

	EMİR İŞAŞIR	PREVENTION OF ILLEGAL MIGRATION	Bilkent 2006

PREVENTION OF ILLEGAL MIGRATION

A Master's Thesis

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ABSTRACT

PREVENTION OF IRREGULAR MIGRATION

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People have been moving throughout history. These movements may be either obligatory due to natural disasters, wars and famines or voluntary such as the movements to find more fertile lands or new jobs. The movements of people have been limited by the immigration policies of receiving countries.

Although developed countries are willing to accept migrant workers in economic boom years, they do their best to limit their entrance in stagnation periods. As a last resort, people use the deficiencies in legal and physical measures to enter the destination countries illegally. These people are mostly employed in the jobs shunned by the natives and therefore they are still welcomed implicitly.

Receiving states try to prevent illegal immigration waves as they are seen as a threat to the sovereignty, and more recently, the security of the states. This thesis analyzes the measures to be taken in prevention of illegal migration and tries to bring new solutions to the problem.

Key words: Migration, Irregular Migration, Illegal Migration, Undocumented Migration, Human Smuggling, Human Trafficking, Turkey, Measures, Prevention, Theories of Migration

ÖZET

KAÇAK GÖÇÜN ÖNLENMESİ

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Yüksek Lisans, Siyaset Bilimi Bölümü

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İnsanlar tarih boyunca hareket edegelmiştir. Bu hareketler doğal felaketler, savaşlar ve açlık gibi sebeplerden dolayı zorunlu veya daha verimli topraklar ve yeni işler bulmak için yapılan hareketlerde olduğu gibi gönüllü olabilir. İnsanların hareketleri, göç edilen ülkelerin göç kabul politikaları ile sınırlandırılmış durumdadır.

Gelişmiş ülkeler ekonomik patlama yıllarında göçmen işçileri kabul etseler de, duraklama dönemlerinde girişlerini sınırlamak için ellerinden geleni yapmaktadırlar. Son çare olarak, insanlar ülkeye kaçak olarak girmek için yasal ve fiziksel tedbirlerdeki açıklardan istifade etmektedirler. Bu insanlar çoğunlukla yerli halkın çekindiği işlerde çalıştırılmaktadır ve dolayısıyla gizlice de olsa görüşleri hoş görülmektedir.

Göçmen alan ülkeler göç dalgalarını engellemeye çalışmaktadırlar çünkü bu dalgaları egemenliklerine, ve son zamanlarda da, devletlerinin güvenliğine karşı bir tehdit olarak görmektedirler. Bu tez, kaçak göçün engellenmesi için alınan tedbirleri incelemekte ve bu soruna yeni çözümler getirmeye çalışmaktadır.

Anahtar kelimeler: Göç, Düzensiz Göç, Kaçak Göç, Kayıtdışı Göç, İnsan Kaçakçılığı, İnsan Ticareti, Türkiye, Tedbirler, Önleme, Göç Teorileri

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CHAPTER I

INTRODUCTION

Being a regular officer in the General Command of Gendarmerie responsible for internal security, I came to perceive illegal migration as an important problem that can be studied as a Master's thesis in the wake of the 9/11 events. Even so, there have been shortcomings to deal with, such as having limited information on the subject, having no academic background or intentions to pursue an academic career, and being inexperienced in writing a thesis. Therefore, this is a modest thesis, trying to bring some recommendations about the ways of preventing illegal migration.

Migration is broadly defined as a permanent or semi-permanent change of residence. Humanity has always been moving around the world for different reasons. The first great human movements are dated back to as early as 50.000 BC when the Aborigines reached Australia from South East Asia, but these movements cannot be seen as migration in today's conception because of the lack of nations and therefore national borders.

When we talk about migration, we generally think of the movements of people from one geographic place to another. However migration is not a

phenomenon peculiar only to human beings but it applies to many other living beings as well. It is an action of changing place which is a prerequisite for the survival of living beings (Yalçın, 2004: 1).

As migration is an old but continuing phenomenon, it has received great attention from various disciplines, such as political science, economics, sociology, geography and demography. All these disciplines study migration with their own perspectives, and these perspectives may both overlap and contradict in some instances.

Turkey is in a critical geographic position as it is at the intersection of three continents. This advantageous position also has its own side effects. It faces illegal migration as it is a source country for its own citizens trying to move to European countries, a destination country for old East Bloc country citizens who aim to work illegally here, and a transit country for Middle Eastern, Asian and African people who want to go to Europe.

As a result of the determined efforts of the security forces, the routes of migrant smugglers shifted to south (Iraq-Syria-Lebanon) and to north (Iran-The Caucasus-Ukraine). Besides, the routes of the ships carrying illegal migrants have shifted and they have been sailing from African countries to Italy and France. The ships coming from Sri Lanka and India prefer the route through the Suez Canal via Cyprus to Greece and Italy. These cases show that illegal migration will take place no matter what the concerned countries do in order to prevent it by law enforcement measures

and it will find new channels to flow. Therefore other means should be employed in order to prevent it.

The motives behind the movements of people are varied. The most prevalent one is economic difficulties in the area of origin. Other reasons for moving may be search of better work or education, and escape from war, political oppression, persecution, famine or floods. The increasing tensions in various parts of the world and the widening gap between the incomes of people are forcing more and more people to move to more peaceful or prosperous countries. As not all of these people abide by the regulations set by laws, a problem which is more serious than immigration comes out for the immigration countries – illegal immigration.

Illegal migration is a controversial term in itself. It may also be named as “irregular”, “unwanted” or “undocumented” migration. Therefore it is of vital importance to come out with a clear definition of the term.

I believe that the main solution to the irregular migration problem is to make it regular. To make this possible, the strict control procedures should be abandoned, leaving their places to reasonable ones. Additionally, it is not possible to say what ‘a country’ should do to prevent it. It can be solved only by the cooperation and coordination of all the states involved.

The aim of this thesis is to define illegal migration and to study the means of controlling it in a comparative manner. In order to give a complete

account of the subject, different theories of migration are studied and their overlapping and contrasting points are indicated.

The first chapter of the thesis deals with the definition of migration, the theories and history of migration, and the immigration policies of four European states.

The second chapter attempts to make an analysis of illegal migration with a particular attention to smuggling and trafficking,

The third chapter is about the illegal migration experienced in Turkey. The position of the country, some of my personal experiences and the problems that the security forces face in the prevention of illegal migration are given to represent what measures should be taken. The emphasis is on the measures that have been taken so far.

In the conclusion part, the measures that should be taken to prevent irregular migration are summarized.

CHAPTER II

LITERATURE REVIEW: MIGRATION

People have been on the move for thousands of years. The reasons for this movement are varied. People may move in search for more fertile lands, better working or education conditions with their own will, or they may be forced to move because of wars, floods, famine or drought. This permanent or semi-permanent changing of place is called migration in its broadest sense. The world has seen many migrant flows in its history. What made up the population of the newly discovered continent America was one of these flows from the older continents, mainly Europe.

From a pluralist or multi-cultural point of view, migration is useful because it makes different cultures come together and blend into each other. On the other hand, migration is one of the greatest concerns of the world, both for sending and receiving countries in aspects of economy, labor, education, health or welfare services.

According to the International Migration Report 2002, the number of migrants was 75 millions in 1965 and 105 millions in 1985. This number has risen up to 175 millions in 2002, and this means that 2,5 % of the world

population, or one of every 35 persons, was migrants (UNPD, 2002) . The estimated number of immigrants for 2005 is between 190 and 200 millions, and this brings the migrant proportion to a 3,3 % of the world population (Papademetriou, 2005). One of every ten people in developed countries is a migrant whereas the same ratio in developing countries is about one of every 70. These numbers are based on documented migrants and the number of undocumented or illegal migrants only in the USA is believed to be about 7 to 10 millions.

The 13th article of Universal Declaration of Human Rights states that “Everyone has the right to freedom of movement and residence within the borders of each State” and that “Everyone has the right to leave any country, including his (sic!) own, and to return to his (sic!) country.” This basic right has facilitated the movement of people around the world for meeting their needs. However, neither the Declaration nor any other act states that everyone has the right to enter a country of his or her own choice. The right of sovereignty of states over their borders is what prevents people from entering foreign countries without conforming to regulations.

The slaves from Africa brought by traders to Europe and America were the first large-scale migrants, though they were not voluntary. It was not these slaves’ wishes or needs but the labor needs of the developed countries that took them from their lands to far and away places to work. Though this movement cannot be named or classified as voluntary

migration, the dichotomy of forced and voluntary migration is still blurred in some instances. Forced migration is described as the movement of people from one place to another despite their own will, such as the expulsion of Jews in the 1930s and 1940s. Voluntary migration is the opposite of forced migration where the person changes his/her residence to meet his/her needs, such as earning more money or getting a better education. The movement of a person from his/her village to a city center or from his/her country to another country may seem like a voluntary one when we cannot talk about a forcing exterior force like a conflict, war or persecution by the authority. Nevertheless, in a village where the climate does not let farming anymore or in a national economy that is constantly getting worse, it may also be classified as a forced movement since the migrant does not have much to do for a living.

Although migration can be triggered by wars, disasters or persecution, the main motive behind the decision to migrate is believed to be the economic difficulties in the country of origin. The need for labor in industrialized countries is an inevitable motive for international migration. It was not personal concerns about economic difficulties in the country of origin but this need of labor that mobilized millions of people to the realms of developed countries in the post-war build-up period. North America, Australia and many Western European countries, mainly Germany, have seen streams of immigrants in the 1950s and 1960s when they opened their

doors to labor from colonies or underdeveloped countries.

The initial intention of the labor importing immigration countries was to employ these foreign workers for a limited time, but the propensity for permanent settlement and family reunion made their plans void. The 1973 Oil Crisis caused a recession in the economies of both developing and developed countries. The push factors in migrant sending countries had increased by the crisis but the pull factors in migrant receiving countries had not, because the crisis had stroke these countries as much as the sending ones. Migrant workers in the host countries did not return to their homelands as the situation was the same or worse than their countries of work. As a result of the crisis, new waves of migrant workers started to flow to oil producing Middle East countries since additional labor was needed.

Migrations have increased with the reunification of Germany and the dismantling of the former USSR countries. No matter how much they have tried, European countries have failed to cope with immigration effectively. The influx of immigrants has become intolerable as developed countries could not employ even their own citizens.

The Ottoman Empire ruled in a great part of the world and the places conquered were populated at times by people who moved from other places of the Empire. These settlers were of the first migrants in the Turkish history. The Jews from Spain were given refuge about five centuries ago. As the inheritor of the Ottoman Empire, Turkey has experienced mass

migrations in its history. In its recent past, nearly 500,000 Kurds were given protection who fled Iraq during the Gulf War in 1990-91. In 1989, over 300,000 Bulgarians of Turkish origin came to Turkey, escaping from the suppressive regime, more than half of whom returned and a few moved to third countries, leaving the rest to settle in Turkey. In 1992, some 20,000 Bosnian Muslims arrived, 3,000 of whom obtained Turkish citizenship. 17,000 Kosovars and 20,000 Albanians were granted protection during the wars in their countries (IOM, 2003b; BFBA, 2005).

