

Irregular Migration in Turkey

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Irregular Migration in Turkey

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ACRONYMS

ADF	Anatolian Development Foundation
APD	Accession Partnership Document
ASAM	Association for Solidarity with Asylum Seekers and Migrants
BFBA	Bureau for Foreigners, Borders, and Asylum
EU	European Union
ICMC	International Catholic Migration Commission
IIMP	Istanbul Interparish Migrants Program
IOM	International Organization for Migration
JHA	Justice and Home Affairs
MEDA	Euro-Mediterranean Partnership Programme
MOD	Ministry of Defence
MOFA	Ministry of Foreign Affairs
MOI	Ministry of Interior
OECD	Organisation for Economic Co-operation and Development
SIS	State Institute of Statistics
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNHCROIA	United Nations High Commissioner for Refugees Office in Ankara

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EXECUTIVE SUMMARY

Over the last two decades Turkey has been increasingly confronted with large-scale irregular migration movements that transit Turkey towards the countries of the European Union. This relatively new migration phenomenon has a number of political, social and economic implications, not only for Turkey, but also in the wider context of East-West and South-North migration, particularly migration flows from the Middle East to the EU.

In view of these diverse migration flows to, from and through Turkey towards Europe and North America, and the country's role as a buffer zone, which at least temporarily absorbs and cushions such migration pressures, Turkey constitutes a useful case study regarding the wider immigration issues affecting Europe and the Mediterranean region.

However, given the clandestine nature of the phenomenon, direct and reliable information on irregular migration is difficult to come by and inadequate sources are only able to provide partial accounts of the broad patterns and dimensions of migration. Therefore, one of the main goals of this study is to generate information which aims at being both sufficiently detailed and reliable to offer a comprehensive picture of the structures and processes of irregular migration through Turkey, on which to base appropriate policy responses.¹

Within this objective, the patterns of irregular migration in Turkey, together with the social, economic, demographic, political and cultural profiles of the irregular migrants involved will be analysed using a multiple methodology. In addition, an attempt is made to determine the characteristics and details of the migrant smuggling processes that foster and sustain such irregular migration flows.

The study also surveys the policies and practices at the disposal of the Turkish authorities to control and combat irregular migration and, finally, it explores the interaction between Turkey and the European Union and other industrialized western countries, and examines the reciprocal effect of their respective migration and migration-related policies.

The questionnaire used to conduct the interviews that form a key part of this study was a revised version of the one used in the 1995 IOM Survey on Transit

Migration in Turkey. The main focus concerned the migrants' pre-migration characteristics, their means of arrival in Turkey and their post-migration intentions.

Contrary to the predominant impression that irregular migrants are young, single, poor, unskilled males from a rural background with little formal education, the actual profile revealed by the present inquiry was that of young men and women from diverse national and ethnic backgrounds, some of whom had a considerable degree of formal education and experience of living in urban areas, and almost two-thirds of the migrants interviewed had already worked in their countries of origin before migrating.

It was also shown that irregular migration tends to become intertwined with the asylum process. Indeed, of the migrants interviewed over a quarter had claimed, but only very few had actually been granted, refugee status.

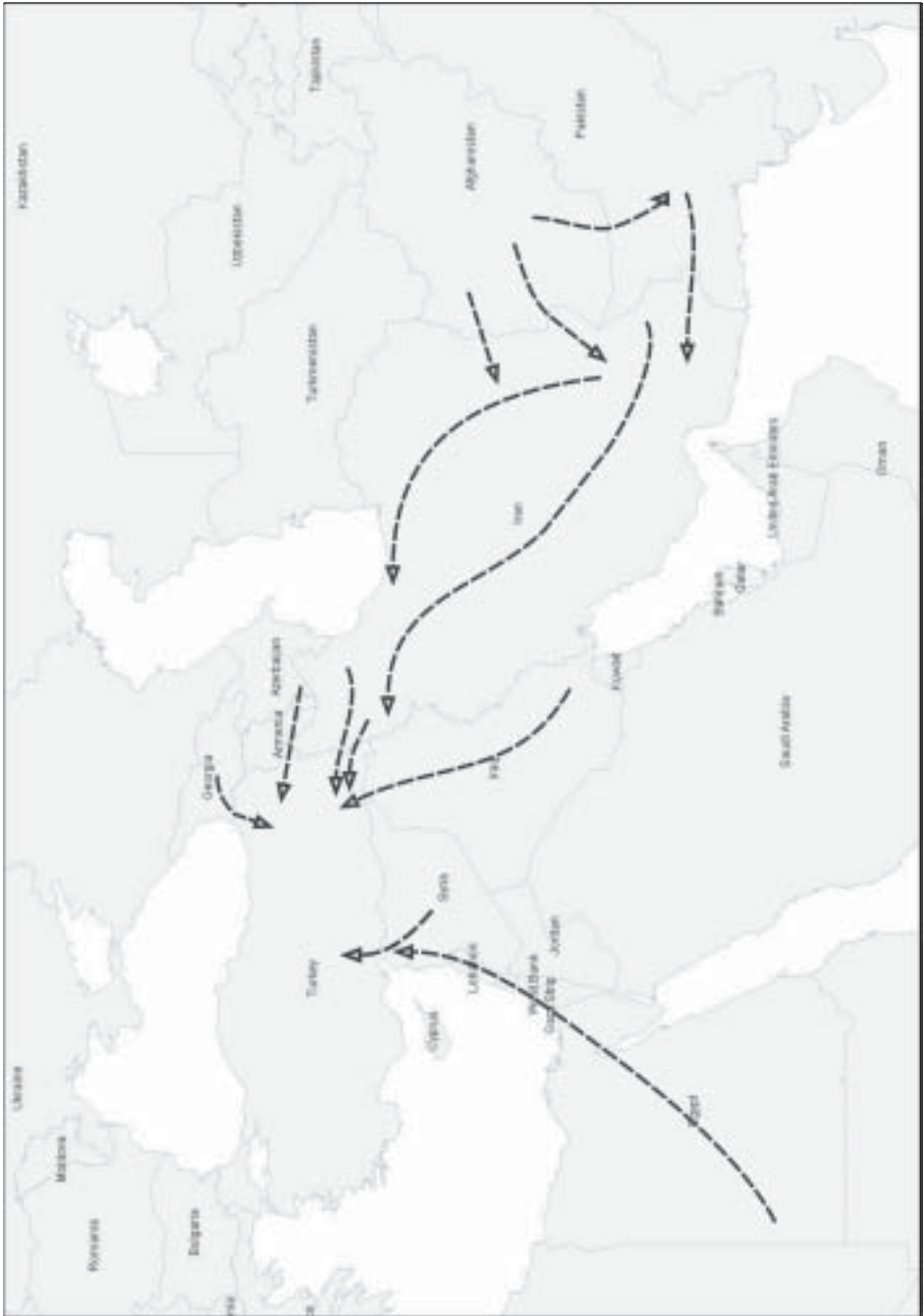
The overwhelming majority of migrants intended to stay in Turkey only temporarily before moving on to western and northern European countries. Over half of the migrants interviewed had already tried to leave Turkey on previous occasions, most of them with the intention of reaching the Italian coast, with some others hoping to reach Germany or any other country they could enter, but had failed in their attempt. Although the lack of valid travel documents and/or of the necessary funds constituted the main obstacle to their onward travel from Turkey, hardly any of the migrants were prepared to seriously consider returning again to their country of origin if their attempt to reach their destinations should either fail or prove more difficult than expected.

The irregular migration flows are further fuelled by smuggling operations with worldwide ramifications. In Turkey the number of smugglers arrested increased sharply from 98 in 1998, to 187 in 1999 and to 850 in 2000. By 2001, that number had already risen to 1,155. On the basis of estimated numbers of irregular migrants who make their way into Europe through Turkey without being caught, the annual number of transit migrants in an irregular situation in Turkey may be assumed to be around 200,000.² If the average payment per migrant is assumed to be around US\$ 2,500, this business is likely to involve half a billion US dollars per year. The lure of such vast potential gains, together with Turkey's still to be fully developed and tested legislation to control and combat irregular migration and the low penalties imposed, are important factors driving the proliferation of this phenomenon. Moreover, many Turkish employers have come to rely on cheap migrant labour.

Official attention has only recently turned to the issue of irregular migration in Turkey. This is partly because the country's experience with irregular migration is still quite new and partly because the country has no established tradition of immigration practice and policies – except in respect of ethnic Turks returning at various times in history to Turkey. Turkey's current endeavours towards formalizing closer cooperation with Western Europe are, therefore, accompanied by the need to address irregular migration flows directed towards Turkey as both a country of destination and of transit.

Since the acceptance of Turkey's candidature for EU membership at the Helsinki Summit of December 1999, the issue of asylum seekers and irregular migrants is at the centre of EU-Turkish relations. With a view to reducing the tensions that have arisen on both sides regarding the human rights, economic and political implications of irregular migration and migration-related issues, Turkey has undertaken to establish an appropriate administrative and legal framework to regulate and combat irregular migration and trafficking in human beings. To achieve this aim, Turkey is making every effort to cooperate. Thus, new legislation has been introduced and the Turkish aliens law and penal code amended to reflect such concerns. In addition, reception and readmission centres for irregular migrants and asylum seekers have been established. Though considerable progress has already been made regarding the introduction of, and changes to, relevant policies and practice, much still remains to be done. However, Turkey also feels that it is very much caught in a quandary: on the one hand, the authorities are under pressure from the European Union to strengthen their capacity to combat and control irregular migration, for which the government would have to assign vast additional resources that it does not have and, on the other, they are expected to liberalize their existing asylum policies and practice, which equally implies additional administrative responsibilities and financial outlay, all of which exceeds the country's available resources.

Map 1 - Irregular Migration to Turkey



Map 2 - Irregular Migration from Turkey



1. INTRODUCTION – KEY QUESTIONS AND OBJECTIVES OF THE STUDY

While each State has the sovereign right to control the entry and presence of foreigners within its borders, in practice the exercise of this right has come under growing strain as millions of people cross national borders illegally and continue to remain in the country in an irregular situation. They either enter without proper documents or, having arrived legally, e.g. on the basis of a tourist visa, or having been granted temporary residence or leave of stay on the basis of an asylum claim, they subsequently often drift into illegality as they either overstay their right of entry or stay, and/or attempt to cross into another country in violation of its entry or residence requirements.³ Migration pressures, driven by economic and/or political deprivation, social conflict and political turmoil, continues unabated, and relies heavily on well-established worldwide migration networks. For the past decade, undocumented migrants arriving from the southern and eastern Mediterranean basin have been a particular cause of concern to the countries of southern Europe – the primary port of entry into Europe (IOM, 2000a: 198). Turkey plays an important role both as a transit country and as a source country of irregular migration flows towards Western European destinations.

In the past, Turkey was considered and indeed felt itself to be, a country of emigration.⁴ Yet, since its creation in the early 1920s, the Republic of Turkey has actually been as much a country of emigration as of immigration (Kirisci, 2001; Sirkeci and İçduygu, 2001). However, until the 1980s, immigration was mainly limited to ethnic Turks, particularly those living in neighbouring areas, who were welcomed as part and parcel of the nation-building process. Rather, it is the immigration flows that have gained growing importance over the last two decades that are unusual. These flows consist mainly of asylum seekers, refugees, transit migrants and clandestine labourers, whose numbers have continued to increase rapidly (İçduygu and Keyman, 2000; IOM, 1996; İçduygu, 1995; İçduygu, 2000). This is a fairly new phenomenon and presents itself in many different forms. In addition to the immigration of ethnic Turks, which also often includes asylum seekers, there are four main types of inflows of foreign nationals to Turkey: (1) asylum seekers and refugees; (2) transit migrants; (3) irregular labour migrants and (4) regular migrants (İçduygu, 2001). The first three often overlap and fluctuate as migrants may drift from one status into the other, depending on circumstances and opportunities. Based on different official sources (BFBA, 2001a, 2001b), the number of migrants arriving in Turkey in 2000 was estimated to be close to 270,000, of whom around two-

thirds (some 160,000) had entered legally, 94,000 were irregular migrants, and asylum seekers accounted for only 2 per cent of the total.

However, since the early 1980s Turkey has also increasingly become a major country of asylum (Kirisci, 1995). The collapse of the Shah's regime in Iran and the political turmoil in Iraq caused large numbers of people to flee and to seek asylum in Turkey. Although in accordance with its geographical reservation to the 1951 Geneva Convention Turkey does not accept non-European refugees, in fact almost all asylum applications are filed by non-Europeans. Thus, by now Turkey has become a *de facto* country of asylum, with around 5,000 to 6,000 asylum applications per year having been filed during the past five years. To deal with this situation, Turkey has had to pursue a pragmatic approach. Thus, in cooperation with the UNHCR office in Ankara (UNHCROIA) it handles all the applications filed with the authorities regardless of the origin of the asylum seekers, and the UNHCR subsequently intervenes to identify third-country resettlement opportunities for non-European asylum seekers whose application has been approved. According to the records of the last two years, nationals from over 30 different countries, mainly from the Middle East, Africa and Asia, requested asylum in Turkey, with the largest numbers continuing to arrive from Iran and Iraq. Close to 100 asylum seekers arrive each year from countries as diverse as Afghanistan, Algeria, China, Kenya, Nigeria, Sri Lanka, Somalia and Uzbekistan. While the numbers of asylum applications for 2001 have remained relatively stable for Iranians (3,475) and Iraqis (998), the arrivals of Afghans registered a sharp increase even before the events of 11 September 2001, but sharply decreased again in 2002.

The aim of this study is two-fold: on the one hand, it will examine the basic characteristics, dynamics and mechanisms of the irregular migration flows in and through Turkey and, on the other, an attempt will be made to situate these flows within a broader geographical context of regular and irregular international migration flows, asylum and refugee systems operating throughout Europe, Turkey and the Middle East. Though the investigation focuses on the Turkish experiences, it shall also try to gain insights into the direct and indirect causes and consequences of irregular migration in these regions. Despite the recent increased attention given to irregular migration in Turkey, little is known about this phenomenon, including some of its important components such as the smuggling and trafficking of migrants. Therefore, an attempt will be made to fill this gap in that the study presents original empirical data on the characteristics of irregular migrants and the features of irregular migration in the country, and assembles relevant data on trafficking and smuggling issues.

Specifically, the study will:

1. Determine and analyse the patterns and scope of irregular migration in Turkey;
2. Construct a profile of irregular migrants across Turkey, considering their social, economic, demographic, political, and cultural characteristics;
3. Examine the characteristics of smuggling and trafficking processes;
4. Investigate Turkey's migration policies and practices, in particular regarding irregular migration;
5. Explore the migration-related interaction between Turkey and Europe and other preferred destination countries and investigate how EU's and other countries' migration policies affect their relations with Turkey;
6. Contribute to the formulation of strategies and policies by governments of sending, transit and receiving countries, for the international community and its representative bodies, and irregular migrants themselves.

2. METHODOLOGY

This study makes use of numerous sources of information and combines two main types of investigation. First, empirical migration research to obtain information from the principal parties involved, i.e. the migrants, traffickers and smugglers on the one hand, and the relevant public authorities on the other. Second, quantitative and qualitative data on the wider context of irregular migration in Turkey, using, (a) secondary analysis of available data, (b) on-site observation and inquiry and (c) structured in-depth interviews with irregular migrants and smugglers.

The information sources include:

1. Primary data from a sample of 53 irregular migrants selected on the basis of certain characteristics: country or region of origin, ethnic origin, time and nature of entry, gender, age, duration of residence, marital status, schooling, occupation and onward migration intentions. In order to be as representative as possible, the sample mirrored the composition of irregular migrants in Turkey as recorded in the statistics of the Bureau for Foreigners, Borders and Asylum (BFBA) at the Directorate of General Security of the Ministry of the Interior, covering arrivals, departures and cases of overstaying for the last five years, thus allowing to infer that it reflected the current composition of irregular migrants. The sample included migrants from Iraq (13 or 26%), Iran (13 or 26%), Afghanistan (7 or 14%), Africa (12 or 26%), Europe (3 or 6%) and two from other regions (4%). Thirty-one out of the 53 interviews were conducted in Istanbul, where most of the irregular migrants appeared to be located and which was the main departure point for the majority of irregular migrants in Turkey. The remaining 19 interviews were conducted in Van province in the eastern part of the country. Van, located on the Iranian border, is a gathering point for the majority of irregular migrants coming from the Middle East. The determining factor for inclusion in the interviews was that of being an irregular migrant in Turkey. This information was obtained from various sources, such as associations, international and local NGOs, officials and the interviewees themselves. In addition, potential respondents were approached at certain meeting points frequented by irregular migrants (squares, bus stops, places of worship, street corners). This approach produced further links along the data-collecting process, which in turn led to information regarding the existence and operation of informal networks among the migrants themselves.

The questionnaire contained 76 questions and was a revised version of the one used in the 1995 IOM Survey on Transit Migration in Turkey. This makes it possible to compare the findings of the present and previous study and to identify any changes or similarities in migration flows over time. The principal enquiry concerned (a) pre-migration characteristics, (b) the nature of the passage to Turkey and (c) post-migration intentions. The interviews in Istanbul and Van were carried out over a two-month period from July to August 2001. Close to half of the interviews were conducted in English and others in Persian, Arabic and Turkish, often requiring some interpretation. As most of the interviews had been arranged through informal networks, the rate of abstentions was quite low.

2. Primary data from interviews with traffickers and smugglers: Although some basic research on traffickers and smugglers had been conducted over the last few years, there are no direct empirical studies. In previous studies, information on smugglers and traffickers was obtained mainly through police archives, and occasionally from the smugglers/traffickers themselves while they were retained in custody. After initial difficulties in gaining access to their networks, in the end a total of eight smugglers and traffickers, five in Istanbul and three in Van, could be interviewed.
3. Primary and secondary data from official Turkish sources. Official documents have been made available, in particular, through the Ministry of the Interior (MOI), the Ministry of Foreign Affairs (MOFA) and the Ministry of Labour and Social Security, among others.⁵
4. Primary and secondary data from international organizations: Various international organizations such as IOM,⁶ UNHCR⁷ and a number of NGOs, such as Caritas International,⁸ the International Catholic Migration Commission (ICMC),⁹ Istanbul Interparish Migrants Program (IIMP) and the Association for Solidarity with Asylum Seekers and Migrants (ASAM)¹⁰ have been helpful in making available relevant documentation and data bases.
5. Primary and secondary data obtained through a number of embassies in Turkey, e.g. EU Countries (France, Germany, Greece, Italy, the Netherlands, Spain, the UK), the traditional immigrant receiving countries (Australia, Canada, USA) as well as the local representative of the European Commission in Ankara.
6. Secondary analysis of available data and literature on this subject and a review of various relevant legal and other official documents.

3. IRREGULAR MIGRATION IN TURKEY – AN OVERVIEW

Since the early 1980s Turkey's relationship with Europe and the Middle East, has been marked by the large migration flows through its territory, ranging from regular migrants to irregular and transit migrants and asylum seekers. A large portion of the asylum and refugee flows and transit migration through Turkey and directed at Western European countries originates in the Middle East. In addition, significant irregular migration flows to Turkey originate in various Asian and African countries, with the aim of reaching Western European countries.

Owing to its geographical situation and its role as a country of transit, destination and of origin for irregular migration flows into and through the region towards Western European destination countries, Turkey offers an ideal vantage point from which to examine the dynamics and mechanisms underlying irregular migration in Europe itself, for which Turkey acts as an important transit area.

It is difficult to present a profile of irregular migration which would be both comprehensive and accurate (Içduygu and Unalan, 2001). The complexity of irregular migration flows, which include different and overlapping categories of migrants such as illegal entrants, overstayers and rejected asylum seekers, adds to the difficulty. Because of the clandestine nature of irregular migration, the actual numbers and movements may only be surmised and estimated on the basis of official immigration and police records, unofficial accounts and through information gained by penetrating, to the extent possible, the different networks involved.

