for Solidarity with Refugees* (Mülteci-Der). Seit 2017 arbeitet sie als unabhängige Beraterin im Bereich Menschenrechte. Ihre Forschungsschwerpunkte liegen auf feministische Perspektiven auf Fluchtmigration und dem Gebiet der Rechtssoziologie.

Dieses Working Paper ist eine aktualisierte Fassung eines Kapitels der Dissertation der Autorin. Sie zeigt Zusammenhänge zwischen den Ergebnissen ihrer von 2008 bis 2012 durchgeführten Feldforschung und der aktuellen türkischen Asylpolitik auf.

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Institut für Migrationsforschung und Interkulturelle Studien (IMIS)

Universität Osnabrück

Der Vorstand

D-49069 Osnabrück

Tel.: +49 (0)541 969 4384

E-Mail: imis@uni-osnabrueck.de

Internet: <http://www.imis.uni-osnabrueck.de>

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1. Introduction: The Current Situation

Turkey has become the largest refugee hosting country in the world after the arrival of Syrians starting from 2011 onwards (UNHCR 2015). As a neighbouring country, Turkey followed an open-door policy at the beginning of the conflict and became a host to the majority of Syrian refugees together with Jordan and Lebanon. According to the Directorate General of Migration Management (DGMM), in January 2021 there were 3.645.140 Syrians living under the temporary protection system in Turkey (DGMM 2021a). In 2018, 114.537 international protection applications were made in Turkey while in 2019 it was 56.417. The decrease continues in 2020 with 31.334 applications (DGMM 2021b). There is no data on the DGMM website that shows how many of these cases are still open and how many of them resulted in recognition.

This can be explained with Turkey's changing approach to forced migration and asylum issues after the 2016 failed coup attempt. Before that, in 2015, Turkey ended its highly appreciated open-door policy towards Syria. In the same year in May, those refugees who were staying at the camps and/or in the cities were leaving the country for Western Europe through Greece. According to the International Organization for Migration (IOM), more than a million people crossed to Greece by both land and sea that year (IOM 2016). In early 2016, Turkey introduced a visa requirement for Syrian citizens coming from third countries (Deutsche Welle 2016). In March, the infamous EU-Turkey Statement was declared as the solution to the so-called 'European refugee crisis'.¹ In the same year, on the 15th of July, Turkey experienced a failed coup attempt, which severely affected not only the lives of Turkish citizens but also of Syrian refugees and asylum seekers in the country. The completion of a 590-kilometre long concrete wall between Turkey and Syria in 2017 and the construction of another wall at the Iranian border (Hürriyet Daily News 2017) made both Syrians and other asylum seekers feel trapped in an open prison. In 2018, the camps in the southeastern part of the country, where Syrians used to stay after their arrival, started to get closed down due to their apparent impact on the Turkish economy (Cumhuriyet 2018). The Syrians, then, were unabashedly turned into a bargaining tool for foreign affairs by the Justice and Development Party (AKP)² rule in order to tone down the critiques of the EU and its member states regarding the brutal suppression of the opposition and the continuing human rights violations committed by the government after the failed coup attempt (cf. Ataç et al. 2017: 15f.).

Considering this, as well as the declining economy, the Syrians and all other asylum seekers have become a burden for the AKP rule. We can see why the number of protection applications abruptly went down in 2019 when we take into account the Interior Minister Süleyman Soylu's public statements, where we can find the numbers of deportations and the so-called voluntary returns to war zone Syria. For instance, in October 2019 Minister Soylu stated that 75.172 people were deported and the ultimate aim was to reach the number of 90 to 95 thousand by the end of the year (Hürriyet 2019). The Turkish authorities also claimed that 315.000 Syrians have left the country based on their own free will within the past few years, while the research and the report of Amnesty International showed the complete opposite. The interviewed Syrians stated in the report that they were given false information about Syria and were forced to sign the 'voluntary return' papers (cf. Amnesty International 2019: 5).

¹ For further information see Ulusoy/Battjes (2017).

² Instead of its English acronym, the Turkish acronym, AKP, will be used throughout this paper.

If we also look at the number of irregular migrants intercepted by the Turkish authorities since the coup attempt and their countries of origin, it can be better understood how Turkey's newly founded asylum regime turned into a deportation regime. In 2019, the numbers of irregular migrants caught and detained were respectively 201.437 from Afghanistan, 55.236 from Syria, 12.097 from Iraq and 8.753 from Iran (DGMM 2020). However, the people who flee these countries are in need of protection and they have a legitimate right to seek asylum in Turkey according to the 1951 Convention Relating to the Status of Refugees. Accordingly, the questions that arise are: What happened to the acclaimed new protection system set by the Law on Foreigners and International Protection (LFIP) and how did it turn into a deportation regime?

It is difficult to elaborate on this issue while considering the temporary protection of Syrian refugees at the same time. Therefore, this paper will solely focus on non-European asylum seekers' trajectories before the arrival of Syrians and the legal situation before 2013. Thus, I will first briefly unravel the policy developments in Turkey between 2008 and 2013, which is also the period in which I collected the qualitative data for this my dissertation.

2. Turkey's Asylum Regime

As a candidate country to the European Union (EU), Turkey adopted its first asylum and migration law – LFIP – in 2013 in order to meet the requirements of the EU Acquis for full membership.³ This was a consequence of the attempt to incorporate candidate countries into the 'European area of freedom, security and justice'. Accordingly, the criteria that should be adopted for full membership were set forth by the European Commission in 1997. This encompasses the adoption of the 1951 Refugee Convention, the adoption of the Dublin Convention, and the related measures in the EU Acquis to approximate asylum measures. Each partnership agreement included a list of recommendations, which was tailored to the specific progress achieved by the respective applicant state. However, asylum, immigration and border control issues were emphasized as priority areas (cf. Byrne et al. 2002: 9).

Turkey's human rights defenders cherished the adoption of LFIP since it was thought that it would improve the country's human rights standards for migrants and asylum seekers. However, Turkey incorporated the strictest elements of the migration control policy of the EU and did not meet the condition of lifting the geographical limitation to the 1951 Refugee Convention. Contrary to what was expected by the refugee rights advocates in Turkey, the 2013-law did not aim to improve the situation of migrants in need of protection. Overall, its goal was to curb asylum applications by the introduction of concepts of control, such as 'a first country of asylum', 'a safe third country', 'manifestly ill-founded application', and 'administrative (immigration) detention', in addition to fast-track processing of asylum applications that usually ended up with 'deportation'. According to Byrne et al. (2004), the asylum Acquis was the delineation of a wide range of European practices, which seek to

³ The revised Accession Partnership document and its National Program were announced in 2003. The National Action Plan for Asylum and Migration that detailed the objectives set out in the National Program was adopted in January 2005. It took nearly four years to draft this law. The Law on Foreigners and International Protection was adopted in the Parliament in April 2013 but it fully entered into force a year later. In the same year, meaning four years after their arrival, the first legal piece for Syrians, i.e. the Regulation on Temporary Protection, was published on the Official Gazette in October 2014.

deter and deflect the arrival of asylum seekers, guarantee only minimum standards for those claimants who could enter Western Europe, and create mechanisms to accelerate the asylum application procedures. The applicant states were not only forced to implement a yet to be constructed protection regime, but also had no voice in the formation of this harmonization process (cf. *ibid.*: 363-368).

Boswell (2003) calls this policy transfer to candidate countries the ‘externalization’ of migration control. In addition to migration control measures, readmission agreements made with countries of origin and transit serve as a part of this policy. This way member states and/or the EU itself commit candidate countries to readmit irregular migrants who passed through their border into the EU territory (cf. *ibid.*: 622f.). One consequence of this externalization on candidate countries has been the generated fear in these states that their territory will become a buffer zone for irregular migrants, asylum seekers, and refugees who failed to enter Western Europe. Rigo (2005) argues that candidate countries mimicked the strategies of restriction and as a result of the domino effect they made readmission agreements with third countries in return (cf. *ibid.*: 6). The 2016 EU-Turkey Statement and its consequences in relation to illegal forced returns to Syria can be given as an example to this domino effect.⁴ Another example can be Turkey’s latest readmission agreement with Afghanistan signed in 2018 that caused at least 10 thousand deportations in the same year (Amnesty International 2018). We should also underline that, as Ikizoglu-Erensu (2016) states, Afghans’ asylum applications had already been getting suspended and/or abated in 2013 as soon as the LFIP was accepted in parliament (cf. *ibid.*: 665).