Turkey's key position at the intersection of three continents makes it an ideal country for migrants trying to make their way to Europe. Those who come from Asia and Africa intending to go mainly to Western European countries use Turkey as a transit country on their way to the continent. Citizens of the old East Bloc countries see Turkey as a destination for working in better conditions than those in their homelands. Turkey also experiences illegal migration in that Turkish citizens try to arrive in Europe for better living conditions and work opportunities. It is estimated that some 200,000 persons in irregular situations transit through Turkey each year. These are either economic migrants who could not make it into European countries, or migrants seeking refuge in a foreign country (IOM, 2003b).

The tightening of immigration control mechanisms has forced the prospective immigrants to act contrary to immigration regulations of destination countries, creating illegal immigrants. In this chapter, the

theories on migration, history of migration, the definitions for ‘migration’ and ‘illegal migration’ with particular attention on smuggling and trafficking, and the immigration policies of four European states, will be reviewed.

2.1. The Definition of Migration

There are several definitions of migration due to different disciplines dealing with this topic. Although it is mainly defined by the help of economic reasons, the main characteristic of migration is that there is a change of place for the migrant. This detail brings out the fact that migration is for the most part a geographical concept for the migrants themselves and mainly a demographic concept for the sending and receiving countries. This process of changing place also modifies the social, economic, political and cultural structure of both the sending and receiving communities.

United Nations Population Division has defined international migrants as ‘persons born in a country other than that in which they reside’, therefore international migrants are equated with the foreign-born (UNPD).

Another definition of international migrant is ‘a person who has moved from one country to another with the intention of taking up residence there for a relevant period of time’ (Hammar-Tamas, 1997: 16). The period of time mentioned in this definition is established as at least a year for long-term migrants and at least three months but less than a year for short-term

migrants (UNPD, 2002).

2.2. Theories on the Reasons of Migration: Why People Move?

Although the population of a country continued to be the principal element of government theories since it attracted the attention of the Chinese in the 6th century BC, migration got into the agenda of scientific studies only near the end of the 19th century (Abadan-Unat, 2002:4), resulting in the introduction of first theories on migration.

2.2.1. Ravenstein's Laws of Migration

Ernest George Ravenstein was the first to come out with laws concerning migration streams. His article 'The Laws of Migration' was published in 1885 based on the British Census of 1881 and then reviewed in 1889 with the help of data from more than twenty other countries. His principles were about the distance traveled, stages of migration, streams and counter-streams of migration, urban-rural differences in tendency to migrate, gender differences in the distance of migration, effects of technology on migration and the primacy of the economic motive. According to Ravenstein's laws, migration is determined by the size of areas and the distance between them. People go from places with few opportunities to places with several opportunities, and the destination is mostly determined by the distance.

According to Ravenstein, the majority of migrants only travel a short

distance, and migrants traveling long distances generally prefer to go to great centers of commerce and industry. In his article, he claims that economic hardship, unattractive climate, unfriendly social surroundings, all have produced and still produce currents of migration but the main motive behind migrations is the desire inherent in most men (sic!) to “better” themselves in material respects.

His ‘Laws’ were criticized for not formulating the migration concept in a way to be understood clearly, and it was also stated that migration was unique for its lawlessness (Lee, 1969: 282). This was the first effort to explain a phenomenon that had not been studied before; therefore a heading like ‘Laws of Migration’ was rather challenging as it suggested bringing solid criteria. Despite the criticisms they received, Ravenstein’s Laws of Migration still continue to be a starting point for any study about migration.

Furthermore, in his 1889 paper he had already accepted that ‘laws of population, and economic laws generally, have not the rigidity of physical laws’ and added that a migration current expected to take place in a certain direction could be stopped by the intervention of the legislation (Lee, 1969: 280). Although Britain had not taken any measures to limit immigration, the Bismarck Germany had deported both Jewish and non-Jewish Poles in 1885 and prevented East Europe migrants from entering its territory (Abadan-Unat, 2002: 5).

Ravenstein advocated in the late 1880s that migration would

continue at a growing scale. The reason for this continuation was the ongoing development of industry and commerce. Though his other laws can be criticized, this particular one is consistent. As it has been seen throughout the history, when migration starts and gains momentum, it becomes nearly impossible to stop it. Even if the development of industry and commerce centers stops, personal and psychological factors will perpetuate migration.

2.2.2. Stouffer's Theory of Intervening Opportunities

In 1940, Samuel A. Stouffer mentioned of intervening opportunities. According to his theory, the volume of people migrating to a certain distance is proportional to the abundance of opportunities in their destination. In other words, if the chances of finding a job in the destination are high, so will the number of people migrating there. His theory was mainly based on Ravenstein's laws. Although this theory tried to explain migration in terms of mathematics, it lacked an explanation about how the number of opportunities would be calculated. Migrants would move from one place to another based on the real or perceived opportunities at the destination. The deficiency of this theory is that it can not clearly explain which one is a real opportunity and which one is not.

2.2.3. Lee's Theory of Migration

About a century after Ravenstein's Laws of Migration, Everett S. Lee came out in 1965 with a simple theory on migration, also known as 'the push-pull theory'. He states that the most common definition of migration is a permanent or semi-permanent change of residence (Lee, 1969: 285). This definition makes no distinction between internal and external (international) migration, the distance, or the voluntary or forced nature of moving.

What Lee proposes as a theory for migration consists of positive and negative characteristics present in both the places of origin and destination. These characteristics are also named as "push factors" for the ones in the place of origin, and "pull factors" in the place of destination. Demographic growth, droughts, floods, low living standards, lack of economic opportunities and political repression are some examples of push factors, whereas demand for labor, availability of land, facilities for higher education, a better climate, good economic opportunities and political freedom can be given as examples of pull factors (Castles-Miller, 1998: 20).

According to this theory, there are also intervening obstacles which may take place either at the source or at the destination, or en route. Some of the main obstacles can be seen as the distance to be traveled, family pressures, misinformation, travel costs, language problems, immigration policies in the destination, or physical barriers like the Berlin Wall. Though these obstacles exist, they do not have the same effect on every migrant.

Travel costs may be overwhelming for one migrant and they may not cause any problem for another.

The last element of Lee's theory is personal factors. The characteristics of individuals differ in many ways, and this difference may be what determines whether an individual becomes a migrant or non-migrant. Given the same economic, social, religious or educational conditions, a person may migrate due to his or her adventurous character, whereas another one prefers to stay because he or she does not want a change in his/her daily life.

The decision to migrate is not made at the end of just weighing the pluses and minuses both in the place of origin and destination, considering the intervening obstacles that have to be tackled. It is a much more complex experience including personal factors that have a great effect on the process of deciding. Under the same conditions, an individual might choose to stay, but the next day or week, he or she might decide to move to another place just because he or she is bored. Therefore Lee admits that the decision to migrate is never completely rational.

2.2.4. Sjaastad's Human Investment Theory

In 1962, L.A. Sjaastad published his article titled 'The Costs and Returns of Human Migration' in the Journal of Political Economy (Sinha-Ataullah, 1987: 258). He considers the decision to migrate as an investment decision.

This decision is made by taking into account the expected costs of moving and its profits to be gained. These costs and returns are not only in material form, but also can be in the form of psychic benefits or costs. Leaving the place of birth that the individual is accustomed to or the requirement of adopting new social habits can be seen as psychic costs (Yıldız, 1993: 29).

The shortcoming of the push-pull model and the cost-benefit model is that they can not answer why parallel movements do not take place from equally poor countries. Likewise, people living in the same country with the same economic hardships may not act in the same manner. This may be so because not all potential migrants necessarily have complete knowledge about all the positive and negative features in the destination area or country.

2.2.5. The Dual Economy Model of Development

This model considers migration as a mechanism which equalizes the labor needs and the wages in both sending and receiving sectors. The wages in labor lacking areas are high, whereas they are low in labor surplus areas. By the movement of people from labor surplus, underemployment areas to labor deficit areas, the wages in these destination areas decline, and in the source areas they increase. This brings the wage differentials to a minimum, creating equilibrium (Yıldız, 1993: 28-29).

2.2.6. The Dependency (Center-Periphery) Theory

One of the mostly used theories on migration is the center-periphery theory which is about the developed (center) and developing or underdeveloped (periphery) countries. The scholars who constructed this theory were mainly Latin Americans who observed that developing countries were being forced into dependency to developed countries in the post-war period. These capitalist countries were trying to maintain the underdeveloped condition of the periphery countries in order to make them dependent (Massey, 1999: 40).

The dependency of periphery to the center is not one-sided as, according to the Dependency School, developed and developing countries form the components of a system which are mutually dependent. The periphery countries are sources of raw materials and cheap labor for the center. Despite the underdeveloped nature of the periphery countries, center countries are dependent on them for these resources.

Dependency of periphery countries seems to be unavoidable as they see the center countries as a solution to their problematic economic situation and unemployment. Another reason for their dependency is the lack of infrastructure necessary for utilizing their raw material resources. What deteriorates their situation is that they sell the raw materials for a low price and buy their products for a higher one.

Although emigration is seen as a means of developing the home

country, this has not ever been experienced up to now. The guest worker system in Germany was meant to both meet the labor need of the country and train these migrants so that they would return to their countries as semi-skilled or skilled workers. For this to happen, the rotation of workers was planned; however it could not be implemented. Let alone sending unskilled workers to get skills abroad, Turkey could not even keep its skilled workforce and furthermore let them lose their acquired skills by working in unskilled jobs. Therefore, migration is not seen as a mechanism that shifts underdeveloped countries to modernity but rather as a force that aggravates impoverishment (Yalçın, 2004: 35-37).

2.2.7. World Systems Theory

Immanuel Wallerstein studied the global expansion of the capitalist system beginning from the 16th century. According to his theory of 1974, the world consists of three categories of countries, adding 'semi-periphery' to the dependency theory (Massey, 1999: 40). Wallerstein's theory differs from the previous one in that there are semi-periphery countries which try to be one of the center countries and not to be one of the periphery countries.

Migration is the natural product of the ruptures and changing of places caused by capitalist development. As land, raw materials and labor of periphery countries get under the control of world markets, waves of migration form up and a considerable amount of these waves proceed to

other countries (Abadan-Unat, 2002: 15). In short, the raw materials and labor in the control of periphery and semi-periphery countries get under the control of central countries as a result of capitalist expansion. Worker migrations from periphery countries to center countries take place if the center countries are short of labor (Yalçın, 2004: 40).

2.2.8. Parekh's Migration Theory Classification

Bhikhu Parekh classifies migration theories by separating them into three categories. According to the Liberal View, migrant workers should be allowed to enter a country if there is a need for them, no matter what their religion, race, ethnicity or political views are. This view presumes that migration flows will take place when there is a need, and they will stop when the need ends and migrant workers will return when there is no need for them anymore. Nevertheless, migrant workers have almost always shown that this approach is not applicable. Seeing migration as a mechanical device that can be controlled easily is the shortcoming of this view.

The Socialist View, on the other hand suggests that a country is the combination of common values, interests, feelings and devotion. The migrants needed should be allowed to enter the country on the basis of conformity with the country's culture as they are likely to have different cultures which may cause adaptation problems. The limitation of this view

is that there are no details on how migrants would be selected.