3.1 Characteristics of migration flows into Turkey

Irregular migration flows into Turkey are characterized by three main trends (Içduygu, 2001). The first involves mainly migrants from Eastern European countries, such as Romania and Moldova, who come to Turkey in search of work. Some Turkish farmers and construction companies in the western regions of the country have come to rely heavily on East European labour migrants, while many middle- and upper-class families employ mainly Moldovan women as maids. Many of these entered Turkey legally but subsequently overstayed their visa or failed to get them renewed. The second form of irregular migration to Turkey concerns the transit migrants who came to Turkey mainly from the Middle East (predominantly Iranians and Iraqis) and from various Asian

(e.g. Bangladesh, Pakistan and Sri Lanka) and African (e.g. Congo, Nigeria and Somalia) countries. These migrants often target Turkey as a transit zone as they attempt to reach and enter West European countries. Most of them fall within the illegal entry and departure category, while others drift into illegality as they overstay their tourist visas. The third group of irregular migrants includes rejected asylum seekers who are reluctant to return home and are in search of illegal jobs and/or opportunities to migrate illegally to another country.

Although some high-level public officials¹¹ refer to around one million illegal foreign workers in Turkey, no direct and reliable data regarding the details of irregular immigration in Turkey are actually available. But there are some indications. The Bureau for Aliens, Borders and Asylum at the Directorate of General Security in the Ministry of the Interior (BFBA, 2001a, 2001b) recorded nearly 95,000 cases of irregular migrants in 2000 – 55 per cent of whom were apprehended as they entered or left illegally, with overstayers accounting for the remaining 45 per cent.

The ten principal countries of origin are Iraq (19%), Afghanistan (10%), Moldova (9%), Iran (9%), Pakistan (5%), Romania (5%), Russian Federation (5%), Ukraine (5%), Georgia (3%) and Bangladesh (3%). The number of irregular migrants rose steadily from 1996 to 1999, with a sharp rise of approximately two-thirds in 2000 from the previous year. Corresponding figures for the first eight months of 2001 indicate a similar trend.

Asylum statistics compiled by the United Nations High Commissioner for Refugees (UNHCR)¹² point to Turkey as a transit zone for asylum seekers from neighbouring countries to Europe. For instance, in 1999 Afghanistan, Iran and Iraq were among the principal countries of origin for asylum seekers to Europe, involving more than 67,000 persons, accounting for almost 15 per cent of all asylum seekers. A significant proportion of these use Turkey as a bridge to Europe. In 2000, their number had risen to over 90,000, representing more than one-fifth of all asylum seekers to Europe.

Situated at the crossroads between Africa, Asia and Europe, Turkey has become a major staging post for irregular migration movements in the region. Three principal factors contributed to transforming Turkey into a migration transit zone. First, political turmoils and conflicts in neighbouring areas have pushed people out of their countries in search of security and better prospects elsewhere. Second, Turkey's geographical position at the intersection between East and West and South and North makes it an attractive transit zone for those

intending to reach western and eastern destination countries. Third, the increasingly stringent entry requirements and reinforced border controls, as well as sophisticated electronic surveillance systems introduced by Western countries to control and combat irregular migration, have diverted migration flows directed at Europe to peripheral countries, such as Turkey. As a result, and given Turkey's pivotal role in the larger irregular migration system around the Mediterranean basin, the implications of irregular migration affecting Turkey may indeed be of greater relevance and concern to Europe and the Mediterranean countries than for Turkey itself. Owing to the high immigration pressure from and/or via Turkey to Europe, and the country's role as a buffer zone which absorbs and cushions such immigration pressures, at least temporarily, Turkey constitutes a useful case study regarding the wider immigration issues encountered in Europe. It is well documented that the main four sea routes used in the irregular migratory regime in the Mediterranean basin operate: (a) from the Maghreb directly to the southern coast of Spain, or via Melilla and Ceuta; (b) from Turkey to Greece, Sicily, or mainland Italy; (c) from the south-eastern Adriatic coast to Italy, and especially Puglia and, (d) from Egypt (or the Maghreb via Tunisia, sometimes via Malta) to Sicily or mainland Italy (Içduygu and Unalan, 2001). Besides these naval routes, thousands of migrants are being smuggled and trafficked from the Mediterranean basin to Europe by air or overland. The use of these transportation axes varies, with sea travel having recently become the most frequently used mode of transport, followed by land and air.

Apart from the 1995 IOM study of Transit Migration in Turkey and a few other studies based on it, no scholarly studies of irregular migration in Turkey have been conducted, nor is there any information available on the subsequent development of such migration flows. However, frequent media reports indicate that Turkey is still at the centre of irregular migration, and that the trend is actually increasing. It is no exaggeration to say that practically every day brings reports either of irregular migrants being apprehended in Turkey or of irregular migrants coming from Turkey landing on the coasts of France, Greece or Italy. A selection of media reports not only reflects the persistence of irregular migration flows, but is also an indication of the changing characteristics of this phenomenon (see Annex 1).

In the absence of reliable and comprehensive data on illegal entries/departures and transit migration, such media reports offer an interesting, if incidental snapshot, from which to sketch a relatively comprehensive picture of the dynamics of illegal entries/departures and transit migration in Turkey over the last five years.

Thus it is possible to infer the following:

- It is difficult to tell whether the authorities are becoming stricter or the flows are increasing, or both;
- Entry points to Turkey are mainly on the Iranian and Iraqi borders – Van province is a well-known example. The departure points are often in the western part of the country, mainly in the coastal areas such as the provinces of Istanbul and Izmir, or close to the border with Greece, such as Edirne province;
- Those entering Turkey illegally arrive mainly from two neighbouring countries, Iran and Iraq, but also from a wide range of others such as Afghanistan, Algeria, Azerbaijan, Bangladesh, Ghana, India, Nigeria, Pakistan, Palestine and Sri Lanka;
- Some Turkish citizens, in particular Turkish citizens of Kurdish origins, join the transit migrants from other countries to find their way to the West;
- Smugglers and traffickers facilitate the migratory process of the migrants, who use them of their own accord;
- The reported amount of money paid to smugglers and traffickers varies between US\$ 1,000-7,000, depending on the case;
- Migrants generally arrive in Turkey by foot or by car, bus or truck, and leave Turkey by foot, by truck and by sea – with sea-travel gaining in importance;
- The problem of illegal entries/departures and transit migration in Turkey has begun to be widely recognized by both national and international authorities.

3.2 Asylum seekers¹³ and irregular migration

A signatory of the 1951 Geneva Convention, Turkey introduced a geographical and time limitation, undertaking to grant asylum only to persons fleeing persecution in Europe as a result of events prior to 1951. In 1967, when Turkey acceded to the Additional Protocol on the Status of Refugees, it dropped the time limitation but maintained the geographical reservation. This reservation has been a key feature of the country's asylum policy and practice (Kirisci, 2001: 13-14). Thus, Turkey granted asylum only to persons from Eastern Europe and the former Soviet Union, fleeing from persecution under the then communist regimes, under the assumption that it would serve mainly as a transit area for such refugees.

Until the 1980s the number of asylum seekers and refugees in Turkey was not very significant and their movements sporadic and restricted to Eastern European cases. Those who had been granted refugee status were usually

encouraged to resettle in Western Europe. According to UNHCR statistics, between 1945 and 1991, less than 8,000 asylum seekers from Eastern Europe and the former Soviet Union arrived in Turkey, half of them in the period from 1979-1991 (İçduygu, 2000). Although there is no reliable information on the proportion of accepted asylum claims, it is certain that the vast majority of these left Turkey again for a third country.

Despite its geographical reservation to the 1951 Geneva Convention, since the early 1980s, thousands of asylum seekers, originating mostly from the Middle East and partly from Asia and Africa, entered Turkey. Until 1994,¹⁴ in the absence of any legal basis under the Geneva Convention regarding non-European refugees, Turkey applied its general aliens law to such foreigners on its territory, requiring valid entry and legal stay. However, as they felt the need to adopt a pragmatic and flexible approach to what was obviously a growing migration problem (Kirisci, 1995), the Turkish authorities began to grant a measure of *de facto* protection to such irregular migrants. Thus, very large numbers of Iranians, escaping from the Khomeini regime and arriving in Turkey mostly without appropriate documents, were the first to benefit from this *de facto* protection policy. For the majority of these, Turkey was only intended as a transit area as they sought to migrate to Western European countries. Although they did not qualify for refugee status under the Geneva Convention, they were nevertheless granted temporary protection status, which could be extended as necessary.

Only a small proportion actually applied to the UNHCR for refugee status and resettlement in a third country, the majority attempting to find their own way to the West with the help of their personal connections. There is no direct evidence of the actual number of Iranians who entered Turkey, but it is widely assumed that between 500,000 and one million Iranians used Turkey as a transit area, with around 10,000 estimated to be still living in Turkey, many in an irregular situation.

The second-largest flows of asylum seekers occurred between 1988 and 1991, as three consecutive waves of refugees poured into Turkey. The first arrived in Turkey in August 1988 and included some 50,000 Kurdish *peshmergas* (guerrillas) who fled Iraqi military reprisals following the Iran-Iraq war. In accordance with its geographical reservation to the Geneva Conventions, Turkey accepted them as “temporary guests” and expected them to leave again in due course. They did not receive any assistance or protection from the UNHCR, and were housed in temporary shelters close to the Iraqi border. The Turkish authorities encouraged them to either return home or to seek refuge in the West, instead of

remaining in Turkey (Kirisci, 1995).¹⁵ Between 1988 and early 1991, as the Turkish authorities and the West continued to negotiate the fate of the Iraqi Kurdish asylum seekers, only few Kurds left Turkey. However, in April 1991, a large proportion of the 1988 influx joined their compatriots who had fled to Turkey in the mass exodus of early April 1991, and returned to the safe zone that had been declared in northern Iraq. The voluntary repatriation of the 1988 arrivals continued until the early 1990s. Meanwhile, nearly 2,500 out of a total of 50,000 left Turkey for Iran and Syria, while around 3,000 were accepted as refugees and resettled in the West.

Two further massive inflows of asylum seekers from Iraq followed. The first brought foreign workers fleeing Iraq or Kuwait during the 1990 Gulf crisis. Nearly 60,000 foreign workers and their dependants, mostly of Asian origin (Bangladeshis, Indians, Pakistanis and Sri Lankans) fled from Iraq to Turkey between August 1990 and April 1991. They were given temporary shelter close to the Iraqi-Turkish border and they left Turkey as soon as either their governments or international agencies had made the necessary transportation arrangements. The final mass arrival from Iraq to Turkey occurred early in April of 1991 when half a million Kurds, fleeing from the Iraqi military, poured into the mountainous region separating Turkey from Iraq. Mindful of the difficulties created in connection with the first influx of 1988, Turkey was reluctant to open its borders to this refugee flow, but eventually granted *de facto* protection to around half a million Kurdish migrants. However, compared to 1988, the international community was quick to respond to this new refugee crisis and assisted Turkey in providing food and shelter for the refugees. Besides, in response to an appeal to create a safe haven in northern Iraq, Turkey was able to initiate a voluntary and safe repatriation programme. As a result, half a million Kurdish refugees could be brought down from the mountains in Turkey and returned either to their home villages, or to shelters in Zakho in Iraq, or to a camp set up in the Turkish town of Silopi near the Iraqi border. However, although a large proportion of arrivals from Iraq again left Turkey, a residual population remained and subsequently constituted a bridge-head for more Iraqis to enter Turkey, or to use the country as a transit area towards the West.

Even though the movement from Iraq was characterized as a Kurdish migration, it included many Arabs, Chaldeans and Turkomans. For instance, in the period between late 1990 and early 1991, the 8,000 asylum seekers from Iraq included mainly Arabs, Chaldeans and Turkomans (IOM, 1996: 7). Of these, almost half went on to the West and resettled there, while the remainder, once they had obtained residence permits stayed in Turkey. As a result of these vari-

ous inflows from Iraq, an estimated 10,000 Iraqi refugees managed to remain in Turkey, mainly in an irregular situation.

The most recent case of immigration by ethnic Turks to Turkey occurred when over 310,000 Bulgarians of Turkish background fled the repressive Bulgarian regime in 1989 (Kumbetoglu, 2002). Subsequently, more than half of them returned to Bulgaria, with only a few moving on to third countries, the rest remained in Turkey. In late 1992, another group of refugees with certain affinities to Turkey arrived from Bosnia and Herzegovina. Though some of these had valid travel documents, the vast majority arrived illegally. Most of the Bosnian Muslims who came to Turkey were able to stay with relatives and Turkish citizens of Bosnian descent and many of them intended to go on to the West and resettle there. Although there are no exact figures on how many Bosnians were in Turkey at any one time, some reliable sources put the figure at between 20,000 and 25,000. While more than three-fourths of Bosnians returned to their homeland, a small proportion remained with relatives and friends in Turkey and over 3,000 obtained Turkish citizenship (Kirisci, 2001: 16). An estimated 5,000 Bosnians who had come to Turkey with the intention of migrating to the West eventually obtained refugee status there.

The most recent arrival of asylum seekers to Turkey occurred in 1999, when approximately 20,000 Albanians sought refuge in Turkey (Içduygu, 2000) the majority of whom stayed on a temporary basis, with only a few remaining in Turkey.

TABLE 1
ASYLUM APPLICATIONS IN TURKEY, 1997-2001

Year	Countries of Origin			Total
	Iran	Iraq	Other	
1997	1392	2939	117	4448
1998	1979	4672	187	6838
1999	3843	2472	290	6605
2000	3926	1671	180	5777
2001	3475	998	704	5177

Source: UNHCROIA, 2002; Corliss, 2002.

Apart from the migration flows from Iran and Iraq, there was a significant influx of asylum seekers from Africa and Asia to Turkey. While there are no reliable figures concerning the volume of this movement, records show that from 1983 to 1991, 380 asylum seekers from African countries (e.g. Ethiopia, Ghana, Nigeria, Somalia and Sudan) and 940 from Asian countries (e.g. Afghanistan, China and Sri Lanka) entered Turkey. Although in the mid-1990s the flow of asylum seekers from various Asian and African countries declined, their numbers again increased from the late 1990s to the beginning of 2000. In 1998 only 117 asylum seekers from African and Asian countries were recorded; by 1999 this figure had risen to 290, and to 704 by 2001 (Corliss, 2002). Their origins were as diverse as Afghanistan, Bangladesh, Ethiopia, Ghana, Nigeria, Pakistan, the Philippines, Sri Lanka, Sudan, Tanzania.

3.3 Illegal entries/departures and transit migration

Recent changes in the patterns of global human mobility indicate that international migratory flows directed to European countries tend to include significant proportions of migrants who first target the peripheral zones of Europe, such as Eastern Europe, western Asia or North Africa, and then try to enter Europe from there. For instance, in the early 1990s, when it was found that many migrants from Asia, Africa and the Middle East used these peripheral zones as transits on their way to Western Europe, IOM decided to investigate this issue further in the context of its Migration Information Programme. This resulted in a series of reports on transit migration in several countries, such as Bulgaria, the Czech Republic, Hungary, Poland, Russia, Turkey and the Ukraine. The 1995 IOM study of Transit Migration in Turkey concluded that Turkey was progressively turning into a country of immigration.

That study indicated that transit migrants through Turkey were mostly young men, migrating for economic reasons, who had come to Turkey with the help of smugglers and traffickers. Only 8 per cent of those interviewed envisaged staying permanently in Turkey. Rather, their intention to go either to Europe or to one of the traditional immigration countries such as Australia, Canada or the United States was quite clear and they were planning to use smugglers to help them reach their final destinations. There was some evidence pointing to a fairly long transit migration process, involving considerable costs. It was estimated that, on average, a transit migrant in Turkey had typically already spent one year *en route* between his first departure and his arrival in Turkey, spent nearly two

TABLE 2
IRREGULAR MIGRATION IN TURKEY,
APPREHENDED CASES, 1995-2001

Country of Origin	1995	1996	1997	1998	1999	2000	2001	Total
Afghanistan	24	68	81	921	3,046	8,476	9,542	22,158
Albania		1		9	792	1,026	1,461	3,289
Algeria	27	25	69	207	102	430	429	1,289
Armenia	4	2		1	98	474	491	1,070
Azerbaijan	21	3	3	10	620	2,262	2,201	5,120
Bangladesh	113	322	301	2,408	1,193	3,228	3,771	11,336
Bulgaria	21	22	39	103	1,005	1,699	2,108	4,997
Egypt	4	12	99	29	94	382	319	939
Georgia	37	9	9	5	809	3,300	3,570	7,739
Germany		1	1		372	629	579	1,582
India	2	25	18	102	189	779	897	2,012
Iran	252	362	364	1,116	5,281	6,825	8,504	22,704
Iraq	2,128	3,319	5,689	14,237	11,546	17,280	23,444	77,643
Macedonia	1				439	488	460	1,388
Moldavia	19		17	5	3,098	8,290	7,980	19,409
Morocco	28	53	93	295	369	1,401	1,905	7,033
Nigeria	1	20	30	84	137	450	419	2,356
Other - Unknown					2,028	3,289	361	5,678
Pakistan	708	435	307	1,798	2,650	5,027	5,618	16,543
PRC				1	115	545	731	1,392
Romania	68	12	107	36	3,395	4,500	4,533	12,651
Russia	5	4	52	2	1,695	4,554	4,694	11,006
Sierra Leone				20	42	462	370	894
Stateless					61	322	315	698
Syria	78	86	144	476	776	1,399	1,293	4,252
Tunisia	3	48	81	44	76	255	297	804
Ukraine	9	4	17	4	1,715	4,527	4,401	10,677
United Kingdom		2		4	233	643	442	1,324
Uzbekistan	1	1			142	587	486	1,215
Yugoslavia	13				325	1,283	1,443	6,340
Total	11,362	18,804	28,439	29,426	47,524	94,514	92,364	322,438

Source: BFBA (2001a).

years in Turkey and was planning to depart for the final destination in another year's time. The overall cost of travel to Turkey for a single transit migrant was around US\$ 990, and the cost from Turkey to the final destination was estimated at around US\$ 2,800. A large portion of these amounts was paid to smugglers and traffickers. However, the 1995 IOM study had shown that these migrants had not been trafficked into Turkey against their will, but had chosen to leave their countries for mainly economic considerations and had themselves sought the assistance of smugglers to do so.

Subject to the caveat regarding the reliability of available information, Table 2 gives an indication of the number of irregular migrants apprehended by the Turkish authorities over the past five years and the very sharp increase recorded during that period. From some 11,000 irregular migrants apprehended in 1995, the figure had risen to over 29,000 by 1998. In 1999 it had reached over 47,000 and nearly doubled to 94,000 by 2000. In the absence of any specific explanation from the authorities, these numbers may be viewed as reflecting both more irregular migrants entering Turkey and improved methods of control and apprehension introduced by the Turkish authorities. Following established trends, the majority came from Iraq (23%), followed by Iranians (6%) and Afghans. Migrants from Bangladesh, Pakistan and India together accounted for 14 per cent, with 8 per cent having entered from the territories of the former Soviet Republics and accounting also for the largest number of overstayers.

3.4 Overstayers and clandestine migration

A significant number of migrants who originally entered the country legally as, e.g. tourists, subsequently drift into illegality as they overstay their visa entitlement. They then reside and work in the country illegally and wait for an opportunity to either leave Turkey for another country or for some means of regularizing their presence. At present, the majority of overstayers are either of Romanian origin or citizens of the former Soviet Union (Kirisci, 2001: 36). The number of irregular migrants in Turkey can only be guessed at and is estimated at between several hundred thousand and one million. Most have been in Turkey only for a few months and had actually been shuttling between their home countries and Turkey for the purpose of trade and other economic activities. Such trading activities are referred to as "suitcase trading" and involve mainly labour migrants from the former Communist Bloc countries. They enter Turkey repeatedly to both sell and buy goods before returning to their home countries. This practice of circular irregular migration, which had begun in the 1980s with Polish

traders before being joined by Romanians and citizens of the former Soviet Union, peaked in the mid-1990s. It is estimated that among the 3 million people arriving from the former Eastern Bloc countries on tourist visas, more than half were suitcase traders. Although the majority of these intended to return home before their visas expired, and were generally not active on the illegal labour market in Turkey, they may be seen as the forerunners of the irregular migration flows from these countries to Turkey.¹⁶ This became apparent after the collapse of the communist regimes, as the number of CIS citizens entering Turkey increased significantly in the 1990s, a large proportion of whom were tourist/traders at least until the mid-1990s. During that decade, their numbers rose dramatically from less than half a million in 1989 to over 1.6 million in 1996. Although these figures subsequently declined again in the second half of the 1990s, over 1 million people continued to arrive from the CIS: 1.5 million in 1997; 1.3 million in 1998; 1 million in 1999; 1.4 million in 2000 and 1.3 million in 2001 (see Table 3), although that may actually underestimate the true extent.