Pre-LFIP period Turkey had a different asylum experience. The Turkish system was based on ad hoc solutions to forced migration movements through regulations and circulars from the establishment of the Republic in 1923. Öztürk (2017) argues that this was mainly because of the supremacy of national concerns over international refugee law (cf. *ibid.*: 193). Although Turkey was one of the first signatories to the 1951 Refugee Convention, the country never adopted the Convention at a domestic level. That means only those people who come from a European country, i.e. a member state to the Council of Europe, can receive a refugee status in Turkey. This did not change after the adoption of LFIP because Turkey did not opt for lifting the limitation for the application of the Convention to non-Europeans. Before 2014, the main legal instrument used for asylum applications was the 1994 Regulation on Asylum. This regulation had some procedural elements and two protection statuses, namely ‘refugee’ and ‘asylum seeker’. Those who met the Convention criteria but were not coming from a European country were given an asylum seeker status according to the refugee status determination (RSD) procedure.

Following this ‘temporary’ protection mechanism based on the 1994 Regulation, both non-European and European asylum seekers had to apply for a residence permit to the Foreigners Department of the Turkish National Police Force. The non-European applicants then had to register with the local police in the so-called ‘satellite cities’ and comply with a reporting duty in order to be eligible for resettlement outside of Turkey via UNHCR. Turkey’s asylum system did not and still does not provide means of integration for recognized non-European applicants. This temporary protection/asylum mechanism used to run in parallel with the UNHCR procedure. Under this system, both the Turkish state and the UNHCR office conducted RSD interviews with non-Europeans. Only when

⁴ For further information on the 2016 Statement and its connection with the EU externalization policy see Soykan (2016)

both sides recognized the non-European applicants as refugees based on the 1951 Refugee Convention criteria, they could become eligible for resettlement in a third country.

As Öztürk (2017) emphasizes, this system gave broad discretionary power to administrative authorities and was used in a more restrictive way than a rights-based model (cf. *ibid.*: 194). That was the reason why the adoption of LFIP was applauded by some refugee rights advocates. Here, in this piece, you will see why this new law has failed, although it introduced procedural rights for asylum seekers while establishing the first civil institution, i.e. DGMM, instead of the police force to conduct RSD interviews. As long as the geographical limitation is maintained, prolonged uncertainty associated with indeterminable waiting, lack of knowledge about the system and ambiguous legal statuses, such as the conditional refugee status in the post-LFIP period, will continue to define the experience of being an asylum seeker in Turkey, as Biehl (2015) points out (cf. *ibid.*: 58).

Since 2014, Turkey has been having a two-track asylum regime. One of these tracks was established by the LFIP for international protection applications. It is based on individual RSD interviews currently conducted only by the DGMM provincial staff. Non-European asylum seekers still cannot gain a refugee status but instead receive temporary protection under the name of 'conditional refugee'.⁵ UNHCR is no longer part of this procedure. The office stopped registering non-European asylum seekers in September 2018 on short notice, which exacerbated the burden of uncertainty on the applicants regarding their resettlement in a third country (UNHCR 2020a). Due to the issue's unclarity the DGMM does not share data on positive and negative results on its website.

The two yearlong State of Emergency (SoE) declared right after the 2016 coup attempt has severely affected the lives of Syrian refugees and of those waiting for their asylum process in Turkey. During this period, in which the SoE was renewed seven times, the country was governed by decrees that changed the core principles of public law, some of which were also related to the provisions of LFIP and the 2014 Regulation on Temporary Protection. I cannot elaborate on these changes in this piece, except on the most worrying one, which curbed the fundamental guarantee of international refugee law, i.e. the principal of *non-refoulement*. The change made by the decree numbered 676 in October 2016 allows a removal decision for conditional refugees and/or asylum applicants if they are considered to be linked to a terrorist organization (Article 54/2). These changes and the temporary character of protection in Turkey facilitated deportations and the illegal 'voluntary returns' to Syria.

In light of this background, the main argument of this paper is that the Turkish asylum regime creates its own applicants. Although most of the data in the paper was collected nearly ten years ago, what has been happening since 2013 proves that Turkey will continue to be a staging post/transit country for both asylum applicants and some Syrians in the long-term. The temporary character of the asylum regime forces people to take any chance to go to Western Europe as long as the refugee status and means of integration are not available to non-European asylum seekers in Turkey. We witnessed this in the summer of 2015 with the so-called European refugee crisis and, more recently, with the Edirne case.

On 27 February 2020 Turkey declared that it would not prevent migrants and refugees from leaving the country because they are considered a burden on its economy. Once again, migrants and refugees were used by the AKP as a bargaining tool to receive more financial aid from the EU member states. Turkey argued that the EU did not pay all of the three billion promised under the 2016 State-

⁵ For more details on the post-LFIP period see of Sarı/Dinçer (2017).

ment. Due to the Covid-19 pandemic, Turkey closed its borders with Greece and Bulgaria on the 18th of March 2020 (Infomigrants 2020). However, during that period, thousands of refugees and migrants were stranded at the Greek-Turkish border near Pazarkule/Kastanies with the promise of an open route to Europe. The Greek government responded with harsh police and security measures and deployed military to the region. It warned migrants to not attempt to cross and violence eventually escalated at the border area. On the 4th of March 2020 shootings and casualties were reported from different sources. Although the Greek government refused the accusations, seven migrants were injured and one of them, Muhammed Gulzar, a Pakistani citizen, was killed. Based on the evidence including several images, documents and the accounts of eyewitnesses from that day, the shots that killed Gulzar and wounded others were fired by the Greek military (Forensic Architecture 2020). It becomes again apparent that the AKP rule used the hopes of refugees and migrants for its own interests, although this loss was primarily the result of its own acts and failed asylum policy.

In the next part I will give a brief explanation on my methods regarding the data collection for this paper. By focusing on the trajectories of asylum seekers from Iran, Iraq, Afghanistan and various African⁶ countries, who claimed protection in Turkey via UNHCR before 2013, I will try to show their intentions, experiences and reasons of being an asylum applicant in Turkey. After this, the paper is divided into two sections according to the ways which migrants and asylum seekers enter Turkey, namely regular and irregular.

3. Methods

The experiences in this paper are extracted from my PhD thesis. I started my fieldwork in 2009 in Basmane, Izmir, which functioned as a hub for transit migration to the Greek islands. My aim was to make observations on irregular crossings and identify the reasons why, if so, any non-European asylum applicants chose to leave Turkey. As Delamont (2004) indicates, ethnography, fieldwork and participant observation are used interchangeably in the literature. While qualitative research can include many different methods such as interviews, documentary work, the collection of personal constructs as well as observations, ethnography means spending long or short periods observing people, coupled with talking to them about what they are doing, thinking and saying, designed to see how they understand their world (cf. *ibid.*: 218).

Although I could not spend long periods of time with the migrants to find out why they preferred to cross to the other side of the Aegean Sea, I was able to make observations in the neighbourhood. I conducted eight interviews in Basmane and at the NGO office of Association for Solidarity with Refugees (Mülteci-Der), where I volunteered for the summer period. These regular visits to and observations in Basmane helped me see the broader picture with regard to the asylum regime. Basmane was the place where the journey started or, in other words, ended for an asylum applicant. It was meant to be a place of departure for Europe for some migrants who entered the country in an irregular manner. It was, at the same time, the last stop for those who failed in transit and decided to seek asylum in Turkey as a last resort.

⁶ I use the term 'Africans' for practical purposes to describe the group of my respondents, who originate from different African countries. Otherwise, I am aware that labelling all migrants who come from Africa to Turkey under this title is problematic, since they do not share the same intentions, legal statuses, as well as social and economic backgrounds.

Due to the reporting duty of the dispersal system, non-European applicants are not allowed to leave their satellite city during the formal application process. When applicants start to live in a satellite city, their experiences with regard to the system starts to change. Only by looking at each stage of the process could I view the whole asylum regime and the problems that applicants encounter during their stay in Turkey. In Izmir, even though I worked for Mülteci-Der, I could only make observations on the initial part of the process. For a broader insight, I continued my research in satellite cities. That meant interviewing asylum applicants about their asylum trajectories and their journeys.