The last category of migration theories for Parekh is the Ethnic or Nationalist View. This view can be seen as a reinforced version of Socialist View in that it supports the right of entry to those who have a blood tie with the country. If this is not possible, migrants should be given temporary worker status, such as the case in Germany.

The Liberal View is practically inapplicable as migrant workers are not just machine-like elements but they have many problems associated with their adaptation. The other two views are much more well-built as they recognize the problems immigrants may pose. However, being selective in the admittance of migrant workers is hardly possible for capitalist economies as they act hungrily to meet their labor needs at the costs of social problems they will encounter.

2.2.9. Marxist Theory

Although Karl Marx did not write mainly about migration, in his renowned work *Das Kapital*, he mentioned about the causes of migration in a relatively explanatory manner. According to him, the use of new means of agriculture caused a surplus in the labor force of rural areas, thus made agricultural manual workers move to cities to take part in industrial jobs. He also pointed out that slaves were brought to colonialist countries by force, describing forced migration in the way we understand today.

The most important thesis of Marx about migration is his statement about the *industrial reserve army of labor*. This term implies that there must be a group of unemployed or semi-employed people for the capitalist regimes to be successful and profitable. This unemployed group is used as a substitute for the working class in case of stagnation in the employers' profits. When such stagnation takes place, workers can be fired from their jobs to be replaced by this unemployed group that is ready to work for a lower wage (2000: 600-613).

The reserve army of labor concept is applicable to both internal and international migration. Although Marx had used this concept to explain rural to urban migration as a result of transformation from feudal to capitalist mode of production, it is also applicable to international migration since it takes place even in the periods of unemployment in destination countries.

The limitation of Marx's theory is that it is not aimed at explaining migration in particular but only a reason of rural to urban migration; therefore it is muted about other types of migration. Nevertheless, he was the first to mention about migration when we bear in mind that the first volume of *Das Kapital* was published in 1867, nearly twenty years before Ravenstein's Laws of Migration (Yalçın, 2004: 45-49).

2.2.10. Network Theory

This theory deals with the functions of networks that migrants form in the country of destination. Massey describes migrant networks as ‘sets of interpersonal ties that connect migrants, former migrants, and non-migrants in origin and destination areas through ties of kinship, friendship, and shared community origin’ (Massey, 1999: 43-44).

What these networks do is making the migration process easier for upcoming migrants. Pioneer migrants who arrive in new countries face difficulties and try to overcome them in one way or the other. These adversities can be using correlatively expensive taxis instead of cheap mass transportation, hiring houses in expensive neighborhoods of cities instead of reasonable priced houses or being deprived of some social services due to their unawareness of the laws of destination countries. The greatest problem is seen when a person moves to a country where a different language is spoken. First generation migrants may face this problem but their children born in the destination country mostly learn the local language and do not have the hardships their parents have experienced.

Pioneer migrants form up an infrastructure connecting the countries of origin and destination, and this connection paves the way for potential migrants in the country of origin. New waves of migrants set these networks in action and the newcomers make use of the experiences of pioneer migrants. By this way, migration gets easier for late-comers and it becomes

self-perpetuating (Yalçın, 2004: 50).

The functions of migrant networks have been listed by Gurak and Caces as follows:

- They relieve migrants from the costs and sufferings of migration;
- They insulate migrants from destination country's population and maintain their relations with the homeland;
- They have an effect on the beginning and the destination of migration and significantly determine who will migrate;
- They make things easier for the adaptation of the newcomers;
- They act as sources of information about the chances in the destination country for prospective movers in the homeland and the newly arrived compatriots; and
- They determine the speed and volume of migration (Yalçın, 2004: 51-52).

Pioneer migrants are mainly employed in jobs owned by natives of the destination country, but after a while, some of them build up their own businesses. These entrepreneurs usually depend on labor from their own culture such as relatives, neighbors from their homeland or at least people they know from their previous lives. A migrant who knows before even leaving his/her hometown in what job s/he will be employed or who his/her boss will be is not an uncommon case.

The main viewpoint about migrant networks is a positive one in that they facilitate the life of newcomers. Nonetheless they have a side effect that is the insulation of migrants from the receiving community and therefore preventing, or at least delaying, their integration. In economically developed networks, recently arrived migrants can be employed by their compatriots, and this job may prevent the person from having relationship with the receiving country's people, hindering his or her adaptation and integration.

On the other hand, the same networks may be helpful in providing the person with integration skills by teaching him/her the means of living, such as the language, transportation, and the laws or official structures of the new country. Therefore, migrant networks do not have a clear positive or negative effect on the integration of migrants into the receiving society.

2.3. What is Missing?

As noted from the theories above, they are all about regular migration, although they can also be employed in explaining the reasons of illegal migration to some extent. The mainstream in illegal migration studies is to keep these regular migration theories in mind and try to explain illegal migration by them, assuming that all the motives of illegal migrants are just the same as regular migrants.

Even though the main reasons for leaving a country may be the same

for both legal and illegal migrants, the grounds for the choice between legality and illegality have to be studied. An action may be illegal, but it is also possible for it to be legitimate. This paradox can be illustrated by the example of a person who leaves his/her country of origin because of economic hardships, but enters a new country illegally due to strict immigration regulations that he/she would never be able to pass through. Brochmann rightfully states that the more complicated it gets to enter a country legally, the more illegal trafficking grows; this also brings about higher profits for the traffickers as the risks involved increase (1996: 136).

Similarly, the employment of migrants without a work permit is also illegal, but from the employers' point of view, it is advantageous due to the low wages they pay, and no insurance or tax is needed as long as they are not caught. Likewise, on the receiving countries' side, there is a loss of tax income caused by the unregistered employees; however, this loss is compensated by the income generated through their production. When examined in this framework, it is obviously seen that illegal migration is a paradox that is both necessary to solve and perpetuate. The majority of illegal migration studies overlook this fact, and just focus on the prevention side.

The qualified professionals of underdeveloped countries have the chance to get through the stringent immigration regulations set by developed countries owing to brain drain. These people have to get to

receiving countries on legal grounds as they have to get certified by the authorities to perform their professions. Therefore, we can say that it is mostly unskilled workers who are involved in illegal migration. The poor economy of sending countries and the resulting low education and unskilled labor give rise to illegal migration streams (Mutlu, 2003: 201).

2.4. History of Migration

It is a known reality that humanity has been continuously changing place since the early ages for a variety of reasons. The changing of place continued from the Paleolithic age to the Neolithic age in which humans were to move constantly because of their way of life consisting of hunting and fruit gathering. Therefore it is safe to say that people continued to live as nomads until they were transformed from gatherers into food producing bodies. Thus, we can assume that migration came into existence concurrently with the existence of the humankind. Nevertheless, it must be noted that there was no settled life in this period and consequently the movements made for gathering of fruits and hunting cannot be named as migration but rather as change of place. Migration in the sense we understand today started by the settled life that was made possible by starting cultivation. So, the change of place in the settled people's world matches the definition of migration.

Although migration played an important role in the formation

process of Europe, migration studies did not occupy a large place in the continent. This was mainly due to the denial of the role of immigrants in the nation building process as their admission would hinder the creation of national homogeneity myths. On the other hand, these studies have a considerable importance in the relatively new continents, America and Australia, whose populations have been consisting of immigrants.

The first entity to gather folks from different sources was the Roman Empire that had a great influence on the world. With the collapse of the West Roman Empire, people settled in Gaul – today's France. These people were politically and culturally very diverse, and included Roman citizens and soldiers, slaves and Germanic tribes. In addition to these people, there were traders and artists from Italy, mercenaries, scholars and musicians, Jews and gypsies, Muslim slaves from North Africa, and the Eastern Mediterranean and Spain, who came to Gaul. In 1306, Philip the Fair, the French king, expelled the Jews numbering near 100,000 at that time. In 1715, King Louis X reaccepted the Jews to France. The gypsies were banned from entering France in the beginning of the 16th century. Nevertheless, they returned some time later but they were never fully accepted by some people. These movements and mainly forced migrations formed the modern France just as any other country in the world.

The ideas that led to the French Revolution included popular sovereignty and the concept of nation-state. These ideas are of vital

importance to international migration as there would be no international migration if no nation-states existed. The main feature of sovereignty is the idea that every state has the right to control movement into and from the territory of the state. Therefore, illegal immigration is seen as the violation of the sovereignty of states (Castles-Miller, 1998: 48-51).

As Joppke states, modern states have the right of self-determination, and this enables them to decide on the admission, or rejection, of new members. They clearly divide the world into two categories: ‘nationals’ who have an absolute right of entry and stay, and ‘aliens’ to whom entry and stay may be denied (1999: 2-5). Brochmann quotes from Michel Massenet that a state “ceases to be a state if it does not control the implantation of foreigners on its soil” (1996: 11).

The tribal migration to Europe from the east, north and south had continued until the 9th century and had resulted in the occupation of nearly all the cultivable lands. As a result of migration, the population of Europe increased and had to find new places to decrease its density. Just at this point, the Crusades came for help and the return to east started.

From the 17th century to our date, there have been five main waves of migration. The first one comprises the movements from the imperialist European countries – especially Britain, France, Portugal and Spain – to their colonies. These countries got rid of the economic burdens of the high population by loading this burden on their colonies. We can say that

imperialist countries started to claim rights on their colonies through assimilation.

The second wave of migration is the movement of people from the colonies to Europe and the Americas as slaves and later on, with the end of slavery in the second half of the 19th century, as indentured workers who were brought from India, China and Japan to Trinidad, Guyana, East Africa, Hawaii, the USA and Peru. This slave trade or transportation was so enormous in size that an estimated 15 million of them were taken to the Americas before 1850 (Castles-Miller, 1998: 53-54). These slave and indentured worker migrations created nations like Uganda, Sri Lanka and Kenya whose populations were dominated by slaves (Yalçın, 2004: 101).

The third wave was formed by the breakdown of empires after the First World War. The disintegration of Habsburg and Ottoman Empires created nations with heterogeneous populations and the efforts to homogenize these populations paved the way to forced migrations of ethnic minorities. In this same period, the Nazi rule in Germany forced many Jews to move to other countries. Another instance for this third wave migration is the return of millions of people with Turkish origin to Anatolia because of the independence movements of numerous nations in the Balkans.

The fourth wave started with the emancipation of the colonies. This wave is characterized by the imperialist powers leaving their colonies.

Rapid industrialization in Europe in the 19th century mobilized the

rural population to find jobs in the urban posts. Nevertheless, the majority of these migrants preferred to migrate further to the USA that promised free land instead of staying in these cities to do hard work. This is true particularly for Britain that constituted 66 % of the people who moved to the USA between 1800 and 1860. The remedy for the labor shortage in Britain caused by migration to America was to import workers from its oldest colony – Ireland. This example shows the popular trend in labor procuring: firstly from the countryside, then from possible former colonies, and lastly from other countries if the first two sources do not suffice.

The fifth wave is the one that started after the Second World War and continues up until now. This last wave embraces the labor migrations from countries with economic and political instabilities to developed ones. What gives this wave the name labor migration is the large-scale worker importation to the USA, Western Europe and oil producing Middle East countries that were short of labor.