TABLE 3
FOREIGNERS ARRIVING IN TURKEY FROM THE CIS AND OTHER COUNTRIES
1996-2001

Origin	1996		1997		1998		1999		2000		2001	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
CIS	1,619	19	1,556	16	1,299	14	1,053	14	1,380	13	1,431	12
Other	6,918	81	8,157	84	8,132	86	6,432	86	9,375	87	10,190	88
Total	8,537	100	9,713	100	9,431	100	7,485	100	10,755	100	11,621	100

Source: State Institute of Statistics.

Although the importance of the suitcase-traders from the former Eastern Bloc countries declined in the mid-1990s, their presence in irregular migration flows to Turkey began to increase significantly as they swelled the ranks of overstayers or illegal labourers in the country. Parallel to this was a growing involvement of women from the former Eastern Bloc in prostitution in Turkey.¹⁷ Young women from Georgia, Moldova, Romania, Russia and Ukraine not only quickly dominated the prostitution sector in Turkey, but also became very visible in the

entertainment sector in metropolitan areas and the country's holiday resorts. Although there is no reliable information available on trafficking in women in Turkey, it can be presumed that considerable exploitation is taking place in these sectors.

Today, the group of overstayers and illegal labourers included in irregular migration flows to Turkey includes two main groups. The first concerns mainly Moldovan women. A large number of Turkish middle- and upper-class families employ them as domestic helpers, often to care for their children or elderly family members. The second group involves mainly Romanian or Moldovan men. Many Turkish farmers and builders in the western regions of the country are increasingly relying on such irregular immigrants for cheap labour. Both groups are engaged in illegal work with very little pay and difficult working conditions. In addition there are an estimated 3,000 to 5,000 African undocumented migrants, most of them overstayers, working illegally in Turkey in mainly low-paid, difficult and dirty jobs.

4. MIGRANT EXPERIENCES

4.1 Irregular migrants – a portrait

As already stated earlier in this study, extensive irregular migration to Turkey began on a significant scale in the 1980s. However, the migratory flow was not a homogenous process but changed not only in terms of its scope and dynamics, but also regarding the characteristics of the migrants involved. While the migrants of the earlier period were predominantly Iranians and Iraqis, current migrants show a greater diversity of origins, although Iraqis and Iranians still dominate. In order to reflect the composition of irregular migrants in Turkey, as recorded by the Bureau for Foreigners, Borders and Asylum at the Directorate of General Security of the Ministry of the Interior, the sample survey included 53 irregular migrants selected on the basis of national and ethnic origin, time of arrival, gender, age, length of residence, marital status, schooling, employment, occupation and manner of entry. Accordingly, the sample contained 13 Iraqis (26%), 13 Iranians (26%), seven Afghans (14%), 12 from African countries (26%), three from European countries (6%) and two from other countries (4%). The sample therefore largely reflects the actual composition of irregular migrants in Turkey.

The gender distribution in the 1995 IOM survey represented 74 per cent males and 26 per cent females. In the 2001 survey, the proportion was 60 and 40 per cent, respectively. The migrants in the 2001 sample were also generally younger than those in the previous sample, with nearly all of the respondents under 40 years of age, just below two-thirds were under 35 and a little over one-third under 25. The sample also included a larger proportion of married migrants. Generally speaking, they were also better educated, with 50 per cent of the respondents having completed secondary school and 28 per cent holding a university degree.

Although the general tendency is to think of irregular migrants as young single men, who are poor, unskilled, from a rural background and with little formal education, that migration profile has changed over time. The present sample included both relatively young men and women, of diverse national and ethnic backgrounds, relatively well educated and with some experience of living in urban areas.

TABLE 4
SELECTED CHARACTERISTICS
OF IRREGULAR MIGRANTS IN TURKEY

	Numbers	%
Country of Origin		
Afghanistan	7	13
Iran	13	25
Iraq	14	25
African (various)	11	21
Other	8	16
Sex		
Male	31	58
Female	22	42
Age		
17-24	15	28
25-29	14	26
30-34	12	23
35-39	3	6
40 +	9	17
Civil Status		
Single	23	43
Married	25	47
Separated	2	4
Divorced	1	2
Widowed	2	4
Education		
No schooling	4	8
Primary	7	13
Secondary	27	51
Tertiary	12	23
Post-graduate	3	6
Employment		
Full-time	21	40
Part-time	2	4
Occasional	4	8
Self-employed	5	10
Housewife	8	15
Student	9	17
Unemployed	3	6

Nearly two-thirds of the respondents had already been working before migrating or owned their own businesses (activities mentioned included football player, baker, lawyer, electrician, jeweller, banker, physician, economist, computer technician, factory worker, driver, maintenance worker, welder, teacher, soldier, farmer, nurse and tourist guide/translator). Fourteen per cent were students and another 16 per cent housewives. Only 6 per cent had been unemployed. In terms of their earnings, around half described their earnings as low or below average, while 4 per cent had had no income at all. In terms of actual monthly earnings, 35 per cent had earned less than US\$ 50, 40 per cent had received less than US\$ 200 and only about 12 per cent had had earned more than US\$ 500.

TABLE 5
MOTIVES FOR MIGRATION

	Numbers	%
Lack of work	20	40.0
Poverty	20	40.0
Political	37	74.0
Lack of educational opportunities	7	14.0
Low pay, lack of opportunity for personal improvement	7	14.0
Family	9	18.0
Social, cultural, religious	24	48.0
Conflict	21	42.0
Military service	7	14.0
Other	4	8.0

Although compared with the irregular migration survey of 1995, a larger proportion of today's irregular migrants had already been working before migrating, they were poorer than their earlier counterparts. This may indicate that irregular migration flows increasingly involve people who, though economically active are still poor, but it may also point to a general decline in the socio-economic and/or political situations in the countries of origin, pushing more people to migrate in search of better opportunities. Equally, it may mean that previous migration experiences had had the effect of raising the general awareness in the local population regarding the possibilities, real or imagined, of improving their lot through migration.

TABLE 6
MOTIVES FOR MIGRATION, BY NATIONALITY

Nationality	Motives for Migration								
	Lack of work	Poverty	Political	Educational	Pay	Family related	Social, cultural, religious	Armed conflict	Military service
Iranian	15.4%	15.4%	76.9%	0.0%	0.0%	38.5%	53.8%	0.0%	0.0%
Iraqi	38.5%	38.5%	76.9%	7.7%	7.7%	23.1%	46.2%	46.2%	30.8%
Afghan	42.9%	42.9%	57.1%	71.4%	14.3%	0.0%	71.4%	71.4%	0.0%
African	50.0%	58.3%	97.1%	8.3%	33.3%	0.0%	66.7%	66.7%	16.7%
Other	80.0%	60.0%	40.0%	0.0%	20.0%	20.0%	40.0%	40.0%	20.0%

As shown in the previous table, lack of work, while important, did not dominate in the decision to migrate. Rather, political and general economic conditions and armed conflict were the reasons most often cited, particularly among Iranians, Iraqi and African migrants, with poverty and lack of opportunity also playing an important role for Africans in their decision to migrate. Only for Afghan migrants was the lack of educational opportunities an additional determining factor. Social, cultural and religious reasons were important in the decision to leave for Afghan, African, Iranian and also Iraqi migrants, as well as for those making up the “other nationalities” group, with family-related reasons significant only for Iranians (either to get away from family problems at home or to join family members already abroad).

4.2 The migration process: The passage to Turkey

Prior information on the country of destination plays an important part in both the decision to migrate and the ability to successfully adapt to the new circumstances in the host country. For most Iranians and Iraqis Turkey’s proximity was a decisive element, and knowledge of the country was of additional importance for Iraqis. The relative ease of crossing the border, low travel costs and the low cost of living were important factors for many of the respondents,

TABLE 7
REASONS FOR TARGETING TURKEY

Reasons	Nationality				
	Iran	Iraq	Afghanistan	Africa (various)	Other
Adjacent country	76.9%	84.6%	14.3%	10%	20%
Low travel cost	15.4%	61.5%	57.1%	20%	40%
Presence of UN agency	38.8	15.4%	42.9%	0	0
Low cost of living	0	46.25	28.6%	30%	20%
Relatives	30.8%	23.1%	0	0	20%
Friends	0	38.5%	0	20%	60%
No visa requirements	0	7.7%	0	0	0
Familiarity	15.4%	46.2%	0	0	40%
Onward migration	0	23.1%	14.3%	20%	40%
Work	7.7%	23.1%	0	20%	60%
Ease of border crossing	46.2%	30.8%	42.9%	0	40%
Ease of obtaining visa	0	0	0	8.3%	0
By error	0	0	0	45.5%	0

with the presence of a UN agency important for Afghans in particular, but also Iranians and, although less so, for Iraqis.

Around half of the migrants had come to Turkey because it was a neighbouring country; for around one-third the low travel costs and the relative ease of crossing the border were determining factors, while for about a quarter the low cost of living, familiarity with the country and the presence of friends there were important factors. About one-fifth came to find work, while for others the presence of a UN agency was important. Just under one-fifth had family members already living in Turkey. A surprising 10 per cent came to Turkey by mistake, while the absence of a visa requirement or the ease of acquiring one were decisive for only 2 and 1 per cent, respectively.

Many irregular migrants interviewed had entered Turkey without valid travel documents, although over a third had entered Turkey with both a valid passport and a valid visa, but had subsequently drifted into illegality by overstaying. All Afghan migrants had entered Turkey without papers, as had over half of Iranian and Iraqi and half of the African migrants. From among the “other nationalities” group 40 per cent had also entered without papers.

TABLE 8
PROPORTION OF ENTRIES WITH VALID TRAVEL DOCUMENTS

Nationality	Entry without valid documents	Entry with valid documents
Iranian	61.5%	38.5%
Iraqi	53.9%	46.2%
Afghan	100.0%	0.0%
African (various)	50.0%	50.0%
Other	40.0%	60.0%

Only 14 per cent of the sample claimed to have come through an official border crossing with the rest either admitting to having crossed illegally or not answering at all. Iranians and Iraqis arrived mainly by bus, car or on foot, or some combination thereof, with Iraqis also arriving by air or by boat. Most Afghan migrants crossed into Turkey on foot from Iran, with some having used a bus or car or both. The Africans interviewed had come to Turkey by plane or by boat.

TABLE 9
MEANS OF TRANSPORTATION USED

Nationality	Air	Bus/car	On foot	Boat	Combination
Iranian	0.0%	38.5%	15.4%	0.0%	30.8%
Iraqi	23.1%	30.8%	23.1%	7.7%	15.4%
Afghan	0.0%	28.6%	42.9%	0.0%	28.6%
African	50.0%	0.0%	0.0%	50.0%	0.0%
Other	40.0%	40.0%	0.0%	20.0%	0.0%

4.2.1 Prior information on Turkey

Migrants tended to rely on family and friends with previous migration experience as an important source of information on the migration experience generally, and the country of destination in particular. Based on such information, they planned their migration strategies, including irregular entry into the target country. Just under a fifth of the migrants interviewed had received information from relatives and over one-third from friends already living in Turkey before migrating, while others had obtained some information from relatives and friends at home. For some, traffickers and smugglers had been the main source of information while just under half had obtained some information on Turkey through TV, newspapers and other sources. However, Afghans and Africans in particular had had no information at all before coming to Turkey.

4.2.2 Recourse to smugglers

Many migrants would have been unable to make the journey to Turkey without the intervention of smugglers. From among our sample, all Afghan migrants, more than two-thirds of Iranians, over half of Iraqi migrants and close to half of all other respondents had had recourse to smugglers to make the journey. Even so, a surprisingly high percentage of migrants (38%) had actually applied for a visa before leaving, the majority of them from African countries, followed by Iraqi (46%) and Iranian (31%) migrants. Only 6 per cent had sought the assistance of international organizations.

4.2.3 Financial implications

All international migration calls for considerable financial outlay, and irregular migration even more so, as it involves numerous imponderables, bribes and payments to traffickers and smugglers.

Two-thirds of the migrants interviewed had used their own savings, mainly Iraqis, Iranians and Afghans, while one-fifth had had to secure financing through family members or friends. Another 14 per cent had been able to partially finance their passage themselves. Nearly all African migrants and other nationalities had borne their own costs.

Close to one-half of the migrants had made some payments either as a bribe or cash downpayment to the smugglers in their homeland, on average around US\$ 825 (from a minimum of US\$ 50 to a maximum of US\$ 3,500). One-third had paid the traffickers and smugglers to enter the country, the payments ranging from US\$ 10 to US\$ 600. The price paid for a passport and/or visa was around US\$ 154.

For their actual passage to Turkey the migrants had paid an average of US\$ 1,433, ranging from as little as US\$ 100 to a maximum of US\$ 15,000. Among those having to rely most on the intervention of smugglers were Afghan and African migrants. Iranians were less dependent on the intervention of smugglers and hence the payment of bribes, since it was relatively easy for them to cross the border between the two countries. However, although Iraqis also relied less on the assistance of smugglers, they were nevertheless among those who actually paid most for the passage to Turkey (US\$ 15,000).

4.2.4 Chain migration involving family and friends

Close to one-fifth of the respondents expected family members or friends to join them in Turkey, primarily Afghans (29%), Iranians (23%) and Iraqis (15%). African migrants did not expect any family members to join them. In fact, nearly two-thirds of the interviewed migrants had already arrived in Turkey with their spouses, and about half of them had their children with them. Other family members present in Turkey included nieces/nephews and cousins. Thus, it is mostly the nuclear family unit – spouses and children – who tended to migrate together to Turkey.

4.3 Living conditions of irregular migrants in Turkey

To judge from the migration histories of the irregular migrants interviewed, the majority had no intention on arrival to settle in Turkey permanently. They either planned to go to another country, or to request asylum and be resettled in a third country. Thus, their intended temporary presence in Turkey dissuaded the migrants from socializing or communicating beyond the strictly necessary. Therefore, the picture is mixed regarding social contacts among various migrant communities or with the local population, with over half having no social contacts with other migrants, while some others had daily contacts. About half reported having no contacts with the local population, while nearly a third had regular contacts. But it is not clear whether such contacts were primarily related to their work or of a social, personal kind.

Many were dissatisfied with the type of work they could find in Turkey and nearly all felt their wages to be insufficient. Nearly three-quarters of the respondents were unhappy with the available housing and social facilities. None of the respondents had turned to Turkish officials for assistance in case of problems, and less than one-tenth had received such assistance from religious institutions, and about a quarter from national and well over a third from international organizations. Over half of the migrants commented positively on the local attitude toward foreigners, even though less than a third were satisfied with their private lives in Turkey.

4.3.1 Residence and work permits

Of those interviewed, less than a fifth had a residence permit and none had a work permit. The residence permits were usually temporary ones issued to asylum seekers for periods ranging from three to 34 months. Only Iranian (23%) and Iraqi (39%) migrants and none of the Afghan, African or “others” had been granted residence permits.

As irregular migrants had no access to legal work, they resorted to irregular jobs, generally of the “3D” type: dirty, difficult and dangerous. Almost two-thirds of the respondents reported incomes that were either low or below average, while a few claimed to have no income at all. Only two respondents reported above-average earnings. Less than one-fifth thought they could earn a living in Turkey, with their reported earnings ranging from a minimum of US\$ 10 to a maximum of US\$ 450, with Iraqis and some from the “other nationalities” group

doing relatively better than Iranians, Afghans and Africans. Compared to their living standards at home, only Iranians and Iraqis appear to have suffered a decline, while the situation had not significantly changed for Africans and other nationalities. Afghans were able to marginally increase their already low earnings after coming to Turkey.

A quarter of the migrants received some financial support from home, and almost one-third received funds from third countries. Only 10 per cent were able to send some money home, and a single respondent sent money to a third country. It therefore appears that migrants earned just enough to survive in Turkey and, indeed, often depended on receiving funds from abroad to make ends meet.

4.4 Onward migration

As noted earlier, irregular migrants in Turkey reported that they were mostly in transit and that they intended to go on to other countries in the West as and when the opportunity to do so arose. This section investigates the intentions and motives of onward migration and the methods employed.

4.4.1 Preferred destinations

Practically all intended to leave Turkey again and over half had, in fact, already attempted to do so previously, primarily with the intention of reaching

TABLE 10
PREFERRED DESTINATION OF TRANSIT MIGRANTS
BY NATIONALITY

	Italy	Germany	UK	Australia USA Canada	Other	Any country
Iranian	23	15	8	23	23	8
Iraqi	21	21	7	29	14	7
Afghan	0	0	14	14	28	43
African (var.)	36	38	9	18	0	18
Other	25	25	13	13	25	0

Italy. Around one-tenth had tried to reach Germany, and the same number of migrants had tried to leave for any country at all, with a few aiming to reach the USA, France, Canada, the United Kingdom, the Russian Federation and the Czech Republic. However, following their first failed attempts, their second-best choice of destination was correspondingly more diversified. Italy, although still the preferred destination, lost nearly half its attraction in favour of Germany and, in particular, Canada.

4.4.2 Renewed attempts

In terms of their renewed attempts to leave Turkey, the national groupings displayed greater diversity. Most Iranians planned to aim for either Canada or Norway next, with some still aiming for Italy and the rest for the USA, Sweden, Britain or Germany. Most Iraqis wanted to go to Canada or Italy, with a large proportion also trying to reach Germany. While some would try to reach Australia, others were prepared to go anywhere. Afghan migrants appeared the most undecided, leaving their options as widely open as possible, depending on opportunities as they arose, with a few aiming for Switzerland and France. African migrants aimed primarily for Italy and Germany, followed by France and the USA

TABLE 11
INITIAL AND ALTERNATIVE DESTINATIONS

	Previous attempts	Future attempts
Italy	50.0%	22.4%
Germany	11.8%	17.2%
USA	5.9%	5.2%
France	5.9%	5.2%
Canada	5.9%	15.5%
United Kingdom	2.9%	3.4%
Russian Federation	2.9%	--
Czech Republic	2.9%	1.7%
Norway	--	5.2%
Switzerland	--	1.7%
Sweden	--	3.4%
Australia	--	1.7%
Undecided/anywhere	11.8%	17.2%

When explaining their preferences, only 5 per cent referred to the relative ease of obtaining a visa for a particular country. Rather, for many the presence of family members and of friends in the country of destination was a decisive element. For well over half the prospect of a better future in terms of their standard of living and job opportunities played an important role in their decision to migrate, and for nearly as many the prospect of greater cultural and religious freedom was the driving force.

Most of the respondents were aware that the preferred countries of destination had tightened their admission requirements and reinforced their border controls, and they therefore planned to gain access illegally and to subsequently try to regularize their situation somehow. That meant that recourse to traffickers and smugglers became necessary to cross national territories and/or airspace and eventually to enter the country of destination.

Accordingly, two-thirds of the respondents confirmed that they intended to continue to their final destination with the assistance of traffickers or smugglers, including around a third of those who had sought to obtain a visa but had failed to do so. As had already been the case when leaving their home country, migrants in Turkey again faced considerable costs for their onward migration from Turkey. While most of the migrants were aware that they would have to have recourse to traffickers and smugglers, over half of them did not know whether and, if so, how much more they would have to pay for visas, passports and transportation. For many such financial obligations clearly posed a serious obstacle regarding onward migration, and was probably a reason for prolonging their stay in Turkey to save or arrange for the necessary funds.

4.4.3 Return to country of origin – a realistic option?

Most of the irregular migrants interviewed did not wish to return to their countries of origin, while some were willing to consider that possibility, but only under certain conditions. Among these, economic and political change in their home countries figured high on the list. The cost involved in returning home was also an important factor, even though some stated that if they were able to save enough money, or if their return passage were paid for, they would consider returning home. However, it was not clear whether they would consider doing so already from Turkey, or once they had gone on and either became stranded or, alternatively, had managed to reach their intended destination and accumulate sufficient funds there to return and build a new future for themselves at home.

TABLE 12
RETURN TO COUNTRY OF ORIGIN AS AN ALTERNATIVE

Nationality	Return as an alternative	Never	If return travel paid	Economic change	Political change	Save money	Other
Iranian	0.0	23.1	0.0	7.7	84.6	0.0	0.0
Iraqi	0.0	30.8	0.0	46.2	76.9	0.0	0.0
Afghan	0.0	42.9	0.0	14.3	71.4	0.0	0.0
African (var.)	33.3	36.4	9.1	54.5	63.6	0.0	9.1
Other	60.0	0.0	0.0	60.0	20.0	20.0	0.0

As further confirmation of the determination to leave their countries of origin for whatever reasons, an overwhelming 82 per cent of the migrants interviewed stated that they would have migrated even if they had been aware of the difficulties involved.

