

IRREGULAR LABOUR MIGRATION IN TURKEY AND SITUATION OF MIGRANT WORKERS IN THE LABOUR MARKET

Gülay TOKSÖZ
Seyhan ERDOĞDU
Selmin KAŞKA

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Preface

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Gülay Toksöz
Seyhan Erdoğdu
Selmin Kaşka

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Contents

Abbreviations	8
Introduction	9
1. Overview of Migration Into Turkey	15
1.1. Migration into Turkey from a Historical Perspective and Migration Policies	17
1.1.1. Visa Policies	18
1.1.2. Current Affairs in Migration Policies.....	19
1.2. Impact of Visa Regime on the Labour Market	21
1.3. Legislation on Employment of Migrants in Turkey	24
1.3.1. Scope of Law no 4817 for Individuals	25
1.3.2. Types and Validity Periods of Work Permits.....	25
1.3.3. Application for Work Permit	29
1.3.4. Rejection of Application and Cancellation of Work Permit.....	30
1.3.5. Invalidity of Work Permit.....	30
1.3.6. Breach of the Law Regarding Work Permits Granted to Foreigners, Audits and Sanctions within the Scope of Labour Law.....	31
1.3.7. Some Regulations in Enforcement Directive	32
1.3.8. Rights and Liabilities of Foreigners Working in Turkey within the Scope of Social Security Law	33
1.3.9. Draft Law on Foreigners and International Protection and Its Reflection on Work Permits Granted to Foreigners.....	35
1.4. Interviews with Public Officials and Current Regulations: Amnesty to Employees of Home/Care Services	37
1.5. Audit Process	41
1.6. Assessment of Statistical Data	45
1.6.1. Assessment of Irregular Migration Data –GDS	46
1.6.2. Assessment of Regular Migration Data-GDS.....	49
1.6.3. Assessment of Ministry of Labour and Social Security Data	51
2. Role of Irregular Migrants in the Labour Market	57
2.1. Antalya as a Migration Receiving City and the Tourism Sector	59
2.1.1. Tourism Sector in Antalya	59
2.1.2. Migrants in Antalya.....	60

2.1.3. Studies on Migrant Employment in the Tourism Sector	62
2.1.4. Findings of the Field Work in Antalya	63
2.1.4.1. <i>Interviews with the Social Parties</i>	63
2.1.4.2. <i>Migrant Worker Interviews</i>	65
2.1.4.3. <i>Audits</i>	67
2.1.4.4. <i>Prostitution</i>	68
2.1.5. Suggestions for the Tourism Sector	70
2.2. Istanbul as a City of Immigration and Different Sectors: What Does Istanbul	
Promise to Migrants?	72
2.2.1. Key Characteristics of the Different Sectors and Labour Structure in Istanbul.....	72
2.2.2. Migrants in Istanbul.....	76
2.2.2.1. <i>Regular Migrants in Istanbul</i>	77
2.2.2.2. <i>Irregular Migrants in Istanbul and Audits</i>	80
2.2.2.3. <i>Refugees and Asylum Seekers</i>	83
2.2.3. Employment of Migrants in Different Industries in Turkey	83
2.2.3.1. <i>Care Services</i>	84
2.2.3.2. <i>Textile and Clothing Industry</i>	85
2.2.3.3. <i>Construction Industry</i>	86
2.2.4. Findings of the Fieldwork in Istanbul.....	86
2.2.4.1. <i>Who Comes to Istanbul? The Countries and Socio-Economic Profiles of Migrants</i> <i>Interviewed</i>	88
2.2.4.2. <i>What Do Migrants Find in Istanbul? Migrants in the Labour Market</i>	90
2.2.4.3. <i>Where Do Migrants Live and Work in Istanbul? Connections with Urban Space</i>	93
2.2.4.4. <i>Daily Lives of Migrants: Craftsmen, Landlords, Headmen</i>	94
2.2.4.5. <i>Problems Attached to Irregularity: Healthcare and Education for Children</i>	97
2.2.4.6. <i>Who Employs Migrants? Employers' Perspective</i>	98
2.2.4.7. <i>Could Irregular Migrants Be Co-Locals? Municipality -Migrant Relationship</i>	103
2.2.4.8. <i>Overlapping Regularity and Irregularity: the Legal Status of Migrants and</i> <i>their Hopes for Regularisation</i>	105
2.2.5. Coping With Irregularity: Informal Relationships, Informal Routes.....	106
3. Perspectives of Non Governmental Organisations, Migrant Associations	
and Unions, Migrants and Global Crisis	109
3.1. Non Governmental Organizations: Migrant Associations, Associations,	
Foundations and Other Organisations that Work for Migrants	111

3.1.1. Why Migrant Associations and Other NGOs Related to Migrants are Established and their Activities for Migrants.....	112
3.1.1.1. <i>Migrant Associations</i>	112
3.1.1.2. <i>NGOs Working for Migrants</i>	114
3.1.1.3. <i>New Social Movements</i>	117
3.1.2. Migrant Associations and other Migrant Related NGOs and Their Relationships with Migrants in the Labour Market: Problems and Solutions	119
3.1.3. Migrant Associations and other Migrant Related NGOs and Their Relationships with Public Agencies	121
3.1.4. Migrant Associations and other Migrant Related NGOs and their Solutions for Problems that Migrants Encounter in their Work and Social Lives	122
3.1.5. An Overall Assessment of Migrant Associations and other Migrant Related NGOs.....	124
3.2. Worker and Employer Organizations and Labour Migration	125
3.2.1. Worker Unions and Labour Migration	125
3.2.1.1. <i>Attitude of Turkish Worker's Unions Towards Migrant Workers</i>	127
3.2.2. Employer' Associations and Labour Migration	134
3.3. Effects of the Global Crisis on Migration Movements and Potential Migration Flows to Turkey	136
3.3.1. Effects of the Economic Crisis on Migration Movements.....	136
3.3.2. The Global Crisis and Migration Movements to Turkey	139
4. Policy Recommendations.....	143
4.1. International Framework For Policy Recommendations.....	145
4.2. Regularisation Practices	147
4.3. Recommendations For Turkey.....	149
4.3.1. Macro Recommendations	150
4.3.2. Recommendations for Irregular Migrants.....	152
4.3.3. Recommendations for Future Research	153
References	155
Appendix.....	173
Appendix 1. The Socio-Economic Profiles of the Migrants Interviewed in Istanbul.....	175
Appendix 2. The Legal Status and Occupation of the Migrants Interviewed in Istanbul.....	179

List of Tables

Table 1: Applications of and granted work permits 2011-2012	41
Table 2: Number of foreigners entering/exiting Turkey by year	45
Table 3: Number of seized irregular migrants by year.....	46
Table 4: Number of deported migrants by year, type of crime and sex	46
Table 5: Number of deported migrants by type of crime and nationality -2011	47
Table 6: Number of refugee/asylum applications by selected years	48
Table 7: Distribution of foreigners granted residence permit by year.....	49
Table 8: Foreigners granted residence permit in Turkey.....	50
Table 9: Residence permits for employment purposes by country	50
Table 10: Residence permits for employment purposes by economic activity	51
Table 11: Work permits granted to foreigners by type.....	52
Table 12: Number of work permits granted to foreigners by nationality	52
Table 13: Distribution of work permits by sex	53
Table 14: Distribution of work permits by age group -2011.....	53
Table 15: Distribution of work permits by education level -2011.....	54
Table 16: Number of foreigners in Antalya by year and purpose of residence	61
Table 17: Foreigners granted residence permits in Antalya by year and nationality.....	61
Table 18: Non-institutional population in Istanbul by educational and labour force status (Age +15) (2011) thousand persons	73
Table 19: Employed individuals in Istanbul by economic activity and social security status (2011) ..	73
Table 20: Employed persons in Istanbul by their work and social security status (2011)	74
Table 21: Distribution of the insured persons and work places by the selected activity groups in Istanbul (Under Article 4-1/a of Act 5510), (2010)	75
Table 22: Foreigner entry –exit figures for Istanbul (2000-2011)	76
Table 23: Number of foreigners granted a residence permit in Istanbul by sex (2008-2011).....	77
Table 24: Number of foreigners granted a residence permit for work purpose in Istanbul, by sex (2008-2011)	78
Table 25: Residence permits issued in Istanbul for work purposes by economic activity.....	79
Table 26: Numbers of foreigners deported from Istanbul according to reason for deportation (2001-2011)	80
Table 27: Administrative fines imposed by the Istanbul Labour and İŞKUR Regional Directorate pursuant to Law no 4817 (2010 - 2011)	81
Table 28: Total number of refugees and asylum seekers in İstanbul (2011)	83
Table 29: Interviews in Istanbul	87
Table 30: Number of foreigners entering-exiting Turkey from selected African countries by years	88

Abbreviations

BAG-KUR	: Security Security Institution for Self-Employed
ÇSGB	: Ministry of Labour and Social Security
Evid-Sen	: Domestic Workers Solidarity Union
GDA	: Migrant Solidarity Network
GDS	: General Directorate of Security
HCA	: Helsinki Citizens' Assembly
HLFS	: Household Labour Force Survey
IHH	: Humanitarian Aid Foundation
İŞKUR	: Turkish Employment Agency
LFIP	: Law on Foreigners and International Protection
LWPF	: Law on the Work Permits for Foreigners
MLSS	: Ministry of Labour and Social Security
SGDD	: Asylum Seekers and Migrant Solidarity Association
SGK	: Social Security Institution
SHÇEK	: Social Services and Child Protection Agency
SSK	: Social Insurances Institution
TGNA	: Turkish Grand National Assembly
TİSK	: The Confederation of Employer Associations in Turkey
TMMOB	: Union of Chambers of Turkish Engineers and Architects
TOHAV	: Turkish Legal and Social Studies Foundation
TÜRK-İŞ	: Confederation of Turkish Trade Unions
TÜROFED	: Hotels Federation of Turkey
TÜİK	: Turkish Statistical Institute
TurkStat	: Turkish Statistical Institute
YÇİHK	: Law on the Work Permits for Foreigners
YÇİHKUY	: Law on the Work Permits for Foreigners Enforcement Directive



Introduction

With the expansion of international economic relations in the years following World War II, countries around the world have become more dependent on each other while the state's prevalent military/security functions were replaced with those of trade, thus giving rise to the concept of "trading state". Migration and trade are two sides of the coin: Rise of the trading state has triggered the establishment of the migration state, where relationships based on power and self-interest are led equally by migration (mobility of people) alongside trade and finance. While commercial and financial trends are regulated by international finance and trade organizations, cross-border activities of individuals require a different regulatory regime based on civil and human rights (Hollifield 2004:888, 892). Despite the cross-border nature of international migration that binds together migration policies of multiple states, there is no multilateral, official framework that regulates their response to it. International migration encompasses a number of different issues such as labour migration, workers' income abroad, international irregular migration, transit migration, life style migration, environmental migration, human smuggling and trafficking, forced migration, forced humanitarian migration, protection of refugees and asylum seekers. Each of these migration issues is factually shaped through the articulation of local/national/regional and global levels. They are also interrelated with each other. Despite this holism, a separate international collaboration among organizations may exist for each issue. Still, such collaboration among organizations regarding migration is quite limited compared to other cross-border issues (Betts 2011). In today's world, it may seem like individual states exercise a considerable level of independency when determining their migration policies, due to the non-existence of "United Nations Migration Organization" and an international migration regime, it is difficult to say they hold the same level of independency when it comes to enforcing nationally developed migration policies. Hence, states are striving towards developing applicable migration policies by adapting a more selective approach, through establishment of bilateral regional and inter-regional collaboration and organizations of ever increasing complexity. On the other hand, multilateral organizations regulating issues like commerce, health and human rights along with the existence of global governance processes have an impact on the states' migration policies. All this makes migration management itself a segmented, complex and internally stressed (due to the effect of different global governance processes) process.

Labour migration lies in the core of migration movements. Due to global economic inequality, labour supply and demand is not determined only within national borders but also beyond them. In the era of globalization, migration is expanding geographically. Majority of countries around the world are getting involved in the migration process by becoming target country, source country, transit country or all of them simultaneously. Despite the need for both skilled and unskilled labour, governments are encouraging regular migration of skilled labour while trying to prevent unskilled labour migration, thus giving rise to an increase in irregular migration. Irregular migration is not only an issue for developed countries; in fact it is more widespread in developing countries. It is estimated that there are a total of 20-30 million irregular immigrants in the world. Adoption of stricter migration policies by target countries, escalated pressure

for migration in source countries, difficulties faced in controlling migration and the upsurge in organized crime activities have influenced the rise of irregular migration (de Haas 2008, Bommess, Sciortino, 2011; Castles et al. 2012; OECD, 2012).

It may not always be easy to differentiate between regular and irregular migration. Irregularity might come up at any stage of the migration process: before departure, in the transit country, in the target country or while returning to the country of origin. ILO defines irregular migrant worker as a) an individual who does not hold a valid permission by law to enter, stay and work in the country he/she is in or b) an individual who does not comply with / abide by rules governing legal entry, stay and employment conditions (2005:96). Irregular migration may cover a wide range of activities from unauthorized passage through state borders to human smuggling or trafficking. Among the biggest problems caused by irregular migration is the vulnerability of the migrant worker against the breach of their basic human and labour rights. Migrant workers are often faced with problems such as lack of social security coverage, being underpaid or not paid at all due to the threat or in the event of deportation. They have no right to organize and defend their rights.

ILO points out that irregular migration is a management problem for both country of origin and receiving country. While some countries choose to turn a blind eye to irregular migration at times of economic growth as implementation of a seemingly smart strategy that brings flexibility to the labour market, its social outcome will be inevitably severe. Increase in irregular migration renders illegal activities more profitable. It not only displaces unskilled labour force, but it also takes a toll on working conditions by weakening the workers' hand in collective bargaining. It creates social unrest and causes the growth of informal sectors in the receiving country's economy. For the country of origin, it causes a problem of its nationals being subject to exploitation and abuse. For this reason, both countries of origin and receiving countries must adopt regulations that prevent irregular migration while allowing for regular migration (2005:98).

There are two dimensions to Turkey's encounter with irregular migration: The first one is the effort of Turkish citizens seeking irregular ways of crossing borders into Western European countries where Turkey has been sending regular migrant workers until mid-1970s, as a response to much stricter visa rules and migration policies adopted by these countries. Such efforts have continued in the 1980s and 1990s, gradually subsiding after 2000s. The second encounter dates back to 1990s, where Turkey assumes the role of irregular migrant receiving country from the neighboring former socialist states as well as from a number of Asian and African countries. Turkey's borders have not been blocked against migration, like those of Western European countries, due to its flexible visa policies. This study will focus especially on the situation of the growing numbers of irregular migrants in the labour market, coming to Turkey in search for employment.

In this context, first we have discussed migration movements towards Turkey and current state of affairs regarding its migration policies, followed by an assessment of the laws and regulations governing employment of migrants in Turkey and an analysis

of statistical data on regular and irregular migrants. The field study of the research has been conducted in Ankara and two major migrant receiving cities, İstanbul and Antalya. Socio-economic characteristics of the cities in question were taken into consideration during the assessment of the findings. In Ankara, we have interviewed officials from the Ministry of Labour and Social Security, Ministry of Interior, Ministry of Foreign Affairs, General Directorate of Security and İŞKUR, representatives of worker and employer unions and some migrant organizations. Totally, we conducted 11 interviews. In Antalya, we have focused on employment of migrants in the tourism sector. Within the scope of this focus area, we have interviewed 22 persons: officials from relevant public institutions, representatives from worker and employer unions, migrant organizations and migrants themselves. In İstanbul, our field study mainly concentrated on migrants residing in Kumkapı region, employed in a large variety of sectors. We have interviewed a total of 107 people, including 47 migrants, to incorporate perspectives of all parties with various levels of involvement. We have investigated the relationship between migration and the global financial crisis, given that Turkey's efforts toward shaping its migration policies and institutionalizing migration management coincides with a period of considerable uncertainty in labour migration caused by the crisis. In the conclusion, we have put forward suggestions towards regularizing irregular migration on basis of migrants' human rights to achieve successful migration management.

Overview of Migration into Turkey

Let us take a brief look at migration movement into Turkey since the foundation of the Republic, to better understand the current situation and its impact on the labour market.

1.1. Migration into Turkey and Migration Policies from a Historical Perspective

Turkey has received migrants since the foundation of the Republic. In its very first years, apart from the Turkish groups coming into the Republic from Greece within the framework of population exchange law, Turkish population from Bulgaria along with a number of other ethnic groups that have lived under the reign of the Ottoman Empire (i.e. Bosniacs, Pomaks, Circassians and Tatars) have migrated into the Republic as “immigrant” groups. Migration of these groups, known to have close affinity to the Turkish culture and/or language has been encouraged by the state with the aim of reinforcing the ‘homogeneous’ structure of the young Republic and constituting a nation-state (Kirişçi 2007a, Erder 2007:6, İçduygu 2010:33). Between 1923-1997, approximately 800 thousand people from Bulgaria and 400 thousand from Greece moved to Turkey. From the Caucasus, Muslims and Tatars migrated into the country. It is estimated that in this period, over 1.6 million migrants have settled in Turkey (İçduygu, Biehl, 2009: 93, Özgür 2012:204-205).

Turkey’s existing and fundamental principles and procedures regarding migration have been defined in the Settlement Law (1934), which gave political authorities a free hand at identifying the group descending from Turkish ancestry and culture which resulted in a flexible and largely inclusive definition. In addition, this law has made it possible to accept certain Muslim groups as “immigrants” depending on the foreign conjuncture. Settlement Law offers privileges to descendants of Turkish ancestry and culture over other ethnic and cultural groups. For instance, granting of citizenship to immigrants descending from Turkish ancestry is facilitated while rules governing long term residence permit for other ethnic groups are much stricter and restricted. More importantly, the only group to be granted “migrant” status is of Turkish ancestry and culture, while all other ethnic groups migrating into Turkey are classified as “foreigners” (Erder 2007: 7-8, İçduygu, 2007: 206). Article 17 of the Law dated 1934 provides for the immigrant family land, livestock and farming tools if they are farmers, and capital if they are merchants and craftsmen, an indication that offering of financial sources to newcomers is seen as responsibility of the state. Settlement Law number 5543 enforced in 2006 to replace the 1934 Law also restricts migrant status to descendants of Turkish ancestry and culture. Article 9 of this new law regulates financial aid to be provided to such immigrant families. According to İçduygu, this restriction in the new law is a statement of the conservative approach resulting from an instinct to protect the homogeneous nation-state structure, which hinders the governance of new migration movements (2010:32-33).

Due to the political unrest and turmoil in the neighboring socialist states towards the end of the 1980s and beginning of 1990s, Turkey has become a target country

to new migrant groups with “foreigner” status under Turkish Law, from Eastern and Central Europe and former Soviet Union. These migrants are “foreigner” because unlike the former migrant groups, they do not have any historical, cultural and/or ancestry background with the Turkish people (Kirişçi 2007: 93). In addition to the migrants from above mentioned neighboring countries, Turkey has been receiving EU nationals, transit and irregular migrants. In other words, while Turkey was once an “emigrant country”, sending Turkish nationals migrating into Western Europe and a traditional migrant receiving country from neighboring states until 1990s, it has then after assumed the role of migrant receiving/transit country.

Caught unprepared in the process in 1990s, Turkey began to diversify its migration policies with the recognition of the country’s candidate status to EU membership in 1999 (Erder and Kaşka, 2003, Erder 2007, Erder 2010). Although the EU membership process and program for alignment with the *acquis* have played determining role in the establishment of migration policies, Kirişçi strongly suggests that it is actually a transformation process of the state initiated in 1980s. In this period, Turkey began to increasingly base its foreign policies on commercial considerations. As its commercial and investment relations with the neighboring countries flourished, Turkey transformed into a “trading state”, aiming to gain economic power in the region (Kirişçi 2009, 2011). Transformation into “trading state” at the global level following World War II began in Turkey in 1980s with the implementation of economic policies based on growth via boosting of exports.

1.1.1. Visa Policies

As free trade relations require a free visa regime, Turkey has adopted a flexible and pragmatic visa system with Middle Eastern and Central Asian countries along with countries of the Black Sea Basin, following the disintegration of the Soviet Union. Foreigners’ entry into Turkey by country of origin can be classified under three categories: a) Foreign nationals allowed entry without visa for a stay of 1-3 months, b) Foreign nationals required to obtain visa before travelling to Turkey by means of application with Turkish Consulate offices abroad, c) Foreign nationals allowed entry by purchase of a stamp at the border. The price of the stamp varies depending on the countries of origin.

The system of purchasing stamps at the border was devised to facilitate the movement of tradesmen traveling to Turkey within the framework of Black Sea Economic Cooperation, enforced in 1992. This system has allowed for the growth of export-import activities called “shuttle trade” in the 1990s, benefiting the Turkish economy as well as the economies of Russia, Ukraine, Georgia, Azerbaijan, Romania, Moldova and Central Asian countries by maintaining day-to-day lives of the people in this region. Economic Cooperation Organization, including Central Asian countries and Turkic Republics, was founded in 1995. Since then, nationals of member countries have benefited from the stamp system, also applied to nationals of some Middle Eastern countries (Kirişçi 2007b:36-39). In 2010, Council of Economy and Trade Cooperation among Closest

Neighboring States was founded with the participation of Syria, Lebanon, Jordan and Turkey, foreseeing the establishment of a free trade zone among participating states within 5 years. Within the framework of this cooperation, Turkey has withdrawn visa requirement since 2007 starting with Morocco and Tunisia, followed by Jordan, Syria and Lebanon (Kirişçi 2011: 45).

Researchers, who strongly believe in the role of such flexible visa regime in the rise of Turkey's economic-commercial relations and cultural interaction with neighboring countries, are advocates of this visa system. On the other hand, border adjustments within its scope certainly hold conflicting dimensions with the EU acquis harmonization process. Turkey's liberal visa regime has been one of the hot topics strongly criticized by EU throughout the EU-Turkey membership negotiations. On 25 March 2005, Turkish government agreed to the Turkish National Action Plan towards the adoption of Schengen visa regime within the framework of Adopting EU Acquis in the Field of Asylum and Migration. The plan foresees the enforcement of a new Asylum Law and Foreigners Law by 2012. Accession Partnership also requires harmonization of Turkish visa policy to the standards of Schengen visa regime and to require visa from all states that fall into the scope of EU visa regime. EU especially requires that Turkey should abandon the visa stamp system at ports of entry. According to Kirişçi, benefits of a flexible visa system including the stamp, by means of increasing economic-commercial relations and investments among countries have become apparent. On top of that, adoption of the Schengen visa regime will make entry into Turkey more difficult, thus aggravating the problem of "illegal migration". Hence, abandoning the visa stamp and adopting the restrictive Schengen visa regime do not comply with Turkey's economic interest (2007b).

1.1.2. Current Affairs in Migration Policies

The fact that Turkey's membership negotiations have gradually slowed down due to the opposition of the leading member state governments to Turkey's EU membership has also decelerated the efforts towards adoption of EU acquis regarding migration. Led by the legal and institutional amendments foreseen in the National Action Plan, Turkish government has prepared and presented to the TGNA in May 2012 the draft Law on Foreigners and International Protection.¹ The draft law is based on a visa system whereby foreigners who wish to enter Turkey are required to make visa application at Turkish Consulates abroad, restricting visa stamps at ports of entry to exceptional circumstances. Article 11 of the draft law limits the duration of stay in Turkey to 90 days in 180, to prevent misuse of visa and visa exemption by means of entry-exit at the borders.² This article complies with the Schengen visa regime. Granting of visa exemption will continue to be determined by Council of Minister's decree. Still, a number of countries

1 This draft law has been accepted by the TGNA on 04.04.2013 and published in the Official Gazette on 11.04.2013. Many articles of the law will go in effect in a year.

2 Although the draft Law has not been legislated, by a decree of the Council of Minister's dated 10.10.2011 the implementation of the limit on the duration of stay in Turkey to 90 days in 180, started on 01.02.2012

with visa exemption in Turkey are on the visa requirement list of the EU member states and this situation will clearly continue to cause future conflict.

As the draft Law on Foreigners and International Protection (LFIP) reduces visa stamp system at ports of entry to a great extent, it may be considered that the Turkish state aims at resuming its authority in this area by self-determination in the of issue visa exemption. A public institution official has stated that LFIP will be enforced not because it was demanded by the EU, but because Turkey is in need of a holistic migration policy. The visa issue has been left to the Directive to be dealt with for more flexibility. According to the same official, migration is currently not governed by holistic policies in Turkey. When draft LFIP passes TGNA and is enacted, representatives of the Migration Policies Council will work together with officials from related ministries to determine visa and migration policies. General Directorate of Migration Management will appoint migration attaches and counselors abroad, especially in source countries of irregular migration (Afghanistan, Bangladesh, Burma, Somali, Nigeria, Kenya etc.), to promote communication and collaboration between Turkey and such states with regard to migration.

Although the best part of migration movement into Turkey consists of nationals of former socialist countries, there are also transit migrants from Asian, African and Middle Eastern countries who wish to reach EU member states through Turkey, as well as asylum seekers. Generally, these people are required to obtain entry visa beforehand and are forced to seek help from migrant smugglers for illegal entry into Turkey. Members of both groups need to join the local labour force to sustain their livelihood during their stay in Turkey, thus resorting to informal employment. As this issue is of priority to EU migration management, they require Turkey to tighten its border controls and allow for the readmission of migrants who have managed to cross into EU through Turkey. This issue is a subject of Readmission Agreement within the framework of Turkey's adoption of EU migration acquis. Readmission Agreement assents to the readmission of third country nationals who have illegally passed into EU through Turkey, to be deported and sent back to their countries of origin. Turkey paraphed the Readmission Agreement with EU on 21 June 2012, when EU Council appointed EU Commission to negotiate visa exemption issue with Turkey, where both visa exemption and readmission agreement will be enforced gradually and simultaneously, depending on negotiations within the framework of an action plan.

A number of criticisms from scientific circles have asserted that Turkey has a right to visa exemption, based on numerous sentences previously given by the European Court of Justice.³ Officials of different ministries have conflicting views on the Readmission Agreement. According to a public institution official, the Readmission Agreement paraphed with the EU will cause a great problem for Turkey, who is already having difficulty in managing illegal migration, as all illegal migrants proved to have entered

3 "Opposing the Readmission Agreement", Aktif Haber, 22.6.2012, <http://www.aktifhaber.com/vizede-geri-kabul-anlasmagina-iteraz-621834h.htm>

EU through Turkey will be sent back. Housing Centers in various cities are already occupied well above capacity as travel documents cannot be obtained for illegal migrants with no representation in Turkey. The 70 Euro/person/year financial support offered by EU will be far from sufficient. This means that Turkey will be flooded with migrants from surrounding countries where human rights are regularly breached such as Afghanistan, Syria, Palestine and these people will try to earn a living at best by hawking or worse, will get involved in drug trafficking. Still, another official states that Turkey is not protecting its borders sufficiently against irregular migration and this agreement will force the government to take serious action against irregular migration while allocating sufficient funds for the return of illegal migrants to their countries of origin. The first view voices the concern that the Readmission Agreement may aggravate the current situation while the second one sees the agreement as a driving force to recover from it.

1.2. Impact of Visa Regime on the Labour Market

Without doubt, a flexible visa system has considerable impact on the Turkish labour market. However, according to a public institution official, determination of which countries will be granted visa exemption or visa stamp at ports of entry is not the result of comprehensive assessment, but rather an arbitrary decision made during executive visits. Georgia sets a great example to this. Another official points out that Georgian nationals can enter-exit Turkey by presentation of an ID on grounds that political authority wishes to keep balance undisturbed in the region.⁴ With the introduction of this regime, the number of Georgians entering the border increased from 180.480 people in 2000 to 1.149.362 in 2011.⁵ Georgians generally find employment at small scale agricultural enterprises in the Black Sea region, during harvesting of tea and hazelnuts. It is also known that Georgians work in various other parts of Turkey, harvesting cotton.

Migrants are easily crossing borders into Turkey, where informal economy is strong and informal employment is wide spread, to join the labour markets. Main reasons for such temporary migration are high levels of unemployment and low income rates in the country of origin, personal debts, financial needs of families and seeking better life standards. Several factors underlie their choice in coming to Turkey to work and save money. Undoubtedly, the flexible visa system plays a major role in this decision, alongside geographical proximity, ease of travel, friends or relatives already working in Turkey providing a social network and likelihood of finding employment in informal

4 Russia, gives priority to migrants from Commonwealth of Independent States (CIS) coming into the country for employment purposes. When Georgia, a non-CIS country, wanted to be a member to NATO with support from Turkey, Russia imposed restrictions to the entry of Georgian citizens for employment purposes. It is suggested that Turkey facilitated the entry of Georgian migrants for this reason. A representative of migrants' solidarity society has also pointed out that visa policies are based on political relationships. Hence they are not expecting Turkey to improve visa policies toward Chechens in the near future due to its political relations with Russia.

5 Considering the 90 day visa exemption for Georgians, they can legally reside in Turkey by means of exiting and reentering the country 3-4 times a year. So the total number divided by 3-4 is around 287.000-383.000 people.

economy (İçduygu 2004:48-49). It is a common trait of these migrants to find temporary work, return home when they have saved enough money and come back again when the need arises. This is called circular or shuttle migration (İçduygu 2008:4, Erder2007:43, Erder 2010). The concept of circular/shuttle migration is also shaped by migrants' efforts to maintain their legal status in Turkey. It is for this reason that especially migrants from countries with 90 day visa exemption make a point of exiting and re-entering the country on a regular basis. The shortening of visa or exemption period and geographical distance make this process more difficult, thus increasing the number of irregular migrants and resulting in less protection for them.

According to Kirişçi (2008), governments base their visa policy on Turkey's political, cultural and economic preferences as well as bilateral relations with different states, however there is no employment policy for migrants governing irregular migration. Public officials strive to solve problems related to irregular migration on a day-to-day basis, mainly to ensure security and social order. Shuttle migration is regarded as a tolerable cost against economic benefits provided by the liberal visa policy. Public officials' approach to migrants who have entered Turkey through shuttle migration and joined the informal economy may differ depending on their nationality and the sector they are working in. Especially, migrants of Turkish ancestry and culture are well tolerated. The same tolerance also exists for those working in the child /patient care and domestic services sector. Shuttle migration is currently managed at micro level and a similar management approach is expected to prevail in the near future.

There is an issue to be underlined here: The phenomena of wide spread informal economy and employment already exist in Turkey. It is a prominent component of the social culture and the problem of informal employment of locals is a serious problem yet to be resolved. Migrants from the former Soviet Union have integrated with the already existing informal economy and employment. The labour force they have supplied was demanded by the market and thus gained functionality. In the current regime of welfare state in Turkey, institutional care services are far from sufficient and care for the sick, the elderly and children is mainly provided by families. In cases where such care cannot be provided by family members, they have no other option but to turn to the labour market to employ someone for help. In this respect, Turkey shares the same characteristics with countries of Southern Europe. In weak welfare countries such as Italy, Greece, Spain and Portugal where governments not only fail at providing sufficient care services, but also at preventing informal economy at small scale enterprise level, demand for cheap labour especially exist in the service sector, as well as agriculture and construction sectors. Employers turn to the migrant labour force, in an environment where the demand for cheap labour cannot be supplied locally (Toksöz 2008). In Turkey, however, demand for migrant workers exists despite the high levels of unemployment in the local labour market and labour over-supply. The rise of this demand in Turkey began in the 1989-1993 period when real wage levels partially recovered from the down-trend following 1980, historically coinciding with the enthusiasm of people from the former Eastern Block to enjoy their freedom of travel and their willingness to migrate in search for employment. On the one hand, infrastructure for subcontracting was established which

facilitated the transition to informal economy in the manufacturing industry while on the other hand illegal migrants began to function as a reserve for the high-wage local labour force (Akpınar 2010).

Migrants are mainly employed in labour intensive, low- wage manufacturing sectors such as leather, textile, food industry, construction, agriculture, tourism, entertainment and prostitution as well as domestic and care. The number of female migrant workers exceeds that of the males except for the construction sector. Especially domestic and care services, entertainment, prostitution and textile sectors are fully based on women's work while both men and women workers are employed in the food-restaurant sector along with tourism and agriculture activities especially in the Black Sea region. The very existence of small scale enterprises in the textile, tourism and construction sectors depend on the employment of cheap migrant labour. The relatively higher level of education and work responsibility of migrants, their smooth attitude in the workplace and exclusion from union organizations make migrants attractive in the eyes of an employer. The key element inflicting the vulnerability of migrants is their "illegal" status in Turkey or being informally employed even if they hold a residence permit. They have fear of being caught and deported and thus strive to comply with the cycle of shuttle migration by exiting and re-entering the country on a regular basis. Findings of the field study reveal that the pay for this back-up labour force is not necessarily lower than that of the local labour force. However, migrant workers are preferred nevertheless by employers because they agree to work conditions refused by the local labour force such as no social security coverage, long working hours with no overtime payment, no annual leave etc., thus lowering the cost of labour force. The biggest injustice reported by migrants causing them despair is when employers do not pay them their rightly earned salary and they have no means of assertion. Women workers, in addition to this, are exposed to the risk of sexual harassment and infection if they are employed in the prostitution sector.⁶

The legal system in Turkey does not allow for employment of migrant workers in sectors and occupations where they can compete with the local labour force. In 2003, as part of the EU membership negotiations, Law no 4817 regarding Work Permits for Foreigners (LWPF) was issued, appointing the Ministry of Labour and Social Security (MLSS) to centrally manage the process of granting work permits to foreigners. This law aims at harmonization with EU acquis, while granting of work permits to EU nationals-with exceptional work permit status- was facilitated (Güzel, Bayram 2007:158). Law no 4817 mainly regulates the employment of professional/qualified labour force and does not pursue the goal of legalizing informal employment of migrant workers (İçduygu 2010:34).

⁶ There are numerous research studies on informal employment of migrants and their work conditions. For further details please refer to: Gülçür, İlkaracan 2002, Kaşka, Erder 2003, İçduygu, 2004, 2006, Kümbetoğlu 2005, Kaşka 2009, Keough 2006, Erder 2007, Akalın 2007, 2010, Demirdirek 2007, Atatimur 2008, Kalfa 2008, Dağdelen 2008, Ozinian 2009, Akpınar 2009, Üstübcü 2010, Dedeoğlu 2011, Gökmen 2011.

1.3. Legislation on Employment of Migrants in Turkey⁷

In general, employment of migrants in Turkey is regulated by strict rules; a large number of laws and directives have been issued and the employment of migrant workers have been prohibited in many areas. Nevertheless, the concept of a “migrant” does not exist in the legislation, it merely refers to foreigners. Article 3 of Law no 4817 on the Work Permits for Foreigners (YÇİHK) issued in 2003 defines the term “foreigner” as any person who is not a Turkish national within the scope of Turkish Nationality Law. The said law repealed Law no 2007 regarding Professions and Services Dedicated to Turkish Nationals in Turkey and increased the opportunities for foreigners to work in Turkey. Law no 4817 allows foreigners to work in Turkey by means of a work permit, but does not centralize the management of work permits to be issued. Instead, various public institutions have maintained their authority in issuing work permits for foreigners in their own fields of activity.⁸ Directive on the Enforcement of the Law Regarding Work Permits Granted to Foreigners and Directive on Employment of Foreigners in Direct Foreign Investments that have gone into effect with YÇİHK provide detailed regulations on the process of granting work permits to foreigners. (Güzel, Bayram 2007:158; Alp 2004:33-36)

Although YÇİHK has repealed law no 2007, a number of laws still exist in the Turkish legislation that prohibit the employment of foreigners. Law no 5683 regarding Residency and Travel of Foreigners in Turkey states that foreigners can only hold professions that are not prohibited to them by law. In accordance with a large number of laws on professions being a Turkish national is a set prerequisite for working in Turkey as dentist, veterinarian, optician, pharmacist, lawyer, notary republic, judge, prosecutor, private security force, customs broker, assistant customs broker, accountant, certified public accountant, exchange broker, captain, apprentice, crew, labourer, dock and wharf porter at Turkish vessels (Güzel, Bayram 2007:161-168, Alp 2004: 37-38).

It is mandatory for foreigners, within the framework of Law no 4817 regarding Work Permits Granted to Foreigners, to obtain work permit unless otherwise determined by bilateral or multilateral agreements in order to work dependently or independently. However, in the case of force majeure or where the country’s benefits require involving the general interest of the country, foreigners may be employed with notice to relevant authorities, provided that the working period does not exceed 1 month. In that case,

⁷ We would like to take this opportunity to thank Dr. Gaye Burcu Yıldız for her contributions to this subsection (1.3).