Before I made my decision about the cities I wanted to conduct my research in, I took into account two main factors: the countries of origin of the applicants in Turkey and the number of asylum applicants living in each satellite city. Istanbul, Van, Afyon, Kayseri and Konya respectively occupied the first five cities in the UNHCR's active caseload list based on the number of applicants in April 2010. According to the statistics of UNHCR, the countries of origin from which significant numbers of asylum applicants originate from were Iraq, Iran, Afghanistan and Somalia at that time. These cities were also the most suitable ones regarding technical assistance to conduct my interviews. I would need interpreters to talk to Sudanese, Somalis and Afghans. In Afyon, Kayseri, and Konya the Association for Solidarity with Asylum Seekers and Migrants (ASAM), an implementation partner of UNHCR, had offices and interpreters. In Van the Human Rights Foundation of Turkey had just opened an office in 2010 right before my arrival. As a result, these four cities became my field sites.

In general, I did not use the snowball sampling method in satellite cities, since I wanted to interview asylum applicants with different statuses. ASAM's interpreters approached the applicants, whom they thought would be willing to talk to me. I aimed to have an equal number of interviews from each group, i.e. resettled refugees, recognized refugees, and new applicants. I conducted all interviews with the same structured question guide. I had three sets of questions covering aspects such as the background of the respondent, the reasons to leave their country, their journey to Turkey, their experience of seeking asylum/detention, the difficulties they had in accessing basic rights, information about their family, the attitudes of Turkish people towards them, and future plans.

4. Regular Ways to Turkey

By regular ways, I mean the usage of passports and visas for travelling to Turkey and entering the country from the designated entry points specifically for this purpose under the authorization of Turkish state officials. Both my Iranian and Iraqi respondents will be analysed under this title. While Iranians can enter Turkey without a visa for up to three months, Iraqis need to obtain a pre-approved visa from a Turkish diplomatic post in their country. In this part, I will look at the trajectories of eighteen Iranians and eleven Iraqis who used regular ways to come to Turkey, except for five cases that relate to four political and one Christian asylum seekers from Iran. Only those five respondents within this group had to use irregular ways and/or migrant smugglers to pass the border between Iran and Turkey since they had criminal convictions and were wanted in Iran.

4.1. Tehran to Kayseri: A Two-Day Train Journey to Freedom

The Trans-Asia train departs from Tehran on Wednesday evening and arrives in Ankara early Saturday morning. Before that, it stops at Kayseri on Friday night. The one-way ticket price for Turkey is around forty euros, which is much cheaper compared to any airline fare, which might reach up to seven hundred dollars. Although it takes two days to reach Kayseri, which is a major destination for Iranian Baha'is and LGBTIs, most of the asylum seekers from Iran find this way to be the most convenient. We can say that this route to Turkey has been popular for many Iranians who left their country within the past thirty years. Among my Iranian respondents, nine out of eighteen indicated that they preferred coming to Turkey by train.

No one wants to leave their country for a long period of time unless there is a compelling reason, such as a life-threatening situation. It is not an easy decision to depart for an unknown destination without knowing what you will do once you arrive there. You would probably consider a few things at first instance such as the language, the cost of living and possible common ethnic or religious characteristics of your home country to the destination country, and you would try to choose a place where you can receive some form of support either through your friends and relatives or fellow citizens; in other words through social networks. As a matter of fact, in most cases people hardly prepare themselves that they will become refugees one day, even in the most telling examples of persecution. Albeit the exit is easy, the decision to stay in another country itself is rather a hard one to make.

"I was not ready for this...I finally figured out the situation...I thought I will go back to Iran or kill myself. Seeking asylum here was not an option. That time [two months in Istanbul, CS] gave me the ability to convince myself. OK, Behzad, I said to myself, you are not able to go back to Iran and you can live alone. I was seriously hammered down with the fact that I will live alone. I have never lived alone in my life." (Behzad, gay man, new applicant, age 27)⁷

Behzad had already flown back and forth between Syria and Turkey to extend his stay in Turkey for another three months when I met him in Kayseri. He was lucky that, as an Iranian, he was able to enter Turkey for up to three months with his Iranian passport without a visa so he was also able to take his time before applying for asylum while he was in Turkey. He was well aware of the difficulties of the Turkish asylum regime, since he worked for an NGO dealing with the problems of the Iranian LGBTI community in Turkey. This NGO, Iranian Railroad for Queer Refugees (IRQR), that is based in Toronto, Canada, has been helping LGBTI Iranian refugees throughout their journeys from Iran to a safe country of asylum (mostly either Canada or the USA) since 2008. In the end, Behzad was finally persuaded to lodge an application for himself by the NGO leader, who came from Canada to meet him, and with the emotional support he received from some other NGO members in Istanbul.

Yet, Behzad was worried when I interviewed him only two weeks after the submission of his application. He strongly emphasized that he was forced to come to Turkey like every other person in the Iranian LGBTI community living in Turkey because they all knew that they did not need a visa to enter the country. Although he knew how horrible the situation in Kayseri was for gay men from the reports that he prepared for the IRQR, such as beatings in the streets, sexual assaults by locals and daily harassment, Behzad still had to make an application in Turkey. He knew that he was not safe anymore and applying for asylum meant being stranded in Kayseri, where he could not live his life

⁷ To protect the anonymity of the respondents, fictitious names will be henceforth used throughout this paper.

until he gets out of Turkey. Fortunately, Behzad was financially prepared for this long period of “free-confinement” in his own words. His mother had sold her house in Iran to support his journey to Turkey.

It was repeatedly emphasized by many of my respondents that Iranian asylum seekers were forced to come to Turkey. Every other country except Turkey is closed for Iranians. It is the only country in the region that accepts Iranian nationals into its territory, but only with a six-month valid passport. This has been the case since 1964, when the two countries reached an agreement for visa-free travel. This practice did not change after the Islamic Revolution in 1979 and therefore many regime opponents used Turkey as a transit point either to immigrate to third countries or to seek asylum in Turkey during the 1980s and 1990s (cf. Kirişçi 2005: 351). As Pahlavan (2004) stresses, there was already a flow of intellectuals coming from Iran to Istanbul before the Revolution (cf. *ibid.*: 263).

Seeking a safe place to live, most Iranians initially focused on going to Europe and the United States. Since English has been taught as a second language in Iranian schools for the past several decades, England, the United States, and parts of Canada became the most popular destinations for regime opponents (cf. *ibid.*: 270). People who left Iran in the beginning of the 1980s were lucky to reach their preferred destinations. By the end of the 1980s and the beginning of the 1990s, the policies in those countries towards refugees became more restrictive and many refugees had to come to Turkey instead of the country they preferred (cf. Ghorashi 2009: 76). It is widely known that besides the small number of asylum applications by Iranians at UNHRC since the mid-1980s, there has always been a bigger group of people enjoying some sort of an informal protection in Turkey by using the advantage of the three-month visa-free travel (Danış 2006).

All of my eighteen Iranian respondents either indicated that they chose Turkey because it was the closest and easiest option or they told me that they did not know any other place where they could go. Five of my respondents were political asylum seekers who had no other choice other than coming to Turkey since they escaped from prison or jail. Another five of my respondents belonged to the LGBTI community in Iran so they were in fear of being punished by the law. For these two groups as well as for two sisters, whose conversion to Christianity was revealed by the Iranian state right before their escape, Turkey was chosen as a last resort. Iranians have always been the largest group among asylum seekers in Turkey, constituting forty-six percent of all applicants from 1997 to 2007 (cf. İçduygu/Yükseker 2008: 8). While some of them planned to find their own way to the West either through a visa application or the migrant smuggling network in Istanbul, some others chose to seek asylum and to go to the best available option determined by UNHCR (Koser 1997). In fact, the Iranian asylum applicants in Turkey come from particular ethnic and religious minorities such as Kurds, Baha'is and Christians (cf. Danış 2006: 117).