Thus it may be concluded that international irregular migration is set to continue and that Turkey will continue to be used as an important turntable in that process.

5. PEOPLE SMUGGLING AND TRAFFICKING AFFECTING TURKEY

Until recently, there was no consensus on either the use or meaning of the terms “smuggler” and “trafficker”. By now, they have been more clearly defined at the international level.

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the UN Convention Against Transnational Organized Crime (Annex II, A/55/383, 2000) defines the respective terms as follows:

Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.¹⁸

The Protocol Against the Smuggling of Migrants by Land, Sea and Air (Annex III) defines smuggling as:

(...) the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the irregular entry of a person into a State Party of which the person is not a national or a permanent resident (Art. 3).

Indeed, there are many instances where the terms continue to be used indiscriminately and/or overlap. Thus, as stated by J. Salt: “Smuggling is clearly concerned with the manner in which a person enters a country, and the involvement of third parties to assist the migrant to cross illegally into a foreign country. Trafficking is a more complicated concept, in that it requires consideration not only of the manner in which a migrant entered the country but also his/her working conditions, and whether he/she consented to the irregular entry and/or working conditions”.¹⁹

The inconsistency in the use of these terms is itself caused by a general lack of sufficient and reliable data on human trafficking and smuggling, and the

“irregular” and “illicit” nature of this phenomenon, which complicates the collection of primary data on traffickers and smugglers further (Salt, 2000: 37).

However, available evidence indicates that migrant smuggling is a global business involving well-organized criminal networks and spans countries of origin, of transit and of destination worldwide. It is a business driven by the demand for irregular entry channels as migrants find themselves blocked by increasingly stringent entry controls and diminishing opportunities for regular migration. However, such reinforced legal controls harbour their very own shortcomings, such as corrupt border officials, shortages of funds and of technical and human resources, as well as the sheer impossibility of effectively patrolling long borders and, in particular, long coast lines. In that respect, Turkey is no exception.

As for the migrants, they have to place their fate in the hands of the smugglers to achieve their migration objectives, though they remain exposed to the risks of being either caught or abandoned along the way. Their desperation is the measure of their desire to migrate, and their determination and vulnerability are the strength and backbone of the smuggling business, which ensures its continuing operation and huge profits.²⁰

Numerous individuals intervene to accomplish certain tasks at various stages along the migrant smuggling chain, who are not familiar with each other and are replaced as circumstances demand. Thus, the string-pullers remain in the background while smaller operators assume the risk if the undertaking runs into difficulties.

While trafficked migrants are exposed to exploitation in terms of their labour and human dignity, with women and children particularly vulnerable to exploitation,²¹ smugglers who facilitate the illegal crossing of borders against payment, are not above committing human rights violations either, which may take the form of rape, physical and mental abuse, food deprivation, abandonment and even death (IOM, 2000a: 6).

In order to gain a better picture of such activities in Turkey, this part of the study relies on primary data obtained during face-to-face interviews conducted with smugglers and traffickers, and secondary data of personal statements made by apprehended smugglers and traffickers as recorded in police reports. These personal accounts seem to confirm our earlier statement that, while smuggling generally is a well organized business of global dimensions, here it seems to rely more on the opportunistic, *ad hoc* intervention of individuals along various

segments of the trafficking chain, contributing to its functioning, but not participating in its ultimate objective, the systematic trafficking and exploitation of migrants for their own profit.

Based on eight face-to-face interviews with some smugglers and traffickers and information culled from five police reports, a general outline of the smuggling and trafficking business in Turkey emerges. These accounts are used to determine the categories of human smugglers according to the role they perform, the routes and techniques they use and the terms involved in the transactions between the migrants and the smugglers. In addition, the question of whether human smuggling is a large mafia-style operation or not is addressed. Most of all and considering the absence of prior studies on human smuggling based on primary data and personal accounts from smugglers themselves, this study is an attempt at closing or at least narrowing that gap.

5.1 The actors involved

The roles performed by traffickers and smugglers in the processes of human smuggling and trafficking are varied and may overlap with one another. To illustrate the functioning of smuggling and trafficking, Graycar (2000: 10-11), identifies 10 different categories depending on their particular role:

1. Arranger/investor: invests money in the smuggling operation and oversees the whole organization and its activities;
2. Recruiter: works as a middleman between the arranger and the client of the criminal transaction;
3. Transporter: in charge of assisting the migrants to leave their country of origin by whatever means (land, air or sea);
4. Corrupt public officials/protectors: protect the criminal organization by abusing their position, status, privileges and committing other violations of the law;
5. Informers: manage the information flow and have access to well-organized and centralized communication systems through sophisticated technology;
6. Guides and crew members: responsible for moving undocumented migrants from one transit point to another, or helping the migrants to enter another country by whatever means;
7. Enforcers: responsible for controlling collaborators and migrants and for maintaining order, often involving violence;

8. Support staff and specialists: locals stationed at transit points who support the organization by providing accommodation and other assistance to irregular migrants;
9. Debt collector: responsible for collecting the smuggling fees in the destination country;
10. Money mover: person who arranges for the laundering of the proceeds of crime, and for disguising their origin through a string of transactions or investing them in legitimate businesses.

In this study, seven interrelated and occasionally overlapping categories of smugglers have been retained. Although there are similarities with those identified above, they appear less organized and structured, with more *ad hoc* interventions:

1. Local initiating smuggler: organizes the departures of irregular migrants from their localities, and takes them from the previous smuggler and hands them over to another one in order to facilitate the illegal border-crossing;
2. Cashier: an entrusted person who receives and pays out money between the migrants and smugglers in the smuggling operation;
3. Guide: knows the region or the borders very well and accompanies the migrants following the agreement between the smuggler and the migrant;
4. Local transiting smuggler: takes the migrants from the border area in the transit country and moves them to the designated departure areas in this country;
5. Middleman: takes the migrants from the person who brought them to the departure point to the chief “organizer” who arranges the final trip to the point of destination;
6. Landman, shipman or airman: arranges the irregular border crossing, sea or air passage, and organizes the port from where the migrants will depart and takes care of the bribes to port employees and other officials at the point of exit;
7. Other intermediaries, handymen and other helpers: perform diverse activities not included in the other categories, as necessary.

Local Initiating Smuggler. As the cases interviewed illustrate (Case 1, Annex 3) people smuggling in this region is often based on a network of social and economic relationships. The local initiating smuggler transports people in the same way he transports goods – anything with an economic value. The

smuggler transfers the goods he carried to another smuggler who is usually a relative from the same family/tribe/ethnic group. There are several local smugglers who work through the network of ethnic groups located on either side of the border.

Before leaving his country, the migrant first gets in touch with a smuggler from his own family/tribal network. Bargaining takes place with the local smuggler and the deal could involve both the crossing of the border, or reaching a particular destination in the transit country. The price varies depending on the distance and the difficulties involved in the operation. The money is handed to the smuggler or a designated third party trusted by both sides. Once this part of the operation is accomplished, the local smuggler transfers the migrant to the next, together with the money received from the migrant after taking his cut. When the money is paid beforehand to a third party, the local smuggler receives his cut of the deal once the migrant has reached the destination. The situation is different for Afghan migrants, where, instead of a cash transaction, their property is confiscated by the smuggler who then finances the migration operation himself. The amounts reported by smugglers and migrants often diverge significantly as migrants tend to overstate and the smugglers to understate the sums involved.

Cashier. The amount agreed upon for the smuggling operation is usually handed to a third person (cashier/fiduciary) trusted by both sides (Case 2, Annex 3). Upon arrival in the destination country, the migrant communicates to the smuggler a previously agreed secret code, following which the smuggler receives his payment from the cashier. This serves to ensure that the migrants are not tricked by the smuggler. The cashier, who could be in any country at all (e.g. for someone leaving Afghanistan, a relative in Holland could act as the cashier), receives around US\$ 50-100 per deal.

Guide. This is someone who is very familiar with the region and the border area. He guides the migrants once agreement has been reached between the smuggler and the migrant (cf. Case 3, Annex 3) and transfers them to the next smuggler on the other side of the border. Today, modern communication technology facilitates their operation, as even a shepherd in the mountains may be presumed to have two GSM numbers. However, that is merely a question of degree, as even before mobile communication systems were in use, parties involved knew how to establish contact and to keep it out of the public eye, as these are people who are perfectly familiar with the terrain and, when they are not busy smuggling people, they smuggle all sorts of goods between the two sides.

Local Transiting Smuggler. He takes the migrants from the border to the point of departure (Case 4, Annex 3). Most often this is Istanbul, but it could be Izmir, Edirne, Çanakkale or another city in the western part of Turkey. Illegal migrants never get lost in these cities, as they are given the names, addresses and phone numbers of the persons they are to meet. Here they are transferred to the middleman. The preferred means of transportation is by truck, because during road checks, the driver's ID card, licence and other papers are examined, but the cargo is hardly ever checked. In addition, the bribes paid to various security people along the way ensure that migrants reach Istanbul or other border cities without being caught on the way.

Middleman. He takes the migrants from the driver who brought them to Istanbul or another departure point to the chief organizer, who arranges for the final leg of the passage to the country of destination. Alternatively, the middleman looks out for other undocumented migrants to be handed over into the custody of the chief organizer (Case 5, Annex 3).

In the whole people smuggling business, they probably play the most important role. It is the responsibility of the intermediary to arrange for accommodation of the migrants, of whom there may at times be more than one hundred, for about a week either in hotels or rented flats, the owners of which are known to him, or in houses owned by himself. It is his job to ensure that within one week (e.g. the limit for Istanbul) arrangements and contacts are made for the migrants' departure to their final points of destination.

The intermediaries also group them according to their final destinations and the means of transport to be used. For instance, he may arrange for some to go to Italy by sea, others to go by air to the UK, or to Germany by land, or even to walk or swim to Greece, and would already have made the necessary plans and paid the bribes. His continued presence in this business depends on his rate of success – one mistake and he may find himself out of business.

The intermediaries work with members of their own national or ethnic groups. Therefore, as a rule, migrants are brought into contact only with their own nationals based on the understanding that a common national and ethnic background also ensures the middleman's reliability. It is for that reason, that Turkish nationals have disappeared from the scene as middlemen, as they had been found to exploit the situation for their own benefit and to deceive the migrants in their custody. While there is little firm information to go by, the number of middlemen is put anywhere between 100 and 150 at any one time, with the

possibility of more than one per ethnic group. Their pay can vary between US\$ 800 and 1,000 per migrant.

Landman, shipman, airman. They organize the final leg of the journey and their numbers are estimated at between 30 and 40. Each specializes in a particular form of transportation and not only organizes the corresponding means of departure, but also arranges for the necessary bribes to be paid to the relevant people (e.g. port employees, police officers, customs officials). The landman arranges the illegal border crossing. He locates guides and bribes border officials. The airman arranges the illegal departure from airports, the most costly transport (between US\$ 3,000-5,000). The shipman may either buy or rent a ship. If he rents one, he negotiates with the captain on the basis of the number of the migrants to be taken on board. The captain of the ship receives US\$ 800-1,000 per migrant, but not before the ship has reached the final destination.

Another area requiring the payment of bribes is the process of obtaining a visa, and the faking of passports. In fact, passports are often so well forged that it is nearly impossible to identify them as fakes. As this is a highly specialized area of operation, there is little competition among the operators at this level. In return for a certain percentage they may even transfer customers to one another, and they maintain an interactive and dynamic relationship with the intermediaries. For instance, when a ship prepares for take-off, the intermediaries scout around for possible clients; nor do they necessarily always work with the same chief smuggler, or chief organizer. If a ship is not willing to take a large number of waiting migrants on board, the intermediary has no difficulty in entrusting them to another smuggler, without causing undue tension between the intermediary and the chief organizer.

Other intermediaries, handymen and diverse helpers. This category performs only occasional *ad hoc* and support functions. They come from various backgrounds and occupations, including officials and security personnel, and normally do not engage in smuggling on a regular basis, but occasionally help others by either finding hotels, houses or land to temporarily accommodate the migrants, arranging for fake passports and visas, transport or the coast from where to take off. Usually they live in the coastal regions of Turkey and either own a house, land or a boat of use to the smugglers. They are in this business for the money and intend to drop it once they have saved enough.

5.2 An international mafia?

It is generally held that people trafficking is a business dominated by organized groups (Di Nicola, 1999: 4), as they expand their various smuggling operations to include human trafficking, and shift the respective risks and profits according to opportunities and the regions involved. As such, trafficking and other forms of organized crime are perceived as two sides of the same coin (Salt, 2000: 43). Our own investigations in Turkey do not necessarily confirm the presence of large mafia-style criminal organizations; rather a number of smaller, flexible groups seem to be involved on a largely *ad hoc* and opportunistic basis.

The people interviewed face to face, or whose statements to the police we were able to consult all acted at various stages of the irregular migration process, assuming different supporting or steering functions. However, we found no evidence of a hierarchical structure with a “godfather-like” figure at the apex, pulling the strings. Therefore, we do not believe that this business is organized on an international level and relies on a centralized command structure, at least not as far as Turkey is concerned. Rather, our impression is that of a loosely cast network, consisting of hundreds of independent smaller units which cooperate along the way. It is the flexibility and adaptability offered by these that ensures the continuing activity and success of the larger operation, since, even if one link along the chain should break, it can be immediately replaced without risking the disintegration of the whole. Thus we prefer to think in terms of smaller local and flexible organizations rather than an international centralized one.

5.2.1 Interaction between various groups

In general, irregular migrants are taken from city to city and from country to country, passed on from one smuggler to another. When the migrant has crossed the border illegally he is handed over to another smuggler, who often speaks several languages and possesses several passports who channels the migrant on through one or more countries. Although many individual smugglers intervene in this process, they do not know each other apart from those from whom they receive the migrants and to whom they pass them on. A failure along the way may momentarily disrupt the chain, but the missing link can be quickly replaced and, since forward and backward linkages are usually not known to each other, depositions to the police by the smuggler caught do not directly threaten them. These links are extremely adaptable and can be called upon depending on the transport needed and the particular arrangements to be made

for the onward journey. These locally organized networks operate out of, e.g. Istanbul, Izmir, Çanakkale and are specialized in particular aspects of the trafficking and smuggling process, such as the forging of passports and of visas. They know the people able to provide or arrange for temporary accommodation for the migrants (safe houses), the necessary transport or know the officials who need to be contacted and/or bribed at any one time to ensure the smooth functioning of their operation. They all interact at various stages along the smuggling process, competing and cooperating with one another and steadily expanding the geographical and functional range of the smuggling network.

These groups are held together by loyalties arising from their mutual involvement in a range of illicit activities with each depending on the other to remain beyond the reach of the police. They include people who have themselves been, and might indeed still be, illegal migrants (one person interviewed had been living in Istanbul for 16 years with a false ID card, and was working as a merchant and middleman without a residence permit). They are familiar with the routes to be taken and serve as guides for others. Usually they deal with migrants from their own ethnic or national background, and are instrumental in establishing contacts between smugglers and migrants from their home regions, as they are familiar to both. Migrants know how to contact them already before leaving their country. Thus, the middleman is already informed regarding the numbers and composition of migrants to be expected and accommodated, where they will go, together with the necessary arrangements to be made for false passports and visas depending on their routes and destinations.

5.2.2 The use of technological developments and networks

Modern communication technology in the form of cellular phones and pre-paid cards has greatly facilitated the business of smuggling and trafficking and facilitates long-distance contacts between the smugglers, and the smugglers and the migrants without leaving traces. Thanks to such international communication links, various outposts of the network, no matter where, are able to establish contact and exchange information to adapt their strategies and plans according to the prevailing situation.

5.2.3 More irregular migrants means more smugglers

During the last three years there has been a particularly sharp increase in the number of smugglers apprehended in Turkey. From the 98 arrests made in 1998,

the figure rose to 187 in 1999, to subsequently explode to 850 in 2000, and increase further to 1,155 by 2001. This development may in part be owing to improved methods of investigation and law enforcement, particularly as a result of the pressure being exerted on Turkey by European countries and the EU authorities to strengthen efforts to control and combat irregular migration and people trafficking. But it also reflects the vast increase in the numbers of irregular migrants entering the country and of smugglers operating in and out of Turkey. Available figures testify to this development: in 1998 the number of irregular migrants arrested stood at 29,426, in 1999 it had risen to 47,529 to increase further to 94,514 by 2000. By early 2001 this number stood already at 92,364 (cf. Table 2 above).

A closer look at the ethnic and national background of smugglers apprehended in the first eight months of 2000 reveals the international dimension of the migrant trafficking networks. They included people from Bangladesh, Bulgaria, Georgia and Poland (one each); Russia and Ukraine (2); Lebanon and Greece (4); Pakistan (8); Syria (10); Iraq (12) and Iran (16). For the same period, the number of Turkish smugglers stood at 603. The vast profits to be made further drive the enormous growth of this business.

5.2.4 New trends in smuggling routes: the sea route

Human smugglers penetrate borders on foot and on mule-back, in automobiles and trucks, on fishing boats and luxury yachts, on commercial and private aircraft and can switch from one to another depending on circumstances. They are very well informed about newly reinforced border controls in certain areas, and their flexibility allows them to adapt their travel routes and time-table accordingly. Similarly, the means of transport change over time. If until the mid-90s smugglers relied mostly on air travel between Turkey and Europe, as a result of reinforced entry controls at airports, there has been a marked increase in the use of sea transport over the last two to three years. Not only does this offer greater facilities in terms of evading controls, it is also more convenient for the transport of ever larger numbers of migrants trying to make it to Europe. Recent arrivals of hundreds of miserable migrants massed onto decrepit and hardly seaworthy vessels along the Italian coastline illustrate this. The large numbers of migrants involved guarantee huge profits for smugglers and others in a single run. Besides, naval surveillance methods are fully exploited by the smuggling operation, making the seas a relatively easy route. For many desperate migrants, those floating canisters represent the only affordable way into Europe.

The trend is also evident in the statistics of Turkey's Central Security Agency. Between 1998 and September 2001, 45 ships which sailed off Turkey were caught carrying a total of 12,903 irregular migrants, 10,426 in Italy and 2,487 in Greece. Eighty-nine suspects were charged with human smuggling.

However, if there has been a relative easing off on the sea route to Italy, Greece has experienced a sharp increase of irregular arrivals by boat. Thus, during the first eight months of 2000, three ships were found carrying 707 undocumented migrants to Greece; in the first eight months of 2001, nine ships were already involved, carrying a total of 2,409 migrants. According to Greek authorities, 2,172 clandestine migrants and 62 smugglers who sailed off Turkey were also caught in the same period. These figures do not include human smuggling carried out in the Aegean in small boats. According to the Central Security Agency, 38 attempts to reach Greek islands were uncovered between 1997 and September 2001, involving 282 migrants and 12 people smugglers.

- Over the same period, 24 ships and 3,845 irregular migrants were caught in Turkey. Seventy-six suspects were arrested and charged with human smuggling. In 2000, 29,390 undocumented migrants were caught while waiting to board ships; the figure for the first eight months of 2001 was 16,654. Security forces currently track 62 ships which have been identified as being used to smuggle migrants. The existence of another 34 ships is acknowledged, but they have yet to be identified. All smuggling vessels sail under flags of convenience.
- The following excerpts from the Turkish press highlight the international ramifications: The Georgian ship "Poti" carrying Afghan, Bangladeshi, Indian and Pakistani migrants ran aground and sank at Kemer Kris on 1 January 2001. Thirty-two people survived; the bodies of nine victims were found. Another 40 people who were said to be aboard could not be found. Ten passengers had boarded the ship in Ashdod, Israel, five had come aboard in Larnaca, Greek Cyprus and the rest somewhere near Antalya. On 24 June 2001, the Coast Guard undertook an operation against the Ukrainian ship "Tarkhan Kut" off the coast of Marmara Ereğlisi, uncovering its cargo of some 500 irregular migrants, mostly Afghans.
- Some claim that the Cambodian ship "East Sea" which ran aground off the French Riviera on 17 February 2001 with 1,000 Kurdish migrants from Turkey, Syria and Iraq was run by a wing of the Greek intelligence based in Patras.