2.5. The Immigration Policies

Although this thesis is about ‘irregular’ migration, it is important to know about policies regarding ‘legal/regular’ migration as regular and irregular migration are interrelated. As regular migration gets more difficult, more irregular migration is faced. In this section, I review immigration policies with a focus on European states.

Immigrants living in a country are seen as minorities but they are different from the historical and native minorities. These minorities are divergent from the native minorities in their cultures and appearances. Migration and this type of minorities can be seen as two sides of a coin: They are the result of migration. There is no consensus on the definition of minorities but we can find a simple and all-encompassing description in the Glossary on Migration published by the International Organization for Migration:

A minority may be considered to be a group which is numerically inferior to the rest of the population of a State and in a non-dominant position, whose members possess ethnic, religious or linguistic characteristics which differ from those of the rest of the population and who, if only implicitly, maintain a sense of solidarity directed towards preserving their culture, traditions, religion or language (IOM, 2004: 42).

There are a few criteria by which the minorities can be defined:

- Minority groups and their members form the lowest stratum of the society. Wealth, power and social esteem are shared unevenly between the minorities and the majority of the public.
- The weak legal status and numerical inferiority result in the disability of participation in decision making mechanisms.
- The categorization of minorities as 'different groups' gives rise to discrimination and racism which are integral reasons for the underdeveloped status of minorities.

- The members of minorities are also aware that they form a 'different group'.
- Minority groups have the continuity of multiple generations that will perpetuate their existence (Canatan, 1990: 52-53).

Migrant labor receiving states usually identify these workers with names such as 'guest workers', 'migrant workers', or 'aliens' all of which represent a temporary situation. For these states, migrant laborers are only one of the production elements that can be used when necessary and sent home if not needed anymore. They are supposed to come and work for a definite period and return to their homelands after they acquire their economic power without influencing the structure of receiving countries.

Seeing that these workers do not intend to return, hosting states have realized that some new policies are required about those who stay. The governments that have to adopt a policy about migrants face a choice between four options. These are assimilation policy, pluralism policy, integration policy and multiculturalism (IOM, 2005:322).

Assimilation is the adaptation of a social or ethnic group to another one –usually the adaptation of a minority to the majority of the population. If the minorities are melted in the existing structure of the receiving community, there will be no more 'minority problems' in the country.

If the governments think that migrants cannot benefit sufficiently from the opportunities of the present structure and therefore form new

chances and institutions particularly for them, this is called pluralism. In pluralism, the social and cultural entities of migrants are recognized with respect and tolerance.

Integration policy follows a mild route in between assimilation and pluralism. In other words, integration can be described as moderate pluralism or moderate assimilation. Cultural integration takes place by the respect of both sides to the culture of the other group. It is a process of creating a synthesis by interaction and communication, without destroying each other's socio-cultural body (Canatan, 1990: 57-59). As stated by the International Organization for Migration, this is also called as acculturation: "The progressive adoption of elements of a foreign culture ... by persons, groups or classes of a given culture" (IOM, 2004:5).

Multiculturalism approach recognizes cultural plurality in modern societies and tries to regulate this through principles of equality. Migrants can still be differentiated from the general public by their culture, language and social behavior without endangering their national identity. This approach requires a tolerant host society to recognize the dissimilarities of different cultures (IOM, 2005: 322).

All these policies are put into practice quite differently from their written forms; each of them can be seen at particular times of a government and even further, all can be employed at the same time.

2.6. Immigration Policies of European States

As a continent of immigration, Europe has to be examined about the state policies employed in immigration. Owing to the number of immigrants arriving, four of these countries are significant.

2.6.1. Immigration Policy of Germany

Germany started to accept immigrants after the Second World War. In the post-war economic depression period, Polish immigrants were employed but there were not so many problems as they were of the same origin. The immigrants from Italy started coming in 1955 and the array of immigrants broadened to include many nations in the 1970s. As time passed, it was seen that most of these temporarily recruited workers were determined to settle in Germany.

The 1973 Oil Crisis struck Germany in two ways: its economy was stagnated and unemployed people from other countries with depressed economies wanted to join the labor force of Germany. The already stagnant economy entailed curtailing immigration and the implementation of return policies to reduce the number of migrants present in the country. What made immigrants a social problem is the inability to stop the influx of new migrants. The increasing implementation of return policies gave immigrants the impression that family reunion would be completely abandoned, thus immigrants made every effort for family unification. The comparatively

high birth rate of migrants assisted in the swelling of their numbers.

When the *Sozialdemokratische Partei Deutschlands* (Social Democratic Party of Germany) was in power, Federal Republic of Germany took measures especially for the second generation migrants' education and integration into the society that resulted in instilling the education system with liberal and democratic values, giving priority to tolerance.

When *Christlich Demokratische Union* (Christian Democratic Union) came to power, great alterations took place in the immigration policies. The nationalist Heidelberg Manifestation had great repercussions as it reflected a demand that can be summarized as "Europe should send all immigrants back to preserve Western Christian values."

Helmut Kohl's government used immigrant workers as its main subject for the election campaign. The objectives were just the same as previous governments: bringing an end to immigration, encouraging the return of those migrants who thought of doing so and accomplishing the economic and social integration of immigrants who had been living in Germany for years.

In 1984, a law was proposed that gave a right of settlement to those migrants who had been living for a five year period but the government refused this proposal as the migrants should have the right to decide freely about their future.

While these debates were going on, a law encouraging the return of

immigrants was put into effect, according to which immigrants were paid 10.500 DM for the family and 1.500 DM for each of their children if they decided to return to their homelands.

The new Alien Law that took effect in 1991 both facilitated the naturalization of the younger generation and limited the right of residence in case of extended unemployment. It was made certain that the law cared for the people who were considered to have an absolute adaptation capability and maintained the well-built distinction between nationals and foreigners. Especially the resistance against double-nationality distinguishes Germany that insists on *ius sanguinis* from other migrant receiving countries (Abadan-Unat, 2002: 56-62).

2.6.2. Immigration Policy of France

France is one of the oldest immigration countries. The main reasons underlying receiving immigrant are not only economic but also demographic. The “creating a 100 million population France” dream of De Gaulle and the economic enlargement taking place right after the post-war build-up period forced France to take immigrants from other countries. However, while following an immigration policy for demographic reasons that would dictate assimilation in the long term, it was more rational for France to take temporary buffer workers to respond to economic fluctuations.

The country that gave the greatest proportion of immigrants in the 1950s was Algeria, France's colony at that time. Nevertheless, a problem was faced that was unlikely to be solved: Algerians were nearly impossible to be assimilated.

The influx of Algerians could be stopped only by bringing an end to all immigration activities because of the 1973 crisis. The period following the crisis witnessed the reception of immigrants from European countries. However, the deficiencies of the French migration office and the liberal immigration policy resulted in a great number of illegal migrants. Actually, France benefited from these illegal migrant workers more than the French workers in its economy since they were seen as modern slaves for whom the government had no responsibility (Canatan, 1990: 66).

With the supplementary effect of the 1968 social tensions, a more selective policy was adopted. The inclination was to allow easy-to-assimilate Europeans rather than hard-to-assimilate non-Europeans. Other actions were taken, such as the placing of immigrants in dispersed locations to prevent racial conflicts, encouraging change of citizenship and trade union participation.

The re-allowing of migrants after the 1973 crisis started with two ideas in mind: keeping the number of new immigrants at a minimum and assimilating the ones already in the country. For the realization of the first aim, return migration – both forced and voluntary – was encouraged besides

closing the borders tightly against new arrivals.

As a result of its small success, the strict assimilation policy left the ground to a moderate style of assimilation – integrationist immigration policy. The Mitterrand program in 1981 had some pluralist components such as the granting of right to vote, fighting racial discrimination and political participation of immigrant groups but economic stagnation, unemployment and xenophobia prevented the full implementation of these programs (Canatan, 1990: 64-69).

2.6.3. Immigration Policy of the Netherlands

The Netherlands started receiving immigrants in the 1960s. The employment of migrant workers started with companies and continued with employments via official channels formed up by mutual agreements. The workers were mainly from the Mediterranean region. In addition to economic migrants, there were colonial migrants who had been arriving in the country since the Second World War.

The period between 1960 and 1973 is represented by the rotation of migrants. Workers were employed on a basis of contract for a certain time and were sent back to their countries at the end of their contracts. This practice was disliked by the employers as the migrants were sent back at a stage when they were totally familiarized with the work, learnt the language and would be the most productive. The routine of teaching the language and

the professional skills was repeated at the beginning of each contract period with new workers.

Despite its need for labor, the government introduced the visa requirement in 1980. The note for minorities that was proposed in 1981 got into effect in 1983 with the objective of “providing the establishment of a multicultural society in which migrant individuals and groups can develop their identities and have a societal equality”.

Another point that had taken much attention was the low educational level of the immigrants and therefore their education was considered. However, these plans could not be put into practice, and unemployment and racism increased (Canatan, 1990: 69-73).

2.6.4. Immigration Policy of Britain

In contrast to Germany, Britain did not consider immigrants as ‘guest-workers’ because of the nature of the Empire. Each and every immigrant arriving was a subject of the Empire and therefore they were not regarded as threats to the community during the emperorship period.

The pre-war fears and prejudices resulted in the assessment of immigrants as potential threats. The Aliens Restriction Act of 1914 gave extensive authority to immigration officials, such as the right to refuse entry to those who could pose a threat to the country, without the need of search for any evidence. The persons from states that would not cause any threat

would be granted entry in accordance with the quotas.

The inter-war period witnessed a halt in immigration as the war-torn economy was unable to feed even the native people that had a high birth rate. The Second World War caused an increase in the immigration to Britain but these were mainly temporary migrants who later moved on to the USA or Canada.

The circumstances changed completely after the war. By the help of financial aid provided by the USA, the cleaning of debris and restoration of the country was planned, but the war casualties and the departure of 720,000 British, Scotch, Welsh and Irish people to Australia resulted in a dramatic loss of labor. This problem was solved by temporary workers. However, these Polish, Ukrainian and Italian workers were employed in the hardest works with the lowest wages, making them perceive that they were second class people. This intolerance resulted in the migration of these qualified workers to other developed countries in a short time.

The period between 1950 and 1961 saw an increase in the number of Asian immigrants, generally Indians and Pakistanis. The pioneering immigrants were trained and qualified, who could be expected to have great contributions to the British economy. Nevertheless, the quality of the immigrants coming in the 1970s had declined severely. Ninety percent of the immigrants arriving between 1968 and 1979 were women, children and old people whose family had been living in Britain. The legal actions had

transformed the ambitious and hard-working migrant waves to non-productive immigrants who were exploiting social funds rather than assisting in the economy.

The 1980s were negative migration years. The white people forming the backbone of the country were leaving for warmer and richer countries, such as the USA, Canada and Australia, to be replaced by people from the Indian sub-continent and Africa.

Racism and minority problems reached their apex in the 1990s. Racist movements went so far as many immigrants were killed violently and many more died while in police custody, most of them were reported to have committed suicide (Laçiner, 2000: 35).