Behzad's narration shows that Turkey was not the most preferred destination for Iranian asylum seekers at that time. This also applies to registered Christian or LGBTI Iranian asylum seekers when taking their experiences into consideration. Here, I can say that both my Baha'i and Christian respondents were aware of the difficulties of obtaining a visa for another country, especially for an EU member state. We can claim that UNHCR's resettlement program in Turkey used to attract specific groups from Iran, such as Christians, Baha'is and LGBTIs, and worked as a safe and guaranteed way of reaching the desired destination. This is linked to the amount of knowledge the asylum seekers had about the asylum regime in Turkey.

“I have a friend from Iran. He is Baha’i and he came to Turkey to seek asylum. I called him and he said I could go to Turkey as well. They did not give me a visa for Germany. I did not know that I could become a refugee here. I was thinking of going to Turkey first and then I was planning to go to Germany via Greece by using smugglers. I did not know that there is UNHCR here.” (Mohammed, gay man, new applicant, age 28)

“Our brother was in Greece and he was waiting for us. We went to the Greek Consulate in Istanbul to get a visa but they rejected our application. We did not know anything about UNHCR at that time. We got in contact with smugglers in Istanbul. There was another family like us who wanted to cross to the other side. We were in the same boat and it was only fifteen minutes since we left the shore. Suddenly the Turkish coast guard appeared and caught us”. (Shirin and Banu, sisters converted to Christianity, recognized refugees, age 23 and 25)

In these cases, trying to go to another country was directly linked to the applicants’ degree of knowledge about the asylum regime in Turkey and the presence of UNHCR there. Shirin and Banu found out about the presence of UNHCR in Turkey and the application procedure in detention after a policeman told them that if they could not go back to Iran, then it meant they were ‘refugees’. Again, another detained Iranian political asylum seeker at Edirne Tunca detention centre was not informed about the Turkey’s asylum regime until someone from the outside told him on the phone that he could seek asylum in Turkey and be released.

LGBTI and Baha’i applicants can be considered as the key informants for others, especially for their friends and relatives in Iran. Except for these two groups, the rest of my respondents only had a very brief idea about asylum or the UNHCR office. For instance, the LGBTI asylum seekers explained how they came directly to Kayseri by train since they heard from their friends there that the LGBTI asylum seekers are usually sent to Kayseri after the initial registration. However, most of the LGBTI applicants did not know that they could be sent to another satellite city other than Kayseri or that they also had to register with the local police for a signature duty and pay a residence fee every six months.

It seems that out of all Iranian asylum seekers in Turkey only the Baha’is are well prepared for every single step of the process. Bremner (2000) explains that the Iranian state neither issued passports to Baha’is nor extended the passports of those who were not in Iran during and after the revolution. Therefore, many of them had to be smuggled out of the country through Pakistan. However, using migrant smugglers was a very dangerous way to cross the mountains through the Pakistani border and people were often deceived by them. Thus, when Baha’is were finally able to get passports from the state during the 1990s, Turkey became a popular destination for the community. The Baha’i community is one of the most distinct groups among all religious minorities in Iran that has been actively persecuted by the regime (cf. Bremner 2000: 6). Discrimination against Baha’is in Iran due to their faith involves the denial of the most fundamental civil, political, economic, social and cultural rights. Unlike other religious minorities, Baha’is are not recognized and protected by the Constitution of Iran. As a consequence, they are denied fair access to education, government-related goods and services, and most importantly the freedom to practice their religion. Many Baha’is fled Iran and sought refuge in Western countries such as Canada and Australia. Although the outcries of those countries brought some relief and the United Nations specifically condemned Iran due to its official persecution of Baha’is, the discrimination against them has not ended (cf. Hartz 2009: 127).

“Young people like me are not allowed to go to some schools, even if we can enter them. There are ten or fifteen good high schools. If you can attend any of those, then you can go to a good university but I could not attend any of them. I had passed their exams. They always ask our religion on our Identity cards. We never lie and tell our religious beliefs, whenever we are asked. I look at my father. I do not want to be like him. He could not go to a university when he was at my age.” (Ahmad, Baha’i recognized refugee, age 18)

Ahmad was in Kayseri for nearly two years when I met him at the ASAM office. His parents were living in Iran but they were visiting him in Kayseri every six months. They had to stay and work in Iran in order to send money to Ahmad. Ahmad said when he arrived at Kayseri, his accommodation was already arranged because his aunt was in Turkey. That was the reason why his parents thought he would be safe alone in Kayseri during the asylum process, although he was only sixteen when he made his application. When I met him in May 2010, he was living with his uncle’s son, who recently came from Tehran and was seeking asylum in Kayseri.

“Many people came to Turkey before us. We learnt a lot from them. We knew the process. That’s why we sold our properties in Iran. We have enough savings to live here during this waiting period until UNHCR resettles us in a third country. The day after we arrived at Kayseri, we went to the ASAM office to get an appointment for an interview at the UNHCR office.” (Hussein, Baha’i new applicant, age 43)

According to my observations, Baha’i immigration to Turkey to seek asylum resulted to some extent into a chain migration. Once a family member resettled, they informed someone from the extended family, such as a brother or a cousin, and asked them to get ready and come and live in their flat in Turkey. In every sense, Baha’is were very well prepared for the asylum process. Another interesting point about the Baha’i community in Turkey was how they transfer knowledge of the asylum regime to other potential asylum seekers in Iran. Both the converts and the LGBTI applicants learnt about the UNHCR office and this legal route first from a Baha’i friend or a friend of a Baha’i asylum seeker in Turkey.

In conclusion, we can say that for those persecuted groups in Iran, such as LGBTIs, Christians, Baha’is and the regime opponents, Turkey has been the only available safe and legal escape route. There is an evident reliance on informal protection for those Iranians who did not have any knowledge about the asylum regime or who did not want to wait in Turkey for long periods in order to be resettled in a third country. Some of these Iranians who chose the default option for a transit journey to Europe have failed and were ultimately forced to seek asylum in Turkey.

4.2. Escape from Iraq via Turkey

While the US-led invasion of Iraq will be completing its eighteenth year in 2021, there is still no sign of regular life in Iraq. Considering more than a million deaths, three million injuries, and five million orphans together with the destruction of civil society, the economy, and cultural heritage, the term ‘sociocide’ has been used to describe the situation of the country, a term deriving from Keith Doubt (2007) who used it to describe the situation in Bosnia. Some authors argue that the willful destruction of the essential foundations of the Iraqi society through a coordinated plan of actions by the USA-led invasion amounts to a sociocide, which means the obliteration of an entire way of life in Iraq (Otterman et al. 2010: 205-210).

In 2021, Iraq continues to suffer from sporadic violence and a general lack of basic services such as portable water and electricity. Although the security situation, law and order improved, the presence of extremist elements continues to pose a threat to normalization. With the initiation of Turkey's Operation Peace Spring in northeast Syria in October 2019, Iraq received quite a high number of Syrian refugees while there are still over one million internally displaced Iraqis (UNHCR 2020b). In 2011, UNHCR warned states to refrain from deporting Iraqi asylum seekers, who originate from Iraq's governorates of Baghdad, Diyala, Ninewa, and Salah-al-Din as well as from Kirkuk province, arguing that these Iraqis should have benefited from international protection in the form of the refugee status under the 1951 Refugee Convention or another form of protection depending on the circumstances of their cases (UNHCR 2011). Although there seem to be lower levels of violence and overall less civilian casualties in that year compared to 2005 and 2006 when the attacks were at their highest, minority groups, such as Christians, are still being exposed to assaults and threats, which causes their slow but continuous exodus from Iraq to neighbouring countries including Turkey (cf. Human Rights Watch 2006a: 76).⁸ In my sample, except for one Turcoman from Kirkuk, all my respondents were originally from Baghdad and eight out of eleven of them were Christians.