- Four Lebanese who delivered 50 Lebanese migrants aboard the Greek ship “Santorini” to a ship waiting off Baf were arrested in Limasol, Cyprus.
- The Turkish ship “Lale 1” which sailed off Gebze on 5 May 2001 was ordered to a halt off the coast of Kartal, en route to Italy with 449 irregular migrants on board. A police officer was among the 14 arrested.
- On 22 November 2001, human smugglers who had taken 46 clandestine migrants aboard the “Arsiv” encountered a coast guard vessel about a mile off the coast of Didim, and threw the migrants into the sea in order to rid themselves of the evidence. All 46 migrants, including 20 Afghans, 20 Bangladeshi, four Moroccans, one Tunisian and one Palestinian were rescued by the coast guard and some fishing boats. Three Afghans aboard the boat, Humain Alidad, Nurettin Ridvan and Ali Nurettin were charged with migrant smuggling. They admitted to having taken US\$ 2,000 from each migrant.
- On 12 December 2001, the Syrian captain and two crew members of the Syrian ship “Wael IV” were sentenced to ten years imprisonment by a Greek court after having been caught smuggling 203 irregular migrants to Greece. There were also five Turkish crew members aboard the ship.
- On 3 August 2001, the “Kalsit”, which had sailed from Izmir and called at a Greek port, was caught in Italian territorial waters with 418 irregular migrants aboard, including Kurds, Afghans, Sri Lankans, Nigerians and Sierra Leoneans.

The above is a strong indication that the sea route is currently being favoured for the smuggling of migrants from Turkey into Europe, at least until security checks there become too strict for comfort, in which case the smugglers will again improvise and adapt their strategies, as they have done so often before. A case in point is the relatively novel practice of hiding migrants in containers on trucks ferried on roll-on roll-off (*Ro-Ro*) ships.

Ro-Ro ships operating between Turkey and Italy appear to have become especially popular for this purpose. Once irregular migrants are secretly loaded on trucks parked in the customs zone at İçerenköy, they are directly ferried to Italy or elsewhere in Europe. According to official figures, more than 700 clandestine migrants have been caught hidden in trucks during searches at Haydarpaşa since 1995. The number of migrants apprehended at this point has risen significantly since the second half of 2000.

Human smugglers and irregular migrants enter the customs zone at İçerenköy either by jumping over the perimeter wall or after having bribed officials and guards. Once inside, they head for designated trucks, which preferably carry cargoes that leave ample space and air inside. The seals are broken and the migrants herded inside, after which the seals are replaced with such skill that it is practically impossible to notice that they have been tampered with. If the load area of the truck is covered with canvas, the canvas is cut and then skilfully glued together again so it will not be noticed during controls.

International transport companies refute the charge of having anything to do with human smugglers and claim that undocumented migrants who get caught on their trucks enter the trucks in the Ro-Ro customs zone without their knowledge. However, a smuggler who has been in the business for seven years already stated that some companies are also involved:

Some agencies take migrants on their trucks when the trucks have to be ferried back to Italy without any cargo. Such agencies are based in Haydarpaşa and Dilovas. Before we move, we strike a deal with the driver and the agency, which knows those drivers who can take risks and will not inform on us. Of course, we have to give something to the customs officers to ensure that the operation runs smoothly. The reality is that smuggling occurs at all customs points, and this has to be acknowledged.

When considering that each migrant has to pay anywhere between US\$ 2,000 and US\$ 3,000 and that a single truck can take up to 40 to 50 irregular migrants, it becomes obvious that the people are in this business for the huge profits it generates.

The statement of a security officer seconds that of the smuggler: “Smuggling is run by the agencies. They have complete knowledge of all ships, where they are, where they are heading, what type of cargo either was or is being carried. They therefore know the right ships for this type of business. They know everything, the ships and the crews; without the agencies, this business could not be run”.

5.3 Concluding remarks

In order to gain a better understanding of the causes and consequences, the magnitude and the international ramifications of human smuggling, it is neces-

sary to realize that the smugglers do not constitute one dominant and centralized criminal organization. Generally, people smuggling involves interconnected though independent individuals or groups who carry out particular aspects of the operation, and combine and coordinate their efforts at various stages in the smuggling process. They normally have access to the latest telecommunication technology and can rapidly change and adapt their strategies, depending on need and circumstances in terms of newly reinforced controls along particular borders, or the most profitable means of transportation. The present study did not arrive at the conclusion that people smuggling was either similar or even closely linked to drugs and arms smuggling organizations, whose structures and methods of operation appear more centralized and hierarchical compared to people smuggling.

Though apparently not supported by a centralized command structure, smugglers run their operations very efficiently with the help of modern communication technology, which enables them to interact swiftly and to exchange information globally, without a trace.

However, given the rising numbers of migrants and the growing demand for passages from all corners of the world, the smuggling business can no longer rely only on *ad hoc* operations supported by the punctual intervention of individual collaborators for services along the way. As is true of all undertakings driven by demand and supply, smuggling – if it has not done so already – will become a more organized, centralized and business-like operation in order to respond to the demand and take full advantage of the vast profits to be reaped.

However, whether a more business-like structure as opposed to the looser network held together by the interests of the individuals and smaller gangs who currently dominate the market, will render the smuggling of migrants more humane and less exploitative of human determination born of despair and hope, and whether it will continue to draw on human frailty, gullibility and opportunism on both sides, remains to be seen.

6. INSTITUTIONAL AND LEGAL FRAMEWORK

6.1 Current issues of concern

This chapter discusses the position of the Turkish authorities and their reaction to the sharp increase in irregular migration across their borders, and the demand by European countries in general, and the EU institutions in particular, to introduce and apply effective measures to control and combat irregular migration from Turkey to Europe.

The issue of irregular migration in Turkey has only recently moved to the forefront of official concern. This is partly because the country's experience with irregular migration is of relatively recent origin and partly because of the lack of established immigration policies and practice – except as regards the influx of ethnic Turks during the early years of the Republic, welcomed as part of the nation-building process.

Today, most official initiatives to control and combat irregular migration occur in response to external pressures, such as from the EU, rather than local policy concerns.²² Thus, in this period of the pre-EU accession process, the issues of immigration, asylum and border controls, and the introduction of appropriate legislation, are of considerable importance for Turkey, as reflected in the Accession Partnership Agreement regarding the EU's Justice and Home Affairs.²³

These large irregular migration inflows and their direct and indirect political, economic and social repercussions for Turkey are a source of great concern to the Turkish authorities, as is the use of its territory as a transit zone, particularly towards EU countries. Indeed, there is a feeling that EU policies and practice to control irregular migration and the array of related restrictive measures shift the burden of controlling irregular migration to countries on the periphery, like Turkey, with the conclusion of readmission agreements often being cited as a case in point. Therefore, Turkish authorities are advocating the need for burden-sharing instead of what is being seen as a case of burden-shifting, especially in relation to a phenomenon such as irregular transit migration that ultimately targets Western European countries.

The EU authorities are urging Turkey to devote more resources and energy towards its efforts to combat and control illegal migration and the trafficking of human beings across and within its borders. Turkey is also being asked to adopt

the necessary measures to stem the tide of irregular migrants originating in Turkey itself – demands which Turkey feels are imposing a further heavy burden on its already stretched technical, financial and legislative resources. However, these demands and considerations are central to EU-Turkish relations and create many areas of concern for both sides, from security and human rights issues to economics and politics.²⁴

6.2 Legislation, policies and practice

As Turkey did not consider itself an immigration country, it was relatively slow to respond to the new challenges of irregular and transit migration in its territory. However, in line with the progressive realization and acceptance of that fact, the authorities undertook to strengthen their efforts to establish and enforce appropriate laws and regulations. Three main legal texts apply to immigration and related issues: (1) the Law on Settlement, adopted in 1934 (Law 2510); (2) the 1951 Geneva Convention on the Status of Refugees; (3) the Regulation on Asylum of November 1994. These laws and their implications for irregular migration have been the subject of numerous debates in the recent years.²⁵

6.2.1 National legislation on asylum and immigration

The Law on Settlement was adopted in 1934 (Law 2510, 14 June 1934) in connection with the arrival of ethnic Turks in the early years of the Republic.²⁶ It continues to be the main legislative text dealing with immigration, and determines who can enter, settle and/or apply for refugee status in Turkey. It provides for individuals of Turkish descent and culture to be accepted as immigrants and refugees in Turkey. Its relevance and implications regarding irregular migration are indirect. For instance, irregular immigrants, mainly asylum seekers of Turkish descent and culture, have been allowed to stay in the country either on an unofficial basis, or even to settle, work and eventually obtain Turkish citizenship. Although this tendency to favour people of Turkish descent and culture has often been counter-balanced by concerns over the possible arrival of large numbers of ethnic Turks, out of political considerations Turkish authorities have tended to adopt a liberal attitude towards such immigrants (e.g. the benevolent attitude towards Bulgarian Turks in 1950 and 1989, Iraqi Turkomans in the early 1990s, Bosnian Muslims in 1992 and to Kosovars in 1998). In contrast, political considerations have also prompted the authorities to show greater

reluctance in respect of some other people of Turkish descent, and to refuse entry to, e.g. large numbers of Chechen refugees on the border with Georgia in February 2000 (Kirisci, 2002: 74-76).

Concerning asylum seekers, Turkey has registered a geographical reservation to the 1951 Geneva Convention, which excludes non-Europeans from its purview. However, today's migration flows comprise both illegal migrants and asylum seekers who often arrive together with the assistance of smugglers and traffickers, crossing into Turkey illegally. Many migrants file an application for refugee status simply as another means to gain legal status in the country, without actually qualifying under the Refugee Convention. Despite the authorities' concern that the lifting of the geographical limitation would attract even greater numbers of asylum seekers from those areas, they nevertheless decided to lift it by 2004, mainly in view of Turkey's EU candidature.

Since there are no specific laws dealing with the status of non-European asylum seekers, Turkey referred to its general aliens law, which requires foreigners to have valid travel documents to enter, and to depart within the specified time limit. At the same time, out of humanitarian and pragmatic considerations, the authorities have granted *de facto* protection to some non-European asylum seekers (Kirisci, 1995). Thus, since the early 1980s, Turkey has been the target of large numbers of asylum seekers from Iran and Iraq and also from Asian and African countries (Içduygu, 2000: 360) who were allowed to enter and to benefit from temporary protection, with the expectation that they would leave again within a reasonable period of time. If their asylum applications were processed by the UNHCR and accepted, they would be resettled in a third country, otherwise they would have to return home.

Prior to 1994, the UNHCROIA was the sole body entrusted with the processing of the asylum applications in Turkey. In part because of the high case loads from the Middle East and to comply with UNHCR regulations, a new asylum law was adopted in November 1994²⁷ entitled "Regulation on the Procedures and Principles Concerning the Mass Influx of Foreigners In Turkey Requesting Residence Permits with the Intention of Seeking Asylum from a Third Country". With the adoption of this law, Turkey undertook to handle asylum cases directly. Although Turkey maintained its position regarding non-European refugees, the new regulation identifies two types of asylum seekers to Turkey: the first group includes European refugees who are granted protection under the 1951 Convention. The second group concerns non-European asylum seekers who aim for resettlement in a third country. Initially, the application of this law

was the cause of considerable tensions between Turkey and the international community. In fact, as refugee determination procedures had previously been carried out by the UNHCR, the Turkish authorities lacked the necessary experience, with the result that refugee status was denied to persons for failing to meet arbitrary formal requirements without further evaluation of the merits.

Until the late 1990s, such unsatisfactory outcomes were only too obvious, and from 1997 onwards the cooperation between UNHCROIA, MOI and MOFA made it possible to improve and facilitate its proper application and to prevent any perverse results.

However, the procedures applied under this regulation also revealed that most asylum seekers were in fact illegal migrants, who had entered the country with the intention of either staying or of leaving again illegally. Thus, in Turkey as elsewhere, the flows of asylum seekers and of irregular migrants are inextricably interwoven and, for all practical purposes, the policies and practice related to both should be considered together.

The principal legal bases applicable to irregular migration are the following: (1) The Passport Law (Law 5682); (2) The Penal Code (Law 765); (3) The Labour Law (Law 1475); (4) The Law concerning the fight against global criminal organizations (Law 4422); (5) The Law Regulating the Sojourn and Movement of Aliens (Law 5683); (6) The Law Regulating the Employment Position of Turkish Citizens in Turkey (Law 2007); (7) The Social Security Law (Law 506); (8) The Regulations concerning International Road Transport of People and Goods; (9) The Regulation on the Inter-City Transportation of People; (10) The Law regulating the Movement, Parking, Control, Safety and Customs Procedures of International Transport Vehicles.²⁸

1. The Passport Law (Law 5682) – This law determines the rules governing the entry into and the departure from Turkey. It includes specific provisions related to illegal departures (Article 33) and illegal entries (Article 34). Article 36 concerns smuggling operations and foresees imprisonment of one to two years for trafficking in human beings.
2. The Turkish Penal Code (Law 765) – This law contains provisions that could be used to indict people engaged in the falsification of passports and of other official documents in relation to irregular migration (Articles 350 and 351). Other provisions refer to the trafficking and smuggling of

human beings with the intention of providing illegal employment abroad (Article 503 and 504/4).

Until recently there was no direct reference to any aspect of irregular migration, so that the Turkish Penal Code did not offer any effective tools to combat it. However, in August 2002 the Turkish Parliament adopted a legal reform package. Through this initiative, the Law No. 4771 added Articles 201/a and 201/b to the Turkish Penal Code to supplement Article 201. This new arrangement in the Turkish Penal Code provides various effective tools to combat the irregular migration flows and trafficking and smuggling of human beings. (See Annex 2 for details of this law.)

3. The Labour Law (Law 1475) – Certain provisions foresee that the recruitment of migrant workers for domestic services and foreign markets can only be arranged through the offices of the Turkish Employment Service. It is illegal for an individual or private institution to engage in labour recruitment (Articles 83, 85 and 105).
4. The Law Concerning the Fight Against Global Criminal Organizations (Law 4422) – This law imposes penalties for persons who set up criminal organizations with the aim of exploiting others for financial gain (Articles 1, 2 and 6). To the extent that the smuggling and/or trafficking of human beings into Turkey is carried out by members of a criminal organization, they can be charged under this law.
5. The Law on the Stay and Movement of Aliens (Law 5683) – This law sets out the rights and responsibilities of foreigners living in Turkey, such as work and residence permits (Article 15), but it also includes rules relating to asylum seekers (Article 17).
6. The Law on the Employment of Turkish Citizens in Turkey (Law 2007) – This law contains articles concerning the illegal employment of foreigners and provides for relevant sanctions (Article 6).
7. The Social Security Law (Law 506) – In addition to providing for various details concerning social security in Turkey, this law also refers to illegal employment in Turkey. Although there is no direct reference to the employment of irregular migrants, by extension Articles 9 and 140 indirectly provide for sanctions against employers who benefit from illegal foreign labour.

8. Regulations Concerning International Road Transport of People and Goods – Provisions of this law may be applied to the smuggling of human beings using transport referred to thereunder (Article 50/h).
9. The Regulation on the Inter-City Transportation of People – This law provides some bases on which to prosecute inter-city transport companies involved in migrant smuggling (Article 9).
10. The Law Regulating the Movement, Parking, Control, Safety and Customs Procedures of International Transport Vehicles – Article 11 foresees the withdrawal of the operating licence in case of involvement in the smuggling or trafficking of human beings.

In fact, until recently, the concept of human smuggling was unknown in Turkish law. Although no law dealt directly with irregular migration and related issues, different elements involved in irregular migration could be addressed under some of the legislation referred to above. In fact, this did not obviate the need to devise appropriate legal bases to deal directly with irregular migration and related issues, such as the trafficking and smuggling of human beings. Consequently, as mentioned above, in August 2002 the new Articles, which are directly related to the issue of combating irregular migration and trafficking and smuggling of human beings, were added to the Turkish Penal Code.

6.2.2 Adjusting to international standards

The absence of specific legal bases has been a source of frustration for the Turkish authorities in their fight against irregular migration and related illicit activities. The need to at least amend certain relevant texts to include appropriate references is both evident and urgent. Thus, it is proposed to introduce amendments to three major laws: (a) the Aliens Law, (b) the Passport Law and (c) the Penal Code.

The proposed amendments, which often foresee tougher penalties for offenders (BFBA, 2001b: 55, 56), reflect the government's concern to have appropriate and effective means with which to combat and control all forms of irregular migration and related criminal activities.

Following the European example, and based on their experience of the difficulties involved in providing, e.g. food, shelter and other social services for

apprehended irregular migrants, the Turkish authorities are particularly keen to establish reception and readmission centres. They are to be established in the provinces of Aksaray, Kırklareli, Balıkesir, Erzurum, Siirt, and Van, and in the provinces of Hatay, Trabzon, Erzurum, Mus, Iğdir, Çankiri, Afyon, Van, and Kırklareli for readmitted irregular migrants (BFBA, 2001b: 56).

Collaboration with other countries and with international, intergovernmental, and non-governmental organizations is a further important step in combating the phenomenon of irregular migration. Since the late 1990s, the Turkish authorities have been cooperating with other actors (Kirisci, 2002: 72) with a view to concluding readmission agreements with several countries of origin and of destination. Collaboration between the UNHCR and the Turkish government has also been strengthened. Thus, a series of conferences and training seminars on refugee law and refugee status determination have been organized for Turkish officials (Kirisci, 2002: 85). Much closer cooperation has also developed between the Turkish government and intergovernmental organizations, such as IOM. A positive example of such collaboration was the programme to help the return of stranded irregular migrants from Turkey to their homelands, under which over 550 irregular migrants received return assistance between 1995 and 1997.

A more recent example of this type of IOM collaboration is the return programme for stranded irregular Iraqi migrants in Europe to assist them to return to their home country via Turkey, to be implemented through a Turkish non-governmental organization, the Anatolian Development Foundation (ADF) in 2002. Thus, considerable efforts have been initiated to achieve a measure of conformity with relevant EU standards and practice on asylum seekers and irregular migration.

6.3 Turkey's EU candidature and the *acquis communautaire*

Turkey's EU candidature certainly plays a key role in the country's concern and efforts to combat and control irregular migration in its territory (Kale, 2002). Some of the initiatives taken focus directly on irregular migration, while others deal with related aspects. The fact that the issue of irregular migration is central to EU-Turkish negotiations for Turkey's membership to the European Union appears quite clearly in both the Accession Partnership Agreement of 2000 and Turkey's National Programme of 2001. A closer look at these two documents not only makes it possible to place the problem of irregular migration in Turkey

and the attendant institutional and legal aspects within the international, EU-related context, but also to analyse it from a Turkish perspective.

6.3.1 Legislative adjustments

- The Turkish National Programme on administrative reform regarding Justice and Home Affairs (JHA) will be accelerated;
- Coordination between relevant ministries and other public institutions will be strengthened;
- Border controls will be further strengthened and efforts undertaken to fully implement the Schengen rules;
- The harmonization of legislation and practice with the *acquis communautaire* on visa policy will be pursued;
- The *acquis communautaire* and practice on migration (admission, readmission, expulsion) will be adopted with a view to controlling illegal immigration, and facilities and social assistance for refugees further developed;
- The capacity to fight organized crime, and police and judicial cooperation in criminal matters will be strengthened, and work on the collection, storage, processing, analysis and exchange of relevant information on suspicious financial transactions will be accelerated;
- The harmonization with the relevant *acquis* will be completed and preparations made to participate in Europol;
- Turkey intends to adopt the *acquis communautaire* regarding the protection of individuals in the processing of personal data in order to fully participate in the Schengen Information System (SIS) and Europol;
- Information programmes to acquaint the public with the *acquis communautaire* and practice in the field of Justice and Home Affairs will be prepared and disseminated;
- Turkey's participation in the Euro-Mediterranean Partnership (MEDA) and programmes in the field of JHA such as Falcone, Odysseus, Grotius, Daphne, Oisin and Stop, and in cooperative schemes such as the Action Plan Against Organized Crime, the Action Plan on the Fight Against Drugs, and the European Refugee Fund will be encouraged and enhanced with the assistance of the EU Member States;
- Turkey shall proceed with the lifting of the geographical limitation to the 1951 United Nations Convention Relating to the Status of Refugees with due regard to the attitudes of the EU Member States on the issue of burden-sharing, and so as not to encourage large-scale refugee inflows from the East as and when the appropriate legislative and infra-structure measures have been implemented.