⁸ Especially, in accordance with Free Zones Law, Free Zones General Directorate is authorized in granting of work permits. Institutions and organizations including Prime Ministry, Ministry of Forestry and Environment, Ministry of Foreign Affairs, Undersecretariat of Treasury and Foreign Trade, Ministry of Public Works and Settlement, General Directorate for Highways, Higher Education Institute, State Institute of Statistics, Ministry of Culture and Tourism, General Directorate of Mineral Research and Exploration, The Scientific and Technological Research Council of Turkey, State Planning Organization, Southeastern Anatolia Project Administration, Private Institution for Environmental Protection, Turkish Patent Institute, General Directorate of State Opera and Ballet, State Theatre, Hygiene Institute are authorized to contract foreigners that they wish to employ in fields of expertise (Güzel, Bayram 2007:170-177).

work permit can be obtained after the foreigner is employed, upon Ministry approval (art. 4). In addition to the work permit, foreigners who wish to work in Turkey are obliged to obtain an employment visa and a residence permit in accordance with the Article 3 of Law Regarding Residence and Travel of Foreigners.

In conclusion, for a foreigner to work in Turkey within the framework of the current legislation can be summarized as such: There must be no provisions in the legislation prohibiting the foreigner from working and he/she must obtain a work permit before coming to the country, an employment visa to enter the country and a residence permit after coming to the country.

1.3.1. Scope of Law no 4817 for Individuals

In accordance with Article 2 of Law no 4817, foreigners working dependently or independently in Turkey, foreigners that are having on the job training and the real and judicial persons that employ foreigners, fall within the scope of the law. This article excludes those born to Turkish nationality, but have chosen to expatriate by decree of Ministry of Interior and their direct line to third degree (Turkish Citizenship Law art. 28). In addition, some ministries and public institutions are not obliged to obtain work permit from the Ministry of Labour and Social Security for foreigners they wish to employ. They are free to employ foreigners by means of making a notice to the Ministry (YÇİHK 19). Another group stated in the article that is excluded from the scope of the law is foreigners exempt from work permit on basis of EU legislation, principle of reciprocity and international law.⁹ A detailed list of work permit exemption status has been provided in Article 55 of YÇİHK Enforcement Directive, however generally, foreigners intended to work in Turkey for short periods such as those coming for scientific, cultural and sports activities are exempt from work permit rules.¹⁰

There is other legislation governing employment of foreigners in Turkey, apart from Law no 4817 Regarding Work Permits Granted to Foreigners. For instance, in accordance with Union of Chambers of Turkish Engineers and Architects Law, foreign architects and engineers can be employed upon consent of the Union of Chambers and permission obtained from the Ministry. Various articles in the Law for the Encouragement of Tourism and Direct Foreign Investments Law refer to this matter as well.

1.3.2. Types and Validity Periods of Work Permits

Four types of work permits have been defined in the Law Regarding Work Permits Granted to Foreigners.

9 Please refer to Ekmekçi, Ömer, 2003; Çiçekli, Bülent, 2004 for details on persons excluded by the law.

10 Foreigners coming to Turkey to work as tour operators in the tourism sector are exempt from work permit, provided that their term of duty does not exceed 6 months in a year. Circular no 2010/31 issued by the Ministry of Interior on 14.05.2010, has increased the 6 month term of duty to 8 months.

Work permit for a definite period of time (art. 5): Granted to foreigners upon application to work at a business firm or enterprise to perform a specified job for a period of maximum one year. Other criteria involved in the granting of this permit are the duration of residence permit held by the foreigner, duration of the business contract or the job to be performed.

The permit could be granted initially for one year, to be extended up to three years on condition that the foreigner continues to be employed at the same firm or enterprise performing the same job specified.

Upon expiry of the three year period, the work permit can be extended up to six years provided that the foreigner continues to work in the same profession, although not necessarily with the same firm/enterprise.

Hence, freedom of employment for foreigners increases in proportion to their legal work permit period, provided that they continue to work in the same profession.¹¹ As granting of this permit is based on labour market conditions, developments in business and changes in the sectoral and economic conjuncture with regard to employment, the Ministry is entitled to expand or restrict the validity of the work permit (by province and geographical region).

Work Permit for an indefinite period of time (art. 6): One of the two conditions below must be fulfilled by foreigners who wish to obtain work permit for an indefinite period of time:

a. Legal and uninterrupted residence in Turkey for a minimum of eight years

or

b. Legal employment for a total of six years.

Foreigners who fulfill one of the above conditions can be granted work permit for an indefinite period of time regardless of labour market and business conditions without any restriction in terms of business/firm, profession, administrative or geographical region.

The term “*legal employment*” mentioned in the article has been defined in Provision 3 of the Directive on Enforcement of the Law Regarding Work Permits Granted to Foreigners. As per this directive, legal employment complies with laws and regulations on granting of work permit, residence permit and other relevant legislation such as inclusion to social security payment scheme or exemption from it.

¹¹ Yet, this regulation creates a disadvantage for those working in care services: A woman caring for an elderly person will lose her work permit in the case that the elderly person becomes deceased in the first three years of service. Hence, the same business/enterprise in the first three years rule restricts employment of the migrant worker.

In accordance with the last paragraph of Article 13 of the mentioned law, work permit for an indefinite period of time allows substantial level of freedom of employment to foreigners, save for the exceptions provided by other laws governing restricted professions to foreigners. Foreigners holding work permit for an indefinite period of time are obliged by Provision 35 of the Directive to obtain residence permit.

Different terms regarding work permits for a definite and an indefinite period of time can enter into force in cases where Turkey is party to bilateral and multilateral agreements. What has been stated above relating to work permits will be valid only in the absence of such terms.

Independent Working Permit (art. 7): Foreigners who wish to work independently in Turkey need to have legally and uninterruptedly resided in the country for a minimum of five years, irrespective of whether they hold work permit for a definite period of time or not. On top of that, Provision 36 of the Directive restricts the grant of this permit to the condition that the independent business proposed will create added value for the country's economic growth as well as a positive impact on employment.

Common thread to all three work permit types is that the Ministry is in no way obliged to grant them against fulfillment of the above conditions; on the contrary, it reserves its right to preference not only in granting of these permits but also in restricting their scope, in accordance with Article 11 of the Law. Reserving the rights granted by provisions of bilateral or multilateral state agreements and within the framework of reciprocity principle, the above mentioned article authorizes the Ministry to temporarily impose restrictions to work permits regarding agricultural, industrial and service sectors, specific professions, sectors, local and geographical regions as necessitated by conditions governing work permits, changes in business, labour market and sectoral/economic conjuncture with regard to employment.

Clearly, the law entrusts extensive authority to Ministry officials. According to the officials, majority of applications for work permit is approved. This is an indication of low numbers in application: Either employers assume their applications will fail or that the process is too complicated or they find it to their advantage to employ migrants informally. In the first case, while the disagreement between employers demanding labour force and officials of the Ministry with regard to the needs of the labour market may result in substantial tension and dispute as in the example of the tourism sector, it is also regarded as one of the main reasons for informal employment in the sector. It would be a good idea to get together with representatives of the sector to analyze labour force needs. In the second case, there is evident abuse of migrant workers by employers which should be prevented by strict auditing and heavy sanctions.

Article 9 of the Law determines the calculation rules for residency and employment periods, both of which are crucial to the granting of all three work permit types. In accordance with the said article, annual leaves, periods subject to occupational accidents and illnesses, sickness and maternity temporary incapacity allowances as well as

unemployment insurance allowances are included in the legal working period. If the foreigner is not out of the country for a total of more than six months, this period will not be regarded as interruption to their employment, however it will not be included in the period of employment. On the other hand, Provision 15 of the Directive states that the period of time spent out of Turkey by foreigners sent abroad temporarily for business purposes by their employer will be included in their residence and employment periods, provided that their social security institution premiums are paid by the employer. Deductions will be made to the total residence days of foreigners who have not extended their residence permit for more than six months, even though they are in the country.

Exceptional Work Permit: As per Article 8 of the Law Regarding Work Permits Granted to Foreigners, exceptional work permits can be obtained by foreigners who are not subject to the conditions stated by Law no 4817 as discussed above, provided that bilateral or multilateral state agreements Turkey accedes to do not dictate otherwise. Foreigners who can benefit from this exceptional work permit are:

- a) Those married to a Turkish citizen and residing in Turkey with their spouse or divorced after a marriage of a minimum of three years but residing in Turkey and their children by a spouse of Turkish nationality,
- b) Those granted Turkish citizenship but chose to denounce it within three years of attaining maturity,
- c) Those born in Turkey or who have arrived in Turkey before legal age according to their national legislation; Turkish legislation, if stateless and have graduated from vocational school, college or university,
- d) Those holding immigrant, refugee or nomadic status as per Settlement Law no 2510,
- e) EU nationals, their spouses and children of non-EU nationality,
- f) Diplomatic appointments as well as their administrative and technical staff working in Embassies and Consulates of Foreign States and Representative Offices of International Organizations as well as their spouses and children within the framework of reciprocity principle and limited to the term of office,
- g) Those who will reside in Turkey over a period of one month within the scope of scientific and cultural activities and four months in the case of sports activities,
- h) Those who will hold key positions in the operation of a facility, running of a business or purchasing of goods and services through contract or tender for ministries, public institutions and organizations authorized by Law.

Work permit extended to such “key personnel” mentioned in Article 8 of the Law Regarding Work Permits Granted to Foreigners falls within the scope of Direct Foreign

Investments Law and is frequently encountered in practice. The process is much different than rules governing regular work permit applications whereby Article 3/g of Direct Foreign Investments Law states that work permits will be granted by the MLSS to foreign staff to be employed in firms, branch offices and institutions established within the scope of this law. In addition, Article 3/g states that the first paragraph, sub paragraph (b) of Article 14 of Law no 4817 which stipulates that request for work permit or extension of work permit will be rejected in cases where Turkish nationals are recruited to assume the same position within a four week period will not be applicable to those personnel.

As per Provision 12 of the Directive on Employment of Foreigners in Direct Investments, the Ministry of Labour shall finalize applications of work permit or extension of it within 15 days, provided that required documents are whole and complete. For applications made from abroad, the 15 day period starts on the date of receipt of documents by the Ministry. It is clear that the process for granting work permit to “key personnel” is designed to be completed in a short period of time.

Asylum seekers and refugees are other groups with certain advantages in terms of obtaining work permit. As per the amendment to provision 7 of the Directive in 2010, asylum seekers and refugees are not subject to the minimum residence period for work permit application. In addition, paragraph 13/IV of the Directive states that when granting work permits to refugees and asylum seekers, the Provision “the Ministry will take into consideration the information on the specialty of the duty to be performed, its added value to the state economy, education level of the foreigner to be employed and appropriate wages to be paid to justify employing a foreigner as opposed to a Turkish national.” shall not be imposed.

1.3.3. Application for Work Permit

The Law regarding Work Permits Granted to Foreigners differentiates between foreigners in Turkey and abroad. (art.12).

Foreigners abroad make work permit applications with the foreign delegations of Republic of Turkey, which are forwarded to the Ministry of Labour for assessment. Within 10 working days of the application, the employer must complete e-application process and provide the Ministry of Labour with all required documents, which may vary depending on the characteristics of the business sector the application is made for.

Work permit granted by the Ministry will be valid on condition that the foreigner has obtained work visa and residence permit. The foreigner must enter Turkey within 90 days following the grant of work permit and make an application with the Ministry of Interior within 30 days of entry.

As per paragraph 12/II of the law no 4817, foreigners holding a valid residence permit or their employers can apply directly to the Ministry. However, Provision 7 of the

Directive restricts such direct applications to foreigners who have applied for residence permit in Turkey and who have been granted a minimum of 6 months, which has not expired at the date of application. It would not be legally appropriate to introduce a regulation that is not included in the Law that brings restrictions on individuals who can make application in Turkey through a directive.

Foreigners working in Turkey on work permit for a definite period of time must make an application for extension either before the permit is expired, maximum of two months into the expiry date, or within 15 days following its expiry. Applications for extension made after this window of opportunity will be treated as first time applications (YÇİHKUY art. 8).

The Directive also allows foreigners who have applied for extension for expired work permits to continue working at the same business/firm on condition that he/she performs the same duty for a maximum of 45 days while the application is in process (YÇİHKUY art. 8).

1.3.4. Rejection of Application and Cancellation of Work Permit

As per Article 14 of the Law no 4817, applications of work permit or its extension could be rejected based on the changing conditions in the labour force, sectoral and economic conjuncture regarding employment, procurement of a Turkish national with the same qualifications offered by the foreigner within the four week period, lack of a valid residence permit for the foreigner, reapplication of a foreigner for the same position at the same business/firm before the one year period is up following rejection or when the employment of a foreigner is regarded a threat for national security, public order, public peace, morality and health.

The Ministry can cancel a work permit granted to a foreigner, due to breach of the restrictions described above (art.11 and 13), such as working in an area outside the scope of the permit, detection of an issue that may cause the rejection of work permit or extension application (art.14) and submission of incomplete or incorrect information on the application form by the foreigner or employer (art. 15).

1.3.5. Invalidity of Work Permit

Work permits may lose validity, naturally, by reaching their expiry date. In addition to that, residence permit or passport/ID of the foreigner losing its validity for any reason or being turned down for extension (with the exception of assent by the Ministry of Interior or Ministry of Foreign Affairs) and the foreigner remaining out of the country for more than six months except for the force majeure will cause his/her work permit to become invalid (art. 16).

Foreigners or their employers are entitled to the right to object to the Ministry's decision to turn down a work permit/extension application or to render it voidable within 30

days of notification. Should the Ministry turn down this objection, the related parties reserve the right to take legal action (art.17).

1.3.6. Breach of the Law Regarding Work Permits Granted to Foreigners, Audits and Sanctions within the Scope of Labour Law

As per Article 20 of Law no 4817, audit mandate rests with labour auditors of the Ministry and Social Security Institution. Inspections, audits and inquiries to be held and any sanctions to be imposed within the scope of Law no 4817 will be subject to the provisions of Labour Law no 4857.

As per Article 20 of Law no 4817, “Should an inspection, audit or control by inspectors and auditors of general and special budgeted administrations or law enforcement officers reveal employers with foreign staff are in breach of the said law, the auditors/inspectors shall report this breach to the Ministry.”

The following sanctions shall be imposed in the case of detection of such breach;

1. Administrative Sanctions: Both independent working foreigners and employers employing foreigners who have not fulfilled their obligation to notify official bodies in the established period will be subject to an administrative fine. Foreigners employed at a business/firm without a work permit, their employers and employer’s representatives shall be subject to an administrative fine, the amount of which shall be determined by taking into consideration the number of foreigners informally employed.

Employers of foreigners without work permit or their representatives are obliged to cover the accommodation cost of the foreigner and their families as well as all expenses regarding their return to the country of origin and health expenses when necessary. In case of repetition of the above mentioned acts, the administrative fine shall be doubled.

As per law no 4817, foreigners working independently who do not hold a valid work permit will also be subject to an administrative fine and their business shall be closed down by decision of the Ministry’s regional directorates, who will notify the governorship for the implementation of this decision. In case of repetition of the act, the administrative fine shall be doubled in addition to closing down of the business.

2. Legal Sanctions: Labour contract for foreigners employed by a business/firm without work permit or in cases where their work permit is cancelled or turned down for extension shall be cancelled. On the other hand, as per Turkish legislation this cancellation is not retrospective, it only bears consequences for the future. Hence, foreigners shall be able to demand their rights arising from the period they have worked prior to the cancellation of labour contract, such as demanding unpaid wages and accumulated legal interest from the employer.¹²

¹² Süzek, 2012; 336-340.

1.3.7. Some Regulations in YÇİHK Enforcement Directive

Criteria the Ministry is obliged to fulfill in granting of work permit to foreigners or applications for extension of existing permits are governed by Article 13 of the Directive. As per this regulation, in the assessment process of such applications the Ministry will take into consideration, unless otherwise stated in bilateral or multilateral international agreements Turkey is signatory to, validity period of the foreigners' residence and work permit as well as the nature of their labour contract, restricting them to be employed at a specified business/firm performing a specified profession. On top of that, conditions of the labour market, business developments and changes in the sectoral geographical/economic conjuncture will be considered (YÇİHKUY art. 13/II).

Another important criterion is the "determination that a Turkish national bearing equal skills and qualifications to perform the job are not available within the four week period established by law", which is a reason for rejection, as per Article 14/I,b of the Law. As per paragraph 13/III of the Directive "...whether a Turkish national with equal qualifications is available for the proposed job shall be determined by checking Turkish Employment Agency records."¹³ The amendment made to the Directive in 2010 states that information on the specificity of the job, the foreigner's level of education, contribution of the employer to the national economy and level of appropriate wages will be considered in legitimizing the claims for the need of employing foreigners. The Ministry will define the evaluation criteria for this purpose (art. 13, par. IV)

These regulations constitute the main cause of conflict between employers and the Ministry and other public officials. Employers of the tourism sector we have interviewed report that the Ministry is not making this assessment accurately at central level, is not able to foresee local and sectoral needs and respond to them fast enough. Hence, they insist such authority should be handed down to local units.

"Assessment Criteria Foreigners and Applicant Employers Must Meet Regarding Work Permit Applications for Foreigners" imposing further restrictions on the employment of foreigners has been in force since 2.8.2010. These criteria render it obligatory for businesses applying for work permit for foreigners to have at least five Turkish citizens employed, with the exception of representative offices of foreign airline companies, education and home services sectors. The amendment to the Criteria dated 20.4.2011 increased number of exceptions to cover animation/event organization companies in the tourism and entertainment sector. As per the criteria, monthly wages of foreigners must be compatible with the duties and authorities assumed. Depending on the profession and specificity of the duties to be performed, this amount could go as high as 6.5 fold on minimum wage.

13 During the interviews, an İŞKUR officer reported that such reports are never prepared. MLSS officials have said that they do an on-line check to determine the availability of Turkish nationals in the city concerned with equal qualifications to do the same job. In that case, there must be a match between the job description demanded by the employer and the job description in the record of unemployed Turkish nationals at İŞKUR.

These criteria were designed to cover all foreigners. However, they have been found to create problems for certain groups of migrants over time, giving way to a number of exceptions. The Annex to the Directive dated 14.2.2012 brings exception to the following groups in the assessment of work permit applications:

- a) Nationals of Turkish Republic of Northern Cyprus,
- b) Foreigners who have been granted residence within the framework of Turkish and kinship communities,¹⁴
- c) Foreigners granted residence within the framework of humanitarian considerations,
- d) Foreigners granted residence as victims of human trafficking,
- e) Foreigners with Turkish national child, mother or father,
- f) Foreigners granted residence at stateless status.

Amendments made to the Directive and Assessment Criteria are examples of management at micro level, starting off with a strongly restricting perspective, moving towards a much non-restrictive application via defining exceptions. Nevertheless, such exceptions create considerable discrimination against certain groups, resulting in conflict. An example would be foreigners obtaining residence through marriage to a Turkish national. This group is mainly made up of women, often employed informally in the tourism sector as employers are not willing to pay higher wages than they are paying the local labour force. Law no 4817 already imposes a number of rules on the employment of foreigners and discriminates between different groups of foreigners through exceptions. In addition to that, strict Assessment Criteria is not preventing the employment of foreigners, but is rather increasing informal employment. On the other hand, exceptions made to EU nationals have made it relatively easier for this group to obtain work permit in Turkey, increasing the ratio of EU nationals in the total number of foreigners granted work permit to 30% in 2011. Still, majority of foreigners working in Turkey on work permit have obtained them within the framework of the law, not the exceptions. The main issue here lies with foreigners and Turkish nationals being treated equally in terms of their legal rights and wages.

1.3.8. Rights and Liabilities of Foreigners Working in Turkey within the Scope of Social Security Law

In the Turkish Social Security System, Law no 5510, paragraph 4/I,a governs insurance of individuals on contract with an employer and paragraph 4/I,b governs insurance of

¹⁴ Ahiska Turks set a good example to advantages granted to migrants of Turkish ancestry and culture. Public officials report that this group received special treatment, with the grant of collective naturalization when they were exiled by the Soviet states and became stateless. The government issued a decree to remove the five year uninterrupted residence condition for Ahiska Turks to this end. Later on, when members of this group had difficulty finding jobs and informal employment became a problem in various sectors, ÇSGB amended the general directive to grant Ahiska Turks exemption from most of the criteria determined for employment of foreigners.

self-employed individuals. As per Social Security and General Health Insurance Law no 5510 being foreign national is not an obstacle in the way of social security insurance. Foreigners are treated the same way as Turkish nationals: They will be automatically covered by social security insurance provided that they fulfill the criteria required. As per Law no 5510, coverage by social security is an obligation, hence the will or demand by the insured is not sought.

As per Law no 5510 Article 4/II paragraph c, “ Foreigners working on service contract will be insured within the scope of the same law, paragraph 4/Ia, with the exception of nationals of states signatory to international social security agreement based on reciprocity principle”.

As per Law no 5510 paragraph 60/I,a, foreigners bearing work permit will be covered by general health insurance as they have fulfilled criteria for being insured within the scope of paragraph 4/I,a of the Law. Hence, an insured foreigner will also be covered for the risks of occupational accidents or disease, maternity, illness, disablement, old age and death.

Foreigners formally employed in Turkey also bear the right to benefit from unemployment insurance. As this insurance is obligatory, the worker’s will or demand for coverage is not sought. The only requirement to be covered by this insurance is to be insured as worker as per Law no 5510, paragraph 4/I,a. As foreign workers are insured as per the mentioned Law, they will be covered by unemployment insurance. The unemployment fund is co-financed by the worker, employer and state. The unemployment benefit will be paid for 180-300 days and the amount shall be determined depending on the duration of employment (Ln 4447 art 50). Apart from unemployment insurance benefits, illness, maternity, seeking a new job, self-improvement and training services are also provided (Ln 4447, art. 48).

A major problem arises in terms of benefiting from social security insurance when no social security agreement exists between Turkey and the migrant’s country of origin. Despite having paid social security premiums during their employment in Turkey, migrants may be deprived of their long term insurance rights, such as retirement benefit. This is one of the reasons migrants prefer informal employment. There may also be problems in terms of short term insurance benefits. An individual bearing a temporary work permit can apply for an extension following the initial 1 year validity period. The work permit can be extended to 3 years and then 6 years. Provided that during this process the foreigner fulfills the employment period and premium payment conditions, where the employer cancels employment contract as per Article 17 of Labour Law or terminates it without good cause, or fixed term employment contract is expired or terminated by the employee with good cause, the individual shall benefit from unemployment insurance. However, in cases where the employment permit expires and application is made for extension while the foreigner is on unemployment benefit, the application cannot be accepted or residence permit granted only on grounds that the person is on unemployment benefit. There is no legal regulation regarding this issue.

Hence a foreigner with work permit for a definite period of time, is entitled to the benefits of unemployment insurance if he/she fulfills the conditions of unemployment benefit, during the validity period of his/her residence and work permit. Evidently, there is need for a legal regulation to overcome the inequality migrants with work permit for a definite period of time are exposed to regarding unemployment insurance benefits.

1.3.9. Draft Law on Foreigners and International Protection and Its Reflection on Work Permits Granted to Foreigners

The draft Law on Foreigners and International Protection (LFIP) currently on the agenda of TGNA introduces some facilities with regard to the bureaucratic procedure governing the grant of work permit to foreigners.¹⁵ According to Ministry of Interior officials who have actively contributed to the preparation of the draft, technical support was obtained from IOM and UNHCR, migration laws of EU member states have been analyzed and in the largely transparent and collaborative process, expert academics and migration NGO's have been consulted. As a result, a draft law that serves the right purpose in Turkey, considering migration from a manageable perspective establishing a balance between public order, security and human rights as opposed to an avoidable one. Clearly, it would also be beneficial to include views of worker and employer organizations in the process.

As per current regulation, for foreigners to be employed in Turkey;

- 1) There must be no provision in the regulation that inhibits the employment of the individual,
- 2) Work permit,
- 3) Work visa and
- 4) Residence permit must be obtained.

In the current system foreigners need three different documents, each of which is governed by a different bureaucratic process. Article 12 first paragraph (b) of "Foreigners and International Protection Draft Law" introduces a regulation to simplify the process. As per this regulation, Turkish visa will not be required from foreigners bearing a valid residence or work permit at the time of entry. If this draft is issued, foreigners with work permit will not have to apply for visa, thus simplifying the process.

Article 27 of the draft brings exemption of "residence permit" to foreigners bearing work permit or work permit exemption document, thus allowing foreigners with work permit entry into the country without visa or residence permit. The only restriction imposed

¹⁵ The articles of the draft law evaluated below are all preserved in the law accepted on 04.04.2013.

by the draft falls within the scope of Article 7 regarding “Foreigners not allowed entry into Turkey” which states;

- a) Those without a passport or equivalent id, visa, residence or work permit and those holding false or forged documents.
- b) Those without passport or equivalent id with a minimum of 60 day validity from the expiry date of visa, visa exemption or residence permit.
- c) Foreigners defined in the first paragraph of Article 15, including those that fall within the scope of visa exemption, the second paragraph of the article reserved. Foreigners defined in the first paragraph of the said article (those who do not bear passport or equivalent id with validity date at a minimum of 60 days longer than the visa period they have applied for) shall be turned down at port of entry.

Another important issue the draft law deals with is “foreign students’ right to employment”. As per Article 41 of the draft, students of associate, undergraduate, post graduate and doctorate degree can be employed in Turkey provided that they bear a work permit. However, this right becomes valid for associate and undergraduate students one year after the start of their education in Turkey and their employment cannot exceed 24 hours/week. Hence, foreign students are basically allowed temporary employment. Paragraph 2 of the Article states that procedures and principles regarding employment rights of associate and undergraduate students shall be determined by the Migration Policies Council which will be established once the draft is issued, with the collaboration of Ministry of Internal Affairs and Ministry of Labour and Social Security. As per Article 31 (i) that regulates temporary residence permit, students who have completed their higher education in Turkey can apply for temporary residence permit within 6 months of their graduation. This regulation provides an opportunity to university graduates of foreign nationality to apply for work permit.

Article 54/I,ğ of the draft states that foreigners shall be deported in the case of detection of employment without work permit.

Another group that falls into the scope of this regulation is refugees and persons with secondary protection status. Article 61 of the draft defines refugee as follows: “Stateless individuals who have left their country for the rightful fear of persecution on basis of their political views, race, religion, nationality or membership to a group due to the course of events in European countries and cannot/are not willing to return to their country of origin for the same reason are given refugee status after the procedures for determining status.”

As per Article 63 of the draft titled “Secondary Protection Status”, foreigners or stateless individuals who have not obtained refugee or conditional refugee status and are most likely to face the following upon return to their country of origin or residence will assume secondary protection status:

- a) Death penalty or execution of death penalty sentence,

- b) Persecution, inhuman or degrading treatment or punishment,
- c) Life threatening armed conflict in international or civil war

Article 93 of the Draft grants the right to work independently or employment by a business/firm to individuals with refugee and secondary protection status. The article clearly states that ID documents given to such individuals will serve as work permit, so refugees and persons of secondary protection status are not required to make separate application with the Ministry of Labour for work permit, save for professions and businesses restricted to the employment of foreigners by legal regulations.¹⁶ Second paragraph of the same Article states that access of individuals with refugee or secondary protection status to the labour market may be temporarily restricted to agriculture, industry and service sectors, specific professions or civil/geographical regions, in accordance with progress in the business sector, changes in the labour market conditions as well as sectoral/economic conditions with regard to employment. However, refugees and bearers of secondary protection status who have resided in Turkey for a minimum of three years, are married to a Turkish national or have a child with Turkish nationality are exempt from these restrictions. As per the draft, procedures and principles regarding employment of such individuals are to be determined by the Ministry of Labour and Social Security, in collaboration with the Ministry of Interior.

The system adopted by the Draft regarding the employment of foreigners, favors a simpler and faster structure compared to the trilateral structure of work permit, work visa and residence permit along with the related bureaucratic process. Article 42 stipulates granting of permanent residence permit by governor's office, with approval of the Ministry, to foreigners who have obtained uninterrupted residence permit in Turkey for a minimum of 8 years or who fulfill the criteria determined by the Council of Migration Policies. Permanent residence is a new regulation that does not exist in the current legislation and is a positive development for migrants. Nevertheless, as long as the restrictive regulations within the framework of Law no 4817 and related legislation prevail, the number of migrants to benefit from work permit will remain low.

1.4. Interviews with Public Officials and Current Regulations: Amnesty to Employees of Home/Care Services

The predominant approach of MLSS officials towards employment of "foreigners" falls in line with the spirit of Law no 4817, in favor of restricting work permits to a minimum, in an environment of such high unemployment rates among the local labour force only to cases where the local labour force is not able to meet demands and in areas of specialty. At the same time, they oppose exploitation of foreigners as a source of cheap labour compared to local workers. Officials' response to the criticism that granting of work permit is a painful and long winded process is as follows: Foreigners abroad make an on line application with the Turkish Consulate (and deliver their documents later

¹⁶ It is regulated in the law with article 89, paragraph 4.

on). Their application is logged into the GDS and MLSS systems. GDS gives an opinion on the applicant within 15 days of application from security perspective. The employer makes an application with MLSS in Turkey. The ministry makes an assessment on the person or business foreigners will be employed by and renders a decision within 20 days. The individual obtains employment visa from the Turkish Consulate for entry. Once the foreigner is in Turkey, residence permit is obtained from GDS. Work permit is given not to the individual, but the business/firm employing the foreigner. TMMOB (Union of Chambers of Turkish Engineers and Architects) is consulted if the person to be employed is an engineer. This system enables foreigners to start working as soon as they arrive in Turkey. On the other hand, in exceptional cases when the application is made in Turkey, foreigners need to apply to Provincial Directorates of Security for a residence permit of 6 months. This type of permit is generally granted foreigners employed in home/care services and tourism sectors. Once residence permit is obtained, the employer may take advantage of it to informally employ the foreigner. However, Social Security Institution records are updated upon granting of the work permit.

MLSS is strictly imposing the criteria governing the grant of work permits. The reasons for employing foreigners are assessed, İŞKUR (Employment Agency) records are reviewed to determine availability of local workers with equal qualifications. For instance, demand for Russian speaking sales staff is approved based on the firm's export and commercial activities. Officials believe the criteria regarding appropriate wages to be a few times more than the minimum wage to be an objective one, since the person is highly qualified. Work permit extension applications by businesses/firms that have failed to fulfill legal requirements are turned down.

According to MLSS officials, a number of employers prefer foreign employees because they are prone to exploitation. Officials report that at a meeting of İstanbul Chamber of Commerce, someone had the nerve to say, "We cannot employ Turkish workers at denim sandblasting facilities. They get ill and sue us. We are faced with considerable loss. What's wrong with employing these foreigners? You can at least give permission for this industry". Hence, we must surely prevent employment of foreigners as a cheaper labour force category. Employers in the home/care services sector want foreigners to work 7/24 at low wages without fulfilling legal requirements of employment. In other words, they want to make modern slaves out of the foreign labour force. Formal employment and social insurance is significant in terms of protecting the rights of these individuals. In addition to that, local labour force is available to provide similar live-in care services and it is necessary to put efforts into the legal employment of these women, who would rather work in a home/care services to maintain her life than marry a much older man. MLSS officials hold a legitimate concern towards exploitation of the foreign labour force. On the other hand, prevention of such exploitation can be achieved by legislation governing the employment in local and foreign labour force in the home/care sector (like provisions of law of obligations) establishing the mechanisms to impose sanctions against breach of employee's rights. Surely, the authority of preparing such draft law rests with the Ministry.

GDS sees the issue from a security perspective, giving precedence to making regulations

that allow for keeping official records on foreigners who have entered the country legally but have lost their legal status due to the expiry of their visa or visa exemption period. Practices of the GDS are shaped on the one hand by the program for alignment with the EU acquis on migration and on the other hand by efforts to legalize foreigners deemed non-threatening from security perspective.

Article 3 paragraph 1 of Law no 5683 regarding Residence and Travel of Foreigners in Turkey requires that foreigners who wish to stay in the country over a period of one month obtain a residence permit. The below amendment to this article was published in the Official Paper no 28094 dated 24.10.2011, within the scope of alignment with EU Visa Regulation, based on Council of Ministers' Decree no 2306 dated 10.10.2011:

“If visa exemption or validity period permits, foreigners may stay in the country 90 days in the 180 day validity period prior to their exit. If visa exemption or validity period is less than 90 days, they can apply for an extension in Turkey. This decree shall be in force as of 01.02.2012.” (Declaration by GDS on 26.01.2012)

This regulation allows foreigners who wish to stay in Turkey longer than 90 days within 180 days to apply for a 6 month residence permit at Provincial Directorate of Security, Department of Foreigners. This regulation also facilitates obtaining residence permit for foreigners who wish to work in the home/care services sector. While foreigners who have entered the country on tourist visa or visa exemption had to return to their country of origin to make an application with the Turkish Consulate for work permit before, they can now apply to the Provincial Directorate of Security for a 6 month residence permit, which then allows the employer to make an application with MLSS for work permit. It is reported that this regulation aims at preventing illegal activity such as informal employment, illegal residence, human trafficking, illegal migration and migrant smuggling. However, only those who have entered Turkey as of 01.02.2012 will benefit from this amendment, foreigners who have made an entry prior to this date shall not be covered by the new regulation.

This final clause has been harshly criticized especially by employers in the tourism sector, as well as employers of home/care service staff including high-ranking bureaucrats and administrators who themselves employ foreigners for such services. With the intervention of Ministry of Foreign Affairs, GDS issued the Circular Regarding Foreigners in Breach of Visa/Residence on June 7, 2012. As per this circular all foreigners, except for those in objectionable conditions, shall be granted residence permit up to 6 months, provided that the fees and fines incurring from breach of visa/ residence is paid. The date of application for residence permit for such foreigners expired on 15.08.2012. **This regulation can be interpreted as an amnesty to informally employed foreigners in Turkey.**

Due to the difficulty in the local supply of live-in home/care services, this sector receives special treatment, with grant of exemption from the criteria imposed on other sectors. Applications by employers in this sector are easily approved. Hence, this regulation will facilitate formalization of foreigners who have been informally employed in Turkey for 4-5 years and these foreigners shall freely visit their country of origin. Some also point

out to the benefits of this regulation from the perspective of irregular migrants from countries like Uzbekistan and Turkmenistan, informally employed in Turkey in the home/care services sector, who once deported, are banned from exiting their country of origin. Those in opposition of the amnesty point out to the experiences of Southern European countries where once granted, repetition of amnesty became inevitable. Therefore, a single opportunity presented to migrants to correct their legal status could only be acceptable for the period prior to LFIP. Various opinions on the regulation point to a prevailing approach that involves intervention at micro level as opposed to a holistic one governing migration at public institution level. This regulation enforced for a period of a little over two months, uses public discretion mainly on the formalization of foreign labour force informally employed in home/care services, tourism and to some extent trade sector, while foreigners employed in various other sectors remain strictly restricted in terms of residence and work permit application.

The amendment made to Law no 5683 aims at preventing informal employment, by limiting duration of foreigners stay to 90 days in 180. An official reports that especially in the tourism sector employers take advantage of the 6/8 month work permit exemption for tour operators and choose to temporarily employ foreigners who come to Turkey on tourist visa. Now they can do so formally, by obtaining a 6 month work permit at Provincial Directorate of Security. It is also possible to formalize wide use of informal employment of foreigners from countries like Moldova, Ukraine, Romania and Azerbaijan in the garment trade industry in İstanbul, especially around Osmanbey, Merter and Laleli, provided that they meet the criteria stated in the regulation.

An assessment of the enforcement of related legislation in Turkey reveals a partially regulatory purpose in the labour market towards formalizing employment of foreigners restricted to sectors in demand of foreign labour force. Some officials are in support of a separate regulation governing the agriculture sector mainly for seasonal employment of foreigners in the Black Sea region. They have offered to grant exemption of work permit for foreigners in the field of agriculture and a three month residence, provided that they fall in the scope of Law no 5683 Article 7, to register undocumented workers in this sector.

As of February 2012, the number of applications with MLSS by employers for granting of work permit to foreigners bearing a 6 month residence permit has substantially increased, especially for live-in employees in home/care services. This increase has accelerated following the GDS Circular dated 07.06.2012. According to the table below 36%-44% of the applications for work permits between July-November are for home/care services. The rate of increase in the number of total granted work permits is 68.3%, rising from 16.890 to 28.426 in one year. A total of 8.878 out of 28.426 work permits (31.2%) issued between January-November 2012 are for home/care services. Still, the number of applications made during this period is relatively low, considering the overall number of foreigners estimated to be informally employed in this sector.