"We had to come to Turkey. There was no way to leave the country, except from the North. We could be murdered, if we had tried to leave from the South." (Fadila, Iraqi Christian woman, recognized refugee, age 34)

Fadila's husband was thought to be working for Americans. After having received threats from some extremist groups, Fadila said his worries caused her husband to have a heart attack, which led to his death. Not only religious minorities but also different ethnic groups such as Turkmens and Kurds, women, the gay community of Iraq and the persons who were thought to be allied to the Coalition Forces, specifically with Americans, had been targeted by the sectarian violence that engulfed the country at that time. The exodus of Iraqis was the biggest population shift in the Middle East until the Syrian civil war. According to UNHCR, more than two million Iraqis fled the country to neighbouring states, notably to Syria, Jordan and Lebanon in the post-2003 period (cf. Amnesty International 2007: 1). Although none of the neighbouring countries of Iraq, except Turkey and Iran, are party to the 1951 Refugee Convention, they opened their borders for refugees and the UNHCR country offices in the region provided protection and humanitarian assistance.

According to Human Rights Watch (2006), Turkey and Iran were isolated from the Iraqi refugee crisis due to the predominant ethnicities and religious persuasions of Iraqi asylum seekers (cf. *ibid.*: 9). The high cost of living in major Turkish cities compared to Amman and Damascus, the scarcity of Turkish relief organisations for refugees at that time, and the lack of long-term settlement options in Turkey together with the visa requirement for Iraqis made Turkey an undesirable destination. The stricter visa policies introduced in Syria and Jordan after 2007 meant that refuge from threat for Iraqi

⁸ Under Saddam, religious sectarianism was under control by force; however, after the invasion, an open warfare was declared on minority religions that deemed apostate to Islam, such as Christianity. At the beginning of the war, Christians comprised about three percent of the population with a number of 800,000 people. The population consisted of different ethnic and denominational backgrounds, including Chaldean Catholics, Assyrians, Roman and Syriac Catholics, Greeks, Syriacs, Armenian Orthodox, and Anglicans (Human Rights Watch 2006a).

asylum seekers rested more on their finances and luck rather than their protection needs (Human Rights Watch 2007).⁹

“In fact, the visa is free but it is very difficult to obtain it in Baghdad. You have to pay some bribe to the officials if you want it faster. They do not issue it to everybody. If you are Christian and Arab, they do not give it to you. I applied three times; twice in Baghdad and once in Mosul. I was not successful for the first two attempts but then I got it from Mosul.” (Celil, Iraqi Christian man, recognized refugee, age 45)

During the fieldwork, I learned from my respondents that the Turkish visa was free for Iraqis but not easy to obtain. Iraqis from other parts of the country had to travel to Baghdad or Mosul to the Turkish Consulates to submit a visa application. The applications were usually processed within two days and with this pre-approved visa, Iraqis were allowed to remain in Turkey for a month. Despite the difficulties of the process, Iraqis seemed to prefer travelling to Turkey in a legal manner in the post-2003 period. The misbelief of Western governments that Iraq would be a safe and better place after the USA invasion caused the halt of resettlements of Iraqi refugees in the world between 2003 and 2006 (cf. UNHCR 2007a: 1).

In the course of the same period, Iraqis who sought asylum in Turkey were stuck in the country because they were not recognized as refugees by UNHCR. Contrarily, this policy towards Iraqi refugees changed in December 2006 when UNHCR accepted the seriousness of the situation in Iraq and made a call to the Western states that no Iraqi from Southern or Central Iraq should be forcibly returned to the country until there was substantial improvement in the security and human rights situation. Therefore, the asylum seekers originating from these parts of Iraq should have been considered favorably as refugees under the 1951 Refugee Convention given the high prevalence of serious human rights violations related to the grounds in the Convention (cf. UNHCR 2006: 4). In 2007, the USA declared that it will take seven thousand Iraqi refugees for resettlement per year from the neighbouring countries and specifically allocated places for the Iraqi refugees in Turkey (cf. ECRE 2007: 9). In the same year, the recognition rate for Iraqi asylum seekers at UNHCR Turkey rose from zero to one hundred percent and Iraqis replaced Iranians, who for years used to be the largest group among all the newly arrived asylum seekers in Turkey (cf. UNHCR 2010: 11).

We can easily assume that the long waiting periods in Jordan, Syria and Lebanon for resettlement due to the discrepancy in numbers between the allocated places and the recognized refugees in these countries together with the economic and social difficulties already encountered by Iraqis made the other Iraqi asylum seekers chose Turkey as an alternative destination after 2007.

“The others told us that the process took only four to five months in Turkey: You stay here for a while and then they transfer you to another country. We also thought about going to Syria or Lebanon but in the end, we chose Turkey.” (Lazar, Iraqi Christian man, recognized refugee, age 56)

⁹ Until October 2007, Iraqis were able to enter Syria with their passports stamped at the border for a visa for three months that is renewable for another three months at any Syrian Passport and Immigration Department office. Jordan had a very similar practice for Iraqis until 2008. Lebanon does not allow Iraqis to have visas at the land border when they come through Syria. The worst for Iraqis is the attitude of Saudi Arabia and Kuwait. Both countries bar Iraqis from entering their territories and Saudi Arabia already uses a state-of-the-art technology to detect people crossing the border (cf. Human Rights Watch 2007: 20).

With the allocated quotas by the USA for the Iraqi refugees in Turkey, the chance of an Iraqi refugee for possible resettlement in the USA increased. As is mentioned, the Iraqi asylum seekers from Baghdad, Diyala, Ninewa, Salah-al-Din, and Kirkuk province were considered as refugees *on prima facie* under the 1951 Refugee Convention. Their cases did not go through an individual refugee status determination interview. This modified the overall asylum process for Iraqi applicants. In 2010, Iraqi asylum seekers only waited for the registration and the resettlement parts of the process, which decreased the time spent in Turkey to less than a year.

The Iraqis I interviewed already had connections before arrival in Turkey, specifically in Afyon. My respondents mentioned that they came to Afyon and first left their luggage at their relatives' or friends' places and then traveled to Ankara to register with UNHCR. Although Iraqi asylum seekers were not informed about the details of the asylum process, they knew that other Iraqis, who already sought asylum in Turkey, would help them and that the overall process would not take more than a year. At least that was what they were financially prepared for. For instance, an Iraqi asylum seeker from Baghdad said he came to Turkey only because he had a relative in Afyon who reached the USA in six months with the help of UNHCR. Despite the relatively easy and quick nature of the process for Iraqis, the main problem in Turkey was the same as for most of the Iraqi applicants, as Fatah very well described:

"It is an adventure to come here for an Iraqi: He does not know the language. He cannot communicate and he is paying more money for everything compared to Lebanon. He is also paying a residence fee. All these things would be enough for an Iraqi not to choose Turkey for asylum." (Fatah, Iraqi Christian man, new applicant, age 23)

Thus, the constraints Iraqis encountered in other neighbouring countries, such as Syria, Jordan, and Lebanon, drove some of the late asylum seekers to Turkey after 2007, but unfortunately not all of them were prepared for the difficulties they would face in the country. After the change in the UNHCR policy, the persecuted minority groups, especially Christians, chose Turkey as a destination country for asylum. We can say that there was a growing informal information network among Iraqi asylum seekers in Turkey at that time. The Iraqis I interviewed in Afyon in 2010 were all either relatives or friends of other Iraqi applicants who came to Turkey earlier. However, due the insufficient information carried out through the network from Turkey to Iraq about the process some of the Iraqi applicants were not properly prepared.

In conclusion, we can to some extent observe a chain migration for regular entrants into Turkey for the period I collected these narrations. The general profile of regular entrants for that period tells us that networks work as transmitting agents for the knowledge about the asylum regime between asylum seekers and potential applicants. The applicants and/or recognized refugees pass on information about the application process, the difficulties of daily life in Turkey – i.e. housing, work, health care and resettlement options in third countries, like the special program run by the USA – to their fellow citizens in Iran or Iraq who plan to seek asylum in Turkey or who plan to flee their country via Turkey.

5. Irregular Ways to Turkey

If we want to define a time period where irregular migration to Turkey was significant, it makes the most sense to start from the year of 2000. Although during the 1990s Turkey witnessed a continuing, diversifying, and increasing irregular migration flow (Erder/Kaska 2012), the real peak in the figures was actually in 2000 in the sense of diversification of both irregular migrants and asylum applicants. The figures with respect to irregular migrants were until 1996 below 20.000, then sharply increased to 94.000 in 2000, and they have not dropped below 50.000 since (cf. CAT 2010: 18f.). Kirişci (2002) argues that there are two types of migrants in these figures. The first group constitutes the migrants who overstayed their visas and remained in Turkey for work ‘illegally’. These migrants are mostly nationals of Romania and the Former Soviet Union countries. The second group is that of the so-called transit migrants en route to Western Europe from Africa and Asia (cf. *ibid.*: 16). This group is so diversified that it includes a wide range of nationalities from different parts of the world such as Burmese, Bangladeshi, Mauritanian and Somali.