Together with the Accession Partnership Agreement (APA), Turkey's efforts since 2001 in regard to JHA, asylum and irregular migration are considered in the EU's 2001 Regular Report on Turkey's Progress Towards Accession and the progress noted. Thus, although much still needs to be done to conform to the Schengen rules, Turkey has already introduced airport transit visas for a number of selected countries of origin. As from July 2001, Bulgarian citizens are exempt from visa requirements. To reinforce external border controls, a process of cooperation and coordination between the various ministries and other institutions concerned has begun. A number of initiatives have been introduced to strengthen border management, in particular to prevent and deter illegal border crossings. These include the setting-up of new checkpoints, the assignment of additional sea patrols and greater vigilance in regard to, and the pursuit of, suspicious vessels in Turkish waters. The construction of watchtowers along the Iranian border has begun, as well as a process of administrative reorganization to strengthen police cooperation and operational efficiency. Thus, new Divisions for Anti-Smuggling and Organized Crime have been created at 81 provincial police stations.

In May 2001, a meeting between the representatives of the Turkish General Staff, the Ministry of Defence (MOD), MOFA and MOI resulted in the appointment of respective liaison officers and the establishment of an early warning system in the field of border management. Regarding police cooperation and the fight against organized crime, an agreement between Turkey and Greece to cooperate in combating crime came into force in July 2001. This Agreement was supplemented by the above-mentioned Protocol on Readmission, signed in November 2001. In the area of personnel training, the Directorate General for Public Security of the Ministry of Interior organized training sessions for a total of 553 officials between November 2000 and May 2001 on the recognition and prevention of forged documents to control illegal border crossings. Furthermore, legislation is being prepared regarding Turkey's participation in the Schengen Information System (SIS). The Integrated Communication System Project (JEMUS) is being completed by the internal security forces for the speedy transmission of information between all its units.

Concerning readmission agreements, bilateral negotiations are in progress with a number of countries of both destination and origin. A readmission agreement with Syria was signed on 10 September 2001. Iran, Pakistan, Bangladesh, India, Sri Lanka, China, Romania and Bulgaria, all countries of origin, have been approached regarding draft readmission protocols and there are proposals for enhanced cooperation in transit matters within the context of the EU Action Plan for Iraq.

Although no progress has been achieved so far on the ratification of international instruments to combat illegal migration, in particular the 2000 UN Convention Against Transnational Organized Crime and its two Protocols (a) to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and (b) Against the Smuggling of Migrants by Land, Sea and Air, signed by Turkey in December 2000, the authorities are seriously concerned over the growing flow of illegal migration to the country. In particular over the huge increase in irregular migrants from 11,362 in 1995 to 94,514 in 2000. In 2001, the number of illegal migrants stood at 92,364, only a small decline from the previous year.

Similarly, Turkey acknowledges the fact that it has become a destination and transit country for trafficking of human beings. Women and girls, mostly from Romania, Russia, the Ukraine, Moldova, Armenia, Azerbaijan and Georgia, are trafficked to or through Turkey. Turkey is aware that it has yet to meet the minimum standards for the elimination of trafficking and still has to introduce appropriate legislation to combat trafficking in human beings. However, efforts are being undertaken and in 2000 the authorities arrested 850 members of organized trafficking gangs.

Finally, a report of EU experts on issues falling within the area of JHA was completed with the cooperation of the Turkish authorities in July 2001. It contains a set of conclusions and recommendations for future reforms, as well as financial assistance programmes relating to JHA. After summarizing the country's progress concerning the issues of asylum and irregular migration, the EU's 2001 Regular Report on Turkey's Progress Towards Accession includes the following general assessment of these issues:

- Turkey has initiated the process of aligning its legislation and policies with the JHA *acquis communautaire*. Concerning Turkey's visa policy, the necessary steps are being taken to harmonize it with the *acquis* and the Common Consular Instructions and other relevant EU Regulations. However, there are no precise targets and timetables. Concrete results achieved so far concern the implementation of the project for the issuing of passports and the installation of optical readers at entry and exit points.
- Regarding external borders and the alignment with the Schengen Agreement, border management will continue to be reinforced. The question of establishing a non-military professional body with particular responsibility for border controls needs to be addressed urgently. It is important to adopt a strategy for the effective control and management of all Turkish borders, as

well as for the upgrading of the relevant technical equipment. In order to upgrade the administrative capacity of the various actors involved in the protection of the borders, special attention needs to be given to training, including language training, in particular for border police at land, sea and air borders.

- As for migration, the possible scope, contents and timing of readmission agreements signed by Turkey need to be clarified. Given the recognition of Turkey's status as a transit country, a significant step in mitigating the immigration problem would be to cooperate with the EU in transit matters, in line with the proposals put forward by the EU to Turkey in July 2001. As a matter of priority, Turkey needs to step up its efforts and the means employed to effectively fight illegal migration and the trafficking in human beings. In that connection, the signing of a readmission agreement between Turkey and the EU is seen as a step in the right direction.
- Turkey's willingness to lift its geographical reservation to the 1951 UN Convention relating to the Status of Refugees is a positive development in the area of asylum. The conditions attached to it raise a number of questions that call for further discussion. There are serious concerns regarding Turkey's current asylum legislation and practice. These relate mainly to the fate of non-European asylum seekers, the time limitations attached to the registration of asylum claims, the situation of asylum seekers during the status determination procedures and the deficiencies of the appeal arrangements for rejected asylum applicants. An important step is the setting up of an independent asylum appeals board.
- Turkey has been requested to establish a nationwide screening mechanism to identify asylum seekers among detained illegal immigrants.
- The creation of reception facilities and their management should be given priority, including the allocation of adequate resources.
- It is worth noting that international experts operating in the field approve the current practice of providing accommodation to refugees through private local housing. This practice, which entails financial support from local government authorities for the host families, is considered more secure than crowded refugee centres, which may be exposed to criminal activities.

- Regarding police cooperation, all ongoing efforts coordinated by the MOI should be accelerated. These are intended to enable full participation in Europol and in the Schengen Information System (SIS), and aim at reviewing the Act on the Duties and Competences of the Police, in line with the *acquis*. The establishment of a Directorate General for Foreign Relations and EU Coordination within the MOI would be another positive step in order to strengthen the administrative capacity of the Ministry.

It is quite clear that the migration-related issues elaborated both in the Accession Partnership Agreement and Turkey's National Programme, have already had a significant impact on Turkey's policies and practice, although much still needs to be done. However, there is a substantial gap between the expectations, on the one hand, and actual capabilities to meet them, on the other. This presents Turkey with a dilemma. On the one hand, Turkey is under considerable pressure from the EU to improve its control mechanisms and law enforcement capabilities to combat and stem the flow of illegal migrants to the countries of the European Union but, on the other, Turkey cannot realistically be expected to comply with such demands without the necessary assistance and resources to do so. The requirement to liberalize its current asylum policies and to align its system in accordance with existing EU regulations and policies necessarily places considerable additional burdens and responsibilities on the country's available resources and institutional capacity (Kale, 2002; Kirisci, 2001).

7. CONCLUSIONS AND RECOMMENDATIONS

During the last two decades, Turkey has been confronted with large-scale irregular migration movements, usually from the Middle East, which use the country as a transit zone on their way to western and northern European countries. The route through Turkey serves as a natural link between the Middle East and Europe and migrants use it as a bridge to a life offering better economic and social conditions. Hence, Turkish borders are crossed daily by hundreds of irregular migrants. Well over 90,000 irregular migrants were apprehended in 2001, only a little less than in 2000, but close to double the number in 1999.

It may be assumed that several hundred thousand long-term irregular migrants are living in Turkey. Each year, between two or three hundred thousand irregular migrants enter Turkey around half of whom work in the country illegally for some time before moving on. It is estimated that not even half of these are caught by the police. Although the major migration flows come from Iraq and Iran, significant numbers also arrive from Afghanistan, Bangladesh, Moldova, Pakistan and Romania.

The current study, combined with the findings of the 1995 IOM study, points to three distinct periods of irregular migration to Turkey: 1979-1987; 1988-1993 and from 1994 onwards. These periods reflect the changing characteristics of both the migrants and the migratory flows, as well as the changes in Turkey's migration policies and practice. During the first period, irregular migration was mainly driven by the continuing influx of Iranians. Most of them stayed in Turkey only temporarily, and left again for northern and western European countries. The second period from 1988 to 1993, saw the massive arrivals of asylum seekers from Iraq and Bulgaria. While most of these Kurdish asylum seekers from Iraq left again, almost half of the Turkish Bulgarian asylum seekers settled in Turkey.

The last period, beginning with Turkey's 1994 Regulation on Asylum, not only marked Turkey's changes to its migration policy, but also witnessed the continuing, diversifying and increasing irregular migration flows into the country. There were more irregular migrants generally, and more which had drifted into irregularity by overstaying and remaining in the country illegally. As Turkey saw itself being turned into a transit country for thousands of irregular migrants and asylum seekers, the Turkish authorities began to pursue a more active and targeted policy from 1994 onwards to deal with such flows.

Today, irregular migration in Turkey is much more diversified than before in terms of the migrants' origins, personal characteristics and prospects. A large group of irregular migrants involves economically motivated people mainly from the Middle East, Iraq and Iran, but also from various Asian and African countries, who enter and stay in Turkey for some time before they eventually migrate illegally to western and northern European countries. Another group includes people from the former Eastern Bloc countries, such as Romania, Moldova and the Ukraine, who mostly enter the country legally, but then remain beyond their visa entitlement and/or work even though they are not allowed to. Asylum seekers, again mainly from Iraq and Iran, whose asylum applications have either already been rejected by the authorities or are still being processed make up a third group. Because of the uncertainties involved in the refugee determination process, they go underground and swell the existing numbers of irregular migrants.

In Turkey the categories of asylum seekers and economically motivated irregular migrants overlap widely, partly because both types of migrant flows originate in the same countries, namely Iran and Iraq, and partly because both are involved in illegality as a result of their entry, stay and prospects of departure, which, as the study has shown, depend very much on chance, opportunity and the availability of funds. Meanwhile, Turkey's position in respect of the 1951 Convention and its geographical limitation excluding non-European asylum seekers who, however, account for the majority of migrants in Turkey, is a further factor contributing to an environment in which these irregular migrants and asylum seekers are often inseparably merged.

As migrants become more diversified in terms of their national, social, economic and demographic characteristics, the migration dynamics are also changing as migrants are better organized and often migrate with their immediate family. Current migration flows include many more women, either migrating alone or accompanying their male counterparts, together with rising numbers of migrants of middle-class origins alongside others of relatively lower-class background. The growing recourse by irregular migrants to traffickers and smugglers to cross borders and to eventually reach their destinations, has perhaps made the migration process simpler, but not necessarily less hazardous and taxing for large numbers of migrants.

Irregular migration in Turkey clearly points to an increasingly well-organized and effective trafficking and smuggling business. However, even though large sums of money are involved, passports and visas are forged and security

personnel and border guards bribed, the involvement in Turkey of centralized, top-down mafia-type, large-scale trafficking and smuggling organizations does not appear to be the rule. Rather, it relies on a wide variety of people of diverse backgrounds and skills to perform relatively independent and *ad hoc* tasks at different stages in the network of the migrant trafficking and smuggling process.

Today not only Turkey, but also its European counterparts, face many challenges in relation to the management and control of migration flows involving Turkey. The EU, in particular, is greatly concerned over irregular migration flows through Turkey, as these have very direct consequences for the whole of Europe. Given the country's candidature for accession to the EU, Turkey has been very active to harmonize its legislation with the *acquis communautaire*. Such efforts are being undertaken in the field of migration in general, and in respect of irregular migration and asylum-related issues in particular. It is expected that the country's migration policy and practice will be brought into line with the standards and norms set by the EU. In fact, Turkey has recently taken several steps to ensure convergence with those standards by changing, or planning to change, its relevant policies and practice, thereby consolidating its status as a long-standing accession candidate to the European Union. It should be noted that the legal arrangements made in August 2002, which introduced some direct measures for combating irregular migration and trafficking, is a significant step in Turkey's commitment to EU membership. It should also be noted that Turkey is moving to lift its geographical limitation to the 1951 Refugee Convention, to adjust its administrative and legal systems in line with common international asylum practices. Indeed, Turkey is demonstrating its political will to fight trafficking and smuggling within its borders, and to collaborate closely with the international community to better manage, control and combat irregular migration on its territory.

ENDNOTES

1. For some detailed discussion of recent immigration trends see Kirisci (2001) and Icduygu (2000).
2. This estimate is based on nearly 95,000 irregular migrants caught in 2000: over half as they were about to enter or leave the country illegally, with overstayers including some 3,000 to 5,000 African undocumented migrants living in Turkey in an irregular situation accounting for the rest.
3. For a definition of irregular migration and some other related concepts, cf. Bimal Ghosh, *Huddled Masses and Uncertain Shores, Insights into Irregular Migration*, Martinus Nijhoff Publ., IOM, 1998.
4. Since the early 1960s over three million Turkish citizens have migrated to more than 30 countries and about half of them have remained abroad. Today about 3.5 million Turks have settled abroad, including two million in the Federal Republic of Germany. For some details of the current situation of Turkish emigration see Icduygu (2001).
5. For some background information on these sources, see the internet site of the Turkish Government: www.basbakanlik.gov.tr.
6. For some detailed information on IOM, see IOM internet site: www.iom.int.
7. For some detailed information on UNHCR, see UNHCR internet site: www.unhcr.ch.
8. For some detailed information on Caritas International, see Caritas International internet site, www.caritas-international.de.
9. For some detailed information on ICMC, see ICMC internet site: www.icmc.org.
10. For some detailed information on ASAM, see ASAM internet site: www.asam8k.com.
11. For instance, Mr. Yasar Okuyan, the Minister of Labour in the current Ecevit Government quite often cites the figure of 1 million illegal migrants living in Turkey.
12. See the various statistical reports at the UNHCR Internet Homepage, www.unhcr.ch.
13. A similar brief history of asylum in Turkey has also been previously documented in these two studies: International Organization for Migration (IOM), *Transit Migration in Turkey*, Budapest: IOM Migration Programme, 1996, and Ahmet Icduygu, "The politics of international migratory regimes: transit migration flows in Turkey", *International Social Sciences Journal*, 165, 2000, pp. 357-367. For a recent evaluation of this history also see Kemal Kirisci, *Justice and Home Affairs, Issues in Turkish-EU Relations*, Istanbul: Tesev Publications, 2001.
14. As will be discussed later in this study, a new regulation on asylum was adopted effective November 1994.
15. In fact, a survey showed that 26,873 out of 27,028 interviewed Iraqi Kurds living in the shelters had the intention of resettling in the West – reported by Kemal Kirisci, "Refugee movements and Turkey in the Post-Second World War era", Research Paper, ISS/POLS 95-01, Istanbul, Bogazici University, 1995. Contrary to the migrants' intention, however, the western countries were reluctant to accept them and they wanted to keep these refugees in Turkey. At the same time, western officials were quite critical about Turkey's treatment of the refugees, particularly referring to the amount and quality of housing facilities and humanitarian assistance in Turkey. On the other hand, when the West showed reluctance to accept any refugees for resettlement, the Turkish government was critical of the lack of western interest to share the international responsibilities towards refugees.

16. Cf. Johnson's Russia List 2002, "Russian Prostitutes Seen to Pose Threat to Turkey's Security and Economy", www.cdi.org/russia/johnson/6064-11.cfm.
17. *Ibid.*, also Donna M. Hughes (2000).
18. The Convention against Transnational Organized Crime and its Protocols (Doc. A/55/383). See under: www.odccp.org/palermo/convmain.html.
19. Salt (2000).
20. According to one estimate, the global profit generated runs to US\$ 5 to 7 billion per year (Di Nicola, 1999: 3).
21. IOM (2000b: 8); Juhász (2000: 170); SMOFA (2001: 4); Salt (2000: 34).
22. For some details of these developments, see the last three (1999, 2000 and 2001) Regular Reports of the EU on Turkey's Progress Towards Accession, and the National Programme of Turkey issued in 2001. In recent years there have also been numerous workshops, conferences, other similar meetings and various publications on these issues where several Turkish officials have participated in the developing debates. For instance, reference should be made to the "Symposium on the Reality of Illegal Migration Within the Human Mobility" organized by The Bureau for Foreigners, Borders, and Asylum at the Directorate of General Security of the Ministry of Interior, Ankara, October 15-16; and book, BFBA (2001b).
23. For the related discussion see for instance Kirisci (2001) and Kale (2002).
24. For a very detailed elaboration of these issues, see Kirisci (2001).
25. For some details see, for instance, Kirisci (1996a, 1996b, 2000, 2002).
26. See Official Gazette, 21 June 1934.
27. For a detailed discussion on the 1994 Regulation on Asylum, see Kirisci (1996a); see also Frelik (1997).
28. For details of these legal texts see: www.yargitay.gov.tr.

SUNDRY MEDIA REPORTS**Case 1: 10 January 1998, *the Associated Press, Turkey***

Turkish authorities arrested 83 would-be immigrants hoping to sneak into Western Europe in separate raids along the Aegean coast and the Greek border, the official Anatolia news agency reported Tuesday. Forty-two Iraqi Kurds and one Senegalese were apprehended near this north-western city bordering Greece. Another 39 Iraqis were caught in the Aegean coastal town of Bodrum. Anatolia did not say when the arrests were made. Turkish authorities have rounded up thousands of foreigners in a crackdown on illegal immigration this month after European nations pressured it to take better control of its borders following an exodus of Kurds and other foreigners to Europe. But many of the would-be immigrants are released within days and only a handful are deported.

Case 2: 14 January 1998, *Reuters, Turkey*

Turkish police have detained 46 foreign migrants and two Turks who tried to help them leave the country illegally, Anatolian news agency said on Wednesday. The migrants, mostly from Iraq, were seized overnight as they were heading for a boat to take them from the western Aegean province of Izmir to nearby Greek islands. Police have arrested hundreds of suspected illegal migrants in ports and cities across western Turkey since European Union demanded that it act to stop a recent wave of migration to Italy. People from Bangladesh, Nigeria, Pakistan and Algeria were among those seized on Tuesday night after a tip-off that they were travelling on a coach towards a coastal departure point. Two suspects were detained on a boat allegedly waiting to ferry the migrants, Anatolian said. Police said earlier this week hundreds of illegal migrants were to be expelled from Turkey after a massive weekend round-up in Istanbul. The largest number of detainees came from the mainly Kurdish north of Iraq. Courts often release migrants attempting to leave the country illegally because chronic high inflation has eroded fines to little more than a dollar. Migrants, seeking

passage to EU countries, pay smugglers large sums of hard currency to ferry them to the Italian or Greek coasts. Others try to cross the land border with Greece.

Case 3: 16-31 October 1999, *Asian Migration News, the Philippines*

Minister for Immigration and Multicultural Affairs, Philip Ruddock, recently announced Australia's intensified campaign against irregular immigrants. This warning is primarily targeted at would-be illegal entrants in what are considered as high-risk countries such as China, Iraq, Sri Lanka, Afghanistan and Turkey.

Case 4: 1-15 November 1999, *Asian Migration News, the Philippines*

Turkish police arrested 282 illegal immigrants trying to cross to Greece. Among those arrested were Asians from Iraq, Iran, India, Pakistan, Bangladesh, Afghanistan and Pakistan. Turkey is considered to be one of the main routes used by Asian and African illegal migrants to cross Europe.

Case 5: 28 July 2000, *the Associated Press, Turkey*

Turkish security forces have arrested 460 illegal immigrants in the Aegean provinces of Izmir and Edirne. On 21 July, over 200 migrants were arrested in Seferihisar, including 62 Turkish and Asian nationals such as Afghans, Sri Lankans, Bangladeshis, Indians, Pakistanis, Palestinians, Iraqis and Iranians. Another group of 150 immigrants was arrested on 26 July in the same area. In Edirne, 103 people, who were suspected to be heading for Greece, were detained.

Case 6: 6 August 2000, *the Associated Press, Turkey*

Turkish authorities in Erzurum have detained around 100 illegal immigrants, believed to be Afghans, Iraqis, Iranians, Pakistanis, Moroccans and Azeris. They were bound for Italy and claimed they paid the driver of the lorry US\$ 2,000 each to be delivered to Istanbul. They were detained near the towns of Meric and Ipsala, near the Turkish-Greek border.