The governments which were incapable of perceiving the migration's economy stimulating effect paid the price of alienating immigrants by losing the skilled labor. The already stagnant economy was harmed further by the negative migration that was a result of the emigration of experienced workers and immigration of unskilled employees. The loss of blood caused by ignoring immigrants and their problems continues.

CHAPTER II

ILLEGAL MIGRATION: A THEORETICAL FRAMEWORK

Illegal or irregular migration is the entrance of individuals or groups into a country without conforming to the legal regulations or continuing to stay after the legal visa has expired. This practice involves at least two categories of countries: the country of origin and the country of destination. There may be a third kind that is the country of transit, either a single one or several of them. The movement of people can be either assisted or unassisted. The human smuggling organizations earn a great amount of money from this “sector” that is estimated to be something around 10 billion US\$.

Orderly migration is the ideal case for receiving states as they can control the people and prevent irregularities. However, this type of migration is hard to find due to the increasing restrictions employed in immigration controls of developed countries. The illegal entries into a country, overstaying of visas and employment of migrants lacking a work permit all upset the sovereignty of receiving states, forcing them to do everything possible to prevent all types of irregular migration.

3.1. Illegal Migration: A Conceptual Analysis

Illegal migration is a product of the laws made to control migration (Castles-Miller, 1998: 96). Thus we can unmistakably say that illegal migrants are defined according to the definitions of legal migrants. However, the definition of legal migrants is not so clear as to enable us to make a crystal clear definition of illegal migrants. Even the term 'illegal' is controversial in migration studies, and 'irregular', 'unregulated', 'unwanted' or 'undocumented' are also used to define this category.

The main category of illegal migrants is the one which comprises migrants entering a country of destination without going through required immigration procedures; in other words illegal border-crossers. The members of the second category of illegal immigrants enter the country of destination legally but they become illegal either by overstaying their entry visas or by working without work permits. Exceeding the allowed time and not leaving the host country or working without the permission of the authorities put these people in an illegal position.

The third category of illegal migrants encompasses family members of migrant workers, prevented from entering legally by restrictions on family reunion. The fourth category comprises asylum seekers not regarded as genuine refugees (Castles-Miller, 1998: 289). These people do not have the qualifications to become refugees but are rather seen as fraudulent asylum seekers and treated as illegal migrants.

Although condemned by the states, illegal migrant workers are welcomed in some cases. A good example to this is the Mexican workers in the USA in the first two decades of the 20th century. They were preferred to European migrant workers as they were cheaper, were easier to deport because of proximity to their homeland, and had no intention to settle.

The depression of the 1930s caused the deportation of thousands of Mexicans again to be brought back in the 1940s as war production refueled the U.S. economy. Furthermore, the authorities had exercised 'benign neglect' with regard to undocumented Mexicans as it was realized that the American farmers depended heavily on them while harvest work was being done. This trend led to a 'splendid indifference' by the reduction of the Border Patrol budget at a time when the number of undocumented migrants was increasing (Calavita, 1994: 58-60).

Irregular migration is described as the movement that takes place outside the regulatory norms of the sending, transit and receiving countries (IOM, 2005: 460). Even International Organization for Migration, the most authoritative position about migration, admits that there is no clear or universally accepted definition of irregular migration.

From the perspective of destination countries, irregular migration is the illegal entry, staying or working in the country; meaning that the migrant does not have the essential authorization or documents required by immigration regulations to enter, reside or work in a given country. On the

other hand, from the perspective of the sending country, the irregularity is seen in cases in which a person crosses an international border without a valid passport or travel document or does not fulfill the administrative requirements for leaving the country. Similar to destination countries, sending countries also have the right to control their borders, and their authority is harmed by illegal border crossings.

To these two categories of countries, we must add transit countries: there may be illegal entry or exit, or both of them, besides legal entrance but illegal overstaying and working. There is, however, a tendency to restrict the use of the term “illegal migration” to cases of smuggling of migrants and trafficking in persons (IOM, 2004: 34-35).

3.2. Human Smuggling and Trafficking in Persons

There is an uncertainty in the sorting of illegal migration due to the distinction between smuggling and trafficking. Although these terms have their different definitions, they may be used interchangeably in some cases. Furthermore, the differences between them may get blurred as the actions may include attributes of the other definition.

The third article of the UN Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, defines smuggling as:

the procurement, in order to obtain, directly or indirectly, a financial

or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.

According to the same article, illegal entry means the crossing of borders “without complying with the necessary requirements for legal entry into the receiving State”.

On the other hand, trafficking is defined in the third article of the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, as follows:

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.

The definitions facilitate making a distinction between the two terms. Trafficking differs from smuggling predominantly in that exploitation and coercion are integral elements of it, whereas they are not so necessary in smuggling. Another difference is that smuggling necessitates the illegal entrance into a foreign country while trafficking may take place within national borders.

Human smuggling may be a source for trafficking in persons, as trafficking includes fraud and deception. Smuggling has the voluntary demand of the would-be-migrant to cross an international border as its

starting point. On the other hand, the victim does not have a choice in trafficking, as he or she has been threatened or deceived.

Human smuggling is mainly a crime committed against the states' sovereignty by disregarding the right to control national borders, whereas trafficking is committed against human dignity. The subjects of smuggling are mostly men, while the subjects of trafficking are mostly women and children (Öztürk, 2005).

The last difference between smuggling and trafficking is that the relationship between the smugglers and their customers usually ends after the border is crossed but the connection with the trafficker is hard to end as the exploitation continues – or just starts – after the border crossing.

The reasons of trafficking are mainly political and economic instability in the country of origin, the need for cheap labor in destination countries, the desire for increasing welfare and the lack of knowledge about the outcomes of trafficking.

The fifth article of the Smuggling Convention states that “migrants shall not become liable to criminal prosecution under this Protocol for the fact of having been *the object*” [emphasis added] of smuggling of migrants. This is a protective clause for migrants trying to enter a country illegally, and therefore it limits the authority and power of the states in fighting illegal migration.

3.3. Refugees

A great number of illegal migrants are asylum seekers who are not regarded as genuine refugees. This category is very different from the other three categories as their entry into a country illegally does not constitute a crime on its own according to the 31st article of the 1951 Convention relating to the Status of Refugees.

This article states that governments shall not impose penalties to refugees due to their illegal entry or presence in the country. Thus, every year, many migrants exploit this article to enter their destination countries illegally and demand refuge from these countries. Their applications are examined, and those who meet the requirements for a refugee status are granted refuge in the country, whereas the others are seen only as fraudulent asylum seekers and their presence in the hosting country becomes illegal.

3.4. The Reasons of Irregular Migration

The reasons of migration are plentiful: the clashes between countries, regional wars, civil wars, economic hardships, famines, epidemics, search for adventure, regional culture problems, familial problems and search for a more comfortable life.

The most remarkable reasons are the civil wars and the desire for better life conditions. Additionally globalization has a great influence on migration by facilitating the movement of people. As said by the 2005

World Development Indicators, purchasing power parity per capita in Sierra Leone is 530 US\$, whereas the same indicator is at 55,500 US\$ for Luxembourg, creating a 100 times difference between the poorest and the richest countries. For people who live on such little money, it becomes almost inevitable to move. However, it is not always the poorest stratum that migrates as international migration –be it legal or not – necessitates a high amount of funds. Hablemitoğlu describes this fact in a striking manner:

The walls built for second world residents about immigration control, residence permits, “clean streets” and “zero tolerance” policies are getting higher. While the ditches dug between them and their dreams of salvation are getting deeper, it comes to light that all the bridges are folding up when they try to pass. The first ones [first world residents] travel whenever they want, enjoy their journeys (especially if they are traveling in first class or their private aircraft), they are begged for their travel and even bribed for it, and they are warmly welcomed with smiles and open arms. The seconds [second world residents] travel usually illegally and sometimes pay much more than the others pay for luxurious first class for the almost sinking, filthy ships in which they are crammed; frowned faces are awaiting them in their destination and if their luck isn’t good, they are arrested and deported immediately (2005: 125).

Migrants tend not to encounter too many cultural problems as a result of globalization. The universality concept caused by globalization and communication increases the interest of the second world natives for the developed countries, and they try to find ways of arriving in these countries either by legal or illegal means. Their objective is to find the economic comfort, political stability or just their right to life.

The most significant reason of irregular migration is the strict

immigration policies of developed countries, as we have seen in the previous chapter. If it ends successfully, irregular immigration is followed by the search for a job to make a living. However, this is yet another difficult phase, no matter how much the employers want to employ people for low wages. Even when a job is found, there is a risk of getting caught and being deported.

The spread of production all over the world resulted in factories built up in countries with cheap labor and raw materials. This brings out the fact that developed countries do not need employees as they used to in the previous years. Although these investments in developing countries have some positive effects, these effects are minimal, as the wages are already low and do not increase with the new opportunities, but there is only decrease in unemployment.

3.5. The Characteristics of Illegal Migration Countries

Whether legal or illegal, the main characteristic of migration is that it takes place from “developing” to “developed” countries. In this section, illegal immigration countries and the transit countries that are used to enter these immigration countries will be examined.

Illegal migration is not a problem of only a few countries but of the world as a whole. Therefore, it would be sound to look at illegal migration at the continental level.

Asia is the most crowded continent and comes out as a place where the most illegal migration is seen. The reasons of illegal migration and the areas it takes place are as follows:

- India: The confusions in the country have been going on for long years and it may be expected that illegal migration is going to be widespread in coming years in this land of about a billion people.
- Pakistan: Poverty and the ongoing conflicts with India cause high levels of migration to developed countries.
- Iran: The war with Iraq, the change of regime by the Islamic Revolution and resulting oppressive ruling created large waves of emigrants most of whom went to the USA, Canada, Australia and European countries.
- Iraq: The war with Iran and the Gulf war inflicted heavy economic and military losses on the country, and the United Nations embargo following the war added more to economic sufferings. The vacuum in the administration, social shortages and these economic sufferings caused the flight of thousands of Iraqis. Today, the war in Iraq and the political and economic restructuring of the area is adding more to this picture.
- People's Republic of China: The most crowded country of the world sends significant amount of migrants to the USA, Canada, Australia, Japan, Korea and Europe. The economic reforms that started in the 1980s resulted in the privatization of government institutions and the dismissing of many officials creating internal migration. Every year near 100.000 Chinese

migrants illegally move to the USA, and this number increases by tens of thousands yearly. It has been reported that there are 50.000 illegal Chinese migrants in Romania, 45.000 in Hungary and 300.000 in Yugoslavia (BFBA, 2001:16).

America is a continent of both immigration and emigration. There is migration from the south of the continent to the north. Everyday thousands of illegal migrants enter the USA, seeing it as the country of their dreams. These people try to enter the USA or Canada either by land, air or sea transportation. The 2000 mile Mexican-American border witnesses the attempts of mainly Mexican illegal migrants to enter the USA. The number of illegal migrants in the USA is estimated to be around 8 millions, 3 millions of whom are Mexicans (BFBA, 2001:16).

Europe is a destination continent as it has developed countries with liberal migration policies, and it is a transit continent for migrants on their way to America and Canada. Many states in Europe have been both admitting thousands of immigrants and legalizing the illegal migrants residing in their countries. Italy, France, Greece and Spain experience illegal immigration by sea, whereas Austria, Germany, Holland and Belgium are preferred by immigrants coming by land. The immigration waves coming from the sea originate in Egypt, Syria, Lebanon, Tunisia, Morocco and Turkey. The entrances through the land route take place in the Eastern and Central European countries (BFBA, 2001:17).