Table 1: Applications of and granted work permits 2011-2012 *

Month	Applications			Granted Work Permits			Applications of Care Services 2012	Granted Permits for Care Service 2012
	2011	2012	Increase %	2011	2012	Increase %		
January	1.539	1.759	14,3	1.179	1.385	17,5	70	46
February	1.326	2.051	54,7	1.371	1.416	3,3	240	147
March	2.086	3.059	46,6	1.540	2.314	50,3	544	355
April	2.327	3.568	53,3	1.914	2.547	33,1	568	507
May	1.905	3.952	107,5	1.683	3.230	91,9	627	540
June	2.017	4.227	109,6	1.670	3.024	81,1	940	611
July	1.625	4.080	151,1	1.270	2.939	131,4	1.501	658
August	1.603	3.768	135,1	1.369	2.766	102,0	1.677	836
September	1.417	3.505	147,4	919	2.765	200,9	1.423	1.280
October	1.419	3.283	131,4	1.248	2.618	109,8	1.236	818
November	1.562	3.856	146,9	1.322	3.422	158,9	1.412	1.557
December	1.743			1.405			1.401	1.523
TOTAL	20.569	37.108	80,4	16.890	28.426	68,3	11.639	8.878

(*) Data is temporary. Source: MLSS, Department of Foreigners' Work Permits

1.5. Audit Process

According to MLSS officials, authority for auditing informal employment of foreigners rests with labour, occupational safety and insurance inspectors as per Law no 4817. These inspectors are visiting businesses/firms not especially to perform an audit on employment of foreigners, but for an overall inspection within the scope of Labour Law no 4857. Audits have become more effective since auditors employed by SSI (Social Security Institution) began to collaborate with the existing labour and occupational safety inspectors. GDS officials explain that upon detection of informally employed foreigners through inspections performed by law enforcement officers in public areas, they used to send an official report to labour inspectors employed by MLSS. In cases where the employer rejected the accusation regarding informal employment of foreigners during inspection, a fine could not be imposed. With the amendment made to bag Law no 6111, the initial police report is treated as the official document allowing Labour inspectors to impose a fine on the employer. While the true authority to audit rests with labour inspectors of MLSS, adequate level of audit cannot be achieved due to the insufficient number of inspectors employed.

GDS officials explain that information regarding individuals granted residence permit is not passed onto MLSS via an online system, because residence application can be made for other reasons than employment. Currently, foreigners making the application for health or touristic reasons are granted 6 month residence provided that they document a minimum of 50 USD/day in their bank account. The responsibility of such foreigners being informally employed during residency period rests with MLSS. In 2013, MLSS is planning to initiate a new audit program for employers of foreign labour force.

Following the enactment of Foreigners and International Protection Draft Law, individuals granted work permit will not have to apply separately for residence, the work

permit will cover residence as well. Should audits reveal foreigners employed without work permit, they will be treated as illegal residents or having used residence permit for purposes other than stated in their application. The draft includes part time employment opportunities for foreigners granted residence permit for education purposes. In that case, foreigners employed without work permit will be family members of those granted residence for education or employment purposes as well as touristic reasons.

MLSS officials are in full support of the practice of centralized work permit applications and their assessment process. They point out that the online system makes it unnecessary for employers in the tourism sector to apply to Provincial Directorates of İŞKUR. The centrally run system is also preferred for standardization of the assessment process. It is planned to train and authorize some İŞKUR staff in certain cities to assist individuals in online applications. An İŞKUR official we have interviewed shares this view, stating the need for centralized structure to maintain overall control of the process.¹⁷

The lack of sufficient coordination among public institutions has been raised as an issue. Especially in cases where the winner of a public tender is a foreign company, the company is obliged to act in accordance with Law no 4817 with respect to employment of its own nationals, which may result in SSI premium payments for foreigners in Turkey in addition to the payment in their country of origin. Foreign employers have strongly objected to this procedure. Officials have pointed out that via an amendment made in February 2010 foreign companies are granted exemption from SSI premiums for temporary employment of foreign workers (maximum for 3 months). Furthermore, the foreign worker to be employed must be highly qualified, for whom the SSI premium will be three fold the amount of premium paid for minimum wage. This regulation imposed restrictions on companies that wanted to bring even their non-qualified workers from China and resulted in a decrease in the number of Chinese workers in Turkey. These restrictive measures are of utmost importance as the same trend goes for Indian and South Korean Companies. For instance, MLSS places special provisions in Ministry of Energy tenders to prevent such situation.¹⁸ On the other hand, a full harmonization or standardization does not exist among MLSS institutions in terms of process and procedures. Regional Directorate of Labour, SSI and İŞKUR give applicants different process numbers, rendering it impossible to access information on an individual through a common application number.

Foreigners need to be entered into the system by use of their foreign ID number so that they can benefit from the services of İŞKUR.¹⁹ Provided that they are formally employed and their SSI premiums are paid, migrants can benefit from unemployment

17 Currently, 90 staff is employed at the related Bureau of the Ministry, dealing with granting of work permits. The 50 newly recruits are being trained to work as experts to meet the demand for well trained, qualified staff.

18 On the other hand, the fact that Higher Education Institution (YÖK) equivalence exam that engineers of foreign companies must take in Turkish is a major issue, and MLSS is becoming the target for harsh criticism even for issues beyond its responsibility.

19 Foreigners residing in Turkey for over six months can obtain an ID number by application to Provincial Directorate of Security.

insurance, consultancy services and occupational training activities. There is no statistical information on the number of migrants benefiting from unemployment insurance. Migrants need to have paid their premiums for a minimum 600 days in the past three years to be able to claim unemployment insurance. Nevertheless, the fact that foreigners who have worked in Turkey for a minimum of three years are entitled to claim unemployment insurance should they become unemployed does not mean, as explained in the legal part, that they will also be entitled to a residence permit. Thus, the premiums paid by foreigners could end up in the insurance fund. Here, there is a disadvantage to the migrant. As of 2011, the number of migrants with permanent work permit is 161. Only these individuals can benefit from unemployment insurance within the validity period of their residence permit.

İŞKUR has neither conducted any studies on employment of foreign workers nor analyzed which areas of the industry might demand foreign labour force or require training. A simple snapshot of the current situation is reflected through province based labour force questionnaires, which fail to shed light onto the areas of improvement in terms of supplying local labour force in specific fields of the industry.

Turkey is signatory to 11 bilateral labour force agreements, the majority of which have been signed in the 1960s during the process of sending Turkish labour force to Western Europe. Following the suspension of migration into Europe, Turkey has begun to send workers to wealthy Arab countries like Libya, Qatar and Jordan within the framework of construction projects. In the 1980s these oil-rich countries and Turkish Republic of Northern Cyprus were added to bilateral labour force agreements, which regulate employment of foreigners through public institutions. Only agreements with Jordan and Turkish Republic of Northern Cyprus have foreseen bilateral labour migration, although no actual migration ever took place within the framework of the agreement with Jordan. The only active agreement is the one signed with Germany.

The social security agreements Turkey has signed with Western European countries in the 1960s have set basis for the agreements signed with countries like Azerbaijan, Albania, Georgia, Macedonia and Romania in the 1990s as well as Bosnia-Herzegovina, Czech Republic and Luxemburg in the 2000s.

Currently, MLSS is working on a bilateral labour force and social security agreement with Russia based on reciprocity principle, especially covering construction activities. Russia has become interested in signing a bilateral labour agreement soon after the awarding of a tender for construction of Mersin-Akkuyu nuclear power plant with a Russian firm. Turkish government requires documentation of education level of foreign workers as evidence of their qualifications stated in the application, employment to be of temporary status and restricted to construction and tourism/entertainment sectors.²⁰

The İŞKUR institution is not in favor of allowing foreign labour force into the country within the framework of bilateral agreements on grounds that unemployment levels

20 During our interviews with employers of the tourism sector in Antalya, the main issue of complaint has been the payment of SSI premiums both in Turkey and Russia for foreign workers, due to the lack of a bilateral agreement with Russia regulating this issue.

are significantly high in Turkey. This is the why Turkey abstains from signing labour force agreements with countries like Azerbaijan and Georgia, although negotiations are proceeding. Despite Azerbaijan's willingness to sign a bilateral labour force agreement with Turkey, Turkey is concerned about initiating a flux of unqualified labour migration from Azerbaijan, which could result in replacement of the local labour force. On the other hand, in an environment where no regulation exists, there is already wide use of irregular migrant labour. The officials voicing opinions on the need for a regulation designed especially for Georgian agricultural workers for temporary work of three months is a sign of adopting a fragmented approach to migration as opposed to a holistic policy.

MLSS and İŞKUR are in favor of giving priority to the local labour force and thus believe in the benefits of keeping the regulation narrow-scoped. Ministry of Foreign Affairs wants to comply with international commitments. GDS aims at preventing illegal residence from national security point of view and thus supports regulations which will formalize informal employment.

All officials we have interviewed agree that issuing LFIP will be a big step towards resolving the problem of irregular migration. Migration Policies Council to be established will ensure coordination among the different public institutions involved so that annual quotas can be determined for regular migrant workers with the recommendations from MLSS. It is anticipated that the Council will make decisions especially on the employment of seasonal workers in the agriculture sector.

Although it was not brought up by public officials during the interviews, "Vocational Qualification Institute Law", issued on 21 September 2006 is a significant regulation from the regular labour migration point of view.²¹ This Law aims at determining national qualification criteria based on national and international vocational standards, establishing a new structure to set up and operate a national qualification system needed to perform audit, measurement, assessment, documentation and certification activities. Regulation of vocational qualification system in Turkey was placed on the agenda of "the right to establishing business and freedom of delivering service" issue within the framework of Turkey-EU membership negotiations. Regulations regarding vocational qualifications aim at alignment to the common rules and procedures adopted by EU member states. They will also help determining education standards and more importantly establishing national standards in vocational and technical education, that are up to internationally recognized standards. Determination of occupational criteria, regulation of education, exam and documentation systems that comply with the standards by Vocational Qualification Institute will facilitate movement of regular temporary labour force. Documentation of vocational qualifications of foreigners wishing to work in Turkey will then be assessed by accredited institutions, hence the procedures for employment of foreigners in Turkey will be based on more objective and professionally trustworthy criteria (Erdoğan,2008).

21 For full text of the Law, see Official Gazette no 26312, dated 7 October 2006.

1.6. Assessment of Statistical Data

Over the years, there is a notable increase in the number of foreigners entering-exiting Turkey. In 2000, around 10 million people have entered the country while in 2011 this number went up to nearly 29 million. The great majority of it was comprised of tourists. The table below mainly gives numbers of visitors from various countries around the world, except Western states, presumably with touristic purposes.

Table 2: Number of foreigners entering-exiting Turkey by year

Nationality	2000		2005		2010		2011	
	Entry	Exit	Entry	Exit	Entry	Exit	Entry	Exit
Russia Fed.	680.473	674.434	1.855.900	1.869.414	3.091.974	3.072.663	3.447.001	3.428.168
Iran	404.148	345.394	957.244	678.584	1.884.898	1.870.755	1.879.034	1.863.657
Bulgaria	378.329	375.870	1.620.939	1.621.955	1.432.416	1.447.369	1.488.425	1.485.094
Georgia	180.480	166.748	367.148	356.995	1.109.615	1.094.619	1.149.362	1.138.870
Syria	123.787	121.411	287.343	273.410	898.123	889.821	970.163	962.076
Ukraine	153.650	146.360	367.103	367.579	555.502	553.546	588.406	585.411
Azerbaijan	182.124	153.319	411.111	400.132	484.922	475.981	576.230	563.022
Romania	267.108	253.476	201.807	197.567	350.683	352.152	383.681	383.994
Iraq	21.433	13.137	107.972	108.599	280.448	267.941	369.093	356.135
Kazakhstan	40.733	39.175	106.167	105.648	247.690	246.422	315.644	314.072
Turkmenistan	11.115	10.645	34.292	29.700	114.389	108.382	137.472	128.939
Moldova	65.112	53.735	89.849	85.523	96.047	95.965	100.852	99.686
China	21.599	19.556	40.935	42.053	74.763	73.615	92.820	93.225
Uzbekistan	21.728	20.535	24.634	23.627	68.066	63.725	84.962	80.367
Armenia	17.704	14.518	36.663	36.340	69.268	68.474	72.349	71.825
Total	2.569.523	2.408.313	6.509.107	6.197.126	10.758.804	10.681.430	11.685.494	11.655.494
Overall Total	9.748.338	9.393.355	20.275.213	19.672.616	27.024.609	26.902.576	29.362.434	29.232.463

Source GDS, Foreigners, Borders, Asylum Bureau

The figures given in the table clearly show a much greater increase in entries from countries where people are coming to Turkey for employment purposes. For instance, the number of people coming from Georgia went from 180,480 in 2000 to 1.149.362 in 2011. Similarly, there is a notable increase in the number of people coming from Azerbaijan, Ukraine, Kazakhstan, Turkmenistan, Moldova, Uzbekistan, Armenia and China. While the biggest increase is seen with the Russian Federation, most of the entries from this country are known to carry touristic purposes. In 2000, the ratio of these countries in the total number of entries was %26.3. By 2011, it went up to %39.7. The visa regime imposed on these countries played a significant role in this increase. Iran, Bulgaria and Georgia are granted 90 day, Russia Federation, Ukraine, Azerbaijan, Uzbekistan, Kazakhstan and Turkmenistan 30 day visa exemption. Nationals of Moldova and Armenia can obtain 30 day visa stamp at the port of entry. Chinese are bound to obtain visa from the Turkish Consulate prior to their travel.²² The 30 or 90 day visa exemption has clearly increased cyclical migration with employment purposes. On the other hand, while Syrians came to Turkey mainly for touristic or business purposes for short visits in the past, their numbers in Turkey have grown considerably due to the prevailing conflict in Syria.

When LFIP is issued, the 90 day stay in 180 day validity rule could decrease the number of entries.

²² <http://www.mfa.gov.tr/yabancilarin-tabi-oldugu-vize-rejimi.tr.mfa>, Access 25.8.2012

1.6.1. Assessment of Irregular Migration Data –GDS

It is difficult to estimate the number of transit migrants residing in Turkey who have entered the country illegally and regular migrants who have entered the country legally but become illegal residents once their visa or exemption is expired and joined the informal labour force. According to the findings of a multi-source study conducted in 2007 on Irregular Migration, this number is estimated to be anywhere between 150.000 to 5 million people. The reason for such a wide range is that official data is not collected in a way to allow for a sound estimation. The statistics on entry-exit data do not differentiate between migrant workers and tourists. Even if it did, a considerable number of individuals who enter Turkey on tourist visa could eventually become irregular labour migrants and because they will not declare this up front, the correct number cannot be calculated. In addition, if the same person has multiple entries, the data would reflect a much higher number than reality. GDS statistics provide information on the number of seized and deported irregular migrants. However, one must take into consideration that there could be a huge number of irregular migrants in Turkey and that there could be multiple entries for the same person in the deportation statistics (Kaya 2008:27-28).

As a result of flexible visa regime, the rate of irregular entry-exit and residence has gone down in Turkey. General Directorate of Security data reveal a notable decrease in the number of migrants getting caught in the attempt of irregular entry or residence.

Table 3: Number of seized irregular migrants by year

Years	Irregular Migrants
2000	94.515
2005	57.428
2010	32.667
2011	44.415

Source GDS, Foreigners, Borders, Asylum Bureau

Table 4: Number of deported foreigners by year, type of crime and sex

	Prostitution	Expired visa	Illegal entry - exit	Informal employment	Other	Male	Female	Total
2001*	3.508	5.999	26.500	925	7.501			44.433
2005*	2.113	3.504	19.156	488	5.537			30.798
2010	1.600	4.393	8.095	2.199	7.296	13.967	9.616	23.583
2011	1.715	3.591	11.147	2.634	7.802	17.454	9.435	26.889

*No data on Male/Female differentiation for these years.

Source GDS, Foreigners, Borders, Asylum Bureau

The number of deported foreigners is very low compared to the total number of entries and it has shown a downward tendency over the years. While the number of entry-exit by nationals of certain countries was around 11.5 million in 2011(let us point out once again that this figure could be exaggerated by multiple entries by the same person), the number of deported is approximately 27 thousand. Between two thirds to three quarters of types of crime that result in deportation fall under expired visa, illegal entry-exit and

informal employment. This type of migrant is rightly defined as “irregular” as opposed to “illegal”, as regulations in this area can change their criminal status. In general, as a result of the liberal visa regime and increase in the number of countries with exemption over the years, the number of irregular migrants due to visa expiry and illegal entry has considerably reduced. On the other hand, the number of deported migrants has probably increased, due to the escalated levels of audits and inspections along with growing numbers in informal employment. Overall, insufficiency of the audit system has an adverse effect in the low rates of detection.

Table 5: Number of deported migrants by type of crime and nationality -2011

Nationality	Prostitution	Expired visa	Illegal entry - exit	Informal employment	Other	Total	Male	Female
Afghanistan	0	51	3.080	20	163	3.314	2.764	550
Azerbaijan	215	224	291	97	465	1.292	546	746
Georgia	337	71	372	1.149	2.339	4.268	2.663	1.605
Iraq	0	20	1.113	2	362	1.497	1.342	155
Iran	2	13	379	15	473	882	754	128
Kirghizstan	166	175	30	48	195	614	100	514
Moldova	144	205	29	55	247	680	88	592
Myanmar	0	0	523	0	0	523	456	67
Uzbekistan	209	510	105	122	443	1.389	348	1.041
Pakistan	0	2	2.322	1	93	2.418	2.411	7
Russia Federation	127	55	26	108	250	566	103	463
Syria	0	46	800	86	311	1.243	1.047	196
Turkmenistan	253	1.673	79	570	724	3.299	1.763	1.536
Ukraine	126	90	9	101	170	496	98	398
Total	1.579	3.135	9.158	2.374	6.235	22.481	14.483	7.998
Overall Total	1.715	3.591	11.147	2.631	7.805	26.889	17.454	9.435

Source GDS, Foreigners, Borders, Asylum Bureau

Majority of the offenses resulting in deportation is committed by nationals of the countries listed in the table above. Afghanistan, Pakistan, Iraq and Myanmar are on the top of the list for illegal entry-exit. Essentially, migrants from these countries enter Turkey illegally to reach EU states. They join the informal employment system to maintain their livelihood during their stay in Turkey and save enough money to continue their journey. The majority of expired visa offense is committed by nationals of Turkmenistan, Uzbekistan, Azerbaijan and Moldova. Georgia is on top of the list for informal employment, followed closely by Uzbekistan. The 90 day visa exemption has boosted entry-exit process of Georgians for employment purposes. Hence, the seemingly touristic visits have actually contributed to the increase in informal employment levels. This mobility has adverse effects both on the Turkish Labour market and the economic and social structure of the emigrant country. Be it irregular or regular, migration causes brain drain in the source country as well as a waste of qualified labour force in the migrant receiving country as migrants tend to be informally employed in unqualified jobs. On the other hand, migration of child bearing age women causes fertility rates

to further drop in these countries with already a small population.²³ It is difficult to estimate what percentage of circular migrants with transit or employment purposes stay in Turkey permanently or temporarily. Still, it is estimated to be quite low, no more than 5-10% (İçduygu 2008:6).

The number of irregular migrants detected through MLSS audits resembles the tip of an iceberg. The Ministry inspections at 1.384 shops and manufacturing units in 2011 revealed 1.660 informally employed migrants incurring a total of 15.984.489 TL fine to business owners and 1.076.198 TL to informally employed migrants. In addition, 67 informally self-employed migrants were fined 158.800 TL. In 2010, 1.361 shops and manufacturing units were fined 15.061.580 TL for the 1.770 informally employed migrants in their business and migrants were fined 1.029.053 TL. The same year, 196 informally self-employed migrants paid a 246.895 TL fine.²⁴

Refugees and asylum seekers entering Turkey legally or illegally are joining the labour market as well, although their numbers are nominal compared to labour migrants. Majority of the refugees and asylum seekers are informally employed, despite their right to work permit as per the 1994 Circular.

Table 6: Number of refugee/asylum applications by selected years

Nationality	2000	2005	2010	2011	Total (2000 - 2010)
Afghanistan	116	150	1.539	3.746	9.687
Iraq	1.246	769	3.363	6.588	28.298
Iran	3.576	1.606	2.692	2.892	29.442
Somali	9	187	361	933	3.506
Other	37	218	952	2.531	5.551
Total	4.984	2.930	8.907	16.690	76.484

Source GDS, Foreigners, Borders, Asylum Bureau

Although still considerably low, the number of refugees/asylum seekers more than tripled from 4.984 in 2000 to 16.690 in 2011. Asylum seekers in Turkey are mainly from countries like Iran, Iraq, Afghanistan and Somali to the east of Turkey. Presumably, Turkey's geographical reservation to the 1951 Geneva Convention has played a role in keeping this figure down.

23 Country presentations from the international seminar "Challenges of Irregular Labour Migration: A Regional Approach Towards Sustainable Strategies" organized by IOM, 19-20 September 2012

24 MLSS Directorate of Strategy Development, Statistics Department

1.6.2. Assessment of Regular Migration-GDS²⁵

Residence permits to foreigners coming to Turkey for purposes including employment, education and reuniting of family, with the exception of touristic visits, are granted by General Directorate of Security, Foreigners, Borders and Asylum Bureau.

Table 7: Distribution of foreigners granted residence permit by year

Nationality	2000	2005	2010	2011
Bulgaria	61.658	53.968	20.212	17.189
Russia Federation	6.871	6.444	12.744	16.291
Azerbaijan	10.564	10.477	10.575	13.645
Germany	5.339	8.425	11.045	12.250
UK	3.281	6.444	8.930	10.963
Afghanistan	3.464	3.564	7.081	10.071
Iran	6.117	6.014	6.717	9.253
Iraq	5.506	6.133	7.948	9.201
USA	6.446	6.119	6.518	7.181
Kazakhstan	3.676	3.896	7.293	7.556
Ukraine	2.326	3.422	5.563	7.111
Turkmenistan	2.529	2.087	4.418	6.242
Kirghizstan	2.128	3.025	4.723	5.865
Greece	7.308	5.902	5.237	5.564
Moldova	889	3.065	3.388	4.611
China	1.074	2.143	4.037	3.036
Georgia	685	1.641	2.127	2.629
Other Countries	38.186	46.195	48.388	72.746
Total	168.047	178.964	176.944	217.206

Source GDS, Foreigners, Borders, Asylum Bureau

Although the number of foreigners with residence permit is gradually increasing as per the data in Table 7, the biggest leap is seen in 2011. The largest group of migrants granted residence permit in 2011 is Turkish descendant Bulgarians, although their numbers seem to decline over the years. The second largest group is migrants from Russia Federation, rapidly increasing in number, followed by Azerbaijan, Germany, UK, Afghanistan, Iran and Iraq. The migrant flows toward Turkey are mainly comprised of Turkish descendants and members of relative communities; thus the higher number of residence permits granted to nationals of Afghanistan, Greece, Bulgaria, Turkmenistan, Kazakhstan, Kirghizstan, Iraq and Syria.

²⁵ Occasional errors in the figure totals are due to the direct transfer of data obtained from the institution.

Table 8: Foreigners granted residence in Turkey

Year	Residence based on various reasons	Employed	Student	Male	Female	Total
2000	119.275	24.198	24.574	88.290	79.727	168.047
2001	114.894	22.414	23.946	84.952	76.302	161.254
2005	131.594	22.128	25.242	95.037	83.927	178.964
2010	128.327	19.351	29.266	88.293	88.651	176.944
2011	156.919	23.027	37.260	101.658	115.548	217.206

Source GDS, Foreigners, Borders, Asylum Bureau

The largest group of migrants to obtain residence permit is those based on various reasons. This title includes individuals married to Turkish nationals, spouse or children of a foreigner holding a residence permit for employment or education purposes, long term tourists, visitors for treatment purposes, asylum seekers and the 6 month residence permit obtained for work permit. This number has increased by 22.3% in 2011 and reached 156.919. Same year, the number of students went up by 27.3% to reach 37.260, while the number of residence permits for employment purposes increased by 19%, totaling 23.027 people. The ratio of this group among foreigners with residence permit is the lowest. Data on the number of residence permits by gender is available since 2007. In 2010, 11.748 (%60.7) and in 2011 12.538 (%54.6) were men. For the two years, the number of women was 7.603 (%39.3) and 10.489 (%45.4) respectively. There is an increasing trend in the ratio of women.

Table 9: Residence permit for employment purposes by country

Country	2000	2005	2010	2011
USA	2.313	2.062	1.500	1.669
Germany	1.665	1.508	1.044	1.497
UK	1.503	1.493	924	1.674
Russia Federation	2.062	1.308	2.069	4.504
France	1.736	1.286	729	827
China	370	976	2.562	1.693
Azerbaijan	923	821	698	856
Ukraine	929	715	1.535	2.795
Italy	750	668	414	607
Other countries	11.947	11.291	7.876	6905
Total	24.198	22.128	19.351	23.027

Source GDS, Foreigners, Borders, Asylum Bureau

Residence permit for employment purposes are mainly granted to individuals from Russia Federation, Ukraine, USA, Germany, People's Republic of China, UK and France. The numbers for USA, France and China are on the decline whereas there is notable increase especially in Russian Federation and Ukraine. Migrants coming to Turkey for employment purposes largely differ from the total in terms of country of origin. The ratio of EU member states in the total number of work permits is 30%.

Table 10: Residence permits for employment purposes by economic activity

Economic activity	2001	2005	2010	2011
Tourism	855	2.108	3.765	5.190
Teachers at Consulate schools	815	762	85	126
Sportsmen	204	407	603	668
Private school-language course	1.920	1.763	741	1.017
Private Institution	11.945	11.475	9.258	10.573
Public Institution	638	720	262	206
Scientific Research-Excavation			292	350
Academic	1.123	1.286	1.664	1.859
Assembly-Maintenance and Repair	131	166	318	581
Religious official			42	51
Press member	105	125	208	245
Work permit exemption			312	882
Other	4.678	3.316	1.801	1.279
Total	22.414	22.128	19.351	23.027

Source GDS, Foreigners, Borders, Asylum Bureau

As of 2011, the biggest ratio 45.9(%) of resident permits with employment purposes is comprised of foreigners working at private institutions, followed by foreigners in the tourism sector (22.5%) and private education institutions (14%). As for distribution by nationality, national/multinational corporations may choose to employ foreigners from various countries around the world. Nevertheless, China clearly has the lion's share in this category. Especially Chinese mining firms provide the labour force they need from their own country. The number of foreign workers from the USA, Germany, France, UK, Russian Federation and Ukraine is also considerably high. The number tourists visiting Turkey is growing each year, with more and more tourists coming from Russian Federation and other former Soviet states. As employers of the tourism sector prefer to work with staff from Russian Federation and Ukraine, 60% of grants in this sector go to foreigners from these two countries. In the education and academic fields, the majority of work permits are granted to nationals of EU or the USA. Number of grants in other fields is not statistically significant.

1.6.3. Assessment of Ministry of Labour and Social Security Data²⁶

Ministry of Labour and Social Security, Department of Work Permits Granted to Foreigners functions within the scope of Law no 4817, which imposes strict criteria for employment of foreigners and restricts it to the condition that local labour force cannot be supplied. Therefore the number of granted work permits are very limited per years.

The number of new and extended work permits was 16.890 in 2011 and 14.201 in 2010. In the past year this number has increased by 15.9%, the majority of which is comprised of temporary work permits. The ratio of permanent and self-employment work permits is very low.

²⁶ Occasional errors in the figure totals are due to the direct transfer of data obtained from the institution.

Table 11: Work permits granted to foreigners by type

Year	Temporary	Extension	Permanent	Self-employed	Total
2005	5.484	3.764	159	31	9.438
2008	6.999	3.583	107	16	10.705
2010	9.338	4.760	101	2	14.201
2011	11.634	5.073	161	22	16.890

Source: MLSS, Department of Foreigners' Work Permits

As per Ministry of Interior data, the number of residence permits for employment purposes granted in 2011 is 23.027, while the number of work permits granted by MLSS is 16.890. The difference between the two figures can be associated with migrants subject to work permit exemption, employed mainly by Institution of Higher Education and Ministry of Finance, General Directorate of Free Zones along with those obtaining work permit from other public institutions. Enactment Directive for Law no 4817 Article 55 provides a comprehensive list of individuals falling into the scope of this exemption. Furthermore, 1676 work permit applications were rejected in 2011, while 2403 were turned down or application process was aborted.

Table 12: Number of work permits granted to foreigners by nationality

Country	Female 2011	Male 2011	Total 2011	Proportional Distribution 2011	Proportional Distribution 2004-2010
People's Republic of China	206	1.442	1.648	9,8	16,0
Russian Federation	1.113	319	1.432	8,5	9,7
Ukraine	966	312	1.278	7,6	5,1
USA	387	573	960	5,7	5,2
UK	240	459	699	4,1	4,8
Germany	240	443	683	4,0	6,0
France	166	480	646	3,8	5,0
Azerbaijan	123	336	459	2,7	3,1
Italy	87	405	492	2,9	2,7
Bulgaria	279	197	476	2,8	2,5
Japan	64	249	313	1,8	2,1
Iran	64	346	410	2,4	1,8
Greece	105	253	358	2,1	1,7
Indonesia	491	37	528	3,1	1,6
Moldova	392	104	496	2,9	1,5
Other	2.183	3.829	6.012	35,6	24,5
Total	7.106	9.784	16.890	100	100

Source: MLSS, Department of Foreigners' Work Permits

Data from both Ministries overlap: Russian Federation, Ukraine and China are on top of the list of residence permits with employment purposes and work permits. A striking point revealed by MLSS data is the decline in China, Russian Federation, Germany, UK

and France as of 2011, while countries like Moldova, Ukraine and Indonesia are on the incline which can be associated with the tourism sector. In the recent years, a growing number of women mainly from Indonesia and other South Asian countries have been employed as masseurs at touristic hotel Spa centers.

Distribution of work permit grants by gender data reveal that the ratio of women is on a slow incline, and in the near future their ratio could equal that of the men.

Table 13: Distribution of work permits by sex

Year	Female	%	Male	%	Total
2005	3.541	37,5	5.897	62,5	9.438
2008	4.054	37,9	6.651	62,1	10.705
2010	5.704	40,2	8.497	59,8	14.201
2011	7.106	42,1	9.784	57,9	16.890

Source: MLSS, Department of Foreigners' Work Permits

According to the data on distribution of work permits granted by age, younger age groups are bigger in number.

Table 14: Distribution of work permits by age group - 2011

Age groups	Female	(%)	Male	(%)	Total	%
18-24	1.375	19,3	706	7,2	2.081	12,3
25-34	3.388	47,7	2.962	30,3	6.350	37,6
35-44	1.458	20,5	3.139	32,1	4.597	27,2
45-54	682	9,6	2.099	21,5	2.781	16,5
55+	199	2,8	803	8,2	1.002	5,9
65+	4	0	75	0,01	79	0
Total	7.106	100	9.784	100	16.890	100

Source: MLSS, Department of Foreigners' Work Permits

67% of the women holding work permit fall in the 18-34 age group while 62.4% of the men are in the 25-44 age group. We were not able to analyze this difference as no data is available on types of jobs by gender.

Table 15: Distribution of work permits by level of education - 2011

Level of Education	Female	%	Male	%	Total	%
Post graduate+	379	5,4	683	7,0	1.079	6,4
University	3.280	46,2	4.650	46,6	7.934	47,0
College	819	11,5	1.195	12,2	2.016	11,9
High School	2.128	29,9	2.512	25,6	4.626	27,4
Primary School	458	6,4	676	6,9	1.135	6,7
Literate	42	0	58	0	100	0,01
Total	7.106	100	9.784	100	16.890	100

Source: MLSS, Department of Foreigners' Work Permits

Two thirds of migrants (65.3%) bearing a work permit have at minimum high school diploma. Considering that 63.8% of the employed labour force in Turkey do not hold a high school diploma, migrants clearly have a much higher level of education compared to the average in Turkey. The ratio of women to men is close, 63.1% and 65.8% respectively.

Let's take a look at the distribution of economic activities migrants with work permit are employed in (NACE Rev.2 classification): On top of the list is hotel and food-beverage services (2.479) followed by education (2.103), manufacturing (1.979), wholesale and retail trade (1.277), airlines (917), creative/performance arts and entertainment activities (821), constituting 62.1% of the total. With the exception of education and manufacturing sectors, all activities are related to tourism. The number of work permit holders in the live-in care services is as low as 27. It turns out that the lowest number of work permit applications is received from the most wide-spread activity.

Distribution of work permit holders by profession (ISCO 08) indicates a concentration around four professions: Executives of private sector companies in various areas of activity, (3.551), creative/performance artists (2.097), teachers and other education related professions (1.657) and sales staff working in shops etc. (1.041) constitute half of the work permits granted, followed by office staff (982), controllers and technicians on aircraft and vessels (902), physics technicians (549), customer service staff (512), health personnel including doctors (428), assisting staff in health services (525), professional managers (443), professionals of sales, marketing and PR (416), cooks (406) cleaning staff at homes, hotels and offices and home care services personnel (264) .

Distribution of work permit grants between 2004-2010 by province places İstanbul, as the leading financial and trade center of Turkey, on top the list (45,6%), followed by Ankara as center of public administration (15.1%) and Zonguldak (8.6%), a center for coal mining where number of investments have been on the rise since the beginning of 2000s. Turkey's tourism center Antalya rates fourth on the list (8.4%). In 2011 İstanbul

maintained its leading position (45.9%) while Antalya moved up to second place with the increase in the number of work permits in the tourism sector. (15.7%). Ankara is third on the list (12.7%) and Zonguldak has moved to the very bottom due to the rapid decline in the number of work permits granted (0.1%). There is no data available in terms of the distribution of these ratios by nationality, level of education, age and profession. Hence we could not provide this information for İstanbul and Antalya where we conducted the field study.

Based on the above limited statistical data on formally employed foreigners in Turkey, we can conclude that the number of such foreigners is so low that their effect on the Turkish labour market shall only be minimal.

Role of Irregular Migrants in the Labour Market

2.1. Antalya as a Migration Receiving City and the Tourism Sector

Turkey is among the top ten countries in terms of number of tourists and tourism income. In 2011, a total of 31.4 million tourists visited Turkey, creating an income of 23 billion US Dollars. There are 969 4 and 5 star hotels in the country, offering a total bed capacity of 945.048. Approximately half of the total bed capacity is with 4 and 5 star hotels. (KTB 2012). 19.3 million foreigners have checked into licensed accommodation facilities; comprised of 4.7 million from Germany (%24.4), 2.6 million from Russian Federation (%13.3) and 1.4 million from the UK (%7.5) (KTB 2011:9). With its warm climate, natural setting and beaches, Antalya is the most popular city of choice among international tourists for holiday. Antalya alone attracts 8.104.578 international and 2.024,481 local tourists totaling 10.129.059 (KTB 2011:70). Hence, half of the international tourists in Turkey prefer to stay in Antalya, followed by İstanbul and Muğla.

Domestic migrants from various parts of Turkey are widely employed in the tourism sector, along with formally and informally employed foreigners. According to the statement of a TÜROFED representative, the annual number of tourists visiting Turkey and bed capacity is rapidly increasing. On average, the bed capacity is increased by 50 thousand each year, resulting in a demand of around 20-25 thousand new recruits in the sector. In Turkey, approximately 500 thousand people are directly employed in the accommodation sector. By law, maximum 20% of this labour force can be foreign employees. Therefore, 50-100 thousand foreigners can be legally employed. Inevitably, the gap between demand and number of migrants allowed by legislation will be filled with informally employed foreign migrants. Demand for foreign labour force is compounded by the inclusion of all the other services in the tourism sector.

2.1.1. Tourism Sector in Antalya

In Antalya, tourism plays a determining role in the services sector, creating a cluster around itself that triggers production in a number of areas. In addition to accommodation, restaurant, airport, transportation and support services, furniture, hotel furnishing, manufacturing of food and beverages, cleaning, private security and landscaping activities flourish. A significant portion of Turkey's fruits and vegetables are produced by agricultural activities in and around Antalya. Dynamic economy and availability of employment opportunities make Antalya a center of attraction in terms of migration. Thus, we decided to conduct a field study on the employment of regular and irregular migrants and its impact on the labour market in Antalya.