Some of these irregular migrants also sought asylum in Turkey through UNHCR. However, it is difficult to estimate when the actual African and Asian migration with the purpose of asylum seeking in Turkey started. We know that when more irregular migrants started to come to Turkey, more of them also started to seek asylum through UNHCR. From 2001 to 2003, 88 percent of all new asylum applicants in Turkey were either Iranian (70%) or Iraqi (18%). In 2005, asylum seekers from African countries, such as Somalia, Sudan, Ethiopia and Eritrea, accounted for 20 percent of all applications. When I was in the field in 2009, Afghan and Somali asylum seekers constituted the other two big groups with 18 and 7 percent respectively within the all-active caseload of UNHCR after Iraqis and Iranians (cf. UNHCR 2010: 12).

The most interesting point about these Afghan and African asylum seekers is that none of them were coming from a country that has a common border with Turkey, unlike Iraqi and Iranian applicants. There are other countries for these applicants in the vicinity of their countries of origin where they could have sought asylum long before coming to Turkey. How did these Africans and Afghans end up in Turkey then? If they were in transit en route to Western Europe, then why did they seek asylum in Turkey via the UNHCR office? To answer these questions, I focused on the experiences of two groups: Afghans and African asylum seekers, mainly from Somalia and Sudan, who made an application in Turkey before 2010.

5.1. Van: Final Stop of Afghan Migration

“The journey took one month. First, we went to Urmia from Tehran. From Urmia to Van it took fourteen hours on horseback. When we arrived at Van, they separated us. My children and I travelled separately from the rest of my family. In Istanbul we found each other again in an apartment. For the Istanbul part of the journey, we had to pay separately for illegal IDs. I did not know where I was. I was following the smugglers. They took me to Istanbul because we wanted to go to Europe...Everything was arranged. We were going to leave illegally. Another smuggler from Istanbul was going to send us to Greece. In the end, we could not leave because we were seven and our money was not enough for all of us.” (Badria, Afghan woman, recognized refugee, age 32)

This is a short of summary of Badria's second attempt to pass through Turkey in order to reach Greece in 2006, after their first unsuccessful attempt as a family in 2004, where they had used smugglers. They had been brought from Van to Istanbul and sent to a Greek island from Izmir. However, they had been caught by the Turkish Coast Guard, then detained in Izmir, sent back to Van and forcibly deported to Iran on foot. The whole family had gone through a tough journey starting from the Turkish border to the nearest town in Iran at midnight and they had once again been detained by the Iranian police when they had reached the other side. That was the reason why right before her second attempt, she changed her mind about crossing the Aegean Sea. Even though she could save the money for smugglers by working in a textile factory with her sister in Istanbul, she feared that they would be unsuccessful again. She was both tired and scared of being dependent on smugglers. Although her father beat her up because of her decision to stay in Turkey, left the family behind, and went back to Afghanistan, Badria was not regretful of her decision.

Among my eleven respondents, who all entered Turkey from Van, eight of them explicitly indicated that they were aiming for Europe, not Turkey, when they started their journey in Iran or Afghanistan. There were different reasons for their failed transit such as pregnancy, illness or lack of money. They all said smugglers brought them in a group of twenty-five or thirty people by car to the Turkish-Iranian border and made them walk through the mountains until they reached the Turkish side. Six of them could continue their journey from Van to Istanbul and Ankara but could not go any further due to the lack of money. One family claimed that the smuggler ran away with their money and left them in Ankara.

Based on the findings of a three-year study in Greece on irregular migration, Papadopoulou-Kourkoula (2008) argues that not all irregular migrants could afford a journey from Turkey to Greece and not all of them succeeded in their first attempt (cf. *ibid.*: 76). Migrants had to hire a smuggler for each leg of the journey from Afghanistan to Greece, which meant that they had to stop and arrange their trips multiple times for further travel to the West with new smugglers, paying extra money for each trip. We can say there are some focal points for the smuggling business. If the most important and international point was Istanbul, then the second important one was definitely Van. Nearly all irregular migrants coming from Afghanistan, Iran or in general from East Asia had to pass through Van on their route. Badria was one of those many migrants who could afford to continue from Van to Istanbul but she could not finance another journey for six people, including her two children, her two younger siblings, her mother and herself.

She was also one of the luckiest among my respondents compared to the others, who could not afford another journey after reaching Van.¹⁰ Even if some of them were able to afford another trip from Van to Istanbul, only one of my respondents, whom I met in Greece, could make it to Europe after his second attempt. He said he paid 2.500 dollars for the trip from Istanbul to Lesbos, a Greek island very close to the western shores of Turkey. Seven out of eleven among my respondents expressed that their intention was to go to Europe via Greece. However, either they did not know the price for continuing their journey after reaching Van or they thought they could work and save money in Turkey to continue their journey to Europe.

¹⁰ According to my findings, to be smuggled from Afghanistan to Turkey costs around 400 dollars per person and it takes one month. From Iran it only takes 12 days and costs around 200 dollars.

Another young Afghan boy I met in Izmir indicated that there were always many young Afghans on the way from Iran to Turkey. However, we cannot say that they were coming to Turkey with the intention of seeking asylum through UNHCR in the same way as Iranians and Iraqis did. In addition, although in 2009 and 2010 Afghanistan was suffering from a re-invigorated insurgency, Afghans were not considered as refugees on a *prima facie* basis unlike Iraqis. Contrarily, most of the Afghan applicants could only receive a mandate refugee status under the extended refugee definition, meaning they were not eligible for resettlement in third countries (cf. UNHCR 2007b: 11). Their claims were investigated under the normal RSD procedure, which meant they should have been based on a well-founded fear of persecution under the refugee definition of the 1951 Refugee Convention.¹¹ According to my findings, Afghan irregular migration to Turkey was rather based on unplanned journeys, which harbored the intentions of going further to the West. My nine respondents I met in Van, except for one couple who lost their baby in Turkey, were all families with children and/or with elderly parents or single women with children and parents, whose journeys were interrupted due to either physical difficulties or financial problems. Then what could be the reason for Afghans to seek asylum in Turkey other than staying and working 'illegally' to save money for a further journey to Europe?

Kronenfeld (2008) argues that today the very term 'Afghan' is questioned. First, the Soviet invasion and occupation and then the Taliban regime made millions of Afghans flee from their country to Iran and Pakistan. This massive movement changed the social characteristic of the region (cf. *ibid.*: 2). According to Monsutti (2008), there were 6.22 million Afghan refugees in the world in 1990. The in- and out-movements of Afghan refugees between the borders of Afghanistan, Iran, and Pakistan became ceaseless for the past three decades (cf. *ibid.*: 59f.). All of my respondents had lived either in Pakistan or Iran for some time in their lives before coming to Turkey. Some of them tried to return to Afghanistan when the repatriation programs started in both countries in 2002.¹² They left Iran for their old homes in Afghanistan hoping that they would find peace and prosperity, but found instability and poverty instead. Therefore, they had to go back and live in Iran again. Although Iran welcomed and allowed Afghans to work and live in the country during the 1980s and the 1990s, when the repatriation programs of UNHCR started, the government took measures to put pressure on Afghans wanting to repatriate. Among these measures were penalties for employers hiring Afghan labourers, the closure of informal Afghan schools, and the denial of access to administrative services, bank accounts, and the insurance system together with the withdrawal of formal identification documents (cf. Stigter 2005: 19). My respondents complained about police brutality, the lack of legal status and rights, discrimination, fear of deportation and harassment in Iran and they added that being in Afghanistan was even worse. Therefore, according to the asylum seekers, both countries were no longer places to have a sustainable livelihood.