Case 7: 10 July 2001, *Turkish Daily News, Turkey*

Seven illegal immigrants detained in Izmir Following the detention of 56 illegal immigrants last Thursday, seven more were detained on Monday. The seven, who were from Afghanistan and had entered Turkey illegally, were seized in Cesme and Urla, in the province of Izmir. According to officials, the gendarmerie captured four of the illegal immigrants, who wanted to immigrate illegally to European countries through Greece by boat, in Cesme. Three other illegal immigrants were detained in Urla. Gendarmerie officials said they would be deported after interrogation and the appropriate legal procedures.

Case 8: 20 September 2001, *Turkish Daily News, Turkey*

Some 182 Afghan citizens, who feared an attack against their country from the United States and tried to enter Turkey and the Greek islands from Mugla, were captured. Bay security and gendarmerie forces arrested the immigrants, who were trying to move to the Kos Island from Datca, Milas and Bodrum bays. The forces established barriers in every district and town around Mugla. Boats belonging to bay security command continue to patrol 24 hours a day. Officials said all measures were being taken against illegal immigration.

Case 9: 15 March 2002, *Agence France Press, Turkey*

Security forces in the southern Turkish province of Adana have detained 327 people who were planning to go to Italy, the Anatolia news agency reported late Thursday. The group was caught early Thursday in a wooded area near the town of Tuzla where they had been taken by trucks and were waiting to board a ship, the report said. The majority of the detainees were Turkish citizens from the country's mainly-Kurdish and impoverished south-east and east, while three of them had Azerbaijani passports, the report said. The detainees told police that they had paid between EUR 5,000 to 7,500 (US\$ 4,400-6,600) to smugglers for the planned journey. Located at the crossroads of Asia and Europe, Turkey lies on a major human-smuggling route between the two continents.

Case 10: 12 April 2002, *the Associated Press, Turkey*

Police have detained 185 illegal migrants in eastern Turkey, a Turkish news agency reported. Paramilitary police in the eastern Anatolian province of Van stopped two trucks in the town of Ercis Friday, and found 74 migrants who were apparently planning to get to Istanbul, the Anatolia news agency said. In separate operations, police found another 111 illegal migrants in the same province. The detained migrants were mostly Iraqis, but included people from Iran, Afghanistan and Pakistan. Thousands of illegal migrants, mostly from the Middle East and south Asia, pass through Turkey each year on their way to Western Europe. European countries have been putting Turkey under pressure to halt the flow of illegal migrants.

**DETAILS OF THE AMENDED ARTICLE 201
OF THE TURKISH PENAL CODE**

Article 201/a

The smuggling of migrants is defined as helping foreign or stateless persons, or persons who have been refused permanent residence in Turkey, to enter or stay illegally in Turkey, or helping such persons to leave the country illegally, with the intention of directly or indirectly obtaining material gain therefrom.

The perpetrators of migrant smuggling and other persons who, though not directly participating in such a crime, assisted illegal migrants already in the country to leave the country illegally or to facilitate their stay in the country in violation of the law, and have prepared or provided false identification or travel documents for this purpose, or have attempted any of these acts, even when these acts constitute a different crime, shall be sentenced to an additional heavy imprisonment of two to five years and a heavy fine of not less than one billion lira. Vehicles used in the crime and any material gains shall be confiscated.

The penalties envisaged for the crimes listed above shall be increased by half if the lives or bodily integrity of illegal migrants have been endangered, or if they have been subjected to inhuman or degrading treatment, and shall be doubled if the action has resulted in death.

If the crimes listed in the paragraphs above are committed by organized gangs, the penalties shall be doubled.

Article 201/b

Those who provide, kidnap, take or transfer from one place to another and house individuals with the intention of making them work or serve by force, subject them to slavery or similar treatment, threaten, pressure, use force or

coercion to persuade them to give up their bodily organs, use undue influence or secure their consent by deception or by exploiting the despair of such individuals, shall be sentenced to five to ten years of heavy imprisonment and a fine of not less than one billion lira.

If the actions that constitute a crime are attempted with the intentions described in the first paragraph, the victim is assumed not to have given his/her consent.

If children below the age of 18 are procured, kidnapped, taken or transferred from one place to another or housed with the intentions specified in paragraph one, even when no intermediary actions relating to the crime are committed, the penalties foreseen in paragraph one shall nevertheless be applied to the perpetrator.

If the crimes listed in the paragraphs above are committed by an organized criminal group, the penalties foreseen for the perpetrators shall be doubled.

CASES CULLED FROM INTERVIEWS WITH SMUGGLERS AND TRAFFICERS AND FROM POLICE REPORTS

Case 1: Representing the Local Smuggler, face-to-face interview:

Male, Alevi Kurdish, 37 years old, left the university:

In this region, smuggling is part of our economy. If it weren't for animal husbandry and smuggling, the people in this region would not have survived for centuries. Smuggling is a way of life here and it is not something negative. Being a doctor or an engineer is no different from being a smuggler. Years ago, we used to bring sugar from Iran and take animals to Iran. Tobacco smugglers and porters have even inspired the poems of Ahmet Arif, for instance in the poems "33 Kursun" or "General Muğlali Vakasi".

Smuggling is the basis of the region's economy. Everything you can imagine travels over the border. You just have to ask for it. This has now become a necessity. There is no cultivation and animal husbandry is dead. The government gives no money to the municipalities. Unemployment is high. I studied but I am still unemployed. The business of my father and grandfather is more profitable. When the roads are blocked in the winter because of the heavy snow, we provide the Directorate of Highways with the needed diesel oil, which is smuggled. We bribe them but this is not a personal bribery. We provide the diesel oil and spare parts; they clear and open up the roads. This is the kind of bargain we are talking about. Because Iran is closer to us than Ankara.

In a system like this, it makes no difference if we are carrying spare car parts, diesel fuel or people. The fundamental rule of capitalism operates here; it is a matter of supply and demand. On the thousand years old Silk Road, whatever item is needed is smuggled. At that time, the borders we have now did not exist. Travelling that route was not considered as smuggling. There were only different taxes at different stops. But now on paper they say this is Iraq, this is Iran, this is Turkey, and it is illegal to cross without notification. My relatives on

the other side of the border are larger in number than the ones on this side of the border. I live in Turkey but more than half of Khvoy is my kin. This kind of a relationship is an advantage for all sorts of smuggling, including the smuggling of people. It works like an insurance.

Case 2: Representing the Cashier, face-to-face interview:

Male, Turkmen from Iraq, 40 years old, has a business in Istanbul:

I came to Turkey 16 years ago. I was working for Saddam Hussein's army, in the special units. I did not like the kind of things they were making us do, so I secretly crossed the border. They did not accept my application for asylum in Turkey and I was forced out of the country. But I re-entered the following day. This time they gave me residence in Konya. I waited for months for things to change, and when nothing happened, I ran away without permission and came to Istanbul. My aim was to go further west but I did not have the documents. I managed to find fake documents and made my way to Belgium. I travelled around in several countries but did not like it there, so I returned to Istanbul.

Documents such as asylum applications, passports, visas and all of which are supposedly important are in fact all empty talk. Even without these documents, anyone who wants to go to any country in the world can easily do so. All these years I have been travelling, there is almost no country or city that I have not visited. I was caught only once when I was leaving the airport in Turkey. That was because the passports of my wife and children were fake. They were fake but the visas on them were real. Today I can easily get a real visa on a fake passport. They make fake passports of such good quality that even embassy personnel cannot tell they are fake. But it is also possible to obtain visas through bribery. In the past we have obtained visas through bribery from the German, French and Bulgarian embassies. There was even a period when the stamps from the German embassy were stolen. Anyone who wanted was given a visa; at a price, of course. Like I was saying, they stopped us at the airport. I asked the police, "What will you do if you take me in? You will let me go in two days and I will leave this country again. Besides, I am not entering Turkey, I am leaving your country. I have entered Turkey twice, illegally, you have not been able to catch me, now you are catching me on the way out. Is this the way to tackle illegal migration? You have to prevent people from coming in and allowing those who want to leave your country". They told me I was right, but they are still doing the same things.

I have no ID card, no passport, no nothing. But I have been doing business in this country for 10 years. Because I have been through hard times with Saddam, I help those who want to leave Iraq. The Turkmen Association here is a bit “official” so I don’t hang out with them. But most of those who arrive know me from before. They come and find me here in Istanbul. I know some trustworthy middlemen and shipmen who do this business. I take the new arrivals to these friends. They can’t cheat me. For Iraqis who intend to continue to the west, there is a cashier system. This means that until the end of the journey, the money stays with a trustworthy person, a paymaster. When the migrants reach their point of destination, they call to say they are “OK”, and then the money is paid to the smuggler. I usually play the role of cashier.

Some police constantly get protection money from illegal migrants. I know of police officers who even collect money to go to the whorehouse. Once I informed the station about a police officer who was collecting money from this business. The man who collects money from such desperate people is shameless. A police officer who was getting money from this business as a middleman, and who at the same time has a water shop was arrested not too long ago. Some middlemen also have connections with the intelligence service, but it is in fact the smuggler at the very top that has the real connections with the intelligence service and the police. They either leave the smugglers in peace in exchange for some money, or they are actually involved in the business. At the moment, the biggest in the business is an Iranian and he has links with the intelligence service. This is the way things work. Since you’re doing research, I suggest that you see the business on the spot. I will take you from Afghanistan to Paris as an illegal migrant and you can write as we go. Against charge, of course.

Case 3: Representing the Guide, face-to-face interview:

Male from Van, Kurdish, 50 years old, smuggler since he was 11 years old:

A man that earns money from smuggling won’t improve. That money won’t amount to any good. There was an Iranian. His name was Ferzane. One of the Shah’s men had made a deal with and paid money to a smuggler to have his wife, daughter and his belongings smuggled. The smuggler went and sold all the belongings. He took the wife and daughter, and dropped them off near the border inside Iran and told them they were in Turkey. He later came back, took all the money he found on the woman and raped the daughter. I saw the whole thing

with my own eyes. But the day after he crossed the border to Turkey the smuggler died.

There are smugglers who are honourable and those who aren't. This business is no good. I used to take people across but it's been a year that I don't do it anymore. For the last four people I smuggled, instead of getting my money, I had to pay 30 million myself. They had no money on them. Later they called me from Germany to thank me. Their father also called me. There have been people calling me from Holland to ask me to smuggle their sons, daughters, sons-in-law, sisters-in-law. This is what happens when you are trustworthy. When you wake up in the morning, you have people waiting at your door begging you to take them across.

I was 11 years old when I first crossed the border into and from Iran. I am now 50 years old and I continuously go back and forth. I inherited this work from my father. I bring everything from Iran and take everything there. I carry whatever people ask and want me to carry, except for one thing: "flour" (drugs). It is only smugglers from Lice and Baskale that do that business. They are not interested in the smuggling of people because for them that is small business. Smuggling is done for money. There is big money in drug trafficking, but it is the owner of the drugs that makes this money, not the carrier. Those in the drug trafficking business do not bother with the smuggling of people, which does not bring in as much money. But all other smugglers, like myself, smuggle everything, including people. I am going to start again the smuggling of people and of diesel oil. If they ask for reapers, I ask the Iranians for reapers, they let me know in two days, I go over and load the reapers on four horses and bring them into the country. We bring generators for 1 billion, Mercedes car parts, diesel fuel, or whatever is needed. The market no longer wants the smuggling of sugar and tobacco. While smuggling, people are now also transported. Those who trust you find you. This could be either one person, it could be 30. I have smuggled up to 40 people. Nowadays it costs 100 dollars per head to be smuggled into Van.

There are middlemen in Iran who tell you to be at "259" on this day, at this time. "259" is the number of the particular border stone. You go and pick them up. The Iranian pays you the money. The smuggler pays the money to the next smuggler. If he is evil, he will later collect extra money from the travellers, but this is no good. The Afghan smuggler knows the Iranian smuggler at the Iranian border. The Iranian knows the smuggler at the Turkish border. It continues like this, but the Afghan smuggler would not know the Turkish smuggler, so it is not a continuous chain. In Iran they come from places like Solmaz, Khvoy, and Riza. They enter into Ozalp, Saray and Baskale.

There were times when I went to a village in Iran to pick up people and times when I took over on this side of the border. During the journey we don't go into counties and city centres. From the nearest border village in Iran, travel time is normally eight to nine hours, but I do the same route in three to four hours. After all, I am Abdullah. I reach Van at dawn and leave the travellers when I see the first lights of the city, or when we reach a neighbourhood in the outskirts of the city. They all know where they will be going. Most have the address of the person they will be meeting in Van. A man who starts off from Afghanistan has the addresses of people he will be meeting in Istanbul and in Paris. I don't take care of business after Van. My job is to bring them in from the border. I will pick up the business of smuggling people and diesel oil. I have no other choice.

There was this guy Ahmet from Masshad, one of the biggest smugglers. He is now in jail for having killed his wife. He was good at establishing connections with police officers. He was like a police officer himself. Migrants would come to him, he would arrange their accommodation, and then Ahmet would tell the police he was sheltering illegal migrants. He would then take these people to Istanbul. There are people now who work between Van and Istanbul. Most are Kurdish like myself. Seydioglu is one of the biggest smugglers to Istanbul. He has a shop across from the mosque.

The salaries of Iranian police officers are very low. The salary of a high-ranking soldier is equivalent to the salary of a low-ranking officer in Turkey. For this reason they encourage smuggling so that they themselves can earn money. In Turkey we also have police stations that take bribery but usually there is no need.

Case 4: Representing the Smuggler who takes the migrants from the border to the departure point, face-to-face interview:

Male, Iranian smuggler, 33 years old, lives in Van:

I came to Turkey six years ago. I am an Iranian national. I live mostly in Van. I go back to Iran once every two to three months. I make arrangements for illegal migrants to go to Istanbul from Van. I also make other contacts to arrange their trips to other places from Istanbul. It is not easy for people who have migrated illegally from Iran to travel inside Turkey. The police and the gendarmerie have control points everywhere. I take 50 to 60 dollars from them and ensure that they reach Istanbul. I use part of this money to supply them with fake Turkish ID cards. For this, they must provide me with a photograph.

When the police or the gendarmerie stops the trucks in which they are being transported, the migrants show these ID cards. To prevent the police from understanding that they are not Turkish, I prepare the ID cards in a way that they look like Kurds from the villages in South-eastern Turkey and they do not know how to speak the language. Sometimes instead of taking the main roads, I send them on buses that use the secondary roads where few controls are made. I tell them where they have to go in Istanbul and whom they have to contact. I tell the friends in Istanbul that I am sending them three or five people. If some people in Van want to make sure that they arrive safely in Istanbul and if they are willing to pay me 80 to 100 dollars instead of 50 to 60 dollars, I take them to Istanbul myself.

For those who are interested, I can make arrangements to take people from Istanbul to Italy by boat for 1,500 to 2,000 dollars. I call friends in Istanbul with my mobile phone and tell them that I am sending some people who want to go to Italy. I ask for about 100 dollars per person. I also have friends and contacts in Italy. I can even make arrangements for after Italy. I have in my mobile phone the numbers of friends in Italy. If the migrants want to continue to England, France, Holland or Sweden after they have arrived in Italy, in addition to the 1,500 to 2,000 dollars that they pay between Istanbul and Italy, they have to pay another 500 to 1,000 dollars.

I usually handle the route between Van and Istanbul, but I help the people in establishing contacts for the continuation of their journeys from Istanbul onwards. These contacts can even include travelling to far away countries such as Australia and Canada. But as the distance from Turkey gets larger, the money demanded from them for the trip increases proportionately. The costs increase even more if the illegal migrants want to travel safely, e.g. with the use of fake passports and visas and if they want to ensure that they will end up safely in the country of destination.

If three to five people per week want to reach Istanbul from Van, I make the arrangements so that they can reach other countries from Istanbul.

Case 5: Representing the Intermediary (Middleman), face-to-face interview:

Male from Siirt, Kurdish, 35 years old, Istanbul:

I worked 14 years in a factory and had nothing in my hands. Since three years I work as an intermediary in Istanbul, and now I have two

houses and a car. In fact, I don't even work, I enjoy myself. I am not hurting anybody. On the contrary, I help people realize their dreams and hopes. The smuggling of people is not as complicated as it looks. For instance they called me the other day from Iran to ask me how much I would charge for taking 30 people to France. I asked for 3,000 dollars per person but we couldn't agree. This is how it normally works. Those who know me, trust me, call me up. When I receive a call from Iran or Van, I phone the big smuggler – the one who organizes the plane or the ship – I tell him how many people I have and how much I will be getting for the job. I tell him I have so many people to go to Italy, for instance. If I made a deal for 4,000 dollars, 1,000 or 800 of this is mine. It depends on the situation. It makes no difference whether it is myself or the coastman who collects the money. If I collect it, I take my share and give the rest to the other guy. If he collects it, he gives me my percentage. If the smuggler I am in contact with does not have a ship ready, I call another coastman. Other intermediaries like myself work in the same way. They call up one by one the smugglers they know. There are a total of six to seven people who do this job anyway. For each trip, there is usually a wide mix of people, from Africans to Assyrian Iranians, and from Kurdish Iraqis to Afghans.

Contrary to common belief, there is no competition among the big smugglers. On the contrary, they mostly work together, transferring customers to one another. Some smugglers have to cancel trips because they don't have enough customers. Instead, for a certain percentage, they sell their customers to others who are in the business.

I take over migrants in Istanbul. I don't care how they arrive in Istanbul, say from Van. The smuggler who makes the deal with me handles this part of the journey. My men place these people in hotels or houses that I have arranged and tell them not to leave the premises. Because they have to be there to move any minute the signal comes. It is not always possible for me to handle these people on my own. When there are five to ten people this is ok, but if the numbers are larger, I need help. This is why I have men. After I take over the people in Istanbul, I guarantee that they will leave within one week. This is part of the deal. Nobody knows the time of departure, the route to be taken, and the means of transportation. Neither do I. When the news comes, I go and collect my passengers and bring them to the place of departure. It is my responsibility to take these people either to the airport or the harbour. For the flights, one of my men goes with the passengers, be it to Paris, Frankfurt or Marseilles. After the border is crossed or the customs passed, if the journey continues, my man hands these people over to the smuggler at the other side. If this is the last stop, he explains to them what to do, where to apply, what to tell the officials. The migrants aren't handed over by a count of heads. Instead they are

placed into hotels and then the local smuggler is contacted and their place reported.

You seem to be exaggerating the whole business. There aren't any large organizations in this business. There is no need. If you provide me with two photographs, I guarantee you that I will drop you off at any point of your choice in the USA or in the UK. The US is 15,000 dollars, Australia is 12,000 and the UK is 8,000 dollars. Europe is between 4,000 and 6,000 dollars. I deal with approximately 1,000 to 1,200 people per year. If there is an accident during the process of smuggling, the responsibility is ours. In other words, if the person gets caught, his money does not go to waste. For the next attempt, we take him for free.

I am an intermediary. There are hundreds of people who do the same kind of work. Bribery does not work at the lower levels but we have a brother up there at the top. With two photographs, all destinations are guaranteed. We handle the passport, visa, etc. How does this work?

- Before arrival, the intermediary or the migrant himself contacts us. A deal is made.
- Upon arrival here in Istanbul, we place them in hotels and houses. Up to this point the responsibility is theirs. We guarantee them that they will leave the city within a week.
- At the very top there are smugglers who work internationally. They organize the transport either by sea or air. They also arrange the personnel at the customs, security, airport, and the harbour. In this way they ensure that the channels are open.
- There are people like myself who make the link between the smuggled people and the smugglers at the highest level.
- Let's say that Istanbul-Brussels is 2,500 dollars. Included in this price are the passport and transportation expenses. If a visa is needed, we take an extra 600 to 700 dollars.
- I have dealt with a maximum of 300 people and a minimum of 20 people.
- It is difficult for people to put together this kind of money. I haven't come across prostitution, but some of this money probably comes from drug trafficking.

Case 6: Case representing the Coastman, face-to-face interview:

Male, born in 1954 in Ankara, Turkish, primary school education, married, Istanbul:

One and a half months ago, Metin, a person called Laz and I collected the migrants and tried to take them to Italy with a Russian ship. We wanted to use a small boat in Eminönü to take them to the Russian ship. The ship was detained so we paid 46,000 dollars to set it free. However, on that day, the weather was stormy and the ship could not reach the coast but had to wait in the open sea. The ship would wait for the storm to end, at least so we expected. Unfortunately, the ship left for Russia. We were left with the migrants. We were cheated. We started to wait. We thought about buying a ship to send the migrants. I have a man named Abdullah who knows all the intermediaries that collect people waiting to be smuggled. His nickname is Apo. There was also a captain who knew whether the ship was in good shape or not.