Labour force participation and employment rates are higher than the country average in Antalya, whereas unemployment rate is a little below average. In 2010, overall labour force participation rate in Turkey was 48.8%, employment rate was 43% and unemployment rate was 11.9%. In the same year, these figures for Antalya were estimated to be 58.6%, 52.1% and %11.1 respectively (TÜİK 2010). As per 2010 data the number of formally employed workers in Antalya was 324.998. At the 1713

accommodation facilities directly related to the tourism sector, a total of 48.573 people were formally employed. 4.623 people were formally employed at 571 travel agencies, tour operators and booking services while 2.899 people were formally employed in 572 businesses in sports, entertainment and recreational activities sector (SSI 2010). The ratio of formally employed in these sectors is 17.2% of the total. However, when other activities related to tourism such as wholesale and retail trade, land transport and food-beverage services are included in the calculation, this rate goes up to 41.5%. SSI data does not include data on formally employed foreigners.

Tourism, agriculture and construction activities, main drivers of Antalya economy, show seasonal fluctuations, resulting in a rise/fall in trade volume depending on the tourism season. This has considerable impact on the rate of unemployment. Businesses start recruiting staff at the beginning of the season to dismiss them at the end of it. During the interviews, it has been stated that workers are either forced to resign at their own will, or their employment contract is suspended. In either case, workers can only hope that the employer will call upon them in the next season. If workers resign, they cannot claim unemployment benefit. If they are dismissed by the employer, more often than not, they will not fulfill the conditions for unemployment insurance. In the case of suspending the employment contract, workers will not be entitled to unemployment benefit because the contract is still valid. Local workers need to keep this in mind when calculating their annual income. Hence, they are not satisfied with the gross 2000 TL/month (net 1500 TL) salary and may prefer to work at a lower paying job year round. On the other hand, low wages demotivate workers and affect the quality of the service provided. Fierce competition in the tourism sector creates immense pressure to keep prices low, which in turn forces employers to employ foreigners informally and pay SSI premiums of local workers based on fewer work days or lower salary to cut back on labour cost. Foreigners coming to Turkey for seasonal employment are already prepared to work at lower wages. Long work hours and restrictions in the use of weekly leave are the main issues affecting the workers during the tourism season.

A study on youth unemployment conducted in 2010 reveals that the biggest problem during job hunting is low wages (%27.9), followed by casualty of the employment (%17.1) and informal employment (%11.7). (MDGF, İŞKUR 2012:69).

2.1.2. Migrants in Antalya

In Antalya, demand for qualified staff is increasing in parallel to the continuous increase in bed capacity. The demand for Russian speaking staff to serve tourists in their own language offers migrants from Russian speaking countries a great opportunity for employment. As per the information we have obtained from human resources departments of the accommodation sector, foreign language skills is a pre-requisite for qualified staff. Still, foreign language skills are not simply limited to fluency in the language, but also encompass an understanding of the culture. Hence, employers turn to the foreign labour force (TÜROFED 30.05.2012). While on the one hand institutionalized and

accountable businesses in the sector are in favor of formal employment of migrants within the framework of Law no 4817, complexity of obtaining work permits on the other hand encourage informal employment of foreign labour force, especially in the case of small scale businesses which can slip past audits.

The table below shows the distribution of legal migrants in Antalya by purpose of residence:

Table 16: Number of foreigners in Antalya by year and purpose of residence

Purpose of residence	2007	2008	2009	2010	2011
Tourism	3.919	3.747	3.213	3.026	7.727
Employment	4.895	6.702	7.712	9.027	9.771
Marriage	2.559	3.270	3.922	4.336	4.956
Education	383	761	716	813	952
Other	8.621	9.498	11.857	13.248	13.369
Total	20.377	23.978	27.420	30.450	36.775

Source: Antalya Directorate of Security, Department of Foreigners

As per this data, 36.775 of the foreigners granted residence permit in 2011 (16.9% of the total 217.206) have settled in Antalya. 9.771 of the residence permits with employment purposes (42.4% of the total 23.027) are used in Antalya, placing the city in the second place after İstanbul on the list of regular migrant employment.

A number of public institutions including the Municipality are offering services to meet the needs of the migrant groups, not only because of the migrant population in the city for employment purposes but also the substantial number of long term tourists (7.727 people in 2011) in the region. For instance, Antalya Metropolitan Municipality web page operates in Russian, German and English as well as Turkish. The Municipality supports various cultural activities organized by migrant associations and holds Turkish courses for foreigners. A Foreigners' Committee has been established within the framework of Antalya City Council. Provincial Directorate of Security, Department of Foreigners have initiated a project called "They Are Part of Our Community" in cooperation with NGOs related to migrant issues to improve services provided to foreigners, guide them through the bureaucratic process and procedures, bypass personal service providers and determine their problems related to security. (Akkuş 2011).

Table 17: Foreigners granted residence permit in Antalya by year and nationality

Country	2007	2008	2009	2010	2011
Russia	4.578	5.878	7.885	8.682	10.640
Ukraine	1.950	2.213	2.197	2.980	3.174
Germany	1.579	1.738	1.837	1.930	2.027
Other	12.270	14.149	15.501	16.858	20.934
Male	7.746	8.881	9.950	10.710	14.014
Female	12.631	15.097	17.470	19.740	22.761
Total	20.377	23.978	27.420	30.450	36.775

Source: Antalya Directorate of Security, Department of Foreigners

61.9% of foreigners granted residence permit in 2011 are women. The largest group of foreigners with residence permit is from Russian Federation, followed by Ukraine.

These data comply with the data on the number of foreigners coming to Turkey with employment purposes where Russian Federation is on top of the list followed by Ukraine. As per MLSS data, majority of the migrants granted work permits coming from these two countries are women. In the city of Antalya, there is a considerable number of women who have obtained residence permit through marriage. Based on this data, we can conclude that majority of work permits granted to foreigners in Turkey are for employment in the tourism sector, which is mainly dominated by women workers from the Russian Federation and Ukraine. Antalya has become a settlement center for migrant women due to both family reunion and employment in the tourism sector. Migrant women who have obtained residence permit through marriage are commonly informally employed in the tourism sector. So, whether formally or informally employed, the tourism sector is benefitting from the efforts of migrant women.

The tourism sector in Antalya is also a center of attraction for informally employed foreign migrants, where only a tiny portion of informal employment is detected by official audits. As per Provincial Directorate of Security data on foreigners involved in crime activities, the number of migrants informally employed is 367 in 2007, 444 in 2008, 275 in 2009, 156 in 2010 and 222 in 2011. As a result of the audits in Antalya by MLSS inspectors in 2010 within the framework of Law no 4857, a total of 2.383.745 TL was fined to the employers for 392 informally employed foreigners and 217.384 TL to workers at 137 businesses. In 2011, 169 informally employed foreigners at 162 businesses were fined 114.744 TL, while their employers were fined a total of 1.491.301 TL.

Informal employment can include several different categories. Some migrants can work informally only within the validity period of their visa or visa exemption while others can choose to stay in Turkey to work after their visa is expired. Another category is comprised of migrants who have obtained residence permit through marriage and thus are entitled to a work permit, but employers prefer to employ them informally for various reasons. It has been brought up several times during the interviews that migrant women falling into this category constitute a considerable labour force in Antalya.

2.1.3. Studies on Migrant Employment in the Tourism Sector

It would be a good idea to review the few research studies conducted in the field of migrant employment in the tourism sector before we start discussing the findings of our field study. Lordoğlu and Parlak (2008) point out that the large number of seasonal, small to medium scale businesses in the tourism sector in Turkey, which plays a leading role in the country's economy and employment levels causes informal employment as well as setting the right environment for migrant employment. Findings of a MLSS Directorate of Business Inspection project aiming to prevent informal employment of foreigners in 2007 including Antalya, İzmir, Aydın, Muğla, İstanbul, Edirne and Denizli are an indicator of the rising levels of informal unemployment.²⁷ 590 businesses

27 General Assessment Report on the Project for Preventing Informal Employment of Foreigners in the Accommodation, and Entertainment Sector , 2007. cited by Lordoğlu, Parlak 2008 s.263-264
<http://www.csgeb.gov.tr/csgebPortal/itkb.portal?page=pd&id=2.7>

in the tourism sector and 29.203 workers were included in the project. Foreigners were employed at 389 businesses (hotel, restaurant, holiday village, night clubs, travel agencies, 66% of the total number of businesses audited) and 641 informally employed migrants were detected in 335. 47% of workers in businesses with 0-29 staff were found to be foreigners. The ratio of foreign workers was 47% in businesses with 30-49 staff, 8% in businesses with 50-99 staff and 2% in businesses with 100 and above staff and 4% in total. Regarding the work permit status of these foreigners, 88% of the foreign workers in businesses with 0-29 staff either did not have work permits or their work permits were expired. 42% of the informally employed migrants (93) were animators, 14% were masseurs (31), 13% were company executives or partners (30), 5% were night club hostesses (11) and 4% were cooks (8). In addition to this, informal employment of tour guides is also quite common. 39% of the informally employed migrants are EU citizens and 61% are citizens of other states, mainly Ukraine and Russian Federation.

There is a strong similarity between the findings of face-to-face interviews with 68 women who have come from the former Soviet Union and Eastern Europe to work in the tourism sector in Antalya and findings of a study on 25 migrant women working in the tourism sector in Marmaris. The women are from countries like Russia, Ukraine, Azerbaijan, Kirghizstan, Georgia, Uzbekistan, Turkmenistan, Chechnya, Tatarstan, Bulgaria and Moldova. Although most of them hold a university diploma and are specialists in their profession, they have obtained Turkish citizenship through marriage and are having to work in the tourism sector, at jobs they are overqualified for such as masseurs, translators, animators, tour operators, guides and receptionists. The pressure to keep labour force costs down as a result of the fierce competition in the tourism sector causes harsh work conditions for all employees. The women interviewed complained about their lower wages compared to Turkish nationals doing the same job, having to work long hours without SSI coverage or off days. Another issue raised during the interviews is harassment by clients or employers. The common conclusion in both studies is the dequalification of these migrant women having to work in the tourism sector as opposed to their own profession. (Uçar İlbuga 2011, Ekiz Gökmen 2011).

2.1.4. Findings of the Fieldwork in Antalya

2.1.4.1. Interviews with the Social Parties

We have interviewed representatives of the related public institutions, unions of the tourism sector, employer unions and migrant associations as well as some migrants to collect data on the employment of migrant workers in the tourism sector in Antalya.²⁸

28 We have interviewed representatives from Antalya Governorship, Provincial Directorate of Tourism, İŞKUR Provincial Directorate, Provincial Directorate of Security, Antalya Metropolitan Municipality, TÜRSAB T. Union of Travel Agencies, TÜROFED, ANSİAD, NOVUM Travel Agency, TOLEYİS Union, OLEYİS Union, Family Support Association, Ukraine Family Association, Meskhetians association and 2 migrants. We have also made use of the interviews conducted by IOM in 2011 within the framework of the research study "Migration and Employment: Working Life in Central Antalya".

All interviewees have stated that migrants are widely employed in the tourism sector. They have estimated at least half of them to be informally employed. It was also stated that in the accommodation sector migrants are mainly employed at the reception, animation activities, pool maintenance, cleaning services, restaurants and bars. There is a distinction between the migrant workers by nationality: Migrants from Russia and Ukraine are mainly working in animation and beauty salons, migrants from Georgia, Turkmenistan, Kirghizstan are employed in cleaning services while migrants from Southeastern Asia (Indonesia, Thailand, Bali etc.) are employed in spas. Transfer men, providing airport pick up services to tourists visiting Turkey via a travel agency, info staff who make a living by selling tours to them in and around the region, hotel guides who provide them assistance services throughout their stay at the hotel and tour guides who are in charge of all these activities are also migrants. Tour operators could be arranged by travel agencies in countries where the tourists are coming from or in Turkey. Bulgarian migrants of Turkish origin, Azerbaijanis and Kazakhs are preferred for their ability to speak both Turkish and Russian. Migrants are also employed in hotel shopping arcades at gold, carpet and leather shops as well small bed & breakfast lodges for kitchen work or cleaning (i.e. Georgians) and agricultural enterprises providing food to hotels (i.e. Meskhetians). Distribution of migrant workers by country is subject to frequent change. Lately, migrants from Cuba and Kenya have been employed, especially in the entertainment sector where there is constant demand for change.

From the employers' point of view, employment of migrants is imperative in order to provide quality services to their guests. As the nationality of tourists visiting Turkey become varied, demand for staff familiar with the language and culture of these countries increase. Second-third generation Turkish migrants grown up in Germany have provided a valuable human resource for servicing German tourists. For Russian tourists, migrants from the former Soviet Union and Russia are employed, because they will better understand and provide for the needs of the tourists. Representatives of public institutions are in agreement with this view.

Employer representatives complain about the long windedness of the process of obtaining work permit to foreigners, excessive documentation required, obligation to pay much higher wages to foreign workers (up to three folds) and the overall cost of work permits (visa fee, translation, follow-up fees etc.). Work permit applications may not always be fulfilled on time for seasonal work, when the foreign labour force is needed. They point out that all of these factors lead employers toward informal employment.²⁹ Nevertheless, one cannot overlook the fact that employment of foreign workers is not limited to occasions where local labour force cannot meet requirements, but is often preferred to refrain from paying local labour force wages at market value.

According to worker union representatives, it may be necessary to employ foreign labour force in certain businesses that require specialty in specific fields. However, the main

29 As per the calculation of TÜROFED based on minimum pay for foreigners, annual cost of 1 foreigner including work permit fees and state withholdings is 18.624 TL. The fine for informally employing a foreigner is 6.751 TL. In this case, the employer might prefer to informally employ 3 migrants as opposed to formally employ 1.

reason for employing foreign workers informally is that they agree to work at lower wages than the local workers. For instance, a graduate of bakery school in Serbia will work for 200-300 Euro/month while a Turkish citizen will require for the same job a minimum of 1000 Euro/month. In that case, employers prefer to informally employ foreign workers at lower wages as well as bypassing the additional cost of social security premiums or tax. Union representatives point out that the most effective way to combat informal employment of local and foreign workers is through union audits and for this reason, obstacles in the way of union organization must be removed. Unions are neither in direct contact with foreign workers nor do they tackle with any migrant issues, as they are generally expected to be addressed by human rights organizations, within the scope of human trafficking.

As per Provincial Directorate of Security data, the number of migrants who have obtained residence permit with employment purposes is around 10 thousand. Still, we estimate the total number of informally employed foreigners to be a few times that of the formally employed, especially during summer (high season for tourism) when small scale businesses and shops demand Russian speaking staff to serve the tourists. As clearly seen in the survey results, foreign women married to Turkish nationals is a source of significant labour force for the tourism sector in Antalya. Due to the difficulty involved in obtaining a diploma equivalence certificate and high demand for their labour force in the tourism sector have led them to find employment in this field. As per Law no 4817, these individuals need to obtain exceptional work permit, which will entitle them to be employed at higher wages than the local workers within the scope of the criteria governing foreigners. In this case, employers prefer to employ such individuals informally. This regulation was put in place to protect local labour force, but it is also causing a rise in informal employment of foreigners. Once migrants fulfill the three year period in marriage, they may obtain Turkish Nationality and thus can be employed at the same conditions as the local labour force. Nevertheless, surveys and interviews mentioned above have revealed that informal employment is a bigger issue with migrant women married to Turkish nationals.

2.1.4.2. Migrant Worker Interviews

Migrant worker interviews in Antalya have revealed that migrants are indecisive regarding legal/illegal residence and employment. Those working in the tourism sector could hold a diploma in the sector or could find employment through international certificates obtained upon successful completion of required training programs. Some foreigners coming to Turkey for internship may choose to come back for employment. Two young Indonesian women with masseur's certificate have explained that they found employment at a hotel spa in Turkey, through an agency in their country. They have also reported that there are a number of Indonesian masseurs working at spa centers in İstanbul, Pamukkale, Antalya and even Konya and they keep in contact with each other through the internet or telephone. This way, they are informed about work conditions in other cities. They hold work permits and 1 year labour contracts. Due to

the high rate of turnover in professions like masseurs and info- men, employers prefer to sign a contract with them, so that their business is not adversely affected. Their net salary is 800 Dollars/month. A migrant from Kirghizstan, working at spa center info desk, has explained that she was informally employed at the same center when she was visiting Turkey as a student and at the end of the season when her visa expired, she paid the penalty and went back to her country. Then, she married a Turkish national and obtained work permit to be formally employed at the spa center, where she is touring the hotel and its beach during summer season to distribute brochures and sell massage packages.

A migrant from Nepal started working in Turkey as rafting trainer at an agency specializing in outdoor sports and nature tourism. He noticed the company that obtained his work permit was not paying the full amount of his social security premiums. Then, he married a Turkish national and became a citizen. He completed his training in cooking at Antalya Metropolitan Municipality and obtained a certificate to work as a cook. He hopes to open a Chinese-Nepal restaurant in Antalya. A young migrant from Ukraine, currently giving private lessons in modern dancing, has obtained Turkish citizenship through marriage. Although it has allowed her to work in her specialty now, she has had to work in the tourism sector as animator, guide and info desk staff when she first arrived in Turkey and informally from time to time. She explained that she has had to work hard for long hours during high season. A German migrant, currently employed formally as overseas staff of a German travel agency, has had to work in Turkey informally for many years. Her work permit has been obtained by the agency. She wants to get citizenship, as she was married to a Turkish national and has a daughter with him. A Russian migrant, currently employed at an agency providing real estate sales services to Russian tourists, holds a diploma in tourism. She first came to Turkey as an intern, where she worked as a hotel and tour guide. Then, she married a Turkish national and started working for the real estate agency. Once she has fulfilled the 3 year marriage period, she wants to become a Turkish citizen.

In general, informally employed migrants do not obtain legal status through work permit but through marriage to a Turkish national. Undoubtedly, the problem is partially solved for those married to Turkish nationals. Still, for those who do not obtain residence permit through marriage, it is important that residence can be obtained through work permits and that it is valid for a long period of time. While foreigners who have worked in Turkey legally for a total of 6 years or legally resided in the country for an uninterrupted period of 8 years are entitled to permanent work permit as per Law no 4817, currently there is no regulation for permanent residence. It is included in the scope of draft Law regarding Foreigners and International Protection.

2.1.4.3. Audits

As per Article 18 of the Law for the Encouragement of Tourism, the number of foreign staff cannot exceed 10% of the total number at certified tourism enterprises. This ratio can be increased up to 20% by the Ministry.³⁰ According to TÜROFED this quota is too low and the ratio of foreigners can go as high as 50% at times of high demand. Currently, hotels can choose between two options: one is to provide some of the services to subcontractors and employ foreigners through them. When a formal subcontractor relationship is established, the main contractor shall also be responsible for the workers employed by the subcontractor, as per Labour Law and Social Security Law. Subcontracting of the hotel's animation services creates a joint responsibility to the main contractor. However, there is no regulation governing the work permit status of the employee. The only way to control work permit status is through tracing whether wages and social security premiums are paid in. Another route the employer might take is handing over the operation of some departments of the business, such as supermarkets, souvenir shops or spa centers in the hotel. In this case, the business owner does not bear joint responsibility.

It is not easy to determine the employment status of foreigners working at a large scale accommodation facility, where hundreds of people are working. Big hotels waste no time in alerting each another of inspections and audits. A foreign worker then pretends to be one of the hotel guests. It is even more difficult to audit small scale hotels and businesses, because there are so many of them. It can be said that there is a lack of coordination between public institutions with regard to audits and a flexible approach is adopted to protect the tourism sector. It is not uncommon to first give warning to businesses that informally employ foreigners, before a fine is issued. Labour auditors and SSI inspectors may detect informally employed migrants during their audit within the scope of labour and social security regulation. Law enforcement officers can also detect informally employed foreigners by means of audits within the scope of their regulations and send reports to the regional management offices of MLSS for administrative fines. A quick reminder: Law enforcement officers do not have the authority to inspect 5 star hotels.

During the interviews, it has been noted that the number of audits have increased, despite the shortage of auditors in Antalya. In 2011, business inspectors issued a total of 169 fines to informally employed migrants at 162 businesses. The low numbers still, indicate insufficiency of the audits. On the other hand, the lack of coordination between Provincial Directorates of Security, Work and İŞKUR results in no action taken against a number of foreigners detected to be informally employed.

30 As per assessment criteria set forth by Law no 4817 Enforcement Directive Article 13, the 5 Turkish national employee quota per each foreigner to be employed in the entertainment sector by tourism-animation organization businesses that require special skills or qualifications shall not be enforced. (http://www.csgb.gov.tr/csgbPortal/yabancilar.portal?page=izin_degerlendirme)

Migrant tour operators employed by travel agencies are exempt from work permit.³¹ Tour operators, i.e. working at a travel agency in Russia and covered for social security, could come to Turkey on work visa to work at the agency's representative office, in which case they need to apply to SSI for registry as there is no social security agreement between Turkey and Russia. This presents a big inconvenience to the employer. As per the views of a General Directorate of Security official we have interviewed, the 6/8 month exemption from work permit causes abuse of tour operators by means of informal employment. He explained the ease of obtaining a six month residence permit at Provincial Security Directorates should employers in the tourism sector wish to temporarily employ foreigners on tourist visa, hence pointing out the criticism against difficulty of the process has no concrete ground.

Intern students are another group of foreigners employed in the tourism sector. As per LFWP Enforcement Directive Article 55, intern students coming to Turkey via student exchange programs are exempt from work permit. According to the Article, a formal employer-employee relationship is not established between interns and business owners, and thus no work permit is required. Through Akdeniz University Tourism Vocational School, exchange students mainly from Kazakhstan and other Turkish Republics are coming to work in Turkey as interns. Health insurance for these students is covered by the university. Schools set a fee for this exchange program allowing students to work at various service departments, to be paid to the host and a portion of which is paid to the students as pocket money. This system is beneficial for both parties. An agreement between universities participating in the exchange program and its approval by the Institution of Higher Education is a precondition. However, if the employer employs the intern student directly, work permit needs to be obtained and insurance must be covered by the employer, which creates a cost to the business.

Migrants are not entitled to benefit from services offered by İŞKUR unless they are married to a Turkish national and they have obtained Turkish citizenship themselves.

2.1.4.4. Prostitution

There is a close relationship between the tourism sector and entertainment/prostitution sectors. Show groups to be employed in entertainment business are provided via agencies in the source country. Then, application is made with the MLSS for work permits. (Erder and Kaşka, 2003:66). By means of preparing contracts in their native language so that they are fully aware of their rights as per Labour Law, migrants employed in this sector are protected. (Dedeoğlu and Ekiz-Gökmen, 2010:54). On the other hand,

31 As per LFWP Enforcement Directive Article 55 "Foreign representatives of tour operators in Turkey, whose employment period does not exceed 6 months in one year do not need to obtain work permits." This 6 month period was then extended to 8 months by Ministry of Interior circular number 2010/31 dated 14.05.2010. These individuals must enter Turkey on "tour operator visa" and apply to Directorate of Security within one month to obtain residence permit. Foreigners who hold a minimum of 6 month residence are given tour operator work permit, regardless of their visa status.
http://www.antalya.pol.tr/index.php?option=com_content&view=article&id=140:tur-operatoerue-mueracaatlarda-stenecek-belgeler&catid=24:antalya-yabancilar-sube-mudurlugu&Itemid=880

migrant women working in the prostitution sector do not fall into the scope of any regulation. While some of these women have migrated to work in this sector, others aim for other sectors but are unable to get employment or are put off by low wages and are forced to join the prostitution sector. No matter what sector they are employed in, women migrants from the former Soviet Union are regarded as prostitutes and labeled “Natasha” (Gülçür and İlkakaracan, 2002:414) and they are forced into prostitution or are subject to sexual harassment/violence in the other sectors that they are employed. Sex workers have no right to seek legal justice when they are faced with violence and/or harassment in their everyday life or during work. Not only the fear of being deported prevents them from resorting to state authority, but also the shame they feel for working in this sector discourages them to seek help with their own consulate offices. (Gülçür and İlkakaracan, 2002; Kaşka and Erder, 2003; İçduygu 2004; Kalfa, 2008; Üstübcü, 2010)

It has been brought to our attention that Antalya has 4th place in the world for single night accommodation and this is an indicator of the growth in the numbers of local and foreign migrants coming for prostitution purposes. It was also pointed out that some of these women are fully aware that they will be working in the prostitution sector. The women are marketed at various prices, depending on the country they are from and client groups. A small portion of the prostitution sector is comprised of victims of human trafficking. Some of these women are brought into the country on false promises of employment in other sectors, while others are aware that they will be employed as prostitutes, but they are forced to work at much harsher conditions than promised. While sex workers used to come mainly from Russia, Moldova, Ukraine and Belarus before, the strong impact of campaigns against human trafficking in these countries have worked well and now mainly women from Turkmenistan, Kirghizstan, Uzbekistan, Georgia and Kosovo are coming to Turkey for prostitution, with the hope of overcoming their poverty. These women do not act independently, but rather migrate within the scope of a network, settling at specific areas. Hotels, lodges, Turkish bath facilities, saunas and homes are used for prostitution purposes.

Price is set on hourly/nightly bases and is generally shared between the woman and middleman. Shared daily income is estimated to be around a minimum of 500 TL, and hence the women make about 3-4 thousand/month. If caught in the act of prostitution, they are deported on grounds that they have no work permit and cannot re-enter the country for one year. If both parties declare that there is no exchange of money against the service, no legal action can be taken. For this reason, the phone lines of the middleman are tapped. Majority of the women caught are those servicing lower income men at lower prices, called “the floaters”. High priced prostitutes serving high income level men are well protected from deportation. They get legal assistance from lawyers of their clientele. Migrant women who have been deported on grounds of prostitution can re-enter the country by means of acquiring a new passport. Hence, photographs and fingerprints are essential for tighter control.

Victims of human trafficking make much less or no money at all. Arrested human traffickers are released shortly. On the other hand, some migrant women present themselves as victims of human trafficking when they are not. Some have joined the sector as sex workers and later became middleman for other women to make more money. When they claim to be victims of human trafficking, they are not deported. Their health expenses and return tickets are covered by the state. Especially, if migrants want to come back to Turkey to work in the prostitution sector, it is to their advantage to claim themselves victims of human trafficking. General Directorate of Security gets assistance from social service specialists to truly differentiate between real victims and false claims.

2.1.5. Suggestions for the Tourism Sector

Although general suggestions regarding irregular migration have been presented at the end of the report, we found it useful to summarize at this point comments and suggestions specific to the tourism sector. TÜROFED, an organization founded by employers of the accommodation facilities in the tourism sector made an application with Ministry of Culture and Tourism stating their comments and suggestions on the settlement of issues regarding audits within the scope of Law no 4817, Regulation on the Employment of Foreign Staff and Labour Law no 4857. To outline their demands briefly, they opt for a local management of work permits as opposed to a centralized structure, shortening of the time frame for the permit to be approved, lowering the cost pertaining to the process, raising the annual quota on the total number of permits and facilitating the issuing of work permit process for individuals married to Turkish nationals and other migrants with residence in Turkey.

Such demands by TÜROFED aim to remove obstacles in the way of employing foreign labour force at accommodation facilities in the tourism sector and the regulation that renders employment of foreign labour force more costly than the local labour force. It will be beneficial to determine in the light of objective criteria the need for foreign workers when local labour force cannot meet required qualifications. It is for this reason that representatives of central and local MLSS offices, the tourism sector and worker/ employer organizations must work together to determine this classification. One must also keep in mind that not all employers are owners of large scale businesses and that they may be largely varied in terms of size and other characteristics. In the tourism sector, a Russian speaking staff cannot be formally employed at a small scale business, as permit criteria will not be met. Therefore, opinions of this segment must also be sought to achieve an inclusive solution and a similar approach to that of tour operators working at travel agencies can be considered.

It is stated in the text of “Joint Issues Faced by Agencies Employing Representatives of Tour Operators” that not only documents but also the timeframe to complete procedures required by consulates may differ to a great extent, causing issues for travel agencies. It has also been stated during the interview with a sector representative that application

for residence is a long winded process for workers on tour operator representative visa. An ID number is required for foreigners to be covered by Social Security, obtain a tax number or to open a bank account in Turkey, which is not given to foreigners with less than a 6 month residence permit, thus creating problems in the course of the procedure. It is evident that the process of obtaining work/residence permit needs to be simplified, as foreseen in the draft Law Regarding Foreigners and International Protection.

Another issue that needs to be addressed is the important role Antalya plays in health tourism. Within the scope of this specific sector, there is a strong demand for Russian speaking hospital staff for patients from the former Soviet Union coming to Turkey for treatment or tourists in need of health care services during their stay. Decree dated November 4, 2011 allows foreigners to be on permanent pay roll of private health institutions. According to a MLSS official this regulation is a clear indication of the flexibility with regard to the work permit issue in sectors where foreign labour force is needed. The Directive governing Procedures and Principles with regard to Employment of Foreign Healthcare Staff in Private Health Institutions, issued on 22.3.2012, requires that the staff holds a certificate of equivalence, passes a qualification exam to work as doctor or nurse in Turkey and proficiency test in Turkish. Foreigners who have graduated from universities in Turkey, some of which have been employed informally, have applied for work permits within the scope of this directive.³² According to Health Tourism Association, this directive will contribute to Turkey's health tourism and foreign insurance companies will enjoy the freedom of bringing in their own physicians to provide emergency healthcare services to tourists.³³

To encourage employment of local labour force, foreign language education in Turkey must reach a highly qualified level. To this end, for instance, the number of Russian language departments could be increased at Turkish universities or student exchange programs could be initiated with universities in Russia.

Cultural activities undoubtedly play a major role in making Antalya a year-round tourism center as well as developing its sub-sectors (health tourism, culture tourism, fair tourism etc.) and the potential contribution resident migrants can make in offering a variety of cultural activities for winter tourists must not be overlooked.

The demand for migrant sex workers necessitate certain steps to be taken in this area as well. As sex workers are not deported on grounds that they are prostituting but that they do not hold a work permit, perhaps their formal employment at brothels could be considered.

32 As per Ministry of Health data, there are 1000 migrant physicians graduated from Medical School in Turkey and this directive was mainly targeting this group. (4.11.2011 www.cnnturk.com)

33 http://www.turkiyesaglikturizmirehberi.com/saglik_turizmi_dernegi_yabanci_doktorlarin_turkiyede_calismasi_kararini_destekledigini_acikladi.asp (access 9.8.2012)

2.2. Istanbul as a City of Immigration and Different Sectors: What Does Istanbul Promise to Migrants?

The current literature about migrants in Turkey inevitably mentions the employment of migrants in one way or another, even those that do not directly focus on this topic. All relevant studies stress that informal employment, informal social associations and informal rules in Turkey are the main elements underlying the short or relatively long life that irregular migrants establish here. Indeed, the presence of an informal labour market in Istanbul is an utmost important factor in terms of irregular migrants and employers that employ them. This section presents certain key socio-economic indicators for Istanbul followed by an assessment of migration data.

2.2.1. Key Characteristics of the Different Sectors and Labour Structure in Istanbul

Istanbul is Turkey's largest city with a population of 13,624,240 people. Istanbul is not important only because of its population size. Istanbul is Turkey's most important hub for industry and services. As it is well known, these characteristics have made Istanbul the most important destination for internal migration after the 1950's, in particular. Today, Istanbul not only hosts second and third generation internal migrants but also continues to be one of the main destinations for internal migration. At the same time, Istanbul has become one of the most important destinations, if not most important, for external migration flows since the end of the 1990's.

TUIK's data for 2010 shows that while the labour force participation rate in Istanbul stands at 47.8% the unemployment and employment rates are 14.3% and 41.0%, respectively. Compared to Turkey overall, the labour force participation rate and employment rate are slightly lower than the average. In contrast, the unemployment rate is slightly higher than the average in Turkey.³⁴ Table 18 shows the figures in 2011 for the population aged 15 + age together with their educational status.

Table 18 shows that in 2011 while the labour force participation rate (48.8%) and employment rate (43.1%) in Istanbul has increased slightly compared with the previous year, the unemployment rate has dropped (11.8%). The same table demonstrates that as the educational levels rise so do the labour force participation and employment rates. While the unemployment rates for high school and university graduates are almost the same, they have shown a decrease. Table 18 also shows that while high school and higher education graduates account for nearly half of the labour force in Istanbul (44.2%) the majority is comprised of primary school graduates (54.9%), with less than 1% that are illiterate.

³⁴ As mentioned in the section on Antalya in this report, the rates for Turkey overall according to TUIK's 2010 data are 48.8%, 11.9% and 43%, respectively.

**Table 18: Non-institutional population in Istanbul by educational and labour force status
(Age 15+) (2011) thousand persons**

	Non- Institutional Working Age Population	Labour Force	Employed	Unemployed	Labour Force Participation Rate %	Unemployment Rate %	Employment Rate %	Population Not Included in Labour Force
Illiterate	593	44	37	7	7,5	16,5	6,2	549
Lower than high school	5.950	2.619	2.289	330	44,0	12,6	38,5	3.331
High school-equivalent vocational school	1.953	1.098	981	117	56,2	10,6	50,2	855
Higher education	1.277	1.012	904	108	79,3	10,7	70,8	264
Total	9.773	4.773	4.211	562	48,8	11,8	43,1	4.999

Source: TÜİK Labour Force Statistics Database,
http://www.tuik.gov.tr/VeriTabanlari.do?ust_id=&vt_id=19

Another important indicator for Istanbul's population is the distribution of the employed population on sector basis. As expected, the share of agriculture in 2011 is at an ignorable level (0.5%). While industry has 39.8% share, the rate for the services sector stands at 59.7%. It is seen that the services sector has the highest share in terms of employment among all sectors. In Turkey overall agriculture, industry and services have a share 25.5%, 26.5% and 48.1% respectively, in the same year.

The figures in Table 19 show the distribution of the employed population by sectors, together with their social security status and gender. Accordingly, the rate of individuals without social security in industry sector (27%) is higher than that of the services sector (19%). Similarly, the rate of women that do not have social security in industry sector is fairly high (34.2%).

**Table 19: Employed individuals in Istanbul by economic activity and social security status
(Age 15+) (2011) thousand person**

	Agriculture			Industry			Services			Total		
	M	W	Total	M	W	Total	M	W	Total	M	W	Total
Not Registered	13	4	17	343	116	460	348	129	477	704	249	954
Registered	5	0	6	995	222	1.218	1.456	578	2.054	2.457	801	3.258
Total	19	4	22	1.339	339	1.677	1.804	708	2.512	3.161	1.051	4.211

Source: TUIK Labour Force Statistics Database,
http://www.tuik.gov.tr/VeriTabanlari.do?ust_id=&vt_id=19

According to SGK's data, individuals that have social security in Istanbul account for nearly all of the population. When included the green card holders to the active and passive insurance holders, almost all of the population (99.9%) in Istanbul is in

social security coverage.³⁵ Nevertheless, there are differences between TUIK's data and the Social Security Institution's (SGK) data. As can be seen from Table 19 above, according to TUIK's Household Labour Force Survey (HLFS) data in 2011 while there are 4,211,000 people employed in Istanbul, 954,000 people, namely 22.6% are not registered with any social security institution. The number of people employed is lower than SGK's figure, which was reported as 4,441,284 people.³⁶

The majority of Istanbul's employed population works in paid jobs. Table 20 presents data about the work and social security status of the employed population. As can be seen from the table, while the majority of Istanbul's employed population works in regular or casual paid jobs (81.6%), 17.3% are employers and self-employed, and 0.8% are unpaid family workers. When excluded the employers and self-employed persons, namely those that are registered with Bağ-Kur (4/b), and the unpaid family workers and taken into account only the regular and casual employees, the number of people that are not registered with any social security institution stands at 633,000. The share of persons among regular and casual employees that are not registered with any social security institution is 18.4%.

Table 20: Employed persons in Istanbul by their status in work and social security registration (Age 15+) (2011) thousand persons

	Regular or Casual Employees			Employer or Self-Employed			Unpaid Family Worker			Total		
	M	W	Total	M	W	Total	M	W	Total	M	W	Total
Not Registered	458	176	633	237	61	299	9	12	22	704	249	954
Registered	2.058	754	2.813	395	37	433	3	9	12	2.457	801	3.258
Total	2.516	930	3.446	633	99	731	13	21	34	3.161	1.051	4.211

Source: TUIK Labour Force Statistics Database,
http://www.tuik.gov.tr/VeriTabanlari.do?ust_id=&&vt_id=19

Table 21 shows the distribution of the insured paid workers in Istanbul according to certain activity groups. These activity groups have been chosen taking into account the jobs of migrants in Istanbul. Accordingly, various jobs in the services sector, wholesale and retail trade, manufacturing, and construction stand out as the leading areas of employment.

35 Within this framework, according to the current figures published on the Istanbul Provincial Social Security Directorate's website, as of 30 September 2012, there are 3,614,097 insured persons included in the scope of SSK (4/a); 524,996 in Bağ-Kur (4/b); and, 302,191 in the Pension Fund (Emekli Sandığı-the social security institution for civil servants) (4/c). The total number of active insurance holders is 4,441,284.