The number of people longing for a free and comfortable life in the most deprived continent Africa has been persistently increasing throughout the years. The enduring famine and starvation, epidemics, civil wars, unemployment and repeatedly changing governments causing political instability result in huge groups of emigrants.

Its vast lands, high wages, available employment positions and liberal immigration policies have made Australia a luring continent. As a consequence of these facts, people who could not enter the country by legal means try to make their way by illegal means. The main transportation method is by sea although some smaller share can be seen for air transportation. Countries in the Middle East and People's Republic of China are the places from where illegal migrants depart for Australia. Although there is a quota for legal migrants, illegal migration cannot be coped with, and therefore reciprocal solutions with countries in the Middle East are sought after (BFBA, 2001: 14-19).

The main features of destination countries are that they are developed both economically and socially. Moreover, they are ruled by stable systems and have no or little political problems. Hence, the newcomers hope to have a happy, wealthy life furnished with social rights.

The point of view against the immigrants in developed countries is not as bright as the views of migrants. Immigration countries experience labor shortages as a result of economic expansion, and they face two options

to overcome this problem: either employing scientific and technological innovations in the production process or making their choice for the cheap labor ready to work in filthy and hard work.

Utilizing technology necessitates further spending. Therefore, as expected, they preferred cheap labor for it was more beneficial; they could acquire the necessary labor in time and cheaply both because they were prepared to work for lower wages and the governments did not have to make any expenditures for their training. Labor migration can be seen as an aid or transfer of sources to developed countries from developing ones. Illegal immigrants are in a poorer situation, as they are deprived of most of the social security services and are more vulnerable to the exploitation of employers (Canatan, 1990: 22-23). Today, with the international division of labor, the need for alien workers has come to lower degrees as the production takes place in the homeland of the workers, not the company; nevertheless, this is not a full stop.

CHAPTER IV

A CASE STUDY: ILLEGAL/IRREGULAR MIGRATION IN TURKEY

Turkey's position in irregular migration is exceptional as it is a source, transit and destination country at the same time. Therefore, it will be sound to examine the cases that take place in irregular migration.

4.1. The Position of Turkey in Irregular Migration

The geographic location of Turkey is very challenging. Its position at the intersection of Asia, Europe and Africa allows it to be seen as a door opening to Europe for Asian and African migrants. The country's closeness to other European countries, its place at the intersection of the East-West and South-North routes, and the opportunity of traveling by land, sea or air make it further attractive.

The image of Turkey as a junction in the South-to-North and East-to-West migration is making Turkey more and more detrimental for the European Union that it wants to join. Nevertheless, its image as a bridge will continue as it is impossible to change the geographic location of a

country.

4.2. Irregular Migration in Turkey

Turkey witnessed a great influx of immigrants and refugees in the post-war period. Nevertheless, the immigrant waves differed in the 1980s. This period is characterized by irregular migrants entering Turkey both as a transit country and a destination country. The disintegrating East Bloc generated unemployed people trying to find better living conditions in other countries.

Turkey was an ideal destination for these people as they could earn more money here than in their homelands and the relatively flexible visa policy made their entry easier. Because of political uncertainties and economic difficulties, migrants from Moldova, Romania, Ukraine and the Russian Federation preferred Turkey as a temporary place to work and save some money either to return to their countries or to move on to other developed countries, mainly in Europe.

Another category of migrants is the one that encompasses people from Iran, Iraq, Afghanistan, India and African countries who aim at arriving in European countries. The people with Turkish origins returning to Turkey from other countries were one of the main groups of migrants, but this wave left its place to a wave of migrants from Soviet and Eastern Europe countries. A considerably high number of illegal migrants, 522.000

people between 1995 and 2004, have been caught in Turkey, indicating that irregular migrants are inclined to choose Turkey both as a transit and destination country (Daysal, 2005). The flexible visa policy makes Turkey an ideal destination for illegal migrants who intend to enter legally and overstay their visas.

The migrants coming from ex-East Bloc countries may be forced to work as they are trafficked by means of deception or fraud, may enter legally but overstay their visas or work illegally without a working permit, whereas those coming from the Middle East and Asia usually use Turkey as a transit country on their way to Europe during the smuggling process.

The largest part of the irregular migration in Turkey is caused by transit migrants en route to mainly European countries and migrants employed irregularly. The reasons for these waves of irregular migrants can be summarized as follows:

- Continuing political disorder in the Middle East and ex-East Bloc region has forced people to move to other countries seeking a better life;
- Turkey's geographic location has made it a transit zone for migrants heading west and north;
- The strict immigration policies of developed European countries that created the expression "Fortress Europe" have diverted people to countries surrounding Europe; and

- Turkey's relative economic prosperity in the region attracts migrants (IOM, 2005: 157-158).

Criminal networks facilitating illegal migration are mainly sea and land transporters, drug smugglers, terrorist organizations and sometimes the illegal migrants themselves. The methods used in human smuggling in Turkey can be summarized as follows:

1. Illegal exit and entrance from places other than border checkpoints, such as mountainous territory;
2. Buying an old and worn out ship and leaving illegal migrants in them to return with another ship and claim money from the insurance company;
3. Entering the country legally and then continuing to stay illegally after the visa expires;
4. Passing through the border checkpoints by using fraudulent documents;
5. The organizations of the terrorist groups to take their members and sympathizers to other countries;
6. Sending back the valid passport after leaving the country legally to be used for the exit of another person;

7. Buying a round-trip ticket to enter a country and leaving that country illegally to enter another one (e.g. flying to Bosnia legally to leave for other European countries);
8. Obtaining visa and residence permit by the help of the companies formed in Turkey;
9. The attempts of especially Chinese citizens to enter by counterfeiting the passports of other far-east countries; and
10. Using ships inappropriate for human transport or overloading small boats for migrant smuggling as the territorial waters are relatively shorter in the Aegean Sea to allow reaching ships waiting in international waters (BFBA, 2001: 37).

The following figures show the level of irregular migration in Turkey. The reasons for the decline in the number of apprehensions of illegal migrants are the effective border and passport controls that prevent illegal entries to a great extent (Figure 1).

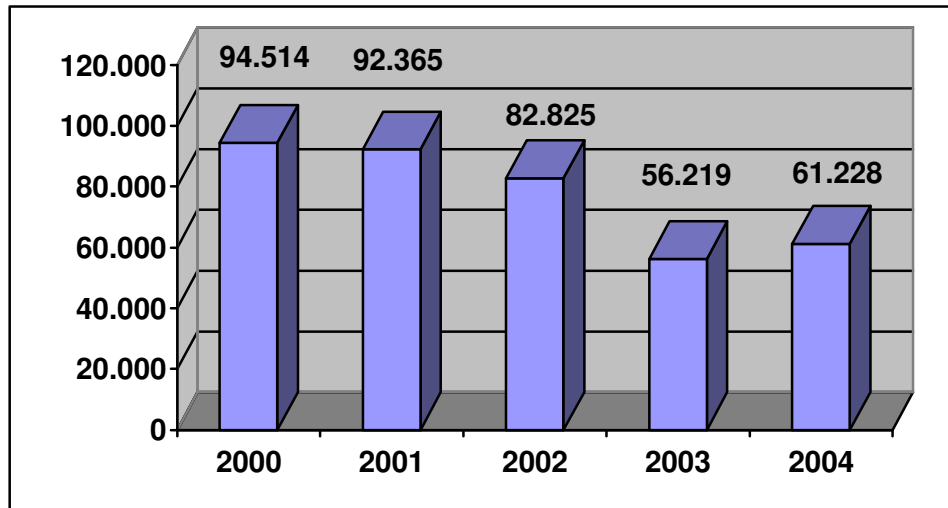


Figure 1 – Illegal Migrants Apprehended in Turkey (Daysal, 2005)

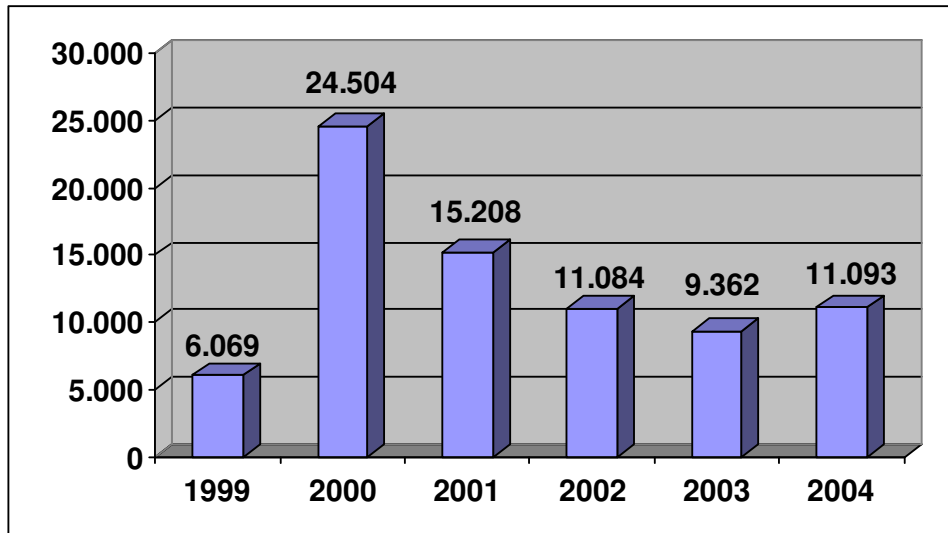


Figure 2 – Migrants Refused Entry to Turkey (Daysal, 2005)

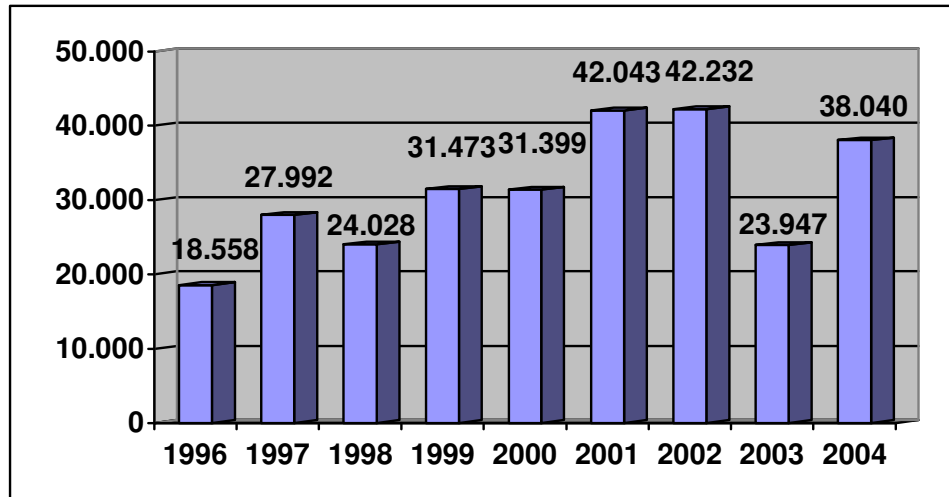


Figure 3 – Migrants Deported For Criminal Activities (Daysal, 2005)