No matter where you are in Turkey, Istanbul is the centre for smuggling people outside the country. After having picked up the goods from Italy, they are dropped off in Istanbul, and on the way back to get more goods, smuggled people are placed inside the empty containers. There are agencies that are involved in this business. You can find them at Haydarpasa and Dilovasi. It is the intermediaries that find and collect these people. Both the hotel owners and the middlemen know these people that stay in hotels around Zeytinburnu and Eminönü. Among the intermediaries there is even a police officer who owns a water station in Fatih.

The ship that we tried to purchase was stationed between Maltepe and Kartal. I asked the captain if the ship was any good. We decided it could be repaired and used for the transportation of smuggled people. It is more essential to arrange a ship, because once the ship is ready, there are always people waiting to be smuggled – more than you would want. Apo knows around 100-150 intermediaries. The captain prepares the ship, Apo collects the people, and I look for a place from where we can load the travellers. One time we tried to bribe someone for Eminönü but it didn't work. Another friend, Y. T., suggested the coast of Muallim village in Gebze. He himself asked for 2 billion and the local authorities would be given 15 billion. The price was appropriate. Apo told me it would take about two days to get the migrants together, and made an investigation in the surroundings of the area. We brought the refugees in two buses and placed them in houses in the village. They stayed there for two days. Around 5 o'clock in the morning the captain brought

the ship to the coast and we brought the 449 people on board. We took care of the refugees' food and water needs. We got caught with the ship because we were noticed by the gendarmerie a short while after we left the coast. We tried to escape but the gendarmerie stopped us.

Case 7: Representing the Driver, police reports:

The truck driver who was caught in the same operation, male, born in Seydisehir, married, two children, primary school education:

I am in the transportation business. On 16 August, I came from Seydisehir to Topkapi in Istanbul with a load of aluminium. I started waiting at the Ambarlar district of Topkapi for a new job. For two days there was no business. On the 20th of the month, the sweeper in the neighbourhood, Kayserili Mustafa, came to me with two Kurds. He said that for Çanakkale and Ayvalik he needed a truck for the transportation of porters and some belongings. I asked him whether the transportation of people was forbidden. He assured me nothing would happen. And besides, he said, the owners of the load will be going in front of you. He told me that 20 people were going as porters and offered me 200 million TL. I requested from him 200 million to buy diesel oil, and then another 100 million upon return. They discussed this among themselves and then accepted my proposal. Together with Mustafa we went to a house in Günesli. I opened the trunk of the truck and then we went to sit at a tea-house. When we went back in half an hour, everything had been loaded and the canvas had been properly stretched and closed. Mustafa gave me a simple plan of the road that I had to take. Someone called me near Tekirdag and asked me where I was. Someone else called me about half an hour later and told me that there was a gendarmerie control point on the way. I told him I would pass it. They stopped me at the control point. A soldier climbed onto the canvas at the top of the truck and held a spotlight on the inside. He jumped down and told me I could go. The same person, whose name I found was E.A. called again later and I told him there was no problem. Until Eceabat, I did not confront another police control.

I had missed the 04 o'clock ferryboat so I waited at the dock until 6 a.m. I was the last vehicle to board the ferryboat. Two to three minutes later my right door opened and E.A. handed me a mobile phone. There was also something to eat and drink. He told me that someone would take the phone from me. I asked him who that person would be, but he didn't answer. There was another person with E.A. At 06:30 we arrived in Çanakkale. E.A. called me and told me that his job was finished and

someone else would be accompanying me. He told me to continue on the road to Izmir. When I turned the junction, someone else called me. He said that close to the directorate of police forces on the left, I would find a car waiting for me with its lights flashing. I was told to follow this car. There were three people in the car but I did not clearly see who they were. They called me three kilometres later and told me that I would see a road turning to the right from the main road. They told me to take this road and that I would see a dock. I was told to unload to the ship waiting at the dock and leave. I said I did not accept this, that I would not go to the dock and that I would leave my load here. He said then he would send me a person who will take the truck to the dock, unload, and then bring me back my truck. Someone came from the car. I handed him the truck at the turn of the road to Kepez dock. He quickly came back with the back door open but the canvas on top still in place. I tidied the truck and got back on the main road. A while later the police stopped me and took me to the station.

Case 8: Representing the Intermediary, police reports:

31 years old, male, left primary school, has a newspaper stand, born in Mardin, Arab origin, code name “Bakkal Ali”, caught in December 2000 for visa forgery:

My relatives in Denmark, Sweden, Germany and Holland would call me on my mobile phone to give me information on the “passengers” that I would have to bring from Turkey. The passengers were from Kerkük, Iraq. After having obtained the preliminary information, we would decide on which country they would be forwarded to. We would ask for 5,500 dollars to take them to Germany or Holland, and for 6,500 dollars for Sweden or Denmark. The price depends on the destination country.

The passenger would phone me and tell me where he got my phone number. I would ask this person to go to a hotel that I specified and call me after he settled in the hotel. I would take two photographs and other relevant information about the person. My partner, G.R. would go to Denmark and bring the fake passport. When I gave the fake Danish passport to the passenger, I would take his official Iraqi passport and tear it up.

I would then ask for the money to be handed over to my relatives in that country once the “passenger” reached the country of destination. My relative would then transfer the amount to my bank account in the

Taksim branch of Interbank. That way, I smuggled 40 to 50 people to Europe.

I have a lot of Arab Iraqi visitors coming to my newspaper stand in Taksim. Usually, Iraqi Arabs come to my stand because I am an Arab. Five years ago, when these Arabs told me they had gone to Europe over Turkey, I asked them how this was done, thinking I could make some money by becoming an intermediary. They gave me the name of Yelda, an Armenian, who was involved in arranging the passports and visas. I found him and told him I could arrange some customers for him, and then started taking to him the people that came to me asking for help. Yelda was arranging visas through official means and taking these people out by land through Bulgaria. From there they were going to other countries in Europe. I was earning 500 dollars per person.

Later I started providing customers to other people doing the same job. I met with a person called Yahya in 1999 who was also in the same business. Through Yahya, I met with A.S. who had the nickname Mavi. He had a real estate office in Findikzade, Istanbul. We became friends. I told him that Iraqi people were coming to my newspaper stand and they wanted to go to Europe. He told me that he was interested in these people. Since I was having financial problems, I borrowed 600 dollars from him. Later, I sent him 20-25 people. For taking these people to him, I got 5,000 dollars. After having arranged for their passports he would send the people first to Jordan. From there they would be transferred to Germany.

I met with the policemen, R.P. and M.Y.G. in 1995 when I was taking the Iraqis to the airport. These police officers were helping me to buy the air tickets. I was paying 100 dollars per passenger who had a travel licence obtained from the United Nations Refugee office.

I met with H.I. in one of the bars at Taksim, Istanbul. H.I. told me that he was taking people to Greece and if I had any passengers who wanted to go to Greece, he would be glad to carry them. I sent 20 people to H. I. who took them to Greece through the river. For this I earned 100-200 dollars per head. And then there is C.O. who arranges invitations to bring people from Iraq, and once they are in the country he has a firm that organizes residence and work permits for them. He earns 100-150 dollars for the invitation and 800-1,300 dollars for the residence and work permits.

Case 9: Representing the Intermediary, police reports:

Turkish-Greek cooperation between Siverek to Athens: the Greek ship which was caught smuggling people at Kepez port on 21 August 2001 is an indication of the cooperation starting with a connection between Siverek and Athens and continuing in the waters of the Aegean.

Born in Çermik, he is a village guard in the village of Kömürçüler, unemployed, male, widower, convicted for carrying a weapon without a licence, lives in Istanbul:

One and a half years ago I met an Iraqi national in the name of Bilal. He later migrated to Greece. We were frequently talking to each other on the phone. He called me again on 19 August, Sunday, to tell me that he had arranged a vehicle and asked me to drive it from Istanbul to Çanakkale. He told me I would receive 5,000 US dollars for this job. Of this amount, his relative Hüseyin would give me 300 dollars in advance at the Aksaray McDonalds, and the remaining amount would be given to me by the same person. He told me that in the vehicle there would be illegal refugees. I accepted the deal and took the 300 dollars.

Bilal called me again and told me that the red MAN truck with the licence plate 42 ZA 703 had already left and that I should catch the vehicle on the way. He gave me the phone number of the truck driver and asked me to escort him. First I thought of renting a car, but then I found out that the son (A.A.) of the uncle of a friend of mine (R.A.) was leaving for Izmir with another friend of his (M.A.A.). I asked them if they could take me along, they accepted. At the ticket box of the Tekirdag Kinali highway we caught the truck and I called the driver. Each time there was a traffic or gendarmerie control point, I called the truck driver to warn him. I called him not from my own mobile but from the phone of A.A. as his number did not show on the mobile of the receiver. I did this so that the truck driver did not know my number. I told A.A. that I was out of calling units. There was another gendarmerie control point near Gelibolu, so I warned the driver again. He passed the control point and took the ferryboat from the Eceabat dock behind us. At that moment my phone rang and someone who said he got my number from Bilal told me that 10 km after entry onto the road to Izmir I could leave the truck. He said my job would be finished there.

While we were on the ferryboat, I handed the truck driver a T18 Ericsson mobile phone with calling units, to be handed over to the captain of

the ship, who would then give it to Bilal in Greece. Bilal had asked for it so I handed in my own mobile. I was doing everything that Bilal asked of me because there was no other way I could get my money. We arrived in Çanakkale at around 06:30 a.m. We took the road to Izmir and I was still escorting. There was a port at Kepez, and the truck left the main road and disappeared. I suggested to the friends in the car to take a nap before continuing further. They agreed. I got off the car and watched the port. Then I woke up my friends and we continued driving. Our car broke down on the way. When we were waiting on the side of the road, the truck which I had escorted went past us with an empty trunk. Forty-five minutes later we were taken by the police to a station near Enez. We found out that both the truck driver and the captain were caught by the police for the smuggling of people. I don't know who informed the police about us.

Case 10: Representing the Shipman, face-to-face interview:

Thirty-seven years old, male, primary school education, born in Malatya, married, has one child, no previous conviction, Istanbul. He is arrested for having kidnapped his partner and asking for ransom. This was due to a disagreement over the splitting of 185,000 U.S. dollars for the smuggling of 200 people into Greece:

I used to hire foreign workers in my textile workshop in Süleymaniye (a district in Istanbul) because they were cheaper. In 1996, Afghani Amjet Sertil who was one of the workers in my workshop told me that with his five other friends they would go to Europe. He told me that they had made the arrangements but wanted to entrust me with 9,000 dollars for six people. He wanted me to give the money to a person that he specified after they reached Europe. He introduced me to Muammer Küçük, the owner of Ülkü Nakliyat on Fatih Fevzipasa street, and asked me to give the 9,000 dollars to Muammer Küçük after he called me up from Europe. Amjet went to Europe. After some time, he phoned me and told me to hand the money over to Muammer Küçük. Muammer Küçük came to me and I gave him the 9,000 dollars. In that way, I learned that Muammer Küçük smuggled people abroad. The foreign workers of Afghan and Iraqi origin who were working for me at the workshop also wanted to go to Europe. I sent groups of 10, 15 or 30 people to Muammer Küçük at different times. Muammer Küçük gave me 150 dollars per person. In the meantime, the business at Laleli (district of unregistered export) stopped. I closed my shop and started to do only this job.

I met A. Y. two and a half years ago in Aksaray. He had a kebab shop in Zeytinburnu and was involved in the smuggling of people to Europe.

I transferred two people through him. I would bring the people to A. and he would arrange the ship. One day I heard from H.H.K., the owner of the Tugba hotel in Kumkapi, that there was a large boat for sale, Nuri Reis 1, at the Selimpasa harbour that used to smuggle people over the border. He also said that there were 30 Afghans and Iraqis in Tuzla, waiting to be smuggled. He said that if we help these people cross the border we would get our share. I wanted to go to Selimpasa and buy the boat but they asked for 35 billion. I didn't have this amount on me, but when I told them that I was going to use it for the smuggling of people, a Kurd with the name of Cengiz on the boat told me that if I found someone I could trust, they would join in and I would get my share. I went to Tekirdag to talk with an old friend, A.Y., who I thought might be interested. A.Y. told me he wouldn't buy the boat but he would meet all the other costs, such as the fuel for the boat and the costs for the transportation of passengers to the boat. I arranged a meeting with my friend A.Y., A. H. who had 30 people, and Cengiz on the boat. A.Y. made a bargain with Cengiz. A.Y. said he would meet the costs for the collection of 200 people for the boat, but would pay Cengiz his share for 185 people. The passengers would pay 1,000 US dollars per head.

A.Y. called me a few days later and told me the loading would take place that night. His total cost was DM 24,000. Three or four days later, Nuri Reis 1 was caught by a Greek coast guards near the island of Crete. The event was shown on TV. Cengiz called me and told me that A.Y. was nowhere to be found. Since he was my friend, he told me to find him and make him pay Cengiz his share. I made some calls and found the whereabouts of A.Y. When they met with Cengiz, A.Y. said that he would only pay Cengiz his money if the passengers were allowed to enter Greece. They agreed. In the meantime, the Greek authorities transferred the illegal migrants to Athens. Cengiz then started pushing me and A.Y. into paying his money. On 3 July 2001, A.Y. called me and told me he was with Cengiz, that everything was settled, and that he wouldn't be bothering us anymore. The following morning he told me his wife would call and we could go together to get the 39,500 dollars at Interbank. But when I met the woman the following day, she screamed and the police took me in. It is a lie that I have kidnapped A.Y. to take my share.

Case 11: Representing the Shipman, police reports:

Karamanos Antonis, 50 years old, male, Greek captain, caught by the Turkish coast guards on 21 August 2001:

I am a captain. I was unemployed for six months and I told my friend, T. K., that I was looking for a job. He told me there was a job that would take three days and I would get 5,000 dollars at the end. He told me I would go to Turkey, pick up 60 to 70 people, and bring them back to the Klamaki harbour. I agreed. On the Thiramnia ship, he gave me the coordinates: 40 degrees 06 minutes 00 seconds north and 26 degrees 52 minutes 00 seconds west. He gave me a Turkish mobile phone and two Greek cards.

We left on the 21st and reached the harbour of Kepez around 5:30-6:00 in the morning. On the way, my friend T. K. called me several times. At around 7 o'clock, 60 to 70 passengers boarded the ship. There was a truck in the distance. I took off, but I was stopped by the coastal security boat about two to three miles after I had passed the Çanakkale strait. They got on board and found the illegal passengers. They pulled my ship to the Çanakkale harbour. I was going to collect my money after the job was finished.

Case 12: Representing the Airman, face-to-face interview:

Contractor, male, Kurdish, 42 years old, married, middle school education:

We only take the people that we know and who know us. Our price is DM 6,000. We take DM 3,000 ourselves and put the remainder into the pocket of the traveller. We have a friend in Bosnia and he meets our traveller there. Our route is very simple. We buy a return air ticket to Bosnia and fly the traveller to Bosnia. If we do not buy a return ticket, the officials would think the traveller would stay in Bosnia and would send the traveller back to Turkey.

At the airport, our friend meets the migrants. If a problem occurs, the migrants know which hotel to go to and meet our friend there. The migrants go to Croatia from Bosnia, then to Slovakia, Austria and further into Europe. Sometimes, our passengers go to Europe by way of Italy. Any kind of vehicle – car, bus, truck, horse cart, etc. – is used in the transfer. Our friend who waits for the migrants in Bosnia, takes his share out of the DM 3,000 and leaves the money of the other smuggler who waits at the next transfer place with the passenger. In our business, trust is very important. In principle, we do not carry women and children. If the migrant is someone we know very well and if he does not have money, we send him to Bosnia and he pays us DM 3,000 after he finds a job in Europe.

However, recently, many problems started to arise. People from the United Nations started to work at the Bosnian airport. They are now controlling. If they suspect any smuggling, they send the people back to Turkey no matter if those people have normal passports or not. In two months, 200 people returned from Bosnia. So we decided to slow down the business, but not to stop it. These problems are nothing. In the past, we used to send people to Sophia and now to Bosnia. Tomorrow we can find other places to send people to.

Case 13: Representing the Airman, police reports:

In July 1998, the confessions of Moldavian L.B. who got caught at Istanbul Atatürk Airport with a fake visa revealed that some of the policemen working at the airport are involved in human smuggling. They were fired afterwards. These policemen reported that they took bribes from a man whose code name is Mavi. Mavi got caught in December 2000.

Male, Iraqi, primary school education, tailor, single, code name “Mavi”, Istanbul:

I came to Turkey in 1987 with a group of other migrants and applied for asylum in Turkey. It was the time of the Iran-Iraq war. After staying at a camp in Hakkari for 45 days I received my residence permit and was obliged to live in Kayseri for two years. After a while, I went to Istanbul without permission. I bought the fake passport of a Moroccan national for 3,000 dollars and migrated to Sweden.

I became a Swedish national and stayed there until 1996. That year I returned to Turkey. H. H., who has a tea garden at Sultanahmet, and his friends deal with the delivery of fake passports to Iraqi residents in Turkey and organizes their travel abroad. Since these people were hiding from the police, they could not go abroad. With the advantage of carrying a Swedish passport, I started working with them. Before I went to Sweden, I was working with my friend Y.Y. in a real-estate shop. I called Y.Y. and started work in the real-estate business again. Since the border with Iraq was reopened, there were many Iraqis who wanted to go to Europe.

I sent to H. H. the Iraqi nationals that came to me. H.H., together with Artin, who is an Armenian Iraqi, would ensure that these people pass through the police at the airport with their fake passports. In that way,

I helped at least 200 people to go to Germany. I would get 5,000-6,000 dollars per person. I would give 4,500 dollars to H.H. The police officers would be given around 1,000 dollars per head. When they came to the tea garden, H.H. would give them 100-200 dollars pocket money. The people we were sending were those that had come from Iraq through normal ways, with their official passports. As soon as they obtained the fake passport they would tear up their old passports. Since the police officers were in this, the quality of the passport was not important. We did this business for one-and-a-half years. During the working hours of these policemen, we would go to the checking area where these policemen were. Since these policemen knew us, they would allow the migrants with us to pass the checking area. On the days that our police officers were there, we could easily take the migrants through the checkpoints. We were paying 1,000 dollars per migrant. If they were to visit us in the tea garden, we would give them a 100-200 dollars tip.

The three police officers we were cooperating with were caught in 1998. Then, H.H. and I started to hide from the police. The policemen who were caught did not know my real name. They only knew my nickname, Mavi. Since nobody knew my real name and I was a Swedish citizen, I could easily get out of Turkey. I left H.H. and started working alone. A friend, G.R. from Kerkük who was also a Swedish national, would go to Denmark regularly to collect Danish passports. These passports were used after their photographs were changed. We were sending Iraqi people from the airports in Ankara, Izmir and Istanbul. I worked with G.R. for two years. G.R. and I were leaving the airport after handing the fake passports to the Iraqis. When a lot of Iraqi people were caught in that way, we decided it was better to buy police officers. I contacted some of the policemen working at the airports.

In February 1999, a friend of mine called Kadir who is from the same region as I was, Kerkük, Iraq, met me with the police officer Ö.B. who was working at the airport. I tried to make friends with Ö.B. I frequently phoned him and asked him whether he needed something or not. I gave him presents. Then I told him about the job that I was doing. I told him that there was a lot of money involved in human smuggling and that I needed a police officer who was working at the airport. He accepted my offer and we made a deal for 1,000 dollars per person. Ö.B. informed me that in order to avoid problems, we needed to contact each other frequently and he could transfer my customers during his working hours. I introduced G.R. to Ö.B. After a while, the police officer Ö.B. started to take 1,500 dollars per person. For 45-50 people, I paid the police officer Ö.B. 60,000-70,000, dollars. After the migrants took off, I was waiting for Ö.B. at one of the shopping malls and was paying

him his money. I do not have any clue about the amount of payment that the police officer was making to other policemen, R.P. and M.Y.G., that he was working with. After some time, Ö.B. and R.P. were appointed to other police stations and the business was over.

One of the other persons that I was cooperating with was A.Ç. who had the nickname Bakkal Ali. He is from Mardin and since he knew that I was smuggling people, he used to bring travellers to me. He had a newspaper stand in Taksim, Istanbul. I was smuggling the people that he then took to Dubai and Jordan with fake Danish passports.

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