36 The difference between the data of SGK and TUIK is believed to stem from the fact while SGK's data depend on whether individuals are registered with any of the social security institutions, TUIK's data relies on the answers that respondents provided about their insurance status during the Household Labour Force Survey.

Table 21: Distribution of the insured persons and work places by the selected activity groups in Istanbul (under article 4-1/a of act 5510), (2010)

	No. of Workplaces	No. of Insurance Holders
Textiles-Clothing		
Clothing manufacturing	20.309	223.081
Textile products manufacturing	4.744	60.967
Leather and related products manufacturing	2.492	22.241
(Total)	27.545	306.289
Food Production	6.610	52.144
Construction		
Building constructions	18.926	187.793
Non-building constructions	904	36.992
Special constructions	12.627	100.101
(Total)	32.457	324.886
Wholesale and Retail Trade		
Wholesale & retail trade & Motor vehicle repairs	6.502	29.979
Wholesale trade (excluding motor vehicles repairs)	41.983	226.286
Retail trade. (excluding motor vehicles repairs)	60.163	275.960
(Total)	108.648	532.225
Services		
Postal and courier services	411	6.167
Accommodation	1.553	25.630
Catering services	18.698	116.326
Employment activities	70	5.552
Travel agencies, tour operators		
Education	2.546	19.706
Live-in care services	6.108	90.599
Domestic work	225	2.336
	1.032	1.582
(Total)	30.643	267.898
Total of selected activity groups in Istanbul	205.903	1.483.442
Total of activity groups in Istanbul	384.802	2.986.050
Total of activity groups in Turkey	1.325.749	10.030.810

Source: SGK Statistics Yearbook, 2010

One of the main structural characteristics of work in Istanbul is related to the number of workplaces engaged in manufacturing and the number of paid workers in such workplaces. In other words, small sized manufacturing enterprises are determinants for all sectors in Istanbul, as is the case across Turkey. According to SGK's 2010 data, 85% of the workplaces that have insured workers in accordance with Law 5510, that is the vast majority of workplaces are small businesses that have less than 10 workers.³⁷ The prevalence of small scaled businesses not only gives way to the above-mentioned high rates of informal employment but also enables this situation to persist.

An important question is what these statistics pertaining to Istanbul mean in terms of irregular migrants in Istanbul. In other words, what does Turkey's biggest metropolitan city promise to migrants? In general, international literature on countries that have a similar socio-economic structure like Turkey and the studies that have been conducted

³⁷ This rate has been calculated based on Table 1.1.13 in SGK's Statistics Yearbook.

in Turkey until now shed light to this question. The field study conducted for this research was designed to find answers to these questions. As presented in detail in the following section, the research has yielded findings similar to the current literature on the employment of migrants. Accordingly, Istanbul offers a convenient environment for the employment of irregular migrants due to its widespread informal employment structure. In parallel to the national labour force, migrants are employed in paid jobs, with some migrants that are self-employed, although very few in number. The main sector in which migrants are employed is the services industry, just as is the case for the national labour force in Istanbul. Migrants have found employment in various jobs in the services industry. The manufacturing sector comes second in line to the services sector. Whatever the sector may be, irregular migrants are clustered in unqualified jobs that are easy to enter and exit.

2.2.2. Migrants in Istanbul

As Turkey's biggest metropolitan city Istanbul, among other things, has historically been a junction and a regional city due to its geographical location. In particular, together with the globalisation process after the 1980's discussions and efforts to turn Istanbul into a global city began. (Keyder 2000)

Undoubtedly Istanbul is not only the most important address for internal migration but also for migrants that come to Turkey from other countries. As seen from the table below nearly one fourth of the foreigners enter and exit Turkey through Istanbul.

Table 22: Foreigner entry-exit figures for Istanbul (2000-2011)

Year	No. of Entries to Istanbul	No. of Entries to Turkey	Istanbul's Share out of Total Entries (%)	No. of Exits from Istanbul	No. of Exits from Turkey	Istanbul's Share out of Total Exits (%)
2000	2.310.263	9.748.327	23,7	2.168.193	9.393.355	23,08
2001	2.445.071	10.912.771	22,4	2.356.827	10.530.600	22,38
2002	2.645.056	12.906.274	20,5	2.551.261	12.606.264	20,23
2003	3.061.177	13.461.420	22,7	2.827.630	13.180.903	21,45
2004	3.327.455	16.854.377	19,7	3.387.222	16.503.787	20,52
2005	4.634.814	20.275.213	22,9	4.645.153	19.672.616	23,61
2006	5.098.600	18.916.904	27,0	5.012.180	18.373.100	27,27
2007	6.125.712	22.249.775	27,5	6.111.181	21.926.034	27,87
2008	6.637.366	25.002.493	26,5	6.685.157	25.096.601	26,63
2009	7.135.193	25.529.375	27,9	7.254.411	25.799.309	28,11
2010	6.508.163	27.024.609	24,1	6.464.962	26.902.576	24,03
2011	7.596.824	29.362.434	25,9	7.551.354	29.232.463	25,83

Source: General Directorate of Security (GDS)

As can be seen from the table, citizens of other countries have made around 7.6 million entries to Istanbul in 2011. The number of entries has increased more than three fold in 11 years. This figure includes ,of course, tourist arrivals but also both regular and irregular migrant entries.

2.2.2.1. Regular Migrants in Istanbul

While it is impossible to predict the total number of migrants in Istanbul and in Turkey overall, it is possible to obtain accurate information from the General Directorate of Security (GDS) about regular migrants that have obtained a residence permit for various reasons such as work or education. The table below shows the number of foreigners that have been granted a residence permit, on a gender basis, by the General Directorate of Security (GDS) under the Ministry of Interior. The statistics for 2001-2007 include the total number of foreigners that have obtained a residence permit in Istanbul for work and non-work reasons. The data for 2008-2011 include only the residence permits issued for work reasons. That is why the 2001-2007 data have been taken into account when preparing this table.

Table 23: Number of foreigners granted a residence permit in Istanbul by sex (2001-2007)

Year	Male	Female	TOTAL
2001	34.388	32.399	66.787
2002	35.480	33.373	68.853
2003	35.083	32.990	68.073
2004	39.907	34.162	74.069
2005	46.865	41.016	87.881
2006	85.440	18.233	103.673
2007	94.524	27.570	122.094

Source: General Directorate of Security (GDS)

Before presenting the data on residence permits granted for work, it is necessary to refer to the recent regulation related to irregular migrants. The Ministry of Interior issued a circular in June 7th, 2012. This circular, known as “residence amnesty” by the public, titled “The Circular on Foreigners Violating Visa/Residence”. According to the circular, foreigners who violate their visa or residence permit can apply to the district directorships of foreigners bureaus. They can get residence permit up to 6 month, if there is no legal obstacle in their file. In order to get residence permit, they are required to pay legal fee and fine calculated according to duration of expiration of their visa.

According to the information obtained from İstanbul Security Directorate in February 18th, 2013, the number of foreigners who have got residence permit with this circular is 10.592, 3.725 men and 6.897 women. 2.675 residence permit were issued by Fatih Directorship of Foreigners Bureau, 1.021 by Kadıköy, and 555 by Beşiktaş. 99 foreigners have got residence permit in Zeytinburnu district.³⁸

The number of residence permits granted for work by gender between 2008-2011 is provided in the table 24.

³⁸ The information obtained from İstanbul Security Directorate does not include statistical data on the total number of application and distribution of applicants by sex.

Table 24: Number of foreigners granted a residence permit in Istanbul by sex (2008-2011)*

Year	Residence Permits Granted		Sex		TOTAL
	Renewal	First Application	Men	Women	
2008	5.350	253	4.733	870	5.603
2009	3.817	890	3.060	1.647	4.707
2010	4.854	911	3.760	2.005	5.765
2011	6.763	1.411	5.269	2.905	8.174

Source: General Directorate of Security (GDS)

* The table has been prepared based on the GDS's figures for December

As of 2011, the number of residence permits for work purposes issued by the Ministry of Interior stands at 23,027 (see Table 8). Accordingly, the 35.5% of the residence permits for work purposes have been issued for Istanbul. These rates demonstrate the importance of Istanbul in Turkey in terms of the residence permits issued for various reasons, as is the case for work related residence permits.

When analysed the data in Tables 7 and 23 as well as Tables 8 and 24 in terms of residence permits two main results emerge. Firstly, the number of residence permits issued for work or other reasons in Istanbul and overall in Turkey is rather low. Secondly, the percentage of residence permits issued for work purposes out of the total residence permits in Istanbul and Turkey is strikingly low. In other words, out of the 217,206 residence permits issued in Turkey as of 2011 only 10.6%, corresponding to 23,027 permits have been issued for work purposes. Similarly, out of the total 85,091 residence permits issued for Istanbul only 8,174 (9.6%) were for work purposes. Accordingly, the percentage of work related residence permits in Istanbul is even lower than the average rate in Turkey. The percentages demonstrate the difficulty for migrants to find regular jobs in Istanbul and across Turkey and explain the reason for the irregularity. They also point to the need to introduce radical arrangements to regularise the employment of migrants in Turkey. While Turkey wishes to develop its commercial relationships particularly with its neighbours and countries in the region and has a relatively flexible/liberal visa regime such as visa exemptions etc. for certain countries to facilitate border crossings, it has extremely strict policies concerning residence and work permits towards citizens of other countries. In this context it can be said that, the above-mentioned "residence amnesty" is a rather limited regulation, giving the numbers of foreigners who could get residence permits with this "amnesty". During the fieldwork in Istanbul the migrants we interviewed or we had opportunity to chat, said that it would be impossible for them to apply because of the high amount of the fines they had to pay.

General Directorate of Security (GDS)'s data shows the distribution of the economic activities on a provincial basis for the residence permits issued for work purposes. Therefore it offers insight into the areas in which the few number of regular migrants work in Istanbul. This data is presented in Table 25.³⁹

39 During the writing of this report further detailed migration statistics pertaining to Istanbul could not be obtained therefore the assessments are based on the limited data at hand. A more comprehensive interpretation about regular migrants in Istanbul should the below data be obtained from the Turkish National Security:

a) the distribution of the residence permits issued in Istanbul for work purposes by countries; b) the distribution of the residence permits issued in Istanbul for work purposes by nationality and economic activity.

Table 25: Residence permits issued in Istanbul for work purposes by economic activity *

Economic Activity	2001	2005	2010	2011
Tourism	0	56	3	9
Teachers in embassy schools	719	600	1	36
Athletes	49	124	178	195
Private/Language schools	1.626	1.552	406	623
Private organisations	6.648	7.737	4.204	6.060
Public agencies	99	88	0	-
Scientific research-excavations			3	8
Academic staff	325	400	631	750
Assembly, maintenance, repair	1	15	44	56
Clergy			3	5
Press	81	94	152	187
Work permit exemption			14	16
Other	3.108	2.904	126	229
Total	12.656	13.570	5.765	8.174
(Men)			3.760	5.269
(Women)			2.005	2.905

Source: General Directorate of Security (GDS)

* The table has been prepared based on the GDS's figures for December

As is the case for Turkey overall, migrants working in the private sector account for the largest group (74.1%) among those that have been granted a residence permit for work purposes. The percentage of migrants working in private organisations in Istanbul that have been granted a residence permit for work purposes (45.9%) is higher than the average rate in Turkey. The second largest group in Istanbul consists of academic staff (total 750), and the third of private school and language school teachers (total 623). Therefore, the education sector has a 16.8% share with 1,373 permits issued to migrants. While the tourism sector ranks second with a share of 22.5% for the 5,910 permits issued to migrants in Turkey overall, it is interesting that it stands at an ignorable level for Istanbul. Whether this is due to the tourism industry being included in another category or other reasons needs to be studied.

The findings of the field study conducted in Istanbul shows that, as will be detailed in the next sections, migrants come from a wide range of different work areas, educational backgrounds and qualifications. Therefore, the categories specified in Table 25 significantly differ from the labour force dynamics.

In addition to the statistical data provided by the General Directorate of Security (GDS) regarding the residence permits issued to regular migrants, the other source of information is the statistics provided by the Ministry of Labour and Social Security regarding work permits. It is also possible to make an assessment regarding the regular migrants in Istanbul based on the Ministry of Labour's data. As of 2011 a total of 7.760 work permits were issued for Istanbul.⁴⁰ This figure corresponds to 46% of

40 As previously mentioned, the Turkish National Security issued 8,174 residence permits for work purposes in 2011. The number of work permits issued by the Ministry of Labour for the same year is lower. As previously presented in the section titled "Assessment of Statistical Data", this difference can be explained by the migrants that are exempt from a work permit and the work permits issued by ministries other than the Ministry of Labour.

the total 16,890 work permits issued across Turkey. Accordingly, half of the regular migrants working in Turkey are located in Istanbul. Nevertheless, as we have limited data regarding to work permits issued to regular migrants in Istanbul it is not possible to make further comments regarding the regular migrant group.⁴¹

2.2.2.2. Irregular Migrants in Istanbul and Audits

As it is frequently emphasised in migration studies related to Turkey, it is not possible to predict the number of irregular migrants that come for work purposes. Even though it is difficult to even predict the number of irregular migrants there are two data sets, which are correlated, regarding irregular migrants in Turkey. One of these is the number of persons deported and the second one is the administrative fines imposed on illegal migrant workers and their employers. Table 26 provides the deportation data obtained from the General Directorate of Security (GDS).

Table 26: Number of foreigners deported from Istanbul according to reason for deportation (2001-2011)

	Prostitution	Sexually Transmitted Disease	Visa Violation	Illegal Entry/Exit	Illegal Work	Other	Men	Women	Total
2001*	833	565	2.443	3.504	606	2.844	-	-	10.795
2005*	603	512	2.500	3.698	108	2.424	-	-	9.845
2010	673	1.047	2.417	1.066	1.107	3.040	4.656	4.694	9.350
2011	699	788	2.023	869	933	3.280	4.537	4.055	8.592

Source: General Directorate of Security (GDS)

* The distribution by gender is not available for these years.

As previously mentioned in this report, the number of persons deported from Turkey in 2011 stands at 26,889. Therefore, Istanbul holds an important place with 8,592 (32%) people deported in the same year.

As seen from the table concerning foreigners that were deported, “illegal work” also constitutes an important place in addition to “visa violations” and “illegal entries and exits”. It was previously mentioned that the number of persons deported in Turkey have declined by the years (Table 3). A similar trend holds true for Istanbul. In other words, while the overall decline is due to the decline in visa violations and “illegal” entries and exits through the borders, the same is true for Istanbul. On the other hand, the number of foreigners deported due to “illegal work” shows a fluctuating pattern. This could be linked to the number of inspections. In 2001 the number of persons deported

41 In the section titled “Assessment of Statistical Data” (Section 1.6), it was possible to refer and assess the statistical data for Turkey overall. However the similar data on a provincial basis needed for such an assessment could not be obtained from the Ministry of Labour. Therefore, the analyses for Antalya and Istanbul are limited due to the lack of the below data: the distribution of the work permits issued to foreigners by their types, nationality, gender, age group and educational level.

due to “illegal work” is 606, 231 in 2006, 1,107 in 2010, and 933 in 2011. On the other hand, it was in 2006 that the data concerning deported persons was presented on a gender basis. Accordingly, in 2006 39.4% of the foreigners deported were women. This figure was 50% in 2010 and 44.4% in 2011. The current statistics do not present a distribution of the offences on a gender basis therefore we do not have data about the numbers and percentages of men and women that were deported from Istanbul because of “illegal work” or other reasons. However, when taken into account that the majority of persons deported due to prostitution and sexually transmitted diseases are women, it can be predicted that these two reasons together with “illegal work” stand out as the main reasons for deportation among women. The data at hand does not make it possible to make a more comprehensive assessment about deportation, which is one of the two main indicators concerning irregular migrants in Turkey.⁴²

Table 27: Administrative fines imposed by the Istanbul labour and İŞKUR regional directorate pursuant to law 4817 (2010-2011)

	Workplace		Foreign National		Foreign National Working Independently		TOTAL	
	Number	Fine (TL)	Number	Fine (TL)	Number	Fine (TL)	Number	Fine (TL)
2010	375	4.303.119	61	33.007	7	15.437	443	4.351.563
2011	398	4.573.852	62	34.352	6	13.734	466	4.621.938

Source: Ministry of Labour and Social Security

As seen from Table 27, while there is only a slight increase in the number of workplace inspections, the number of migrants that have been identified to be illegally employed/working has remained unchanged. The fines imposed in 2011 have shown a minor increase compared with 2010. This indicates that the number of inspections is very low. On the other hand, the characteristics of the workplaces inspected also explain these figures. It appears that the prevalence of small-scaled businesses, as one of the key structural elements for employment in Turkey and Istanbul, and the invisibility of migrant employment in such workplaces play an important role in this.⁴³ We do not have data about the distribution of the administrative fines imposed on irregular migrants based on their gender.

The social security inspectors that we interviewed in Istanbul explained the process applied in the case of illegal work. Accordingly, inspectors audit workplaces on a complaint/report basis. If illegal migrant workers are identified during these inspections, an administrative fine is imposed on the worker who is then deported. Such employers are also fined for employing “illegal workers” and for employing them without any

⁴² The distribution of persons deported from Istanbul on a nationality basis is important in that it will illustrate the relationship between the rate of entries to Istanbul and the rate of deportations. This data could not be obtained.

⁴³ According to Lordoğlu’s study based on the records of the Work Inspection Board, Istanbul Regional Labour Directorate for 2005-2006, 1/3 of the fines were imposed on persons who individually employed migrant workers, where all workers were employed for domestic work (Lordoğlu, 2010).

insurance. For example, the inspectors responsible for the Beşiktaş area expressed that they perform at least 15-20 inspections every month and that these inspections are not limited to migrant workers but cover informal employment overall. During the interviews, inspectors mentioned that around 10% of the informal workers identified in their respective areas are migrant workers. The workplaces inspected are generally those that are engaged in manufacturing. The number of complaints for domestic workers is lower and the complaints are mostly filed by neighbours. The inspectors interviewed mentioned that they come across some migrant workers who were younger than the age of 18 and that their numbers are not high. During our interviews with officials from the Ministry of Labour, they mentioned the challenges of proving the employment of migrants, saying that neither the worker nor employer accept the employment and declare that “the migrant is their guest” or “the migrant was passing by and that they offered some food” or “that they do not know anything about it”. The officials also stated that the fines are not deterrent for the employers. According to the inspectors there is a total of 700 inspectors in Turkey and this figure has now approached 1,500 with the new recruitments. There are around 300-350 inspectors in Istanbul. During our interviews with officials in Istanbul from the Ministry of Labour they expressed that there are around 200 labour inspectors and that half of them are responsible for technical matters (such as occupational health and safety).

According to the officials at the Istanbul Provincial Employment and Labour Directorate, the Directorate’s primary mandate is to evaluate the reports and impose fines. The labour inspectors, SGK inspectors or law enforcers evaluate the reports and issue fines accordingly. When the Provincial Directorate issues a fine, it reports it to the Ministry, the civilian authority and the district governor. One of the officials defined the Istanbul Provincial Directorate’s function as “somewhat of a secretariat”.

The main unit that deals with the undocumented employment of foreigners is the Department of Work Permits for Foreigners based in Ankara. The official in Istanbul that we interviewed expressed that a recommendation was made towards authorising provincial directorates to grant work permits on a local basis, however, the permits are still being issued centrally due to potential exploitation of such a system. The official also said that a regional analysis is not conducted with respect to the areas for which a work permit should be issued.

During our interviews with the Illegal Migration and Human Trafficking Bureau at the Kumkapı Removal Centre in Istanbul, officials expressed that migrants brought to the centre for deportation are generally migrants that have entered Turkey illegally for transit purposes. Officials expressed that they would be able to present more accurate data 6 months later as illegal migrants that have not committed any offences will be able to benefit from the residence amnesty. The officials also expressed that the Removal Centre has a capacity of 300 people (200 men and 100 women) and that this capacity is generally exceeded. At the time of interview, there were 400 people at the centre. Officials from the Illegal Migration and Human Trafficking Bureau said that the new draft law provides for a civilian structure for the Borders and Asylum Unit and that they will have to wait and see the effects of this arrangement on the Removal Centre.

When evaluated the above two tables and the interviews, it can be deducted that only a few number of migrants have been sanctioned because of “illegal” work. Therefore, rather than taking measures against irregular migrants, including deportation, there is obviously the need to consider methods to “regularise” such migrants. Furthermore, the table concerning the deportation reasons shows that the main reasons are visa violations and illegal entries and exits. This can be interpreted as both the cause and consequence of circular migration. This situation also shows that only a small minority of the migrants in Turkey are “criminals”. Therefore, there is a very weak connection between “illegal migrants” and “criminality”.

2.2.2.3. Refugees and Asylum Seekers

Another group of migrants with unique characteristics is the refugees and asylum seekers. Istanbul is an attractive address for this group. The table below presents current data from Istanbul pertaining to this group of migrants.

Table 28: Total Number of refugees and asylum seekers in Istanbul (2011)

Country	Number
Iraq	918
Afghanistan	184
Somalia	92
Iran	85
Kyrgyzstan	70
Uzbekistan	61
Syria	36
Other	32
Total	1.770

Source: General Directorate of Security (GDS)

Out of the total 16,690 refugees/asylum seekers in 2011, Istanbul accounts for 11%. Overall in Turkey and in Istanbul the top three countries of origin are Iraq, Afghanistan and Somalia. Refugees and asylum seekers are groups whose rights are protected under international law and it goes without saying that they cannot be considered irregular migrants. Nevertheless, the challenges that these groups face in terms of “employment” divert them to Istanbul and the irregular work in Istanbul. Therefore, refugees and asylum seekers that lack a work permit bear similar characteristics to irregular migrants in terms of their status in labour market.

2.2.3. Employment of Migrants in Different Sectors in Turkey

The majority of the studies in Turkey on the employment of migrants have been conducted in Istanbul. The studies show that, as in other migrant-receiving countries, migrants are not positioned in the labour force coincidentally but rather in specific jobs in the informal labour market. These jobs are labour-intense jobs such as care/cleaning

services, textiles, and construction. Apart from these industries, shuttle trade and as highlighted in the section on Antalya, the tourism, entertainment and sex industries are among the areas where irregular migrants are able to find work. The field study conducted in Istanbul as part of this research does not include this second group of migrants.

2.2.3.1. Care Services

To date, the majority of the data regarding the jobs that migrants perform in Turkey is about migrant women working as domestic workers (Akalın 2007 and 2010, Kaşka 2009, Keough 2003 and 2006, Kümbetoğlu, 2005). It appears that in Turkey the very nature of welfare regime based on families has shifted due to rapid social changes and urbanisation, making it difficult for families to bear this load. This has led to significant employment opportunities, in particular for irregular migrant women. While care services require women to work as live-in workers, this situation has resolved their accommodation problems. On the other hand, the employment of these migrants as live-in workers prevents local competition to a certain extent. The “feminisation of migration” trend seen across the whole world is evident in the concept of “care migration” in the field of employment (Hochschild, 2003).

It is a known fact that care services are most suitable for informal employment due to the nature of the job and its location. This is perhaps the most significant difference that sets care services apart from the other sectors. As it is known, both formal and informal employment is seen in all other sectors. In general, informal employment is more common in small and medium sized workplaces. Although large sized enterprises have a close link to informal employment through subcontractors at least an important part of their employees in the “primary” workplace are registered. However nearly all of the domestic and care services are informal employment.

In Turkey, as of December 2010 the number of domestic workers registered with SGK stands at 3,204, as expressed by Karadeniz. On the other hand there is a worldwide trend towards private care services at home rather than care services delivered by the public sector and in public institutions (Karadeniz, 2011).⁴⁴

Due to the informal market, it is not possible to predict the number of local persons

44 Karadeniz focuses on the women in Turkey who provide care services to poor persons in need of home care and accordingly receive “assistance” from SHÇEK (Social Services and Child Protection Agency), pursuant to an amendment made to the Social Services and Child Protection Law in 2007. According to this law, in low-income households a family member woman who provides care to another family member receives minimum wage, however, without any social security whatsoever. Karadeniz mentions that if the same care were to be provided by a nursing home or at home but by someone who is not a family member then that person must have social security. Accordingly, Karadeniz draws attention to the conflict between paying minimum wage without social security to a family member (Karadeniz, 2011). In 2012 the number of persons providing care at home stands at 389,571. (Data gathered from the Ministry of Family and Social Policies).

and/or migrants working in care/cleaning jobs in other people's homes in Turkey. Due to the nature of the job and workplace these workers fall outside of the agenda of the unions. Nevertheless, we are witnessing some association efforts in the form of new social movements apart from the conventional union structure. One of these associations is the Domestic Workers Solidarity Union. A member of this Union expressed that there are lots of local and foreign women working in domestic jobs in Istanbul.

A representative of a consulting services company that we interviewed during the research expressed that widowed women that lack financial means who used to find jobs through doormen and especially those women that are good-natured, skilled and experienced find work as live-in care providers. However, according to this representative, the daughters of former care providers have not become care providers and have preferred to work in other jobs as they are more educated and therefore the number of Turks working in this industry has declined.

2.2.3.2. Textiles and Clothing Industry

In Turkey, as of 2008 while there were 14,275 workplaces manufacturing textiles and 336,353 insured workers in this field, the number of clothing manufacturers was 28,915 with 398,420 insured workers. This industry is an important one in terms of employment with 734,773 insured workers. Although it is only possible to make a guess about informal employment in this industry the predictions vary vastly from half to double the number of registered workers.

In our interviews with the textiles and clothing unions, it was said that there is around 60,000 workers that are member to a union in this industry in Turkey. As previously mentioned, the textiles and clothing industry in Turkey is predominantly comprised of small sized businesses, similar to other industries and that union have therefore not been able to organise in these workplaces. According to union officials, the major problem in the textiles and clothing industry is the lack of social security.

One of the union officials we interviewed said that even if big companies do not employ migrants in their factories, they employ them through their subcontractors. Some union officials expressed that they do not think that a lot of migrants are employed in the textiles industry. However, manufacturing through subcontractors that extends all the way to manufacturing at home is something that even the big companies cannot monitor.

The textiles and clothing industry offers employment opportunities to irregular migrants. It is known that both women and men and even minor migrants work in this industry. Dedeoğlu's (2011) study is based on a field study conducted in Istanbul and provides insight into the Azerbaijanis working in this industry.

The clothing store owners in Aksaray, known to employ migrants, and representatives of the employer associations in Laleli and Osmanbey that were interviewed during this study are at the same time engaged in manufacturing. All of these employers expressed

that they employ migrants as sales representatives and shop assistants etc. but that there is no need for migrant labour in manufacturing, therefore they employ national labour for this purpose.

Nevertheless, it is difficult to make a generic statement for the whole industry. As mentioned above, while large sized enterprises employ migrants through subcontractors it is not the case that all small workplaces employ migrants.

2.2.3.3. Construction Industry

The construction industry stands out as the most significant employment area across the world for unqualified male labour. It is known that in Turkey this industry is mainly comprised of an informal structure. Nevertheless, just like other industries, the construction industry too is heterogeneous. In addition to small scaled construction companies and contractors there are also large scaled companies that use high technology and their number is increasing by the day.

An official from an association, whose members are predominantly comprised of large construction companies, highlighted the difficulty of predicting the number of workers in the Turkish construction industry due to the continuously changing seasonal workers. Nevertheless, the official expressed that in a past study they identified more than 10,000 qualified workers with social security in Istanbul and if they were to make a guess, there would probably be two times more workers that work informally. The official mentioned that while large companies maintain the foreman structure the situation is different in small companies.

The representative of the construction employers' association that was interviewed said that the employment of migrants is not in question for building constructions but that they have heard rumours about migrants being employed in rural areas and districts such as Esenyurt and Büyükçekmece.

The construction industry is a difficult area to study in terms of the employment of migrants. That is why, to the best of our knowledge, the only study on migrant workers in Turkey is Akpınar's (2009) study on the construction workers in Istanbul and İğdır. Akpınar's study reveals that migrants from Azerbaijan, Uzbekistan, Afghanistan and Georgia, in particular, are able to find jobs in the construction industry where they are competing against the local Kurdish labour force.

2.2.4. Findings of the Fieldwork in Istanbul

The field study conducted in Istanbul as part of the research took place from June to October 2012 for about four months.

A total of 107 interviews were conducted during the field study. The distribution of these interviews is as follows:

Table 29: Interviews in Istanbul

Interviewees	Number
Migrant	47
NGO	17
Lawyer	1
Employer	14
Employer association representative	3
Union repr.	6
Public agency (central) official	7
Local government repr.	4
Tradesmen	5
Landlord	1
Private Employment Agency Owner	1
Repr.of Private Employment Agency Association	1
TOTAL	107

As summarised in the above table, the field study included various circles in Istanbul's labour market such as migrants, their direct employers or employers that have employed/ are employing migrants, employer associations, unions, central and local public agency officials, and business owners/landlords that have relationships with migrants in daily social life. Accordingly, the field study has provided considerable insight into migrants in Istanbul's labour market in the present day.

The majority of the interviews during the field study were conducted in Kumkapı. The remaining interviews were conducted in districts like Çapa and Kadıköy. Initially the aim of the field study was to access migrants through the sectors in which they are employed. However, during the preparation phase, due to difficulty and sometimes impossibility of accessing migrants through their respective sectors not only because of their employment being irregular/undocumented but also their private lives, the researchers decided to conduct the field study in Kumkapı, which is a typical migrant district. Accordingly, the majority of the migrants that were interviewed either work and/or live in Kumkapı. There was a key person who enabled us to access the migrants in Kumkapı and conduct the interviews in a relaxed manner. The key person, a teacher living and working in Kumkapı, enabled us to access the migrants, business owners and headmen (muhtar) in Kumkapı. Owing to his relationships built on trust, the business owners and headmen to whom we were introduced further introduced us to other migrants.

A total of 47 interviews were conducted with migrants during the field study in Istanbul. Among them, 4 women were naturalized through marriage, therefore they were Turkish citizens at the time of interview. Additionally, seven migrants were not present at the interview but certain information about them was gathered. Therefore, information pertaining to a total of 54 migrants was gathered, some in detail, some shorter.

The key criterion for the research team was whether the migrants interviewed were irregular workers, not whether they were transit migrants, shuttle migrants or had filed for a refugee status. Irrespective of the migration patterns, the researchers set off from the assumption that the migrants were irregular migrants in the labour market. While the interviews with migrants primarily focused on employment, various questions about their socio-economic profile, migration history, legal status, networks, problems and expectations etc. were also asked. The interviews were conducted using a semi-structured questionnaire.⁴⁵

2.2.4.1. *Who Comes to Istanbul? The Countries and Socio-Economic Profiles of Migrants Interviewed*

One of the most important findings of the field study in Istanbul is the diversity of the countries from which the migrants come. Among the migrants interviewed there were Armenians, Georgians, Turkmen, Uzbek, Crimean Turks, Ukrainians and Moldovans from the former Soviet Union as well as migrants from various African countries (Senegal, Nigeria, Ghana, Congo). In addition, interviews were conducted with migrants from Egypt, Iran and Syria. Undoubtedly, these countries can be associated with the current structure in Kumkapı, where the majority of the interviews were conducted. However, nearly all of the interviewees shared their observation that the number of migrants from various countries, in particular African countries, is increasing.

The table below shows the number of entries and exits on a national level with respect to migrants from Africa and the Middle East who have come to Kumkapı to settle and work.⁴⁶

Table 30: Number of foreigners entering and exiting Turkey from selected African countries by years

	2000		2005		2010		2011	
Nationality	Entry	Exit	Entry	Exit	Entry	Exit	Entry	Exit
Egypt	19.241	18.931	42.723	43.391	60.452	59.232	77.570	76.484
Nigeria	2.237	1.459	2.593	2.629	8.911	7.896	14.281	13.348
Senegal	1.288	1.308	1.378	1.347	4.751	4.108	5.562	4.479
Ghana	149	128	400	408	736	642	1.807	1.377
Congo	28	29	1.016	984	2.310	1.680	3.896	2.198
Total	25.229	23.931	53.407	54.278	89.910	88.393	119.658	113.441
Grand Total	9.748.338	9.393.355	20.275.213	19.672.616	27.024.609	26.902.576	29.362.434	29.232.463

Source: General Directorate of Security (GDS)

45 Nearly all of the interviews with the migrants were conducted with two, in some cases three members of the research team. Except for three of the interviews in Kumkapı, the teacher who played a key role in enabling us to access the migrants attended the interviews. The interviews generally started in the evening. During Ramadan some of the interviews (especially those with Muslim migrants) were conducted after the iftar and continued until after midnight.

46 Because we did not have data pertaining to Istanbul during the writing of the report we used the data for Turkey in this table. The data for Istanbul could not be obtained.

In addition to other groups, Kumkapı stands out as an area that migrants from Africa, who are not large in number among the total number of migrants, prefer to settle in. . It is known that migrants do not settle in Kumkapı incidentally, as the informal connections that they will seek to cope with irregularity plays a determinant role in their choice of location. As a matter of fact, a business owner that we interviewed in Kumkapı said that even the African Americans in New York could give the directions to find Kumkapı.

As much as the countries of origin, the migrants' socio-economic profiles also offer a lot of information. Some of the key findings about the socio-economic profiles of the migrants interviewed are provided in Annex 1. When analysed the table in Annex 1, the below findings were reached with respect to the migrants interviewed:

- More than half of the migrants are women (32). Turkey continues to witness the trend of migrating women, as observed in initial migration studies. Most of the women migrants have migrated without any other accompanying family member. Men have also migrated to Turkey as a destination country.
- The vast majority of the migrants interviewed are adults older than the age of 18. Their ages vary between 23-68 years. However, we did encounter three minor migrants, one who is aged 15 and two aged 17.
- Half of the migrants that we interviewed or indirectly obtained information about are married and apart from the single migrants nearly all of the married/divorced/widowed migrants have children. Half of the migrants have at least one family member living in Istanbul and some migrants' family members were commuting to Istanbul from time to time for work or holidays. One fifth of the migrants about whom we directly or indirectly gathered information are not together with their family in Istanbul.
- The fact that migrants coming to Turkey are educated is often emphasised in migration studies. The field study in Istanbul showed that the educational level of migrants is fairly high. Apart from an African migrant woman who has never received any formal education as well as women and men migrants who have recently come to Istanbul from Syria and have attended 6 years of school, migrants that we have knowledge about, in particular those from the former Soviet Union countries, are generally university graduates or have completed the 9-10 years compulsory education in their respective countries. Among the migrants interviewed there were some migrants that had two university diplomas or had a graduate degree.
- Another indicator that goes parallel with the educational levels is the migrants' profession. In particular, migrants holding a university diploma have a profession. Nevertheless, among the migrants interviewed there were housewives who had never worked before despite having finished their compulsory studies.
- More than half of the migrants interviewed expressed that they lived in a city in their home country.

2.2.4.2. What do Migrants Find in Istanbul? Migrants in the Labour Market

As previously mentioned migrants mainly work in paid jobs. However, we have also witnessed migrants engaged in small businesses such as running a laundry or hairdresser, namely self-employed migrants.

As the current literature in Turkey explicitly demonstrates, the jobs that migrants engage in are closely related to gender. The vast majority of migrant women work in care services. Apart from these women, we interviewed women that work in cleaning jobs in hotels or homes, men and women that work as shop assistants, migrant men and women that work in leather and textiles factories as well as migrants that work in cargo companies or work as waiters, car mechanics, car park workers, jewellery designers and construction workers. The jobs and other related indicators pertaining to the 54 migrants interviewed or about whom we collected data indirectly during the field study are presented in Annex 2.

In addition to gathering information about the jobs of the migrants interviewed we also asked the other persons we talked to during the field study the following question: “What jobs do you think migrants work in?” Accordingly, the below list that we prepared setting off from the answers is based on the information that interviewed migrants provided about their past and current jobs as well as the observations and testimonies regarding migrants of the persons other than migrants that we interviewed. Therefore, it offers a range of the jobs of irregular migrants in Istanbul.

The aim of this list is not to reflect the “frequency” but what kind of jobs migrants engage in, either rarely or frequently. While preparing this list the jobs directly related to manufacturing were categorised as manufacturing and the rest as services.

According to the results of the field study in Istanbul the following jobs were included in the “services” category:

Garbage/paper collection; street cleaning; portorage for drinking water companies, moving companies, factories; staircase cleaning; construction cleaning; park-garden work; road/sidewalk work; car washing; auto mechanic and gas station work; packaging work in cargo companies; apprenticeship (grocers/greengrocers/dry goods store); coffee shop/Internet café work; cleaning jobs in shops or hotels; working in dish washing, working as stewards, busboys or waiters in hotels or restaurants; gardening; care services for the sick/elderly/children; live-in or live-out domestic work; hairdressing and waxing; massage; dancing; playing instruments in entertainment venues; working in night clubs; prostitution; working as store attendants, shop assistants or sales representatives; modelling; working as stylists in textiles; jewellery designer; various jobs in tourism; translating; teaching in language courses, private schools, preschools; teaching folklore/music; small sized trade (selling souvenirs, dolls, necklaces, instruments, watches in the marketplace or on the street); selling drugs; shuttle trade.