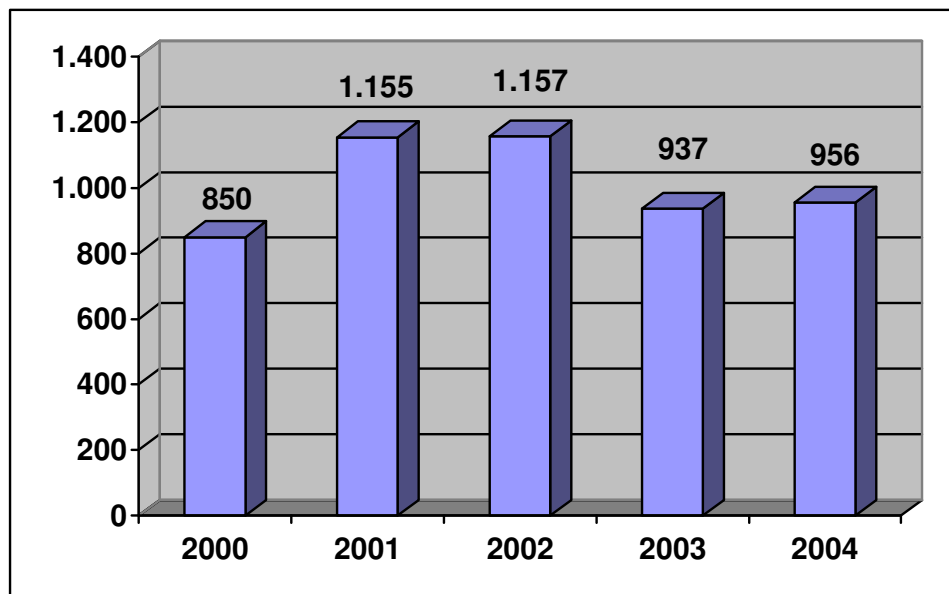


Figure 4 – Human Smugglers Caught in Turkey (Daysal, 2005)

4.3. Cases from Eastern Turkey

As noted, Turkey's position is threefold in irregular migration. The geographical, political and economic position of the country makes it a country of origin, transit and destination all at the same time. As a gendarmerie officer, I will give some examples of the events that take place in the eastern part of the country to explain the aspects of this distinctive location.

The majority of the irregular migrant movements in the East take place in the form of illegal entry and transit migration through Turkey. The main reasons for this trend are the relative poverty, and the enduring wars and instabilities in the eastern neighbors. Most of the apprehended irregulars declare that they left their country due to economic hardships to find a job in Turkey.

The countries of origin are mainly Islamic Republic of Iran, Iraq, Afghanistan and Pakistan. The mountainous formation of the landscape makes it possible for the migrants to try their chances in passing through the borders. Most of them depend on the fuel smugglers moving on horseback to stay out of the field of vision of thermal cameras and to get through the paths that are certain not to have landmines. Nevertheless, the transporters abandon them when they notice a danger, such as an ambush by the security forces, to escape and let them get caught. As the migrants almost never know who is carrying them, it is virtually impossible to catch the carriers

even after a long and detailed interrogation.

Although there are organizers who run the border crossing and document forging business, some prefer trying to pass the border by themselves. The organizers pay the fuel smugglers to take their customers to the neighboring state. Their partners in the destination country take the migrants to move them to the promised city mainly by land transportation.

The forging of the passports and travel documents can not be easily noticed. In one case, an Islamic Republic of Iran national was caught while entering Turkey on horseback. His action was apparently illegal, as it was taking place at almost midnight, in a valley leading into Turkey. During his questioning, he showed his passport, with entry into Turkey stamped just the same day. As it made no sense for a legal entrant to move back into his country without an exit stamp and come back later at night, the customs bureau and the police officers were got in touch with. They had no record of the apprehended person, and moreover it was understood that the stamp in his passport was of a police officer who had been assigned to another city long time ago. The forger had taken his genuine passport and provided him with a seemingly valid entry stamp. It would have been almost impossible to notice this forgery if he had moved a few kilometers into the country.

Polygamy is widespread in the eastern towns of Turkey. Another common characteristic is that the changes in the households are not registered to Public Registration Office immediately and regularly. It is

possible to see people of ages eight or ten years above what is written on their identity cards. This practice gives a chance to irregular migration in the case of “transnational marriages.”

Iranian or Azerbaijani women are commonly preferred in the region because the wedding costs are relatively lower than Turkish women, as the guests of the bride cannot come to Turkey. The trend in polygamy is to marry a rather young woman. The cover-up for the “transnational marriage” works as follows:

The fellow wife is brought to Turkey by the same means as other irregular migrants use. After the marriage takes place, the husband takes his new wife to the Registration Office as his ‘daughter’ who was born long ago but not registered. As the records are not really healthy, this statement is presumed to be true, and she is registered as the daughter of the Turkish man. The preference for the Azerbaijani women rises from their language that is similar to Turkish, just as a precaution in case something may be asked during the registration. On the other hand, Iranian women are also welcome, as teaching Turkish is not really necessary as most of the women in the area do not speak Turkish already. They mostly speak the same Kurdish dialect used in Iran, and their applications are filed by their husbands or fathers. Therefore, a new wife from Iran does not need to learn Turkish as she will hardly use it.

Two Iraqi males were caught while trying to pass the border on foot,

with canned meal in their backpacks. They were intending to sail to Greece to find a job. Their mistake was to try to pass all this long way on their own, without anyone helping them. They did not know Turkish or any other foreign language, therefore it would have been really hard for them to get to their destination even if they were not caught.

Alongside with the incoming and transit migrants, there are occasionally those who want to leave Turkey to go to eastern neighbors. On one occasion, two brothers of ages 30 and 26 were reported by the locals to the authorities as they had asked to take them abroad. They were interviewed to tell that they were coming from Gaziantep in search of a job. They were persuaded that life in Iran was not as easy and attractive as they thought; many people from there were coming to Turkey to find a job and it would not worth risking their lives through the minefields. As they had no money to return to their hometown, they were given the fare and sent back safely.

4.4. Problems Encountered in the Prevention of Illegal Migration

The problems that the security forces encounter in fighting illegal migration in Turkey are varied. The greatest of them is material/financial problems. The easy part of the process is just catching the irregular migrants, and the hard part begins right away. These people have to be taken care of until they are judged and deported. This entails accommodation, feeding and sparing a

force for their protection and transportation.

Return and readmission agreements have not been signed with all the countries. This causes a problem in the deportation of irregular migrants. For example, China and India do not want to readmit their nationals, but this has no legal grounds. Therefore, the process of deportation takes a long time. Afghanistan, Bangladesh and Pakistan state that they are ready to take their nationals back; but they do not pay for the expenses. The biggest problem in readmission is that some countries do not have representatives in Turkey. This results in the failure of deportation.

Illegal migrants who pass through the borders usually do not have passports or identity cards. This prevents the authorities from getting precise information about the migrants, forcing them to count on the statements made by migrants.

Those migrants who will be deported but have no money have to be set free to collect the money needed to leave, as the budget allocated by the state is limited in the deportation issues.

The principle in deportation is to send the irregulars from the place they entered. Yet, they can try to reenter the country as they have done before, this time not to be caught.

Iran accepts only the Iranians who are caught in Turkey as illegal migrants. Although Iraqis or Afghans use the same routes to get into Turkey, Iran does not accept their return. The previous principle is therefore

hard to apply when Iran is in question as a transit country.

Lastly, the interrogation and questioning of the irregulars is a big problem, as it is not always possible to find someone who speaks the same language.

4.5. Measures Taken By Turkish Authorities for the Prevention of Illegal Migration

As noted, Turkey endeavors to prevent illegal migration waves from, into and through its national borders. The measures that have been taken so far in preventing irregular migration are as follows:

1. The police working in the border cities and the border control units are being strengthened by personnel reinforcements;
2. Studies to make border residents conscious of illegal migration and inform people who have entered illegally or intend to leave illegally are being carried out;
3. The borders are being reinforced by wire fences and lighting, and border control units are being equipped with thermal cameras for early detection;
4. The places where illegal immigrants are expected to be concentrated are being controlled more frequently;
5. The personnel working in the border crossing points are being trained against visa and passport counterfeiting;

6. These personnel are being specialized in passport controlling to be employed constantly at the border sites;
7. Three carbon dioxide sensors have been put into action in the customs to detect illegal immigrants in trucks and lorries;
8. Sniffing dogs are trained to be used in border checkpoints;
9. Foreigners who are “suspected” that they will be involved in illegal migration are being interviewed;
10. Citizens of countries with an illegal migration history are required to present a daily amount of currency for the period that they intend to stay; and
11. These same citizens are granted visa not at the borders but in their homelands in advance when they apply for it (BFBA, 2001: 46-47).

Preventing illegal migration by sea has been made possible by the following steps:

1. Meetings are held with the participation of Coast Guard, Marine Undersecretary, Naval Forces Command and Directorate of General Security;
2. Liaison points have been designated to enable communication flow between the units round the clock;
3. Continuous information exchange has been established with the liaison personnel in other countries and foreign liaison personnel in Turkey to

share the data provided by the Interpol and the CIREFI (Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration) early warning system;

4. Old and independent ships are tracked when they are hired or sold to prevent being used in migrant smuggling activities as they are preferred by smugglers;
5. The ships that are found to have strong indications of illegal migration activities during the Coast Guard inspections and those people who are suspected to be involved in migrant smuggling activities are observed closely;
6. People working in touristic boats are informed against human smuggling activities;
7. The roads to the coastline are inspected frequently to prevent migrants from reaching the ships that would take them out of the country illegally, and also to find out the ship and preventing it from leaving the country with other undetected migrants (BFBA, 2001: 48).

The Turkish government has taken significant steps in the harmonization of its migration legislation with the *acquis communautaire* of the European Union. These include:

- Ratification of the UN Convention against Transnational Organized Crime and its two protocols (the Protocol to Prevent, Suppress and

Punish Trafficking, especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air) –also known as the Palermo Protocols – in March 2003;

- Additions to the Penal Code and amendment of the Law on Combat against Interest-Oriented Criminal Organizations to include human trafficking and smuggling in persons and letting the government to impose heavy penalties against criminal networks engaged in these crimes;
- The amendment of the fifth article of the Citizenship Law, making it impossible to apply for citizenship before three years for aliens married to Turkish nationals; and
- The approval of the Law on Work Permits for Foreigners, allowing the employment of foreigners in work previously not available to them (IOM, 2005: 158).

These measures have been considerably successful in preventing illegal migration to a great extent. As seen in Figure 1, the number of irregular migrants apprehended in Turkey has fallen from near 95.000 in 2000 to near 55.000 in the year 2003. The declining numbers of Afghanistan and Iraq citizens seeking asylum in Europe (therefore using Turkey as a transit country), and these measures taken in irregular migration enforcement have been effective in this fall (IOM, 2005: 157).