None of my respondents specifically indicated that they came to Turkey to seek asylum. What they said was that they were told on the way by smugglers that if they could go to Turkey, they would be looked after. Most of them spoke of how they heard about the UNHCR office in Van from

¹¹ According to the UNHCR's Eligibility Guidelines, there are some groups at risk which might fall under the refugee criteria such as government officials, ethnic minorities from certain areas, converts from Islam to Christianity, homosexuals, victims of serious trauma which becomes known to others, unaccompanied children, individuals at risk of harmful traditional practices, and women with specific profiles (UNHCR 2007b).

¹² More than 5.2 million Afghan refugees have repatriated with UNHCR assistance since 2002 despite a fragile security situation in many parts of the country (UNHCR 2019).

their fellow citizens when they arrived in the city. These fellow citizens were either irregular migrants or registered asylum seekers in Van. As in the case of Iranians and Iraqis, there was an informal information network among Afghans in Turkey. However, this network was not strong enough to reach Afghanistan or Iran to carry the valuable information of the asylum regime to others. In most cases, leaving Iran for Turkey was the only option for my Afghan respondents due to compelling reasons such as harassment, fear of deportation or discrimination by the Iranian state. Since Afghans did not have any specific plans before they started their journeys, they often failed in transit. The reason to stay and seek asylum in Turkey was economic most of the time and they did not have any information about the UNHCR office.

5.2. From Libya to Turkey: A Common Experience for African Asylum Seekers in Turkey

"I came to Turkey illegally. I came by ship hiding in a room with three others. It took 27 days and it was very difficult. I only knew Somali. I am from a small village. I was a hunter. They killed my father and they were going to kill me, too so I had to escape...I heard that there are smugglers and they help people to escape. My boss from my village arranged my trip and the smuggler told me that we are going to Italy. I have never seen a ship in my life until that day and I did not know how Italy was. I found myself in Istanbul after a long journey but I did not know anything about Turkey or even how the Turkish flag looks like." (Osman, Somali man, recognized refugee, age 22)

After arriving in Istanbul, Osman made a two-hour tour of the city in a taxi. He wanted to find out where he could find other Africans but neither the taxi driver nor Osman were speaking any other language other than their own. Finally, with his friend from the ship he saw a church and got off the taxi at Kumkapı district of Istanbul, where they found other Somalis and Africans. There, he stayed with his fellow citizens for a few days and asked questions about Turkey and how asylum seekers and migrants are treated in this country. He was informed about his options: living and working illegally in Istanbul or going to Ankara to register with UNHCR. He chose the latter. Osman said he was either going to go through the same experience once more by endangering his life at sea or he was going to stay and try to build a new life in this country. He was 18 years old back then and he chose to register with the asylum regime and become 'legal' instead of having an 'illegal' life in Turkey.

Osman's experience is very common among the Somali and Sudanese asylum seekers I met in Konya. In fact, thirteen out of fourteen of my respondents from Konya explained how they were initially planning to go to Italy but were deceived by smugglers and brought to Turkey instead. Only one Sudanese applicant among five of them said that he came by plane using a forged passport. Until the day they arrived in Istanbul, thirteen of them had never heard of Turkey before. Eighteen African respondents, including nine Somali, five Sudanese, two Nigerian, one Eritrean, and one Guinean asylum seeker, in my sample said that they paid around 1.000-1.250 dollars per person for a journey to Turkey. While three out of five Sudanese came directly from Libya to Izmir, all nine Somali applicants claimed that their journey started from Somalia and ended in Istanbul, which took almost one month by ship.¹³ Nearly all my Somali respondents recounted similar experiences to Osman's. They were

¹³ However, in a recent study on Somali and Ethiopian mixed migration to Turkey, based on extensive fieldwork in Africa, the Middle East and Turkey, Jureidini (2010) finds out that the route through the Red Sea is hardly used by migrants. The most common route used by Somalis to reach Turkey is the Syrian land border. Jureidini argues that Somali asylum seekers in Turkey might have lied to the authorities because they believed that Turkey should be their first country of asylum.

quite surprised that no one in Turkey looked like them. In order to find other Africans, if there were any, the first thing they did was take a taxi and look around for others like them in the city. Taxi drivers led them all to Kumkapı or Aksaray districts of Istanbul. Three Sudanese applicants who first arrived in Izmir also followed the same path as the Somalis after heading to Basmane district and finding out that Istanbul is the only place in Turkey where they can meet fellow citizens. Thus, all of them left Izmir on the same or the next day of their arrival for Istanbul, although they eventually had to come back for the asylum process.¹⁴ In Istanbul, the decision-making process over seeking asylum differs among groups and even within nationals of the same country.

For instance, five single Somali women with and without children and two unaccompanied Somali minors indicated that they decided to go to Ankara to register with UNHCR a few days or a week after listening to the accounts of their fellow citizens, who had been living in Istanbul ‘illegally’ for some time.

“When I arrived in Istanbul, I found other Somalis. I asked them how I could live in this country. They told me that I had two options: I could either live illegally in Istanbul or seek asylum in Ankara. I had run away once illegally from my country and I was already illegal. I did not want to be illegal in this country, too. I asked them how I could seek asylum. They told me that I had to go to Ankara and then they even helped me to take a bus from the bus station.” (Zeynep, Somali woman with five children, recognized refugee, age 42)

“They told me I could go and apply for asylum in Ankara or I could stay and work illegally in Istanbul. I was told that there were many ways to cross the border with Greece illegally. I did not think about going to Greece for Europe because I did not have money and I was pregnant. It was very expensive. I knew people who went to Europe even with fake passports. I knew the smugglers but I decided to stay in Turkey.” (Hamshira, Somali woman with three children, recognized refugee)

Five of the Somali asylum seekers I met in Konya were either young single women or young widows with children when they arrived in Turkey. Thus, when they found out that seeking asylum was the only safe and legal way to live in Turkey, they decided to approach the UNHCR office and therefore left for Ankara. Two minors I interviewed also decided to seek asylum quickly after they learnt registering with UNHCR meant to have a legal status. For instance, Osman was deeply thankful to his friend who told him to go to Ankara. However, one Somali, one Sudanese, two Nigerians, and one Guinean I interviewed first looked for employment opportunities in Istanbul’s informal labour market before seeking asylum, possibly to save money for another journey to Europe. A Sudanese man worked as a fisherman while some of the Nigerians worked as builders in the construction sector for some time and did some other odd jobs such as the one called *çabuk çabuk* by Turkish shopkeepers. Meaning hurry up in Turkish, *çabuk çabuk* refers to doing something for Turks, for instance carrying heavy boxes or bags, for little money. Since these kinds of money generating activities were hardly sufficient for daily survival, all of my five respondents indicated that after this experience, they decided to go to Ankara and seek asylum as well.

Since the mid-1990s, Istanbul has been becoming a regional economic centre for the Middle East and Central Asia. In addition, there has been a flow of regular circular migration from West African countries to Turkey for suitcase trade since the beginning of the 1990s due to the liberal visa regime of Turkey for travelers from these countries (Brewer/Yükseker 2006). However, Somali and Sudanese asylum seekers were not able to get involved in this informal labour market in Istanbul. Brew-

¹⁴ According to the 1994 Asylum Regulation, asylum seekers have to register with the system at the place where they enter Turkey from. In the case of most Sudanese and other Africans this place was Izmir.

er/Yükseker (2006) find in their study on African migrants and asylum seekers in Istanbul that Somalis were the poorest among the African migrant groups in Istanbul (cf. *ibid.*: 51).

The language barrier must be the most important reason for this separation of African groups in Istanbul. My Somali and Sudanese respondents were not able to speak English and expressed that they looked for their fellow citizens to ask questions about the survival strategies in Turkey. Since Somali and Sudanese irregular migrants in Istanbul were hardly involved in any income generating activity, these newcomers possibly did not prefer the same way of life as their fellow citizens, after having an account of an illegal life in the city. In addition, my respondents also stated that they gave all their money to smugglers so they might have also thought that if they seek asylum, UNHCR and the Turkish state would have looked after them, like in the case of the Afghans.

Beside its growing informal labour market, Istanbul has been one of the main migration hubs in the region (Papadopoulou-Kourkoula 2008). African migration to Europe through Turkey can be added as another route. It seems that Libya served as a departure point to Europe via Turkey as part of the sea route for some time. From both East (four Sudanese and one Eritrean) and West (two Nigerian and one Guinean) Africans I heard the same narrations about Libya, a country full of smugglers. Sudanese, Nigerian, and even Palestinian asylum seekers expressed that the sea route from Libya was the easiest passage to get to Europe.