Apart from the above jobs included in the services industry, during the field study we observed that some migrants have been or are self-employed in businesses such as running a kiosk, laundry, restaurant or bar. Some of the migrants interviewed, depending

their on current or previous jobs in Istanbul and their length of stay in Turkey, were also “brokers”, namely persons finding jobs for other migrants for a commission, despite working in paid jobs.

During the field study we observed that some of the migrants work in the manufacturing industry. These jobs are:

Working in leather ateliers (shoes, bags); working in clothing/textiles ateliers (thread cleaner, packager, presser, machine operator); working in sock factories; bag stitching in factories; denim sandblasting; carpet weaving; painting; working in bakeries; working in a carpenter’s workshop; working in a jeweller’s workshop; working in a lighting atelier; working as a quality controller in a key factory. In addition to these jobs, during the field study we also witnessed that migrants are engaged in home-based work such as making beads.

Finally, in addition to the above jobs, we were told that some migrants work in agriculture and animal husbandry around Istanbul, although we did not directly observe this.

This range of jobs demonstrates the sectors and work position, not specifically each and every job, and the “frequencies” of the jobs. Accordingly, while the majority of migrants work in the services industry some of them work in manufacturing. Nearly all of the migrants work in paid jobs.

When analysed the jobs performed by migrants, we believe that a link can be established between the job type, the migrant’s gender, whether the migrant lives in Istanbul alone or with his or her family, and where the migrant lives. For women working in care services and migrants working as auto mechanics or in car parks their workplaces are generally their homes at the same time. During the study we did not interview migrants working in bakeries. However, during the field study we often saw that working in a bakery is a common job. Bakery jobs also provide accommodation for migrants. During the study, we also saw that the leather or textiles workers that we interviewed lived in homes that they rented together. Nevertheless, during the preparations for the field study we witnessed that some migrants working in a textiles factory in Güngören also lived there. Working and living in the workplace is important for migrants as it gives them invisibility.

At this point, asking whether there is a connection between the migrants’ jobs and their countries is a meaningful question. During the field study, we also tried to identify whether there are any ethnic “niches” whereby certain migrant groups perform certain jobs. Accordingly, the findings of the field study in Istanbul are presented below in terms of the types of jobs performed by certain migrant groups. When preparing this list, again, we took into account not only the migrants’ work experiences but also the observations and testimonies of all persons that we interviewed.

Armenians: laundry, child care, domestic work, waiter, sales assistant, bead making at home, hotel housekeeping, quality control, shoe making, child care, elderly care, sick care, jewellery, model designer, playing the violin in entertainment venues, working in a textiles factory, portage in a factory, packaging in a factory, construction work

Georgians: domestic work, textiles, shoes, construction, shuttle trade, paper collection, housekeeping and cooking in stores, shop assistant, kiosk ownership

Turkmens: domestic work (cooking, cleaning, care), waiter, restaurant manager, working in restaurants, bakeries, greengrocers, and factories

Azerbaijanis: working in clothing and bag factories

Chechens: sick care, sales assistant, domestic worker, store attendant, translator, textiles, drinking water stores, apprenticeship (dry goods dealer, grocery stores etc.)

Crimean Turks: elderly care, massage, working in associations (food-cleaning), teaching folklore

Kazak Turks: leather, textiles, garbage collectors for municipalities, cleaning companies, staircase cleaning

Mongolians: restaurants

Kyrgyz: bakeries

Uzbeks: domestic work, clothing, translators and sales representatives in stores

Afghans: leather, carpet, textiles, construction, shoes, bead making at home, domestic work, paper collection

Ukrainians: child care, modelling for leather stores, domestic work

Moldovans: sales representatives, domestic work

Slovenians: teachers

Romanians: park and garden work

Africans: running a bar, working in lighting ateliers and shoemakers, paper collection

Senegalese: selling watches, auto mechanics, hairdressing, dancing, working in bag and shoe ateliers

Nigerians: buying and selling clothes

Ghanaians: cargo

Congolese: cargo

Egyptians: selling goods in the marketplace

Iranians: auto mechanics

Iraqis: auto mechanics

Syrians: textiles, waiters, selling bags, park and garden work, construction work, working at a gas cylinder dealer

Chinese: restaurants

Filipinos: domestic work

Migrants usually have informal channels to find work. Even if they have to pay a commission, they seek help from their fellow citizens who have come to Turkey before. It appears the informal brokers are not chosen incidentally either. For example, migrants working in care services mentioned this as “our company in Etiler”.

While the income that migrants gain in Istanbul varies, it is generally between 1,000-1,500 Liras. The lowest paid migrants are the Syrian migrants aged 15 and 17 who work in the textiles industry for 100 and 150 TL, respectively, per week. As a natural consequence of irregular work the vast majority of the migrants expressed that they did not received their pay in their current or previous jobs on time and/or in full.

As sufficiently emphasised in the literature on migration the main characteristics of the jobs performed by migrants are irregularity, discontinuity, informality and lack of security. Depending on the length of migration, we observed that nearly all of the migrants change their workplaces, if not their jobs.

During the field study we came across child labour whereby a 15 year old young Syrian girl who had come to Turkey a few months ago was working as a machine operator in the textiles industry and two young Syrian men aged 17 who too came to Turkey recently were working in the textiles industry.

Although not true for all migrants, the “down-skilling” was evident in some migrants, in particular in a considerable number of migrants from the former Soviet Union countries. For example, a Georgian migrant working as a construction worker said that he had degrees from two universities. When asked about this situation, they generally stated that it is not possible for them to perform their profession in Turkey.

Another result that needs emphasis in terms of migrants’ jobs is the prevalence of doing the same jobs in different workplaces. In particular, it is observed that migrants working in care services frequently change jobs. This mobility is particularly evident among women and sales representative jobs. It appears that the status of sales representatives and the pay they receive are highly regarded by migrants. Migrants working in various factories have mentioned this job as the job they would like to have.

Similarly, we encountered some migrants who are employers. Some of the employers were Turkish citizens that have acquired citizenship through marriage or former migrants of Turkish origin that have been settled to Turkey pursuant to Turkey’s settlement policies.

2.2.4.3. Where do Migrants Live and Work in Istanbul? Connections with Urban Space

The districts where migrants live and/or work in Istanbul might give clues about migrants’ connections with specific locations and where they can find jobs in the labour market. Accordingly, we also asked the migrants that we interviewed the districts where they lived and worked previously. Based on the answers, here are the results:

Armenians: Kumkapı, Merter, Tahtakale, Güngören, Etiler, Beykoz Konakları, Samatya, Ortaköy, Kurtuluş, Yeşilköy, Bakırköy; Georgians: Kumkapı, Aksaray, Sefaköy, Yenibosna, Kartal, Başakşehir, Mimaroba, Nişantaşı, Sultanahmet, Kumkapı, Aksaray, Gayrettepe, Sarıyer, Silivri, Güngören, Tuzla; Turkmens: Kadiköy, Kumkapı, Aksaray, Güngören, Sefaköy, Yenibosna, Zeytinburnu, Bayrampaşa; Uzbeks: Kartal, Pendik, Zeytinburnu, Laleli, Güngören, Sefaköy, Yenibosna, Bayrampaşa; Ukrainians: Zeytinburnu, Beyazıt; Moldovans: Fatih, Çapa, Laleli; Iranians, Iraqis and Egyptians: Kumkapı; Syrians: KumkapıveAksaray; Congolese, Senegalese, Nigerians and Ghanaians: Kumkapı; Slovenians Pendik; Crimean Turks: Aksaray; Afghans: Zeytinburnu; Kazak Turks: Zeytinburnu, BeyazıtveKumkapı; Chechens: FenerbahçeKampı, Mecidiyeköy, Unkapanı, Ataşehir, Başakşehir and Fatih. Apart from these districts, Tarlabası, Çağlayan, Kemerburgaz and Dragos have also been mentioned as places where migrants live and/or work.

As previously mentioned, the field study in Istanbul was conducted predominantly in Kumkapı. That is why it is not surprising that Kumkapı is mentioned so often. It appears that Kumkapı has turned into a migrant districts and this characteristic shows the need for further comprehensive studies in Kumkapı. Accordingly, it would be possible to contribute to the literature on migration in Turkey through the Kumkapı cases.

2.2.4.4. Daily Lives of Migrants: Craftsmen, Landlords, Headmen

During the field study in Istanbul, we interviewed some craftsmen, landlords and headmen to collect information about the daily lives of migrants. Except for one interview with a barber in Beyoğlu, all of the interviews were conducted in Kumkapı and concentrated on Kumkapı. The key person introduced us to these persons that we interviewed in Kumkapı.

The first of the business owners that we interviewed in Kumkapı is a realtor. The second interview was conducted with two partners that own a “call shop”, where communication products are sold and other related services are provided. The third interview was with a hardware shop owner. Apart from these, we had an opportunity to chat to a realtor who introduced us to an Armenian construction worker. Finally, we conducted interviews with two local headmen in Kumkapı. These interviews are briefly explained below.

One of the realtors that we interviewed in Kumkapı has been running a real estate office since 15-16 years. The other realtor who has been living in Kumkapı for 30 years has been doing this business for three years. The realtors had a lot of knowledge about the structure of the district, the changes it has undergone as well as the work and private lives of migrants, owing to their business and connections. Furthermore, it appears that realtors not only help migrants to find a house but also work from time to time. That is why realtors are among the first persons that migrants get in touch with in their daily lives in Kumkapı. On the other hand, some of the realtors own property and have a landlord-tenant relationship with migrants. One of the realtors interviewed said that sometimes migrants consult them for their problems and that they do the best they

can to help migrants. The realtor also expressed that migrants do not ask for loans but request the rents to be postponed when they are unemployed.

One of the realtors that we interviewed said that migrants in Kumkapı have similar lives to Turkish people. “They go to work in the morning and go out on the weekends.” The migrants that come to Kumkapı from Turkey’s eastern cities such as Van and Muş share the same problems as migrants from other countries.

Realtors have informal contracts with migrants that function quite efficiently. One realtor explained the situation as follows: “You need to sign a contract to document who lives where. We get a photocopy of their identity card and passport and give them to the landlords. It’s important to know who lives where in the case of any theft.” It appears that migrants are generally good tenants who pay their rent regularly. In cases where they do not pay the rent, they are kicked out of the house. Furthermore, the realtors expressed that while migrants from certain countries (“Russians”) pay their rent regularly, this does not hold true for migrants from Pakistan. Afghans do not take good care of the house or clean it and Georgians “are cleaner than us”.

Both realtors were proponents of migration. During the interviews one of the realtors said that: “I want migrants to come. 80% of the migrants are beneficial. If it weren’t for them the houses would be empty.” However, the realtor added that the harm that migration brings is prostitution, mentioning that: “it ruins the family manners”. The other realtor advocated that “there should not be any limits for people, they should be able to live and work wherever they want.” However, he added that residence and work permits should be issued only for short terms. He said that: “If they are issued long term permits then a lot of people will come. Turkey is a country that people love and there would be too many people coming.” He also suggested that there should be facilitated procedures for foreigners to own property.

Another person that we interviewed in Kumkapı was a landlord who had migrant tenants. He was happy with the migrants in the district and believed that they are “better than our people”. He said that in the building of 12 apartments that he owns, one in which he lives, all of the tenants are Uzbek migrants and that they have not caused any problems to him and pay their rent regularly. Nevertheless, he added that he does not have any close neighbour relationships with his migrant neighbours: “we congratulate each other’s special days but this is because of our landlord-tenant relationship.” He also mentioned that drugs are highly common in the district and that this affects their daily lives. He believes that the migrants living in Kumkapı are unqualified, unskilled labour. He conscientiously objects to the deportation of irregular migrants, however, adding that it is not possible to issue work permits to them because of Turkey’s current economic situation.

During our interview with the partners of the call shop in Kumkapı we observed that they have close relationships with migrants. During the interview several migrants came in and out of the shop to buy prepaid cards, pay bills and call their home country. One

of the migrants that came to shop asked the shop owner if she could lend 10 TL and the shop owner gave the money. According to the shop owner “migrants are loyal to their debts, they’re much better than Turks in this sense”. They said migrants come and go starting from the morning hours when the shop opens until midnight. One of the shop owners said that, specifically speaking of African migrants: “Their entry into Turkey should be restricted.” He believes that “Africans are good for nothing”. The other shop owner expressed that in general “niggers” are liars who do not work. Nevertheless, they believe that migration will continue and that Turkey is a centre of attraction. They said that, accordingly, the Turkish government should analyse the situation and look into how Turkey could capitalise on migrants in manufacturing and how it could use shuttle trade to export goods.

A hardware shop owner that we interviewed in Kumkapı, through whom we were able to interview a migrant Armenian woman, has been living in Kumkapı for 60 years and has connections with various migrant groups. According to him: “People with money don’t come here. They come and find work and a place to stay. Clothing is cheap here. Houses are expensive but living is cheap. That’s why it’s attractive.” Speaking negatively about different groups of migrants, the hardware shop owner said that: “If I were a minister I wouldn’t let any foreigners into Turkey. Migrants spoil Turkish people’s business”.

We did not conduct systematic interviews with grocer’s stores but we observed that, due to the nature of their work, they have close relationships with migrants and some have very intense relationships.

Finally, we will present the interviews that we conducted with two local headmen in Kumkapı. As local public authorities headmen are well-informed about the migrants in the neighbourhood as well as their lives and problems. One of the headmen that we interviewed during this research is the headman of a district where non-African migrants live. He estimates that there are around 500-600 migrants in a neighbourhood of close to 10,000 people. The other headman is responsible for a district of 5,000 people where there are no irregular migrants but Western migrants that own property.

The migrants in Kumkapı are concentrated in specific neighbourhoods. Some of the neighbourhoods are home to predominantly African migrants. As one of the headmen that we interviewed said and as we observed during the field study, in the neighbourhoods where African migrants live “they have their own living space, with their own streets, cargo companies, and restaurants”. According to the headman, the migrants in the neighbourhood “contribute to the economy and the migrants living in the neighbourhood shop from the local vendors and grocer’s stores”.

Nevertheless, the headman’s office does not have any activities directed towards migrants. A neighbourhood festival was organised once before and migrants too participated in that festival. The headman expressed that he is always attentive to the migrants’ problems and said that: “families I know have had problems and I have helped them. However, I haven’t done anything in general terms. The things I’ve done were individual, out of

my conscience.” According to the headman, “there should be a desk at the municipality level where migrants can refer to on a weekly basis”.

The headman also owns a tea house in Kumkapı, however, he does not employ any migrants. His views on the employment of migrants are as follows: “Employing migrants would work in my favour because I could hire them for half price and exploit them but I’m against all of that. I know that Turks are in need of jobs. If migrants were to have a work permit and the qualifications I would employ them.” He added that: “It has its pros and cons. But this doesn’t mean that we should deport them. The state should regulate this on a supply and demand basis. They could come with a 6-month or 1-year visa and work. I’m in favour of more qualified workers coming here. That’s what Europe is doing now.”

The second headman that we interviewed is closely observing the migrant structure in Kumkapı, although there are no irregular migrants in his neighbourhood. According to him 99% of the Africans that come to Kumkapı are refugees. “Turkey has to accept refugees. If there’s a problem in another country and people flee their country you have to open your doors to them. It’s a humanitarian thing.” As for the other migrants, he commented that: “Thousands of shops in the neighbourhood have employed foreigners informally for cheap and without social security. Migrants definitely need to become formalised. They should be granted residence and work permits.”

As a headman, he was planning to distribute food packages, especially to poor migrants, in Ramadan through the aid that he received from his surroundings. Apart from this, he is helping some migrant families in his neighbourhood and the rest of the neighbourhood have also embraced these migrants. However, as in the other neighbourhood, there is no activity on an institutional level.

2.2.4.5. Problems Attached to Irregularity: Healthcare and Education for Children

During the field study in Istanbul, it emerged that the main problems that migrants encounter apart from work are related to healthcare and education, for those migrants with children. Migrants try to solve health issues solely through their own means and/or through informal connections. As for migrants that do not have any of these means, the health problems go unsolved. Some migrants expressed that they go back to their home country for treatment in the case of serious health problems. In addition, particularly African migrants and some other migrants are aware of TOHAV’s healthcare services, explained in the section on NGOs in this report, and seek assistance from this volunteer organisation when needed. Some associations for migrants and NGOs provide assistance to migrants for healthcare issues. An Armenian migrant man that we interviewed had undergone heart surgery a few years ago and had taken a loan from a relative to pay for such an expensive operation. An Egyptian asylum-seeker that we interviewed had serious health problems, including dental problems. He had seen a dentist for his dental problems but did not take any further action as he lacked the means to cover the treatment costs.

Among the migrants that we interviewed, migrants with children at school age, in particular primary school, had serious problems regarding education. Both through the information provided by migrants interviewed and our observations, we learned that for some migrant groups their children receive education through the church schools, as in the case of Armenians, and in some cases children are accepted into the classroom based on the initiative of the school administration or teachers. In particular, in the latter case, even if children attend school they do so in an informal manner therefore they cannot receive a diploma. This issue was one of the areas that migrant associations also heavily touched on during the interviews. In particular, members of the Afghanistan Amity Council mentioned that the children of Afghan migrants cannot be enrolled in school and enter lessons, as none of them entered Turkey through legal ways and therefore benefit from the residence amnesty. Accordingly, they said that there are 300 children who are playing on the streets because they cannot go to school and that these children will create problems in the future. They added that they have applied to the public agencies as an Association however they have not reached any results. Regarding the educational problems of these children they ask: “What fault does a 7 year old child have?” just because his or her parents are “illegal”.

2.2.4.6. Who Employs Migrants? Employers’ Perspective

During the field study in Istanbul we interviewed a total of 11 employers who have employed or are currently employing migrants. Apart from this, we also had the opportunity to briefly talk to the employer of a worker that we interviewed. In addition, we talked to another employer during one of our interviews. Therefore, we were able to gather information about 13 employers in total. Out of these 13 employers, two own clothing stores and are manufacturers who are continuing their family businesses. In addition, we talked to 2 employers with Afghan origin who own a leather factory as well as one Kazak Turk, who had become naturalised through the Settlement Law, and although retired now was the first person to start shuttle trade with an official export to Russia. Therefore, five of the employer interviews enabled us to gather information about the leather and clothing industry. (It is noteworthy that three of these employers have been naturalised pursuant to the Settlement Law that provides for such naturalisation for persons of Turkish origin. Their migration and work histories are undoubtedly success stories and set an example to the different statuses of migrants in the labour market.)

Apart from these employers, we interviewed two restaurant owners, one offering foreign cuisine and the other running a restaurant in Kumkapı, a nanny employer, a baker, and a car wash owner. During an interview with a migrant, we also had the opportunity to briefly talk to a car repair shop owner. Except for one of the restaurant owners and the nanny employer, all of the employers that we interviewed were men.

The employer interviews were conducted in Beyoğlu, Zeytinburnu, Aksaray, Kumkapı and Kadıköy.

We chose the employers that we interviewed from among the sectors and lines of business where migrants are employed, based on current research and our observations in the field. Out of these employers, we were able to access two employers that own clothing stores and the car repair shop owner through the key person that helped us for the interviews with migrants. As for the two naturalised Afghans and the Kazak Turk employer, a migrant association helped us access them. The rest of the employers were reached through the research team's connections and relationships built on trust.

Among the employers, except for the retired employer in the leather business and the active baker and car repair shop owner, all of the employers are currently employing migrants.

Among these employers there are two employers that employed migrants with work permits. One of them is the restaurant owner offering foreign cuisine and the other is one of the clothing store owners. The nanny employer and one of the clothing store owners said that a migrant nanny and shop assistant have applied for a residence amnesty after which they will apply for a work permit. Similarly, the car park owner also said that one of his migrant workers has applied for a residence and work permit. None of the other employers expressed that they have made or will attempt to make any such application.

The first interview that we conducted for the field study in Istanbul was with the restaurant owner offering foreign cuisine.⁴⁷ The restaurant owner mentioned the difficulties of legally employing foreigner workers, stating that the cost of a migrant reaches 10,000 TL but that such workers -like cooks- are required because of the specific cuisine. The restaurant owner is very happy to be working with foreign workers as they are well educated and work in a disciplined manner. The restaurant owner pays a higher wage to migrants compared with Turkish chefs. We were told that several chefs and stewards had a work permit and that some migrants are working without a permit. The restaurant has a total of 10 staff, most of which are migrants. The employer expressed that they are continuously inspected, commenting that: "Thank God, I haven't been fined until now. I too employ illegal migrants because I don't have the power to pay 10,000 TL for each worker." According to the employer, the employment of migrants is a necessity; the employer suggests open border policy.

The other restaurant owner employs a migrant Turkmen man as a waiter. The restaurant owner said that he has employed more than 100 migrants until now, stating that they all work for a short period of time to save money for travel and therefore leave 1-2 months later. He stated that he pays almost the same money to Turks and migrants and that he is very happy with the way migrants work. With respect to migration policies he recommends that: "I think that all of the borders in the world should be lifted. Everyone should be free to work wherever they desire. If they were to give work permits and residence permits to foreigners it would be easier for us to employ them."

47 While the tourism industry was not included in the Istanbul field study, we interviewed this employer to collect information about the employment of migrants. Some of the results of this interview are presented in this section. However, it would be better to evaluate it together with the tourism industry addressed in the section on Antalya.

The nanny employer expressed that she has difficulties finding Turkish live-in nannies and that migrant nannies get paid slightly higher than Turkish ones. The employer, who works as a manager in an NGO, had employed the same migrant nanny for 2.5 years for her 3 year-old son. The employer said that it does matter whether the nanny is Turkish or a foreigner and that she would work with a Turkish nanny however Turks generally do not accept to work as live-ins. She expressed that both her and her spouse's jobs have long and irregular working hours with travel, sometimes including the weekends, and that therefore they need a live-in nanny. With respect to the employment of migrants, the employer believes that "as long as justice is done to them, there is no problem". She added that labour has no nationality or country but that labour exploitation is common.

The two clothing store owners that we interviewed are engaged in wholesale and they employ migrant workers as shop assistants because they speak a foreign language. A Georgian couple works in one of the stores. The man works as a shop assistant and the woman does cooking and cleaning. The employer said that he has employed nine foreigners in the past 15-16 years and has provided social security to only one of them. According to him, providing social security is difficult and lengthy process with too much bureaucracy involved. Nevertheless, he has never had any problems with the police. He said that he did give minor bribes in the past but now these cases have decreased. With respect to the employment of migrants and migration policies the employer recommends that: "Let's not open our borders. Turks are unemployed. If foreigners hadn't come here we would've learned a foreign language. We would've gone to language courses. And this way there would've been employment in every area." Nonetheless, he predicts that migration will continue because migrants cannot find work in their own country as well as due to marriages.

The other clothing store owner also has employed a Georgian woman as a shop assistant. According to him, there is a need for qualified personnel especially in specific industries. That is why the employment of migrants is a necessity. However, it is not needed for manufacturing. The woman working in the store does not have a work permit. However, the employer said that he has employed several foreign workers and has applied for a work permit for the foreign shop assistant. He added that he would pay their social security premiums if he could obtain a work permit for them.

The retired employer in the leather business that we interviewed expressed that in the 1990s when the scale of the leather business had grown significantly, he had a factory where he had more than 100 workers and most of them were "from their group", meaning that they were Kazak Turks. There were also some Turkish workers. He said that: "Our Kazak society has also worked for me. Kazaks are very good in the leather business. He "does not regard new migration well", adding that the unemployment rates in Turkey are too high.

One of the other two leather factory owners, both of whom are former Afghan migrants, said that he has 30 people working in his factory, all of which are Afghan migrants that have become Turkish nationals. He explained the reason for employing Afghans

as talking the same language, “pandering to each other’s whims” and wanting to help Afghan people who are not well off. He said that there are no differences in terms of the pay that local or foreign workers receive. The other employer expressed that he employs Kurds and people from the Black Sea region in addition to Afghans.

A car wash owner who has employed two Uzbeks in the past said that migrants “are not men of their word”, they leave their jobs and that is why now he works with Turkish workers. According to him: “They are not grateful and they would go to anyone that pays five liras more. They are not loyal.” He said that Turkish and migrant workers receive the same pay, however workers with less experience get paid less. According to him: “The doors should not be opened to them and foreigners should not be allowed to work”. However, he expects that migration will continue and explains this by saying that: “Turkey is a heaven. People will continue to come. They might get married. Migrants want to make money here. There are migrants that buy a house in their home country with what they’ve earned here.”

Another employer engaged in the automotive industry, a car repair shop owner, said that he has employed a total of six migrants until now from Iran, Iraq and Turkmenistan. He expressed that Iranis and Iraqis in particular are very good in this business and that he pays migrants less compared with Turks. Nevertheless, he prefers to employ Turks because he has language problems with migrants. He has not had any problems with the police because of employing migrants. His views on the employment of migrants are as follows: “If we look at it from a nationalistic perspective, they shouldn’t come, the borders shouldn’t be lifted.” When asked what Turkey’s migration policy should be he answered that: “We should do whatever they do to us abroad. If we have difficulty going to those countries, they should have difficulty coming here. They shouldn’t be able to come here freely. Why should we make it easier?” He believes that “as long as the conditions in Turkey are good, migration will continue but if their economies surpass the Turkish economy no one will come”. He also added that the migrants always “have the desire to go back one day”.

A car park owner who has been employing migrants, predominantly Turkmen, for years said that foreigners work in a disciplined manner. He particularly confides in one of the two Turkmen workers who has been working for him for 3.5 years, adding that he even gives his house and car keys when he is away on holiday. He mentioned that he has had some problems with the police and that the police use this against him as a bargaining chip and pressure him. The car park owner is in favour of employing migrants. He expressed that migrants work in specific industries, especially in the services industry, and that Turks do not want to work. He stated that “saying that there’s unemployment is a lie” and that he does not believe in it. He said he is trying to get a residence/work permit for the Turkmen worker who works for him and whom he trusts a lot.

The greengrocer who currently has one Turkmen worker now has employed a total of two Turkmen workers. The first one had worked for only 1 month and the second one has been working for 1.5 years. He expressed that the first migrant worker had bad

habits, he used drugs and the police caught him smoking marijuana and deported him. However, he counts himself lucky, as he did not tell the police that he was working at his greengrocers shop. He said that if he had told the police this he could have gotten into trouble. Nonetheless, he has faith in the second worker and is very happy with his work. He particularly believes that migrants from Turkmen villages are very honest and hardworking people. They never complain about the working hours and food and do whatever job is given to them. He said that he does not discriminate between Turkish and migrant workers in terms of pay, in fact, he is more protective towards migrant workers. He mentioned that he had a problem with the police once where the police came to raid his workplace for illegal workers. However, he notified his worker and therefore did not get punished. The greengrocer that we interviewed said that he would not prefer that migrants have work permits because although he pays the same money the cost would increase because of the cost of social security for migrants. He said that: "If they get work permits they'll become like us." He believes that in such case migrants will have the same rights as local workers and that they will not like the job. He thinks that migrant workers made local workers "eat humble pie". That is why he is not opposed to migrants coming to Turkey to work. Coming from a migrant origin himself, he believes that honest and good migrants can come to Turkey.

The baker that had been employing single male workers since 2007 said he stopped employing migrant workers five months ago. The baker said the longest time that he employed a migrant was for two years. It was a Kyrgyz migrant who started as an apprentice and mastered the profession. The baker was very happy with his work. He expressed that the reason he has not been employing migrants recently is because they do not prefer to work in a bakery, as there is no weekly leave. He said that: "They don't want to work in a bakery because there's no leave," adding that their numbers have decreased anyway. About 80% of the bakeries have worker shortages. He mentioned that there's talk of "unemployment" in Turkey but he does not believe it. He thinks that people do not like certain jobs. He stated that he pays the same money to local and migrant workers. He told us that the police raided the bakery twice but he somehow managed to get around it. He said that he is continuously nervous because of the raids. With respect to the employment of migrants, the baker believes that "foreigners shouldn't work in Turkey". When asked whether he would want to employ migrants if they had work permits, he answered that: "I don't want money to leave the country but on the other hand I was comfortable when I was employing foreigners because they are committed to their work." He added that: "There's a need for Turkmens in this industry (...). If they're going to be employed they should have work permits, they shouldn't work illegally." He also commented that the way to solve the worker shortage in bakeries is to reduce the insurance premiums of local workers. He predicts that migration to Turkey will continue because of the "Syria Issue" and even if Syria is excluded there will be an increase in the number of migrants.

When analysed the interviews with employers, it is seen that some employers perceive the employment of migrants as a necessity. Apart from this, employers frequently emphasised that migrants are disciplined and efficient workers, irrespective of the

industry or job. Employers that have previously employed migrant workers obviously have the experience to tell which jobs and which migrant groups work efficiently in. Except for one of the employers that we interviewed, all of the employers commended Bulgarian migrants. The only employer that did not agree with this view was an employer who had worked as a worker in a leather factory. He believes that the leather business is a Turkish tradition. Accordingly, employers mentioned the need for migrant employment due to the nature of the work as well as the unemployment among local workers. We observed that this is not a basic dilemma that splits employers into two groups but co-exists for even the same employer.

2.2.4.7. Could Irregular Migrants be Co-Locals? Municipality-Migrant Relationships

During the field study in Istanbul, we interviewed officials from the Fatih Municipality, which includes Kumkapı district where the vast majority of migrants live and work as well as other districts that host migrants, and the Zeytinburnu Municipality, where an increasing diversity of migrants live, predominantly settled and non-settled migrants from Turkish origins.

Based on the interviews with the official from the Fatih Municipality, it is clear that there are no specific municipal services aimed at migrants. However the official, who emphasised the notion of tolerance on the grounds that Istanbul was once the capital of an empire, expressed that their primary function is to satisfy their constituents and that they are trying to help migrants in a way that does not disrupt social peace. Officials from the municipality are aware of the migrants and their problems both through their observations in the district and through headmen and associations. Similarly, they have relationships with migrant associations and contribute to the activities of these associations. Nevertheless, as a municipality they only take care of and assist migrants that are registered. However, when unregistered migrants seek their assistance, for example to buy a ticket to return to their home country, they provide assistance. Apart from this, they have created a football team comprised of Africans. The municipality official expressed that the most problematic group of migrants are the ones living in Aksaray, stating that they have received a great number of reports from co-locals and headmen that they do not abide by ethical values. The press coverage about Fatih with respect to this issue is a negative thing for them.

In the interviews during the field study the respondents frequently mentioned that municipalities employ migrants in some areas such as park, garden and cleaning work. The official from the Fatih Municipality said that the municipality does not employ any migrants but their subcontractors might. In such cases, the official expressed that they contact such companies upon the worker's complaint. Otherwise, they do not inspect subcontractors.

With respect to Turkey's migration policies, the same municipality official said that Turkey has a new migration policy, it has opened up to Africa, the Balkans, and

the Southeast and people have to come and go so as to create organic relationships. However, this begs the question of who is to come and go and to what extent can we make a selection.

The other municipality that we talked to is the Zeytinburnu Municipality. As it is known Zeytinburnu is a district where migrants of Turkish origin and new migrants have been settled and work. In addition, the Removal Centre had operated in this district before it moved to Kumkapı.

Recently the Zeytinburnu Municipality has been particularly active in the field of external migration. The municipality official stated that the Zeytinburnu Municipality organised a Migration Symposium in 2005 and an International Migration and Women Symposium in 2007. Apart from this, the municipality has established the Centre for Supporting Family, Women and the Disabled (AKDEM). An integration unit has been established under AKDEM to facilitate the integration of migrant families with the city life. The unit functions as a sub-field of a European Union project. The only unit in the municipality that has the name migration in it is this sub-unit established under AKDEM. Apart from this, there are units such as the Zeytinburnu Local Development and EU Affairs Centre. Therefore, there are certain units that have activities aimed at migrants however the administrative structure is rather disorganised.

Just like the Fatih Municipality, the Zeytinburnu Municipality is in contact with the migrant associations and it addresses various problems that migrants experience. Zeytinburnu is a district that has received migrants from the Ottoman geography as well as from East Turkistan and Afghanistan. Therefore, it has received migrants from “all parts of the Turkish-Islamic hinterland”. It is possible that these groups maintain relationships with the municipality through associations in particular. Recently, blacks have started to come to Zeytinburnu however they have no connections with the municipality.

The unregistered migrants in Zeytinburnu have been included in the circumcision festivals organised by the municipality in the past.

The official from the Zeytinburnu Municipality stated that migrants work in municipal jobs through subcontractors. However, it is not likely that they are irregular migrants because these jobs have occupational risks. The rate of illegal workers could be 1-2% at the most. On the other hand, there are minimal inspections regarding clothing manufacturing done in “basements”. Migrants could be employed in these jobs because the occupational risk is low.

The urban regeneration project initiated in Zeytinburnu will change the district’s façade. At the end of this process the manufacturing sites will have moved out from there. Most of the buildings will be demolished therefore the “basement manufacturing sites” will no longer exist. This will also prevent unregistered migrants from living and working there.

According to the municipality official, given the richness and contribution as well as the problems that migration brings there is an insufficient response. This can be taken as self-criticism.

2.2.4.8. Overlapping Regularity and Irregularity: the Legal Status of Migrants and their Hopes for Regularisation

Among the migrants that we interviewed some of them have been naturalised (a total of four migrants) through marriage. A few migrants have a residence permits based on various reasons. One of the migrants that we interviewed has a daughter who holds a work permit and works as a shop assistant. Apart from these the vast majority have violated their visa durations and are therefore totally undocumented or are paying utmost care so as not to violate their visa durations and are therefore entering and leaving their home country at certain intervals. As previously mentioned, migrants that have filed for asylum and whose procedures are pending have been included in this study because they work in irregular jobs. Two migrants, one Egyptian and one Iranian, had filed their application. One of them is making a living by selling souvenirs in the marketplace and the other by working as an auto mechanic.

Among the migrants that we interviewed the ones that had been living/working in Istanbul for the longest time were two Georgian women who had been naturalised through marriage. One has been in Istanbul for 17 years and the other for 20. The most recent migrant was a Syrian migrant who had come two months ago.

The vast majority of the migrants knew about the regulation regarding residence permits, known as the “residence amnesty” in the public domain, which was introduced in June 2012 by the Ministry of Interior. However, some migrants said that they did not know about it. Among the migrants that are aware of the regulation, some have lodged an application for a residence permit and the vast majority expressed that they will file an application. It is noteworthy that migrants perceived this regulation almost automatically as obtaining a residence permit. When asked about the problems that working without a work permit creates some migrants stated that: “Now we’re going to get it, we’ve applied for the amnesty.” Nevertheless, an important part of the migrants were not hopeful about obtaining a work permit. Some said: “They won’t give it anyway,” and others said: “They might as well give us residence permits at least”. Some of the shuttle migrants that were being careful so as not to violate their durations demanded that their visas be extended.

Some of the migrants that we interviewed insistently expressed their wish to become Turkish citizens and some stated that Turkey would not grant them citizenship.

The findings of the study show that there is no clear-cut distinction between regularity and irregularity and that they overlap in some cases. It appears that the most important route for regularisation is naturalisation through marriage or obtaining a residence

permit through a daughter that has been naturalised by way of marriage. Regularisation through work permits was an exception among the migrants that we interviewed. As previously mentioned, migrants that have filed for asylum are among the irregular migrants in the labour market. Among the irregular migrants, it is known that migrants of Turkish origin and culture are in an advantageous position. Nonetheless, the interviews revealed that even migrants in this group are not treated equally or in a standard way and that some groups are disadvantaged.

2.2.5. Coping with Irregularity: Informal Relationships, Informal Routes

The problems that irregular work caused are resolved through informal ways rather than through the legal sanctions mentioned above. This is the observation of employers, shop owners, central or local public officials, union representatives and even naturalised migrants that we interviewed during this research.

One of the most important findings of the study is that nearly all of the migrants have no connections with public authorities. The officials of a public agency that we interviewed explained why migrants could not reach them by stating that: “We are impossible, unreachable for them. They can’t even get past this door.”

Among the migrants that we interviewed some expressed that they want to settle to Turkey if it were possible. However, the vast majority of migrants have the intention of going back to their home country. Therefore, in parallel to various previous studies, the field study in Istanbul showed that the migrants in Istanbul are predominantly shuttle migrants. Accordingly, it is possible to conclude that the migration is of a temporary nature, without any intention of settlement. Nonetheless, there are some shuttle migrants that have been living and working here for a relatively long time. In particular, in Kumkapı the majority of migrants have settled here informally and perceive their own and family’s lives as middle class.