Even so, this decrease in the number of illegal transit migrants in Turkey does not mean that irregular immigrants arriving in developed destination countries have also decreased. It rather means that they have found new routes leading to European countries, bypassing Turkey. On the other hand, the decrease in the number of apprehensions does not necessarily mean that the number of illegal migrants in Turkey is really decreasing. It may also mean that the illegal migrants may have found new remedies to prevent getting caught by the authorities.

4.6. Measures to Prevent Irregular Migration

Alarmed by a fear of immigration waves from the collapsing USSR lands, western European countries got together in Berlin in 1991 to decide on the necessary preventative measures and this meeting was repeated in 1993. The proposals of this assembly consisting of 55 articles on fighting illegal migration can be grouped in seven main categories:

1. Generalizing the laws on fighting human smuggling,
2. Harmonizing the visa regimes of all the participating countries,
3. Return and readmission agreements,
4. Information exchange about illegal migration,
5. Technical and financial support to the Middle and Eastern Europe countries,
6. Linking human smuggling and other kinds of organized crime,

7. Cooperation between participating countries (BFBA, 2001: 63).

As illegal international migration takes place between two or more countries, and a country can not be expected to cope with it single-handedly, it is crucial that the countries involved collaborate in order to prevent illegal activities when it is taken into account that migrant smuggling is a branch of transnational organized crime. The main approaches in prevention of illegal migration are physical and legal precautions.

4.6.1. Physical Measures

Physical actions are the ones about the border controlling and passports.

These measures include the following actions:

- The border control units should be trained and equipped with contemporary technologies as only technologically sufficient and well-trained personnel can perform their tasks completely,
- A communication network should be set up to enable rapid information exchange and coordination between border control units,
- An intelligence department specialized on migration movements should be formed to enable proactive rather than reactive investigations,
- Witnesses who help the authorities in capturing the migrant smuggling networks must be given complete protection,

- Non governmental organizations should be made conscious about illegal migration and its effects by symposiums, conferences and courses to provide their cooperation with the authorities,
- Coast Guard units should be reinforced to increase their efficiency in fighting migrant smuggling by sea,
- Migrant reception and return centers should be put into action,
- The media support must be obtained to help public awareness campaigns about the consequences of illegal migration to make people help the authorities in fighting illegal migration and trafficking in humans,
- Passports should be enhanced and improved to include biometric data such as iris scanning, voiceprints and fingerprints.

The eleventh article of the Protocol against the Smuggling of Migrants by Land, Sea and Air is about the border control measures that must be taken in order to prevent and detect the smuggling of migrants. These measures include establishing the obligation for carriers to ascertain that the passengers have the necessary travel documents to enter a state, denying entry to those involved in illegal actions and strengthening cooperation among border control agencies by direct channels of communication.

4.6.2. Legal Measures

Legal actions refer to the establishing of rights and penalties and their implementation. The actions that must be taken in the legal arena are as follows:

- Migrant smugglers and human traffickers must be clearly separated as smuggling and trafficking are different in many aspects and have to be investigated separately,
- The penalties must be increased to deter illegal migration and smuggling,
- The assistance of witnesses and subjects of human smuggling or trafficking activities must be supplied by granting them continuous protection,
- Citizenship laws must be amended to grant citizenship only after a certain period to foreigners married to nationals to prevent fraudulent marriages,
- The traffickers who exploit children and the officials who overlook them must be penalized severely,
- All the possessions of apprehended criminals or organizations must be seized,
- Promoting worker migration in legal, non-exploitative and profitable ways should be considered,

- Cooperation must be promoted by bilateral, multilateral and international agreements.

The eighth article of the 2000 Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime declares the measures that must be taken against the smuggling of migrants by sea. This article authorizes the countries to board and search the ships suspected to be involved in the smuggling of migrants after being granted permission by the flag state. The flag state may authorize the requesting state to take the necessary measures with respect to the vessel, the persons and the cargo on board.

In addition to physical and legal measures, we must mention the political and economic measures. The most prevalent political reasons for migration are the instability in the country of origin and persecution against a group of people. Illegal migration can only be prevented by solving these problems which is not easy. The solution to these political problems comes mainly by providing economic comfort and stability which, in most cases, lead to political stability.

4.7. Measures to Protect the Powerless Undocumented Migrant Workers

The most disturbing concern about irregular immigration for the receiving states is the loss of tax income caused by the employment of irregular migrants. As these workers are undocumented, and they do not have social insurance, the tax that should be taken from the employer under normal circumstances can not be collected, and this causes a great sum of loss for the governments.

Nevertheless, this shortcoming is an advantage for the small or middle-scale company employers who want to minimize their expenses. Immigrants are usually employed in 3D (dirty, difficult, dangerous) jobs and paid less than their native counterparts.

The preference of immigrants as employees is not caused only by this low payment regime, as there may be natives who are ready to work for the same low wage; what makes migrant employees profitable is their powerlessness, as they cannot apply to the government officials in case of an exploitation by their employers for the fear of being deported. Their weakness comes from their need to work to make a living, being uninsured, working harder and having no place to complain due to their illegality.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted in 1990 is about the rights of migrant workers in a country, be it legal or illegal. The main

motives of this convention about irregular migrant workers are that the problems of migration that are more severe in the case of irregular migration, clandestine movements and trafficking of migrant workers should be prevented; the indispensable human rights of migrant workers should be protected even if they are in an irregular situation; the employment of irregular migrants causes unfair competition as they are mostly employed under working conditions worse than other workers; recourse to the employment of migrant workers who are in an irregular situation will be discouraged if the fundamental human rights of all migrant workers are more widely recognized and, that granting certain additional rights to migrant workers and members of their families in a regular situation will encourage all migrants and employers to respect and comply with the laws and procedures established by the states.

Article 25 of this convention states that all migrant workers should have the same rights as native workers in conditions of work and employment, and these rights should not be denied in cases of irregularity in the workers' stay or employment.

Articles 28 and 30 are also defending the rights of irregular migrant workers in the realms of health care and education of their children by stating that they shall not be denied these rights "by reason of any irregularity with regard to stay or employment."

Article 68 of the same convention is about the measures that have to

be taken in order to prevent and eliminate illegal movements and employment of irregular migrants. These include measures to detect illegal movements of migrant workers and their families, and imposing sanctions on people or groups that organize or operate these movements, as well as on those using violence or threats against migrant workers and their families in an irregular situation. The second paragraph of this article states that governments shall take measures to eliminate employment of migrant workers in an irregular situation in their territory, but gives no detail about what these measures would be – except for sanctions on employers of irregular migrant workers.

CHAPTER V

CONCLUSION

The social, cultural, political and economic structures of the states are not steady. Migration becomes inevitable in a constantly changing world when the social, political or economic needs of the individuals are not met by the states.

Migration is a phenomenon with two facets. Both the migrants and the countries of immigration experience a process entailed with challenges. The point of view of the citizens against immigrants may facilitate or hinder the adaptation of immigrants to the country.

Turkey is a country of both emigration and immigration. In addition to the problems of immigration, the troubles of illegal immigration are widespread. Due to its geographical location, Turkey is used as a transit country by the migrants from the east on their way to the west. The severe civil wars and changing of regimes have caused an extensive migration wave in the direction of western countries.

These changes between eastern and western countries do not affect them in a positive manner. The West attempts to take care of the problems

caused by illegal immigration and is not sympathetic to illegal immigrants; nevertheless it does not refrain from using them as cheap labor. Most of these people coming from the East can be seen as modern age slaves, as they are exploited by their employers who are paying little for a hard work. In addition to these difficult working conditions that they have to endure for better living conditions, they have to survive against nationalist, chauvinist and xenophobic movements.

Whatever the reason of illegal migration, it is not a problem that can be solved by the efforts of only the sending or receiving country. Cooperation is essential in fighting illegal migration. In parallel with the increasing number of illegal migrants, changes in the economic, cultural and social structures of receiving countries take place. These changes increase the number of citizens adopting nationalist and, in some cases, fascist views leading to volatility in the social order.

As stated throughout the thesis, the measures that should be taken by single states are the reinforcement of the borders by both physical and technological means, training border control personnel and the education of the border residents about the negative effects of illegal immigration. On legal grounds, the migrants should not be employed without verifying that they have the required documents such as passport, visa and work permit. Employers should be strictly controlled against illegal migrant employment.

These solutions will have effect earlier if the security forces are in

close communication with the legal authorities; however, all these precautions are at the single country level, and therefore can only slow down illegal migration rather than bring it to a zero level. A strong intervention by a state will only result in the changing of the routes, directing illegal migrants to other countries. Therefore, all countries should act together to take strong measures.

What I propose here are not concrete solutions that can be easily achieved in today's world order of political instability and increased global competition in the "new international division of labor", but is a set of wishes to be considered. The major reasons of emigration from countries in Asia and Africa are wars and persecution. The solution to this problem is stabilizing these countries. If they are freed from the wars and political crises, peace will prevail and the need for migration will be reduced.

Another feature that triggers illegal migration is economic problems. If the industrialized countries of the West and North make investments in the countries of the East and South, they will contribute to both their own economies and the countries of emigration. The industrialization will bring wealth to the source countries, eliminating the economic reason of migration. However, these investments should be made in a manner that would avoid seeing the citizens as modern slaves, but rather contribute to their development and prevent the illegal immigration problems of the investing countries.

The educational level of the emigration countries should be increased by vocational schools to enable the citizens to be employed in professional occupations both in their own countries and abroad. These schools would also assist in the socialization of the unemployed citizens. Socialization of people would further add to the participation in democratic and economic life. Western states should assist in the Eastern states to form a social government that would respect and provide the social rights of individuals by the education of people.

The main duty of social states is to attract the citizens' attention from the global world to their own nation by the help of cultural activities. First of all, the importance of the family should be imposed on the people as it is the basic community that safeguards the cultural structure. The individuals should be woken up from their dreams telling that the entire world is a village that would welcome him/her and should be shown that the diversities of nations are what make cultures so attractive. An individual whose economic, social and educational problems have been solved will not look for a new life outside his own country. This will both increase the living standards of the natives and prevent them from being seen as second-class people in the receiving countries. Western countries will also benefit from these developments.

If we see migration as a supply and demand equation, the actions that must be taken to control migration are naturally two faceted. Both the

supply and the demand of migrants should be lowered. The supply part of the equation is a result of negative factors such as poverty, unemployment, persecution in the countries of origin; and positive factors such as wealth, social and political freedom in the countries of destination. Although it is proposed to increase the development level of underdeveloped countries, it does not seem possible to make it real in practice. Therefore, the demand part of the equation should be dealt with.

The demand for migrants is mainly a result of need for labor. Although migrants are welcomed in labor shortage periods, they are unwanted in recession periods. When the earnings of trafficking in humans are considered, the risks involved are comparatively low. As the profit of the traffickers can not be decreased, the risks should be increased to deter traffickers. This would be possible by increasing controls, penalties and making potential victims aware of the risks involved in human smuggling. The consumers, or the employers of illegal immigrants, should also be discouraged by the help of sanctions.

All this progress can be made real at the end of a long-term systematic process. These projects call for the teamwork of both the sending and receiving countries. The United Nations and nongovernmental organizations should assist and take part in these projects to fight with illegal migration. It must be kept in mind that long-term solutions can come out only by careful, systematic working and sincerity.

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