The open border policy of Libya for Sub-Saharan nationals with valid passports turned the country into a home for more than a million migrants since the 1990s (cf. Hamood 2006: 19). While some Africans fled directly to Libya in search of protection, such as the asylum seekers from Sudan and Eritrea, others from Central and West African countries went there for employment opportunities in the oil industry.¹⁵ Initially Libya's economy was able to sustain these migratory flows but, in the meantime, a significant number of these migrants started to use Libya as a transit stop for their ultimate destinations in Europe. After the uprising in the country in 2011 and the fall of Colonel Gaddafi, a civil war broke out. Since then, the situation for migrants in Libya has become far more difficult. The country has been in turmoil with armed conflict, as rival governments and militias keep fighting for control. Most of the migrants do not have any documentation. The risk of arrest and arbitrary detention is common. Before the fall of Gaddafi, Italy and the EU had already made disputable deals with Libya and were providing funding in return with the promise of keeping unwanted migrants and asylum seekers away from the European shores. When the second Libyan civil war started in 2014, the chaos in the country provided a suitable ground for illicit activities such as trafficking in oil, weapons and people. Libya has become the major hub of migrant smuggling networks. To stop the new arrivals, European states implemented brutal policies, such as pushbacks at sea, sponsoring the Libyan coastguard to intercept migrant boats in international waters and they dismantled their search and rescue operations in the Mediterranean Sea. As a result, nearly 5.000 migrants died off Libyan costs. As of November 2019, 2.142 refugees were evacuated by the UNHCR program to third countries while at least 9.000 migrants were forcibly returned to Libya upon being caught trying to flee the country. Libya is not party to the 1951 Refugee Convention. The main objective for European

¹⁵ The international embargo imposed on Libya between 1992 and 2000 made the country turn its attention away from the Arab world and towards Africa. Libya signed agreements with many Sub-Saharan African countries for the free movement of people and declared that Africans with passports would receive favourable treatment for access to residency and work permits. In 2006, the government estimated that the country had 1.2 million irregular migrants (cf. Human Rights Watch 2006b: 14).

states is the containment of migrants and refugees in Libya at any cost. The assistance and protection programs they finance in Libya are only meant for this purpose (MSF 2020, Human Right Watch 2019).

The tightening of European migration and asylum policies had severely limited the legal channels of settling in Europe for Africans. This was the time when inter-ethnic conflicts, civil wars and humanitarian crises were on the rise in many parts of Africa such as in Darfur in Sudan, Somalia, Congo, and Nigeria (cf. Boubakri 2004: 5). During my fieldwork, my four Sudanese, one Eritrean, one Palestinian and two Nigerian respondents stated that they used Libya as a transit point. Turkey itself became a destination country for Africans as a suitable last stop to reach Europe from its southeastern borders. My Eritrean and Nigerian respondents who took the Libya-Turkey sea route deliberately stated that they could not afford a journey to Italy and instead they had to come to Turkey.¹⁶

As a conclusion, I can say that the majority of the African asylum seekers I met did not have the intention of coming to Turkey. Nearly all Somali and Sudanese asylum seekers were deceived by the smugglers on their routes. With the help of their social ethnic networks in Istanbul, they were able to find out about the asylum process and the presence of the UNHCR office in Ankara. For these two groups we can say that they had to opt for a legal status, otherwise they would have a rather miserable life in Istanbul. Within the Somali group, especially single women and minors, many sought asylum as soon as they learnt about the asylum regime. Contrarily, single Somali and Sudanese men together with other single African men in my sample tried to join the informal labour market in Istanbul, but eventually failed. Seeking asylum in Ankara was the ultimate choice for this group. Finally, we can also argue that the changing sea route of irregular migration in the Mediterranean Basin via Libya affects the trajectories and the lives of many migrants from Africa.

6. Conclusion

If you urgently need to flee your country, what would you do and where would you go? Our answer based on the experiences of the respondents from different parts of the world who chose or had to choose to seek asylum in Turkey, would be that 'your initial situation shapes your decisions and eventually your future'. With initial situation I mean the material resources, social networks, country of origin and knowledge about the policies on both a national and international level, as well as the practices of the destination country that you want to reach. Sometimes this situation might not match with your expectations and/or your original intentions together with your knowledge about your options before you leave. Your resources and networks outside of your country together with the geographical location of your country of origin might affect your asylum trajectory.

We can claim that due to its own characteristics the Turkish asylum regime, namely the geographical limitation to the 1951 Refugee Convention and its position as a neighbouring and candidate country to the EU, created its own applicants and shaped the lives of certain groups from numerous neighbouring countries in different ways during the pre-LFIP period. Being a gay man, a Christian convert or a Baha'i from Iran meant your expectations and intentions from the regime would be positively met. This also indicated that the carried knowledge of the regime through different networks

¹⁶ Palestinian, Eritrean and Nigerian respondents claimed that a journey from Libya to Italy costs double the amount the smugglers charge for a journey to Turkey.

of different groups would attract more asylum seekers from the same groups and create a social network between the applicants and the prospective asylum seekers in two countries.

However, sometimes, even if the destination country's policies match the asylum seeker's intentions, other problems might occur during the process. Resettlement and recognition could be delayed for some groups or it could not even be the ultimate result as expected. Prior intentions, the expectations from the regime, and the actual practice would never be coinciding in each case. The Turkish asylum regime also affected the routes of irregular migrants. Before that, international smuggling business controlled and directed irregular migratory flows. While Africans aimed to go to Europe via Italy or Greece, they found themselves in Turkey. Then, at that point, a critical decision-making process emerged depending on the initial situation of each migrant. While single Somali women chose to seek asylum in Turkey as a survival strategy, other Africans, e.g. single men from West Africa, chose to seek asylum as a last resort.

For some groups of irregular migrants, access to information about the Turkish regime through their networks after reaching the country changed their lives and futures dramatically. Being lost in transit without any kind of social and material support might easily change the initial intentions of people. Regarding the case of the Afghans, opting for a legal status in Turkey became more important than their original intentions in the end. The amount of knowledge about the asylum regime, the resources and the recognition policy of UNHCR differed for each group within the asylum regime.

Based on the data displayed in this piece, it can be argued that Turkey has been a planned staging post for those irregular migrants who aimed to go to Western Europe during the pre-LFIP period. Due to the stricter border patrolling activities of the EU agency FRONTEX in the Mediterranean Basin, African irregular migrants changed their routes to Turkey but then failed in transit and ended being stuck in the country. For these migrants opting for a legal status by using the Turkish asylum regime was the only solution to survive because coming from a country in conflict, such as Somalia and Sudan, constituted a legitimate ground to seek asylum in Turkey. Some of the transit migrants could even be Iranians and Iraqis who came to Turkey by using regular ways. They might have had enough information about the regime but still did not choose to seek asylum, since they knew how it could be a long and troublesome process even if they had legitimate grounds.

Turkey's role as a staging post and a transit country in the region continued even after the adoption of the LFIP. However, after the 2015 so-called European refugee crisis, Turkey significantly changed its migration and asylum policy towards both Syrians and other asylum seekers and openly started to use them as a bargaining tool against the EU. This period concluded with the 2016 Statement and the following failed coup attempt in July. With the declaration of the SoE Turkey had become an open prison for refugees (Cantek/Soykan 2019). The legal changes made with decrees in the LFIP during the SoE period eased to take a deportation decision. Now, we can talk about a containment policy after 2016 and identify the EU as Turkey's (funding) partner in crime in this newly founded deportation regime, particularly for Syrians. It was the fear of candidate countries when they adopted the EU Acquis that they would turn into a dumping ground of asylum seekers and migrants for the EU. This assigned role has been deliberately adopted by the AKP rule in return of its both foreign and domestic policy benefits and the camouflage of committed and still ongoing human rights violations, although the SoE officially ended in 2018.

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Institut für Migrationsforschung und Interkulturelle Studien (IMIS)

Universität Osnabrück
D-49069 Osnabrück
www.imis.uni-osnabrueck.de