The majority of the migrants expressed that they refer to their friends or acquaintances when they have problems. Some refer to churches, some to their bosses or to the NGOs with which they have connections.

When we asked a self-employed migrant whether s/he had problems due to running an unauthorised workplace, s/he said: “No one here has a licence here.” Among the paid migrants, given that the majority of the places they work in are small businesses, referred to as “under the counter/basement workplaces” by some persons interviewed during this study, it can be concluded that migrants have not encountered the notion of registered work.

The differing effects of irregularity on gender have been emphasised in studies particularly focusing on prostitution and trafficking of women in Turkey. Migrant women expressed the problems they encounter at their workplace or on the street because of their gender. A migrant African woman explained that while everyone was waiting in line to get their

weekly pay at the leather factory, the boss told her to wait and after paying all of the other workers he offered to have sex with her. When she did not accept, he told her that he would not pay her and that she could go to the police if she wanted to. The migrant woman asked: “Do you know why we change jobs so often? This is why.”

As demonstrated in this example, the informal channels that are sometimes effective in coping with irregularity do not yield any results in some cases. A migrant Armenian woman who has been living here for a long time with her daughter and granddaughter could not report the burglary at her house to the police because she did not have a visa.

As mentioned in previous studies to combat irregularity, our study also revealed that invisibility is a prominent method that migrants use. The vast majority of migrants expressed that they do not go out on the streets after a certain time.

In addition to the ways that migrants cope with irregularity, it is important to know the attitude of the “locals”, namely public officials or society. The locals are already aware of the informality in the labour force, as they live in it and are accustomed to it. In some interviews respondents mentioned that efforts to combat the informal sector in Turkey have increased recently and that they have hopes of positive developments in this respect owing to the online central registry. Some employers expressed that the reason for informal labour is the high premiums that needs to be paid for national or migrant workers. Despite this, when we asked craftsmen, employers, unions, local government representatives and public officials of the central public institutions operating at the local level what needs to be done about the informal employment of migrants several people voiced the word “tolerance”. Therefore, we observed that there is widespread empathy towards migrants that cannot make a living in their own country. The majority of the persons that we interviewed apart from migrants expressed that, whatever their positions or duties may be, reporting an irregular migrant, taking legal action against them and having to enforce the laws is a matter of personal “conscience” for them. Therefore, they noted that their personal attitude is not about deporting “illegal migrants” or getting them deported but that its about humanitarian concerns. This situation is particularly pertinent for Syrian migrants, in which case the respondents were in full consensus and frequently repeated that “this is a humanitarian issue”. Accordingly, tolerating or turning a blind eye to the employment of irregular migrants is a common behaviour. Undoubtedly, the policies and practices towards irregular migrants should not be formulated based on the assumption that informality is tolerated and that public official “know who is who” but should be based on regularisation.

**Perspectives of Non Governmental
Organisations, Migrant Associations
and Unions**

3.1. NGOs: Migrant Associations and Associations, Foundations and Other Organisations that Work for Migrants⁴⁸

In times when a country's migration policies are being discussed, certain NGOs stand out as parties that defend regular or irregular migrants in terms of their safety and their rights to "life", such as employment, education and healthcare, using a discourse that opposes the state's interests related to security. These NGOs can be categorised into three groups based on their purposes and activities. On the one hand, there are the NGOs established by either the migrants or their fellow citizens for solidarity and assistance purposes. Then there are the NGOs with an institutional structure that advocate human rights and specifically refugee and/or migrant rights. Finally, there are the policy-oriented organisations that have a network type structure rather than an institutional one and do not receive any funding from any national or international organisations.

Laubenthal's (2007) and Chimienti's (2011) studies can be analysed for examples of these organisations and the relationships that they have built with irregular migrants. Laubenthal (2007) examined the campaigns to legalise irregular migrants in France, Spain and Switzerland from a social movement perspective and identified that migrant associations and NGOs advocating migrants' rights were at the heart of these movements in favour of legalisation. For example, in Spain there emerged a new social movement that supported the pro-legalisation movement by criticising Spain's migration policies from an anti-globalisation and anti-racist perspective focusing on human rights.

Statham and Geddes (2007) analysed the effects of the civil society, or "organised public", on the state's migration policies, with particular focus on whether civil society pushes the policies towards a more expansionist or restrictionist direction. Their study, which was conducted in the United Kingdom case, revealed that the civil society was in favour of expansionist policies that uphold the rights and interests of migrants. In contrast, the study also showed that extreme rightist and racist as well as other anti-migration organisations have limited influence in civil society. In addition to this, the study states that among the NGOs, which favour more expansionist immigration policies, the ones that are the most influential over government policies are the ones that directly address migrant rights and welfare. On the other hand, other studies (such as Freeman 1995, 2007) analysing employer associations and ethnic minority associations (associations established by migrants) show that, contrary to the claims, they are less influential. Furthermore, the studies indicate that unions, churches, professional groups, human rights organisations and anti-racism organisations have relatively less influence over such policies.

As seen from Statham and Geddes' study, we cannot speak of a homogenous civil society reaction towards migration policies and migrants. Among civil society there are also those that exclude migrants and criticise state's expansionist policies towards migrants. On the

48 The section 3.1. was written with the contributions of Dr. Nazlı Şenses and Emel Coşkun. We thank them for their contribution.

other hand pro-migrant organisations are also diverse. We can say that NGOs in Turkey that have activities related to migrants also demonstrate this diversity to a certain extent. Recently, Turkey has become a migrant-receiving country and several NGOs that focus on migrants have emerged and these organisations have the potential to increase in number and in their influence areas. Turkey's own dynamics and the irregularity of migration have contributed to the heterogeneity of these organisations. One of the few studies in Turkey on migrant organisations is Akbaş' (2012) analysis which points to the effects of the neo-liberal policies introduced after the 1980's on migration processes and the new types of solidarity styles among migrants. Akbaş indicates that when public authorities withdraw from the social domain, NGOs predominantly take on the role of social services and migrant groups reshape their presence as "introvert and sect-like structures that have no class notion whatsoever" (2012:336-338). Akbaş emphasises that as a consequence of the social services delivered by NGOs working in the migration field, they have focused on developing social services projects since the 2000's and these activities have enabled social control over both migrants and migration.

The NGOs interviewed as part of this research also represent the recent diversification of such organisations both in quality and quantity. We conducted 23 in-depth interviews with NGO representatives/volunteers (17 in Istanbul, 3 in Ankara, and 3 in Antalya).⁴⁹ During these interviews, we mainly discussed the reasons behind their establishment, their date of establishment, and their activities, support and services for migrants. In addition to these, in line with the main purpose of the research, we asked questions about how migrants join the labour market, the problems they encounter and recommendations to solve these problems. We made use of the information provided by NGO representatives and their suggested solutions regarding the working conditions of migrants.

3.1.1. Reasons that explain the foundation of Migrant Associations and Other NGOs Related to Migrants, and their Activities

3.1.1.1. Migrant Associations

The first group of NGOs in Turkey related to migrants are the migrant associations/foundations established by migrants themselves or their fellow citizens. The associations in this group and the migrant group that they represent differ in terms of the time they had arrived to Turkey and the purpose of their migration. Among these associations,

49 The NGOs interviewed in Istanbul are: Helsinki Citizens' Assembly (HCA), Foundation for Society and Legal Studies (TOHAV), Caritas, Humanitarian Aid Foundation (IHH), Migrant Solidarity Network (GDA), Movement of Unsecured, Construction Workers Association, Recycling Workers' association, Domestic Workers Solidarity Union (Evid-Sen), Afghanistan Amity Council, Caucasus-Abkhazia Solidarity Committee, East Turkistan Migrants Association, Georgian Association, Armenian Schools Association, and Kazak Turks Foundation. The NGOs interviewed in Ankara are: Crimean Turks Culture and Solidarity Association, House of Azerbaijan Association, and Association for Solidarity with Asylum Seekers and Migrants (SGDD). The NGOs interviewed in Antalya are: Meskhetian Turks Association, Ukrainian Families Association, and Family Solidarity Association.

the ones that have been established by migrants of Turkish origin stand out. This group of migrants are those who are also officially recognised as migrants by the Turkish state. Some examples of these migrant organizations include the associations established by Meskhetian Turks, Crimean Turks, Kazak Turks and migrants from Azerbaijan and East Turkistan (Xinjiang), where the majority of their members have become Turkish citizens years ago. Accordingly, these associations do not fall under the “foreigners” category of the official discourse, however as migration flows from these countries or regions to Turkey still continue and because it is known that the newcomers join the labour market, these associations have been included in our research. Apart from the associations established by migrants of Turkish origin there are associations that have recently been established by migrants that are not of Turkish descent. Some examples are the associations established by migrants from Ukraine, Georgia, Armenia and the Caucasus.

The reasons behind the establishment of associations by migrants of Turkish origin (Meskhetian, Crimean, Kazak and East Turkistan Turks and Azerbaijanis) are similar to one another. In general these reasons are: preserving their own culture and transferring it to new generations; strengthening cultural ties between their country of emigration and Turkey; and, to remain in contact with each other and help one another in their “new homeland”. Accordingly, these associations organise cultural events such as dinners, folklore courses and language courses. For example, during the interview with the association of the Crimean Turks, the respondents said that the associations functioned as a “charger” since 1953 until 1991 so as to maintain their members’ cultural assets. Similarly, it has been said that one of the founding purposes of the Azerbaijani association is to bring Turkey and Azerbaijan closer and develop projects that concern both countries. Furthermore, during the same interview representative of the association expressed that they also address the problems that Azerbaijanis experience in Turkey.

Associations established by migrants of Turkish origin also provide various types of support to students who have migrated to Turkey for University education. While associations that have the necessary financial capacity offer scholarships to these students, others which lack such a capacity provide smaller financial contributions such as travel money so that the students can visit their parents in the home countries. During the interviews with the association of Crimean Turks, representatives expressed that the association does not do much in terms of financial support for students but that at least they facilitate contact and interaction among the students. The representatives emphasised that through the association they could achieve a certain kind of control, a “sociological pressure”, over the students and that is why Crimean students “never cause problems” in societal relationships.

Associations that are established by migrants of non-Turkish origin (Ukrainian, Georgian, Armenian and Caucasian migrants) were established for similar reasons and perform similar activities for migrants. On the other hand, because it requires a longer, more complex and bureaucratic process for such migrants to obtain a residence or work permit or become naturalised or because some conveniences offered to migrants of

Turkish origin are not offered to these migrants, such associations have relatively more activities towards raising awareness and providing support about legislation. For example, the most important factor leading to the establishment of the Ukrainian association was the lack of information and the related problems regarding how to obtain permits and enrol children into schools once they arrive to Turkey. The chairman of the association established such an association to inform Ukrainians about these procedures, maintained contact with public agencies, organised meetings and, in fact, recently completed a multilateral project with the Foreigners Bureau of the Antalya Police Department.

It must be underlined having a legal resident permit has been an important determinant in enabling the organisation of both migrant groups. Given that migrants of Turkish origin could acquire Turkish citizenship relatively easier, their associations mainly focus on cultural activities. As for associations established by migrants of non-Turkish descent, they generally focus on naturalisation for women as part of family reunification as well as problems related to processes of migration. Once citizenship is gained, cultural activities become the main focus.

3.1.1.2. NGOs Working for Migrants

The second group of NGOs interviewed during this study is comprised of institutionalised civil society organisations that primarily advocate asylum seekers' and refugees' rights, aim to increase their welfare and generally deliver direct services. The purposes and activities of the majority of these organisations were initially aimed at broader groups of disadvantaged people and later also included refugees or migrants that have applied for refugee status. These NGOs include national and international organisations such as the Helsinki Citizens' Assembly, Social and Legal Studies Foundation (TOHAV), Caritas Turkey, Human Rights and Freedoms (IHH) Humanitarian Aid Foundation, Amnesty International, and Mülteci-Der.

Unlike migrant associations, NGOs working for migrants and their rights provide direct support to refugees that have applied for a status and often to other migrant groups that do not have any status or security because of their irregular situation. While some of the NGOs interviewed have direct activities towards migrants some conduct more general advocacy efforts for migrants on the basis of human rights and some are policy oriented and criticise some of the current political practices in Turkey. The "Unwanted Guests" report published by the Helsinki Citizens' on Removal Centres or the regular reports published by Amnesty International about the general status of refugees in Turkey are some examples of these activities. The Helsinki Citizens' Assembly define their relationships with migrants as being based on "consulting, assistance and advocacy", which reflects the general nature of the NGOs in this group.

The NGOs operating in this field are also diverse. The support activities that these NGOs provide are concentrated in areas where there is no state support but where migrants need the most support. Along these lines, these NGOs provide support such

as legal counselling, medical assistance for health problems, psycho-social counselling, food aid, and assistance in cash and in kind as well as upskilling, language course and education for children. The migrant groups that these NGO serve are not limited to refugees or asylum seekers but also include irregular migrants, irrespective of their status. For example TOHAV, which provides healthcare services to migrants, expressed that they deliver healthcare services to “everyone that comes in through the door” setting off from the principle of universal healthcare services. This NGO set up a polyclinic in Kumkapı where medical school students perform medical examinations for migrants on a volunteer basis and another volunteer group provides translation support to non-Turkish speaking migrants. However the polyclinic can only provide limited assistance to migrants with serious health problems. A respondent from the polyclinic reported that migrants generally come with complaints of somatic pain and, in particular, integration and trauma problems in cases where migrants have fled from pressure. He added that it is difficult to treat migrants given the high turnover and that migrants with serious conditions are referred to the limited number of hospitals with which they have connections.

Another NGO that delivers direct services to migrants is the Helsinki Citizens’ Assembly (HCA). Since 2004 HCA has also been providing legal support to those seeking refuge through its “Refugee Support and Advocacy Programme”. HCA expressed that it extends its legal support to applicants from more than 40 countries however they predominantly work with refugees from Iraq, Iran, Afghanistan and Somalia. Since 2004 HCA has processed 3,000 refugee files (excluding family members). In recent years HCA has been providing support only to refugees whose applications have been rejected. When necessary, HCA makes applications to the European Court of Human Rights. A total of 12 people work for this NGO, with some volunteer interns. Together with Doctors Without Borders (Médecins Sans Frontières / MSF), an international organisation, HCA launched a programme in 2010 to provide psycho-social support to migrants in Istanbul.

Unlike other NGOs, the Human Rights and Freedoms (IHH) Humanitarian Aid Foundation defines all migrants that it targets as “immigrants” [muhacir], independent of the UN criteria, and delivers all kinds of support in line with its “Social Aid” principle laid down in its statute. The representative from IHH stated that they normally do not provide individual assistance and that they refer such applications to migrant associations. He added that they have created a database of around 14,000 migrants that they have helped in the past 4-5 years. IHH’s activities include upskilling courses to 250 people through ISMEK and scholarships. Unlike other NGOs, the IHH Foundation also provides support to refugees in Somalia, Iraq and Pakistan and in fact offers vocational courses such as agriculture and sewing.

Caritas Turkey began to deal with asylum seekers and refugees in Turkey for the first time after Iraqi refugees began to come to Turkey following the Gulf War in 1991. Since 2008, Caritas Turkey’s activities have included other migrant groups. Caritas Turkey states that they have a relationship with migrants based on “consulting,

assistance and advocacy”. A representative from Caritas Turkey said that they provide basic information to migrants based on their social and legal needs. The respondent said that they offer consulting services in a wide range of areas from practical problems that migrants encounter to lodging and following up official applications for refugee status. The direct assistance includes aid in kind (e.g. “food vouchers” for families), rent aid, educational scholarships, healthcare assistance and sometimes language courses and vocational courses. Migrants that seek healthcare assistance are referred to public or private hospitals, depending on their needs. In particular, Caritas Turkey cooperates with other NGOs for psychological support.

Similarly the Solidarity Association for Refugees and Migrants, which for the first time began to support refugees fleeing from the Gulf War, is one of the NGOs with the most comprehensive networks with 14 offices and activities in 17 cities across Turkey. A representative from SGDD said that they mainly provide psycho-social support and consulting to migrants living in satellite cities⁵⁰ that have filed for asylum. He added that they do not reject other requests that come from migrants and try to provide legal and other social support to migrants. There are sociologists, social workers and psychologists working at SGDD with translators in all cities as well as two contract lawyers. SGDD receives 8,500 applications every month and handles 100,000 procedures annually. The representative from SGDD said that: “We try to establish the communication between resources and migrants,” adding that they generally work on UNHCR and European Union projects.

According to the information that we gathered from these interviews, the migrants that these NGOs deal with are diverse. These NGOs provide assistance to migrant groups and other parallel groups. The majority of the migrants or refugees come from nearby countries such as Iran, Iraq and recently Syria as well as African countries, the Middle East, Asia and Chechnya, which are generally the origin countries of asylum seekers. For example, two of the associations interviewed reported that they mainly provide such assistance to African migrants, adding that migrants from Arab countries also heavily receive such support. We had the impression that the IHH Humanitarian Aid Foundation provided assistance to migrants more on the basis of being Muslim. As previously mentioned, some of the NGOs provide assistance to persons that have legally obtained an asylum seeker or refugee status, however, in practice there can be overlapping among these statuses where the distinction is unclear. On the other hand, we can state that these NGOs have minimal relationships with migrants that have come to Turkey from former Soviet Union countries with a tourist visa.

While migrants are generally aware of the activities carried out by associations through their own network, also NGOs try to reach out to migrants through the Internet and similar channels. The demands that refugees (and other migrant groups) have from these NGOs are mainly related to the problems they encounter in Turkey. While

⁵⁰ According to Turkey’s asylum system, migrants whose asylum applications are accepted have to reside in cities designated as satellite cities until they are resettled to a third country. The cities, which the Ministry of Interior determines, are generally located in Central Anatolia.

different migrant groups have different demands, depending on their country of origin and circumstances, respondents reported that migrants mainly seek assistance for subsistence, accommodation, employment, access to healthcare services, legal assistance, education, in particular to enrol their children into school and for day care. In addition, respondents stated that migrants frequently have requests for language and vocational courses. Furthermore, most of the respondents working at these NGOs highlighted that migrants or refugees complain about the very high rents asked from them or the unfair treatment that they get in their jobs.

The respondents from the NGOs that were interviewed during this study reported that they initially seek solutions to the problems of refugees/migrants using their own sources. If they cannot solve the problem then they seek assistance from other NGOs operating in this field. These NGOs' institutional structures, supporters, and relationships with public agencies and migrant groups that they serve increase their capacity to access resources. For example, asylum seekers supported by the IHH Humanitarian Aid Foundation can attend ISMEK's courses, which is a public entity. Another example is the cooperation between SGDD and UNHCR.

It goes without saying that these NGOs act as an important bridge between access to resources and the needs of migrants. In this sense, migrant oriented NGOs are active or potential components of policy making because they have a high potential of accessing migrants as service providing institutions and because they closely monitor the migration legislation and other developments in Turkey. On the other hand, through individual, public and national funding these NGOs have assumed the role of a social state by taking on the services that should normally be delivered by the state.

3.1.1.3. New Social Movements

Civil society organisations that fall under new social movements⁵¹ can be characterised as politically left organisations that advocate the rights of all migrants, not just a group of migrants like refugees with clear-cut definitions, on the grounds of "global citizenship" and "human rights". These organisations do not have institutional structures like the other NGOs and do not deliver regular services. They generally operate through networks and they do not have significant financial resources other than the support of their participants. During the study we interviewed the Migration Solidarity Network and the Movement of Unsecured, whose activities are not restricted to migrants as well as professional organisations, namely the Domestic Workers Solidarity Union (Evid-Sen), Association of Recycling Workers and Construction Workers Association.

While the organisations in this group are different from the other institutional NGOs in terms of their main function, the groups that they target and interact with generally overlap therefore they are in close contact with migrant oriented NGOs. These

⁵¹ There are various academic studies on new social movements and their characteristics. The studies by Calhoun (1993), Offe (1985), and Touraine (1971, 1992) can be analysed as examples to this.

organisations that do not directly deliver services to migrants refer applications that they receive from migrants to other NGOs owing to their connections. For example, Evid-Sen deals with the problems that migrant domestic workers encounter both in political and practical terms, demonstrates against the discrimination towards migrant women workers and provides support to find temporary accommodation for migrant women who have been “kicked out from their places at midnight”.

The Migrant Solidarity Network (GDA) stands apart from the other organisations in that it is an activist network that only addresses migrant policies, takes a critical stance against Turkey’s current migration policies and engages in advocacy activities for migrants based on human rights against the discriminatory and unfair treatment to which migrants are exposed. A GDA activist defined GDA’s aim as “creating awareness” about the discrimination and racism that migrants are exposed to on legal, practical and social fronts. The activist said that they organised their first protest in 2008 to draw attention to the poor conditions at the Removal Centre in Kumkapı. GDA works solely on a volunteer basis and their political activities are not restricted to Turkey’s national migration policies and practices. Their activities cover a wide range of areas such as the Frontex force deployed at the Greek –Turkish border, the migration policies/practices in Europe and the pressures on migrants, and the problems of migrant domestic workers in Turkey. GDA criticises dominant migration policies and social discrimination against migrants setting off from its motto “a world without borders, nations and exploitation”. GDA publicises its criticisms through various campaigns and protests. For example, GDA organised a comprehensive campaign to draw attention to the police’s racist practices, upon the killing of Festus Okey, a Nigerian asylum seeker, in 2007 in the Taksim Police Station. Various NGOs such as the Contemporary Lawyers Association, Amnesty International, Istanbul Bar Association, Human Rights Association and other professional organisations supported this campaign and more than 130 people petitioned to take part in the court case. Likewise, GDA has organised similar acts to draw attention to the problems of migrants in Greece. Although GDA does not have an institutional structure it has the ability to develop mechanisms and, when needed, cooperate with other groups to meet support demands from migrants.

On the other hand, the other network organisation the Movement of Unsecured is a political organisation that aims to support the cause of all workers and working classes on the basis of the “non-security” imposed by the current policies. An activist, who defines ‘migrants’ as “all people who have to enter a country with passports”, expressed that migrants are part of the larger group of people without social protection, as they have to make a living without a work permit or even a residence permit. The respondent stated that there is a multi-layered hierarchy in Turkey between migrants and the national labour force on the basis of gender (women vs. men), ethnic origin (e.g. Kurds vs. Georgians) and nationality (citizens vs. non-citizens). Adding to that migrants are being used as a reserve labour force in favour of employers so that they can reduce worker wages. The Movement of Unsecured indirectly addresses migrants’ problems and their activities in this domain are limited to developing political discourses.

The Domestic Workers Solidarity Union (Evid-Sen) and Construction Workers Association are occupational organisations. These organisations also focus on migrants because migrants work in their fields of activity. Evid-Sen is particularly important because it is an organisation of domestic workers, an area in which migrant women heavily work. This group advocates the rights of both local and migrant domestic workers and seeks to create standards for domestic work and humane working conditions. Evid-Sen also supports educational activities. A member of Evid-Sen that we interviewed for this research defined “live-in” work, where migrants predominantly work, as “inhumane” work and drew attention to the discrimination to which migrant domestic workers are exposed. The major complaints that migrant domestic workers have voiced are working 6 or 7 days a week, the lack of regular working and leisure times, healthy food and accommodation as well as not being able to collect their pay, either in full or in part. Evid-Sen cooperates with other groups in their political discourses and acts. In practical terms, it delivers trainings to migrant domestic workers and provides support for employment and emergency situations.⁵² The Construction Workers’ association has a similar structure. A member that we interviewed from this initiative emphasised similar complaints such as construction workers not being able to get their pay, long working hours, bad food and poor accommodation. The organisations in this group that can be characterised as new social movements are distinct from both NGOs and migrant associations in terms of their network type organisations and activities. While these organisations have assumed the advocacy of migrants’ rights through their political discourse, they have the capacity to make their voices heard by larger groups compared with the other NGOs.

3.1.2. Migrant Associations and other Migrant Related NGOs and Their Relationships with Migrants in the Labour Market: Problems and Solutions

An important point that associations for migrants of Turkish origin highlighted with respect to migrants in the labour market was that these migrants obtain residence permits relatively easily but experience challenges in getting a work permit and therefore are forced to work informally and without social security. In addition, some of the respondents mentioned that students that come to Turkey to attend university are employed informally.⁵³ For example, Crimean students are easily employed informally in the tourism industry, in hotels, in particular, without a work permit because they speak fluent English, Russian, Ukrainian and Turkish. Respondents reported that especially during summer holidays the number of students working in this way increases. Hotels begin to call students in April and students leave their schools in order to work. In fact, some students have dropped out of school either because making money is

⁵² Another organisation that works in this field is the Collective Women’s Solidarity Association (www.kadınlarinimecesi.org).

⁵³ Article 14 of the draft Foreigners and International Protection Law foresees that third country nationals that are attending an associate, undergraduate, graduate or doctoral programme may work, provided that they obtain a work permit. The law provides that associate and undergraduate students have a right to work for a maximum of 24 hours per week.

more attractive or because their scholarships are not sufficient to meet their needs. The association tries to prevent students that they are in contact with from dropping out from school however, as they do not have a fund to provide scholarships, they can only provide guidance and minor financial contributions to students.

Apart from this, during the interviews with other migrant associations and migrant oriented NGOs respondents highlighted that migrants in the labour market working without work permits complained about either not getting their promised pays or getting a lesser amount and employers reporting them to the authorities so as not to pay them money. With such complaints, the migrants are asking for help from these organisations.

In such cases, NGOs generally get in touch with employers through their own networks and try to convince the employer to resolve the situation. If they cannot convince the employer, then they seek assistance from other groups. The groups from which they seek assistance range from associations, individuals and organisations with which they have trade relations to lawyers and law enforcers. As a matter of fact, an employee of one of the NGOs stated that asylum seekers or refugees seek help from the police in such cases despite the fact that they work “illegally”. Another NGO (Evid-Sen) expressed that they will apply to IŞKUR and file a collective complaint against an employer for a migrant worker who recently has not been able to receive his pay.

Furthermore, a respondent from the Construction Workers’ association mentioned that migrants employed in the construction industry, in particular Georgians and Turkmens, are willing to work for much less than the market norms and for that reason are subjected to violence from national labour force. The number of migrants working in the construction industry, mainly Georgian and Turkmen workers, have decreased recently due to the problems that they experience both with other workers and employers. In cases where migrants or local workers cannot collect their wages the association tries to get the workers paid by pressuring the employer (either by seeking legal remedy or protesting in front of the workplace etc.). None of the NGOs interviewed have a function of directly finding jobs for migrants however they can be instrumental for job placements. For example, representative of the Ukrainian’s association mentioned cases where employers have called the association asking whether they have members that meet their criteria. On the other hand, a migrant woman that we interviewed who is a member of the Ukrainian’s association expressed that when she resigned from her job in tourism and wanted to perform her own profession the chairman was very helpful and introduced her to several people such as employees at the municipality. Apart from this, it is possible to say that the upskilling courses such as Turkish language courses offered by NGOs facilitate migrants to find jobs. Apart from these, one of the NGOs (Evid-Sen) stated that they teach migrants how to build relationships with employers.

Finally, a point that especially NGOs working with asylum seekers and refugees mentioned is that these migrants are forced to work informally. According to the applicable law, just like other migrants, asylum seekers and refugees have to obtain a

work permit and pass through the same bureaucratic procedure and evaluation, without any facilitative measures. That is to say, as respondents from both HCA and SGDD stated a migrant who has applied for asylum and does not even have a passport is expected to present the same information and documents as a senior executive wanting to work in Turkey would.⁵⁴ As a matter of fact, they have reported that due to the lack of facilitative measures only one or two refugees have managed to obtain a work permit until now.

3.1.3. Migrant Associations and other Migrant Related NGOs and Their Relationships with Public Agencies

While it is obvious that each NGO has different levels of relationships with public agencies one thing that can be generalised as a result of the interviews is that, in particular, associations established by migrants of Turkish origin want to maintain close relationships with public agencies. On the other hand, some of the NGOs interviewed expressed that they have not had any relationships with public agencies until now.

Apart from this, another result that can be deducted from the interviews is that local governments such as governorships and municipalities have closer relationships with NGOs and support NGOs in their support to migrants. For example TOHAV, which provides healthcare services to migrants in need, expressed that they seek assistance from the governorship for long-term treatments and that the governorship has extended help in some cases. The same NGO said that they have not received any support from the primary healthcare centres. A migrant association established by Ukrainians in Antalya has close relationships with the local government and they work together. The representative of the association stated that especially the Antalya Municipality is very supportive of field trips, concerts and similar activities organised by the association. Apart from this SGDD, which works for migrants, stated that one of the Provincial Social Security Directorates under the Ministry of Family and Social Policies asked them to provide information about refugees. During the same interview, SGDD underlined that there has been a process of information sharing with public agencies during the drafting of the Foreigners and International Protection Law and that SGDD has been invited to all of the committee meetings at the Turkish Grand National Assembly. While the information sharing between certain NGOs and public agencies during the drafting of the new law was mentioned in some of the other interviews as well, it should be noted that naturally this could not apply to all of the NGOs.

An interesting outcome of the interviews was that NGOs had more potential to receive support from public agencies based on their organisational motivation, their relationships with public agencies and the ethnic origin of the migrants they help (e.g.

⁵⁴ Article 92 of the draft Foreigners and International Protection Law stipulates that applicants or conditional refugees can apply for a work permit six months after the date international protection is granted. Accordingly, the identity card to be issued to such persons will substitute a work permit and facilitate the process.

Turkmens). Acting on behalf of the migrants or refugees that they represent these NGOs (e.g. IHH Humanitarian Aid Foundation) are able to offer services that migrants need through their own networks such vocational courses offered by the municipality, seeking protection from law enforcers, and enrolling children into schools.

3.1.4. Migrant Associations and other Migrant Related NGOs and their Solutions for Problems that Migrants Encounter in their Work and Social Lives

While the employees of NGOs and other respondents interviewed during this study do not directly work towards the employment of migrants or refugees, as is the case for other areas, they are aware of the problems that migrants face and they try to directly address these problems. In that sense, when we asked the NGOs about the problems that migrants encounter and their solutions to these problems, their answers concentrated on specific areas.

One of the main problem areas that respondents mentioned were the residence and work permits for migrants. Most respondents noted that it is impossible for migrants, refugees and asylum seekers to make a living without working and drew attention to the importance of legalising and issuing residence permits to migrants referred to as irregular or “undocumented” migrants. It was frequently emphasised that when migrants work without a work permit they are exposed to all types of exploitation both at work and in their social lives. While migrants whose asylum application has been accepted do not have problems obtaining a residence permit they are obliged to reside in specific cities and when they work without a work permit they too are exposed to various types of exploitation. Accordingly, the NGOs demand that a solution be found regarding work permits in particular. Nearly all of the respondents expressed that if migrants (and refugees) were to have a work permit they would be able to search for jobs under healthier conditions, defend their rights and solve such problems much easier or not encounter these problems at all. Respondents drew attention to the fact that in some cases work permits are not issued despite having granted a residence permit.

On the other hand, the lengthy and costly process to obtain a work permit for migrants restricts the solutions that respondents can offer in this regard. Thus, one of the practical solutions offered in this regard is to at least facilitate the acquisition of a residence permit so as to enable the mobilisation of regular or irregular migrants. This way, migrants will at least gain a legal status and have some degree of security against the unfair treatment that they are exposed to and be able to apply for a work permit.

A respondent from Evid-Sen who defines domestic work as an area lacking any standard whatsoever and left to the sole discretion of the employer suggests that standards should be developed and a shift system should be used instead of live-ins to solve the problems that both local and migrant workers experience. The respondent highlighted the importance of male care providers for male patients and added that issuing work permits is a way of preventing the exploitation of migrants.

As the second major problem NGOs have drawn attention to the lack of resources to meet emergency needs such as healthcare services and that there is a significant need in this domain. The case of the migrant who was hospitalised for emergency care and lost his life in the hospital last year was used as an example to explain the importance of this need. One respondent pointed out that, pursuant to the Ministry of Health's circular, normally hospitals are obliged to treat migrants even if they do not have any identity document or legal status. However, doctors refrain from treating such patients "just in case something happens" and therefore do not want to take responsibility. On the other hand, respondents highlighted that certain migrant groups such as Circassians and Azerbaijanis have easier access to healthcare services. Most respondents mentioned that migrants and refugees could not go to hospitals both because they lack the means and out of fear of being deported. They suggest that diagnostic and therapeutic services be provided to refugees and migrants free of charge by the public sector, irrespective of their legal status, as healthcare is a universal service for everyone.

Another problem that NGOs had identified was that the children of both regular and irregular migrants as well as minor refugees are being deprived of their right to education. The major problems that migrant children and their families face are that schools refrain from enrolling migrant children and even if they are enrolled they cannot get their diplomas. For example, the most striking problem that the Afghan associations mentioned was that around 300 Afghan children in Istanbul are not receiving any education. When this situation was reported to the officials the "solution offered" to them was "go and get legalised".

On the other hand, while some NGOs try to support refugees/migrants through language and vocational courses they have expressed the need for institutions to which migrants can refer. The Kazak Turks association expressed that migrants are not able to attend the vocational courses offered by the municipalities and demand that the problems related to education be solved.

Most respondents stated that irregular migrants and refugees live under much worse conditions than the poor in Turkey. In addition to subsistence, health, education and accommodation related problems the migrants also struggle with social discrimination. Many of the respondents gave the expensive rents as an example and added that most landlords do not want to rent their houses especially to irregular migrants. To solve such problems respondents once again emphasised the need to legalise migrants and issue residence permits. Respondents defined work permits as an instrument to prevent unfair treatment towards migrants at work. Similarly, they suggest that residence permits will serve as an instrument to prevent unfair treatment in the social domain. Another suggestion that was brought up during the interviews was to find ways to effectively combat the negative perceptions about migrants in the public eye. As a more comprehensive solution, they advocate that migrants should have equal rights as citizens.

On the other hand, NGOs that work for migrants are particularly hopeful about the new civil institution that will be established under the new draft law. However, they

stated that it is far from any serious practices aimed at improving the living conditions of refugees and migrants. Along these lines, respondents demand that the state improves the social assistance provided to migrants and facilitate the granting of work permits.

3.1.5. An Overall Assessment of Migrant Associations and other Migrant Related NGOs

In Turkey there are a number of NGOs that have diversified recently and have the potential to increase their influence area. Since the 2000's there has been a staggering increase in the number of these organisations dealing with migrants, refugees and asylum seekers. This increase has occurred at a time when Turkey has become a destination and transit country for irregular migrants and when the state has withdrawn itself from social services. Akbaş defines these NGOs as the “new philanthropy” (2012:339). What these NGOs in fact do is deliver social services through the civil society with the support of various national and international organisations. Including new social movements, the NGOs interviewed during this study are either direct social service providers or provide information and guidance. The services delivered by NGOs vary from support in cash, in kind, healthcare assistance to education, access to employment, finding a house or legal support. Through their function as service and aid providers these NGOs have assumed the state's role of enhancing welfare. Their power increases in proportion to their capacity to access to resources and their relationships with public or international organisations. In particular, NGOs that directly deliver services or migrant associations not only access different migrant groups through such services but also gain control over migrants. The input of some of these NGOs is sought when developing migration policies.

In contrast, it is possible to say that associations created by migrants themselves (i.e. migrant associations) are less influential when it comes to developing policies. While associations established by migrants of Turkish origin are mainly interested in migrants that have or are about to become naturalised as well as cultural activities towards them, other migrant associations that are not of Turkish origin appear to be underdeveloped to take part in the policy making process. It is seen that this is also a result of the political authority's attitude. Along these lines, we can say that the main function of new migrant associations is to inform their members of the consequences of the policies and practices and facilitate their lives in Turkey. While migrant associations are so far from the policy making process, we did not get the impression that public agencies have any intention of including migrant associations in the process of developing the new law, unlike the information sharing going on with the other NGOs. Therefore, in parallel to the findings in Statham and Geddes' study (2007), we observed that rather than migrant associations NGOs that directly advocate migrant rights are more influential in policy making because, as is the case in other countries, these organisations openly (an on behalf of migrants) advocate the security and rights of migrants in a manner that opposes the state's discourse regarding the security of its borders. In other words, while these provide financial support to migrants they also work against restrictionist/discriminatory policies setting off from a discourse based on rights.

Finally, we observed that both migrant associations and other migrant related NGOs agree on the problems that migrants face in their work and social lives as well as the solutions for these problems. While the problems are concentrated on the exploitation of irregular migrants at work and in social life because of their legal status as well as on healthcare, education and subsistence, the recommended solutions include facilitating the granting of residence and work permits and providing further social assistance.

3.2. Worker and Employer Associations and Labour Migration

3.2.1. Worker Unions and Labour Migration

Trade unions of the developed countries have historically developed restrictive approaches against migrant workers on the basis of job protectionism and adopted political positions in this direction (Bucken-Knapp, 2009; Erdoğan, 2006). Nowadays, however, labour movement is more inclusive towards migrants and new organizational models appear to have emerged (Ford, 2004; Lüthje and Scherrer, 2001; Milkman, 2000; Penninx / Roosblad, 2000).

It is possible to consider trade union policies towards migrants on two axes. The first is the dynamics of direct trade union activities to organize migrant workers and to be in solidarity with them. The second is the dynamics of trade union participation and influence in the formation of national / regional / international policies on migrants.

The main variables that determine the attitudes of trade unions towards migrant workers and labour migration are the economic situation and labour market conditions; types of migration; characteristics of migrants; the migration history of the country and the social attitude towards migration as well as the power of the trade unions and their organizational structure (Aktas, 2007; Gokbayrak and Erdoğan, 2010; Penninx and Roosblad, 2000).

In periods of economic stagnation and especially in recession, unemployment increases and negative societal attitudes toward migrant workers gets stronger. The reflection of this negativity on workers and trade unions may be in the same direction or trade unions, on the contrary, may intensify their political campaigns on the rights of migrant workers and increase their solidarity activities with them. The size of migration and the type of stratification it creates in the labour markets also shape the trade union strategy. Outside periods of economic crisis, if there are concerns about unemployment in the sector, trade unions, with the fear of migrants will compete with domestic workers, can take a more restrictive stand against labour migration. In some sectors and occupations where labour shortage exists or the qualification of local labour force is not sufficient and for the jobs not preferred by the local labour force in terms of working conditions this negative attitude may not develop. The prevalence of the informal sector and rate of unregistered employment also have an impact over the attitude of the trade unions towards migrants.

An important variable affecting the way that unions approach migrants is their legal status. The literature on unions and migrant workers reveals that there are only a few empirical studies looking into the approach of unions towards irregular migration. Whereas, being a regular or irregular migrant, in other words being legal or not, is the most important variable that determines the way that unions approach migrant workers. On the other hand, lacking a legal status is an important factor that restricts migrants from approaching unions. If these people were to become organised that would increase their visibility which, in some cases, could be synonymous with deportation. Irregular labour migration is an area where unions face problems in terms of organisation and solidarity as well as developing policies. Unions advocate the following three policies: preventing irregular migration; protecting the fundamental rights of irregular migrants; and, regularising irregular migrants according to the labour market conditions and characteristics of the migrants. Based on the current labour market conditions and characteristics of the unions either of these policies could be prioritised.

The ethnic origin of migrants is another element that may be important for the approach of unions towards migrants. At this point, each country has migrants that it welcomes or does not welcome based on their ethnic origin and religion. Such a social environment has implications not only on the migration management practices but also employer preferences and law enforcer and inspector practices. Similarly, such a social environment affects workers and unions. Depending on their ideologies, unions may either adopt a stance that matches that social atmosphere or could do the exact opposite and adopt policies against discriminatory practices. On the other hand, another variable that impacts migrants' interest towards unions is their qualifications. Highly qualified migrants generally do not tend to join unions and the competition among employers to employ qualified migrants enables such migrants to secure their salaries and working conditions through individual contracts. It is low skilled migrants that will rather need unions (Betts, 2011).

The migration history of a country is another important factor that affects the way that society and unions see migrants. In countries of migration such as the USA, Canada, New Zealand and Australia, the perspective of unions towards migrants is highly shaped by their recent history. Similarly, if a country that has been receiving labour migration becomes a country of emigration that too may impact the unions' attitude towards new migrants. In cases where there are a lot of union members that have personally worked or their family members or friends have worked or are working as migrant workers there will be stronger solidarity and ownership of migrant workers in Turkey. The institutional and legal framework (restrictive or liberal migration policies, discriminatory practices, impact of regional migration management) where migration is in question are also important in terms of the migration policies adopted by unions. The way that labour migration is covered in the media is another factor that can affect the attitude of unions towards migrants. For example, the abundance of news criminalising migrants or illustrating their inhumane working and living conditions would also impact not only the attitude of the public but also unions.

Finally, the structure of the union itself is another important variable (Aktas, et al., 2007). Their ideologies (conservative-religious, social democrat-socialist, social movement unionism), sector structure (public-private; labour intense-capital intense; local market-exports market), financial power, level of bureaucracy, international relations, political influence, and role in the social dialogue mechanisms are internal factors that shape the attitude of unions towards migration. In some countries, unions are represented in trilateral structures for migration management and this enables them to directly play a role in the local management of migration. In some countries, unions play a key role in regularising temporary labour migration and recruiting workers. There are some cases where membership to a union in one country is recognised by another country (Betts, 2011). There are also examples whereby unions have been instrumental in organising irregular migrant workers and these examples are increasing by the year. These experiences are meaningful in that they demonstrate that irregular migrants can be organised (Ağtas et al, 2007; Gökbayrak, Erdoğan, 2010; Haus, 1995; Lüthje, Scherrer, 2001; Milkman, 2000).

The issue of unions and migrant workers holds an important place on the agenda of international unions too. The International Trade Union Confederation (ITUC) conceptualises migration as wanted and unwanted migration and states that in order to prevent unwanted migration the origin countries need to develop in a balanced way and decent working opportunities need to be provided. ITUC does not have an approach that advocates the labour mobility across the world. ITUC does not call for the granting of legal statuses to irregular migrants either. ITUC's policy is grounded on creating channels for regular migration through cooperation between employer and worker unions and governments. ITUC supports the development of migration policies from a multilateral framework. ITUC assigns a key role to the International Labour Organisation in developing an international migration policy that will contribute to economic and social development, enhance intercultural understanding and protect the rights of migrant workers while minimising the problems caused by brain drain. While ITUC recognises the need to prevent irregular migration and that irregular migrants may be sent back, it demands that all migrants be allowed to enjoy their fundamental human rights as well as their rights to work and association, without any discrimination whatsoever (ITUC, 2010).

3.2.1.1. The Attitude of Turkish Workers' unions towards Migrant Workers

Together with employer associations, unions are the key civil society actors in labour migration management. Unions could assume important roles in terms of developing policies for labour migration, preventing irregular labour migration and protecting the fundamental human rights and labour rights of migrants. Along these lines, it is important to evaluate unions' approaches to labour migration and, if any, their policies and activities. The results of a study conducted at the end of 2008 (Gökbayrak and Erdoğan, 2010) reveals important findings about the approach of unions towards irregular migration in Turkey. A total of 23 interviews were conducted with executives

from TÜRK-İŞ, DISK and HAK-İŞ as well as food, leather, construction, hotels and recreational places, general business and maritime unions under these confederations. The analysis of the quantitative data gathered during the interviews revealed that unions do not play an active role in the protection and organisation of migrant workers and the determination of migration policies, whereas they should. The results of our field study conducted as part of the research also revealed that since 2008, despite the increase and diversification of labour migration in Turkey in the past four years, unions have not changed their attitude and position towards labour migration. During our study we collected quantitative data through interviews with nine union executives in Ankara and Istanbul representing the following lines of business: textiles, leather, hotels and recreational places, general works and land transportation.

Before moving on the findings of the field study, it will be beneficial to present an overview of the structure of unions in Turkey. In Turkey, workers' unions that are organised on a national level are gathered under three large confederations. The biggest confederation TÜRK-İŞ was established in 1952. DISK, the Confederation of Progressive Workers' Unions was established in 1967 by a group of unions that split from TÜRK-İŞ. HAK-İŞ was established in 1972. TÜRK-İŞ has 35 unions from different branch of activities, DISK has 12 unions and HAK-İŞ has 8 unions.⁵⁵

After 1980, the workers' associations in Turkey lost significant power both in terms of the number of members and political influence. According to the statistics of the Ministry of Labour and Social Security, in Turkey the unionisation rate is 8.4%.⁵⁶ When taken into account the unregistered workers, this figure becomes even lower. More than half of the unionised workers are from the public sector.

There are not only external reasons underlying the members that worker unions lost but also factors stemming from the unions' internal structures. While the antidemocratic legal framework created due to the military coup in 1980, the pressure put on unions, privatisations, subcontracting both in the public and private sectors, the effects of global competition on employers and ultimately high unemployment rates laid the objective foundations for such loss; internal factors such as the bureaucratisation of unions, their lack of developing new organisational strategies and some union members losing reputation accelerated this loss of power.

An important part of unions whose members are public workers are paternalistic, dependent unions that goes parallel with a reconciliatory attitude with the government (Özügürlü, 2008). While women members are few, they are non-existent in the union management, even in the branch of activity where they could be effective. It is seen that the union movement focuses on improving remuneration and working conditions and has no effect on economic and social policies on a social level. While the traditional base constituting these unions, namely public workers, has shrunk they have not been

⁵⁵ Civil servants in Turkey have their own civil servant unions and confederations.

⁵⁶ http://www.csgeb.gov.tr/dosyalar/kitap/kitap02_6356

able to formulate strategies for workers without security in small businesses as well as failed to renew their centralised and bureaucratic structure. This structure, which has been shaped by virtue of law, has been reinforced with union statutes (Gökbayrak and Erdoğan 2010)

In summary, while unions in Turkey are faced with economic, social and political factors that challenge them and increase non-organisation they don't have the organisational capacity or structure to solve these issues. The unions' approach towards irregular migrant labour is largely impacted by these conditions.

Our first finding related to the attitude of unions with respect to labour migration is that labour migration is not on their agenda. An executive from TÜRK-İŞ that we interviewed expressed that the issue of illegal foreign workers⁵⁷ had never been on the agenda of the Board of Presidents during his term in the Confederation. Similarly, his union does not have such an agenda currently. The other union executives confirmed this situation for their respective unions.

It is seen that while labour migration is not on the agenda of unions they have knowledge about it through their observations. Respondents from the textiles and ready-to-wear industries expressed that the employment of foreign workers is not common. The shift from labour intense technologies to capital intense technologies, the focus on exports, the increased importance of quality and therefore qualified workers, and the internal inspections carried out by multinational companies, including for subcontractors, are among the factors that have led to a decrease in the employment of illegal workers. While ten years ago migrants who first came from Bulgaria and Romania and worked in manufacturing in the textiles and ready-to-wear industries returned to their countries during the process of accession to the European Union. However, respondents have mentioned that a limited number of illegal foreign workers are employed in the so-called "under the stairs" manufacturing sites. They have also noted the presence of foreign workers among the workers that are employed for sandblasting processes, without any occupational health and safety measures, leading to the lethal silicosis disease due to exposure to those chemicals. While respondents stated that foreign workers are not common in the textiles and ready-to-wear industries, they said that there are a high numbers of foreigners working in sales and marketing in certain districts. In fact, one union representative noted that there are a lot of foreign workers in the shops right under the union's office. With respect to exports to Central Asian and African countries carried out through shuttle trade and cargo companies, another very common phenomenon is employing foreign workers so that each country of export deals with someone who speaks their language, who also helps in reflecting the tastes and preferences of those countries. All of the unions are aware of irregular migrant women working as domestic workers and care providers. They have also mentioned the visibility of foreign workers in car parks, moving companies, bakeries, restaurants, and park and garden work carried

57 In this section, the term of "illegal foreign workers" commonly used by trade unionists is used instead of the term irregular migrant workers.

out by subcontractors for municipalities. It is interesting that while an executive from a union that has organised municipal workers did not speak of the employment of irregular migrants in their branch of activity, another union representative mentioned that subcontractors working for municipalities employ migrant workers. In fact, an Istanbul branch of the same union has sent a letter to the Regional Labour Directorate related to this matter. An executive from a union representing the tourism industry expressed that an increasing number of foreign workers are being employed in the tourism. While some of these workers are being employed outside of the quota for foreign workers in tourism facilities, irregular migrant labour is common for housekeeping jobs and other units. Respondents also mentioned that migrants from neighbouring countries work in the leather factories in Thrace as well as irregular Afghan migrants in the leather factories owned by employers of Afghan origin. However, the increase and diversification of foreign workers has remained an observation for unions and has not made it to their agendas.

According to the unions, the migrant labour is a result of globalisation. In particular, the economic conditions and political instabilities in countries of emigration are factors that accelerate labour migration. They believe that employers prefer migrant workers because of lower pays and long term work. They added that due to the crisis, the shrinking employment opportunities in Europe has made Turkey an attractive country for labour migration.

Another common observation is that there are seasonal shifts in irregular migration. While migration from the Central and East European countries decreased after their accession to the European Union, there has been an increase in the number of migrants from Turkic Republics and the Caucasus, with a recent increase in African migrants. A union representative that we interviewed in Ankara said that illegal African migrants are being employed for 400 TL a month by furniture manufacturers in Ankara's Sıteiler district. These employers rent a house for the workers where they live collectively. Furniture manufacturers employ African migrants to do low-paid, unskilled jobs because they have difficulty finding apprentices.

The prevalence of the informal sector in Turkey and the high rates of unregistered employment enables irregular migrants workers to easily join the labour market. Union representatives see illegal migrant labour as a continuation of the informal sector and consider it as the lowest stratum of the national labour force that is forced to work in the informal sector because of internal migration to urban areas. Just like informal workers, illegal foreign workers provide competitive advantages to certain employers by lowering compensation and the working conditions, therefore reducing the cost of labour. While some West European countries link the phenomenon of informality to migrant workers, in particular irregular migrant workers, informality is a structural element of the labour market in Turkey. That is why the employment of illegal foreign workers is not interpreted as a phenomenon creating or feeding informality, but rather as a consequence of informality or a phenomenon that feeds on it. While the informal sector is an important agenda item for unions due to its structural characteristic of the labour market, the employment of illegal workers is considered to be a secondary factor

that can be eradicated when the informal sector is eradicated. The employment of illegal foreign workers loses its significance where unregistered employment is common.

It is observed that if the employment of migrant workers emerges in the current or potential areas where unions are organised, then they could become actors that prevent irregular migrant labour or support their legalisation. For example, according to the provisions of the Regulations Concerning the Employment of Foreign Workers and Artists in Tourism Facilities (1983) there is a 10% quota for foreign staff. This rate can be increased to 20% with a decree of the Council of Ministers. A president of one of the unions in the tourism industry explained that one time when there was a competence related problem in one of their member workplaces, he found out that the rate of foreign workers was 35%. By calling inspectors to duty he ensured that this rate went down to 15% again. The tourism example demonstrates that the presence of unions in a workplace can be instrumental in preventing/regularising illegal migrant employment. However, due to the structural characteristics of the union the president did not feel the need to formulate a union policy for the employment of foreign workers or bring this issue to the table at TÜRK-İŞ, where he was once in the executive. The union has not made any attempts to recruit migrants workers in the tourism industry to the union.⁵⁸ The same Turkish union mentioned that upon the request of the French union, with which it collaborates, they have helped to organise migrant Turkish workers in the tourism industry in France.

On the other hand, respondents have mentioned that in some of the large tourism facilities in the Turkey's southern coastline workers have joined a union that is pro-employer, upon the guidance of employers. Employers have become organised in the form of an association and in fact do collective bargaining with the workers' associations that is not independent from them. Respondents claim that these workplaces do not follow the %15 limit for foreign employment and also employ several irregular migrants. Undoubtedly such pro-employer unionisation does not prevent the employment of irregular migrant workers but cover it up.

In Turkey some of the unions under TÜRK-İŞ have formed organisations with unions in origin countries of irregular migration. One of these is the Eurasia Food, Agriculture, Forestry and Tourism Workers' Federation, which was established in 2007 with the leadership of certain unions affiliated to TÜRK-İŞ. The Federation has 20 member unions from 12 countries.⁵⁹ However, the Federation have not even included the

58 The Unions Law No. 2821 stipulates that individuals establishing a union must be Turkish citizens. Migrants that have work permits and are considered workers according to the Unions Law can join a union in their line of business, pay solidarity fees and benefit from collective bargaining. The enjoyment of these rights is not dependent on whether the foreign worker has a temporary or permanent work permit.

59 The following countries and unions are member to the federation: Tek-Gıda, Toleyis, Şeker-İş, Tarım-İş and Orman-İş from Turkey; Agro Sindikat and Sutkoz from Macedonia; Ppdvut from Sarajevo; Urban Deposit and Food Industry Workers' Union from Azerbaijan; Agriculture and Food Industry Workers' Union from Georgia; Ceres, Agro Fratia Federation and Agro Starro from Romania; BSPK from Kosovo; Confederation of Trade Unions of Montenegro and Trade Union of Agriculture, Food and Tobacco Industry Montenegro from Montenegro; Serbian Autonomous Union of Catering and Tourism from Serbia; Uzbek Agriculture and Food Industry Workers' Union from Uzbekistan; Tajik Agriculture and Food Industry Workers' Union from Tajikistan; and, Kyrgyz Agriculture and Food Industry Workers' Union from Kyrgyzstan.

subject of labour migration in its agenda in spite of affiliating trade unions both from origin countries and in Turkey organizing workers in the branch of activities where migrant labour work.

An executive from a union of land transporters expressed that there are a lot of foreign workers in small workplaces where the union is not represented. These companies employ migrants from Turkic Republics, pay them very little and make them sleep in the workplace. Foreign workers are particular common in moving companies. These workers work 7 days a week, 13-14 hours a day. They get paid 100 dollars a month and their employer pays for their food and accommodation. While migrant workers are frequently seen in this line of business, unions working for the organisation of workers in transport stores and cargo companies have not dealt with migrant workers.

It is known that many foreign workers work for the municipalities in İstanbul through subcontractors in jobs like park and gardening work and flower planting, as was mentioned by several unions that were interviewed. However, none of the executives of unions represented at municipalities confirmed widespread employment of migrant workers in these fields. Similarly, these unions do not have any activities towards migrant domestic workers/care providers that fall under their scope of activity. The union executives believe that in an environment where unions have failed to become organised in subcontractor companies and where local workers who attempted to get organised were fired, they cannot think that unions will address the issue of migrant workers.

Some respondents stated that when the “Organization Bureaus” are established where there is a high volume of workers, as decided in the 20th General Assembly of TÜRK-İŞ in 2007, the organizers will come across migrant workers in the field and they will be able to bring up the problems of the migrant workers to the trade union agenda just like local workers. Although some unions like Petrol-İş have established “Organization Bureaus” for their own organization purposes these have no functionality for migrant workers.

The dominant personal attitude that union executives have towards illegal migrant labour is that public authorities should prevent irregular labour migration and that foreign workers should not be employed in jobs where national workers could work. However, employing migrant workers at home to provide care for children, the elderly and patients, namely in jobs where the local labour work force does not want work, or in tourism or marketing where the local labour force lacks qualifications such as knowledge of foreign languages and culture is widely accepted. It is believed that it will be possible to replace foreign migrant workers in time through vocational education. While there is a demand to prevent irregular migration there were no suggestions to reduce the current irregular migration stock through readmission. It should be noted that union representatives generally have a positive attitude towards migrant workers due to humanitarian reasons. They support the measures for their human rights and working conditions and are compassionate and tolerant towards workers that have migrated to “make a living”. This could be empathy coming from being a citizen of a migrant-

sending country or the common destiny of workers. The fact that migrant workers do not work in industries and/or workplaces that would compete with unionised workers surely plays a role in the extent of this tolerance. Union representatives expressed that foreign workers are not employed in the workplaces where they are organised. In this sense, it is believed that unionised organisation are the solution to informality and the employment of irregular migrants. This was also a dominating theme during our field study in Antalya on the tourism industry. Indeed, the information that we collected about the methods that some large tourist facilities in Antalya resort to in terms of exceeding the foreign worker quotas or escaping from inspections demonstrate that unions could have a more effective role than inspections and sanctions in preventing the informal employment of both national and migrant workers.

As a result, we can conclude that the unions in Turkey do not have any individual activities on a union level or collective activities on a confederation level to organise foreign workers and be in solidarity with them. Moreover, while unions are aware of labour migration and irregular migration based on their observations and cases in their branch of activities they do not have any activities aimed at influencing the formulation of national/regional/international policies concerning migrants. However, it is seen that in some cases unions have resorted to authorities to call for inspections in order to enforce rules regarding the employment of migrants or prevent the employment of migrant labour as part of efforts to combat the informal sector. Their general inclination regarding migration management is to open new regular migration avenues where the national labour force lacks the qualifications or cannot fill the jobs due to other reasons, prevent irregular migrations, end labour exploitation by respecting the human and labour rights of migrants, and pave the way for unionisation so that unions can monitor the informal employment of national or foreigner workers. We believe that including unions among the actors of migration management would be useful because of their knowledge of the field and their tendencies that are coherent with national/regional migration policies. This would also enable workers' unions to act strategically and systemically towards labour migration and contribute to the progress of migration management through practical programmes.

3.2.2. Employers' Associations and Labour Migration

It is known that today employers' associations have a more liberal approach towards labour migration. Their general tendency regarding labour migration is to let labour enter according to employer demands and the dynamics of a liberal labour market.

In Turkey there are several associations and unions where employers are organised. In addition, as the professional umbrella organisation of the private sector TOBB (Union of Chambers and Commodity Exchanges of Turkey) represents more than 1.2 million companies from all sectors and has 365 affiliated organisations in the form of chambers of commerce, industry, commerce and industry, chamber of shipping and stock exchanges. Established in 1962, TISK (The Confederation of Employer Associations in Turkey) is the only supra level organisation of the employers' associations in Turkey. It has 22 member unions from different lines of business, four of which are public employers. To the best of our knowledge there is no academic study that has looked into the policies and activities of Turkish employers' associations regarding labour migration. Undoubtedly, it is not possible to include such a comprehensive study in our research. During our study, we analysed the data collected through semi-structured interviews with TISK, the supra organisation of employers' associations, and certain employers' associations in Istanbul. In this sense, we must note that these findings are initial findings and a comprehensive research to be conducted in the future with employers' organisations on labour migration would provide insight into this area.

Like the workers' confederations, we observed that irregular labour migration is not a priority for TISK either. Because the unions represented under TISK do not have any small or micro member businesses, we were told that irregular foreign labour is not valid for them and that this issue has never been discussed in their meetings. TISK publishes a wide range of publications and reports. Except for some analyses on work permits issued to foreigners (Çiçekli, 2004; Kırıl, 2006) it has no publications on labour migration. According to TISK, one of the reasons for this is the fragmented structure of regulations on labour migration and migration management. In addition to the Ministry of Labour and Social Security, the involvement of the Ministries of Interior and Foreign Affairs as well as other ministries prevent the formulation of a holistic policy and therefore the creation of cooperation mechanisms with employers' organisations. TISK noted that the Ministry of Interior has not made any contact with TISK for irregular labour migration and drew attention to the tripartite structures for migration policies in developed countries and the cooperation between employers' unions and public authorities. During our field study in Antalya on the tourism industry, employers and employer representatives underscored that there needs to be close cooperation between public authorities and employers' organisations on an industry level so as to determine policies concerning the employment of migrant workers, develop legislation, and increase the efficiency of practices by reducing bureaucracy.

In practice TISK assists tourism facilities in obtaining permits for foreigners to be employed in member organisations. On the other hand, the representative from TISK

expressed that there are flaws and rigidities in the legislation when it comes to obtaining work permit for architects/engineers to be employed by large scaled enterprises.⁶⁰ There are practical flaws even in obtaining permits for key foreigners for foreign direct investments.

According to TISK the factors that cause irregular labour migration are the shortcomings in legislation and the rigidity of the regulations concerning the labour market. The shortcomings in the legislation on regular labour migration make companies turn to irregular worker employment. Another reason is the restrictions in front of flexible employment. According to TISK, the lack of regulation for temporary labour employment through private employment agencies and the shortcomings in the legislation governing private employment agencies divert labour migration to irregularity, even in areas where it could be regular, and migrant workers turn to irregular employment either through their own channels or through informal brokers. TISK suggests that instead of trying to prevent irregular labour migration with policing measures new avenues for regular migration should be opened and a network to be established between the private employment agencies in origin and destination countries could lay the infrastructure for regular labour migration. TISK would also be present in such a network for labour migration because private employment agencies are members of TISK. These types of networks to be established through employment agencies will be able to cooperate with employers' organisations in different countries such as Georgian, Azerbaijani and Kyrgyz employers' organisations with which close relationships exist. According to TISK, given the scale and nature of irregular labour migration this issue cannot be solved by the public authority through border controls and deportations.

During the interviews with representatives of private employment agencies, the dominating view was that the rigidity of the current legislation and the lack of regulations enabling private employment agencies to hire temporary workers lead to an increase in irregular migration. Private employment agencies want to have the authorisation to obtain work permits for foreigners instead of this authorisation being granted to the so called consulting companies. Representatives of private employment agencies expressed that the draft regulations on the temporary employment of workers through private employment agencies should include foreign migrant workers too and that they are lobbying for this in hope that necessary arrangements will be introduced soon.

The employers' associations in the textiles industry that we interviewed in Istanbul also share the same opinion as the other employers' associations in that new avenues for regular migration should be opened. Managers from the association stated that foreign migrant workers employed as sales reps, marketing associates, models and stylist in the

60 According to TMMOB's regulations concerning the evaluation of work permits for foreign engineers, architects and urban planners and their applications for temporary membership (2005), foreign engineers, architects and urban planners have to become temporary members to the related professional organisation, even if they are exempt from a work permit, in the event that they stay in Turkey for longer than one month to perform their profession using their professional title or knowhow and/or engage in various professional research, consulting, representation, education, jury membership or similar activities.

textiles and ready-to-wear stores in Osmanbey, Laleli and Merter are not in competition with national workers because national workers do not have the language and culture qualifications that they do. Moreover, external buyers find it more reliable to place orders by getting into contact with someone from their own country. For foreign buyers face to face relationships are important for such type of shopping which takes place through the selection of goods, their payment and delivery through a cargo company. The association's managers support the conveniences introduced to legalise such irregular migrants and expressed that they have been lobbying at public agencies for the introduction of the recent regulations known as "residence amnesty". Representatives from the association noted that these migrants are employed not because of cheap labour but because they have the qualifications required by the job, adding that the cost of employing a regular migrant worker is acceptable for them.

In terms of employers, migrant labour being cheap is not always the single characteristic that holds true in every case. When taken into account migrants' long working hours, it is true that their hourly rates are cheaper than national informal workers. However, in addition to this another important factor is that national workers lack the language and cultural skills these migrants have when it comes to working in the tourism industry in sales and marketing to interact with foreign buyers. During our field study in Antalya, employers mentioned that its imperative to employ migrants to deliver quality services. Accordingly, these words should be evaluated in this context. Employers too want these irregular migrants to be legalised. Domestic workers can be included in this scope due to their qualifications. An employers' association in the construction industry also stated that employing cheap migrant labour does not always mean lower construction costs, adding that in today's constructions a quality and uninterrupted production process without occupational accidents can be much more important. On the other hand, when calculating the cost of irregular migrant labour employers also take into account the conflicts that migrant workers may have with their peers or society as well as the penalties they may have to pay if someone reports the irregular migrant workers.

We observed that TISK is willing to join in the social dialogue mechanisms for migration policies and that it can contribute to migration management with its knowhow in the management of skilled and unskilled migration.

3.3. Effects of the Global Crisis on Migration Movements and Potential Migration Flows to Turkey

3.3.1. Effects of the Economic Crisis on Migration Movements

In the past 25 years, the whole world has witnessed the financialisation of capital stock. A decade ago, this process led a series of Asian and Latin American countries, including Turkey, to a financial crisis. The very same process created yet another crisis in 2008, however with much stronger effect in the USA with the subprime mortgage crisis. The financial crisis that broke out in the US spread to Europe and to developing countries,

starting from mid 2008. At the outset, Turkey was among the countries that would feel the effects of the crisis more because of its pre-crisis economic conditions (Erdoğan, 2010; UNCTAD, 2008; Uras, 2009). The crisis swept all of the affected countries into stagnation, leading to smaller growth rates, and turning negative in some countries. While unemployment and poverty increased, public revenues shrank. The global crisis also impacted international labour migration and migrants in various ways.

In addition to the effects created by the objective conditions of the global crisis the economic policies and migration policies that governments adopted at times of crisis also shaped the effects of the crisis on labour migration. On the other hand, the ethnic-cultural reactions that emerged during the crisis also impact labour migration.

The effects of the global crisis on labour migration need to be addressed in terms of long and short term effects. In the short term, depending on the depth of the crisis, there could be a decrease or stagnation in irregular migration movements, returns, transformation of regular/skilled labour migration into irregular labour migration or shift towards irregular migration in terms of new skills and professions. Likewise, in the short run irregular labour migration may change direction and shift towards countries that have been less affected by the crisis and that do not have restrictive policies. We can say that it is too early to hypothesise about the long term effects.

From the perspective of migration management, crisis periods are times when countries introduce short term and even ad hoc changes to migration management policies to counter the effects of the crisis. Looking from perspective, in cases where there is a risk that the global crisis could become deeper, formulating long term policies may not be appropriate.

Since the beginning of the global crisis in 2008, there have been studies in the migration literature regarding the effects of the global crisis on labour migration and migrant workers as well as the changes that governments have introduced to their migration policies. Because of the lack of sufficient data to analyse the effects of the crisis on labour migration in 2008 and 2009 certain hypotheses have been formulated based on the effects of previous crises (Awad, 2009; Castells, 2008; Castells and Vezzoli, 2009; IMF, 2009; IOM, 2009a, 2009b, 2009c; Martin, 2009; McCulloch and Sumner, 2009; Migration DRC, 2009; OECD, 2009a, 2009b; Papademetriou and Terrazas 2009; Sward and Skeldon, 2009; Zetter, 2009).

These studies point out that the effects of an economic crisis on labour migration emerge through different channels and sometimes inversely. The major and most expected effect is the deterrent effect of increased unemployment rates and shrinking employment opportunities in the destination country on labour migration. In general, labour migration is directly proportionate to the unemployment in the origin country and indirectly proportionate to the unemployment in the destination country. However, the depression in 1930 showed that when there is economic stagnation in both the origin country and destination country the conditions in the destination country

become determinant and the net migrant entries to destination countries decrease (Hatton and Williamson, 2009). Conversely, when unemployment rises in times of crisis in the destination country, this also can increase irregular migration. In a shrinking economy many migrants that have a work permit are bound to lose their jobs. Most countries oblige unemployed migrant workers to return to their own country if they cannot find a job within a certain period of time. These workers who are under the risk of unemployment in their own country too and therefore do not want to return may prefer to join the informal sector and become irregular migrants. Such a situation may lead to an increase in the irregular labour stock in the country while irregular migration movements do not increase or, in fact, decline.

During times of crisis increased penalties imposed on employers in destination countries that employ irregular migrants also restrict employment opportunities for irregular migrants. Furthermore, during a crisis destination countries frequently increase their border controls and this has a deterrent effect because it increases the risks and costs associated with irregular migration.

At times of crisis, the restrictions imposed on labour migration could create an exact opposite effect. Regular or irregular migrant may decide not to return to their own countries thinking that they may never be able to come back to the host country because of the restrictions. Therefore, while restrictions reduce irregular migration movements they can increase the irregular migrant stock.

During times of crisis the restrictions imposed on regular migration may have a deterrent effect in the short run. However, when countries are coming out from a crisis the continuation of such restrictions on migration may lead to an increase in irregular migration. In the post-crisis period, increases in production will affect employment and this will revive the demand for migrant workers. When considered that policies restricting migration cannot respond in the same flexible way to changes in the labour market, the exit periods could create an environment that increases irregular migration.

On the other hand, in countries where the crisis has turned into a public debt crisis, in addition to an increase in unemployment poverty and social exclusion also increases. This could lead to a decline in irregular migration movements to such countries. In cases where a social crisis feeds racist and discriminatory social reaction, such a reaction will have a further deterrent effect on labour migration. The rise of xenophobia and racist initiatives against migrants in Greece during the crisis are examples to this.

By 2010-2011 there was an increase in the number of studies examining the short term effects of the global economic crisis on migration. (Bastia 2011; Castles, 2010; Ghosh, 2010; Green and Winters, 2010; OECD; 2012; Tilly, 2011). The studies share some common findings. Above all, it is seen that while new migration movements have decreased they have not stopped. As expected, there have been significant declines in irregular migration movements in particular to developed countries. While there has not been any decrease in the migration movements for reasons such as family

reunification, marriage, education etc. or in compulsory asylum movement, the overall trend for irregular labour migration has declined. It is observed that while irregular labour migration has decreased, the irregular migrant stock has not decreased. Even against fewer opportunities for employment migrants have not preferred to leave their current countries and return to their home country. Some incentive schemes for return put into place by some countries have not had a widespread effect. There has been a quite minor reduction in the migrant/worker incomes that migrants send to their own countries. In 2010 and 2011 worker incomes have risen. During the crisis migrants got hit worst from unemployment. In particular, unemployment rates among migrant youth has increased. On the other hand, governments have revised their migrant policies at times of crisis and, in line with increased social sensitivity towards migration, have shifted towards more restrictive policies.

In the long term, it remains uncertain as to whether there will be shifts in global economy to radically change global, regional, national and local migration regimes. (Castles, 2011).

3.3.2. The Global Crisis and Migration Movements to Turkey

While there are studies on the effects of the global crisis on Turkey, measures against the crisis and exit strategies, to the best of our knowledge there is no study on the impact of the global crisis on labour migration to Turkey.

The global crisis has affected Turkey in terms of financing, trade and expectations. The reduction in capital flow to Turkey, the closed loan channels in the banking system, the shrinkage in domestic and international demand and the negative impact on expectations (DPT, 2009a; DPT, 2009b; ISO, 2009) has led to a shrinkage in the Turkish economy since the last quarter of 2008. In 2009, except for financial institutions, all of the industries witnessed significant shrinkages. As a result of the economic crisis in the European Union, where 50% of Turkey's exports go to, Turkey faced a shrinkage in international demand. Starting from November 2008 Turkey's exports declined. The first and direct effect of the economic shrinkage was on employment and in 2009 Turkey faced the phenomenon of the crisis in the real economy turning into an employment crisis. In 2009, the unemployment rate that previously stood around 10% went up to 14%. Even if we assume that the shrinkage in manufacturing for the exports markets would not have a great impact on labour migration, the 8.1% and 16.1% shrinkages in 2008 and 2009 (INTES, 2011), respectively, in the construction industry, which is an important industry for the employment of irregular migrants, (Demir, Sözer, 2011) can be considered to have decreased irregular labour migration flows. Similarly, the regression of income for the middle class at times of crisis may shrink the employment of migrants for domestic work/care services, which are important sectors for migrant labour.

We do not have data on what extent the economic shrinkage in Turkey and increasing unemployment rates have affected irregular labour migration. However, according

to the data provided by the Directorate General of Security while 64,290 irregular migrants were intercepted in 2007 and 65,737 in 2008, this figure dropped nearly by half to 34,435 in the crisis year of 2009. Assuming that these data could be indicators, even if we consider that there has been a decline in irregular migration flows to Turkey due to the crisis, it can be said that this trend has not continued amid Turkey's rapid exit from the crisis in 2010-2011. Number of intercepted irregular migrants 32.667 in 2010, 44.415 in 2011.

Turkey recovered from the crisis rapidly in 2010 and reached high growth rates in 2010-2011 (9.2% and 8.5%, respectively). In 2010 and 2011, as an important industry for migrant workers, the construction industry grew by 18.3% and 11.3%, respectively, and the number of households with domestic workers grew by 5.4% and 7.8%, respectively. The low interest thresholds in developed countries and the high amount of liquidity created nourished short term capital flows to Turkey. The environment of uncertainty due to the problems in the Eurozone made Turkey even more attractive for capital flows. In 2011, while the conditions created by the public debt crisis in Europe led to a decrease in labour migration to Europe (Tilly, 2011) Turkey became a centre of attraction for labour migration because of its high growth rates and unemployment rates regressing to pre-crisis levels. Demir and Sözer's (2011) study on irregular migrants in Turkey reveals findings that confirm this situation. For example, two migrants, one from Ruanda and the other from Senegal, have stated that Greece has become a country of irregular migrants and that they left Greece because of high unemployment rates and came to Turkey. We heard similar comments during our interviews with unions. Not only unemployment rates but also the stringent border controls in European countries, their restrictive migration policies and increased audits and sanctions on employers have played a role in turning to the direction of irregular labour migration in the "south" to Turkey during the crisis. Furthermore, the anecdotal evidence gathered from national and international media shows that during the crisis Turkey is not only a destination country for labour migration in the south-south route but also from the north to the south (Sabah, 2011; The Guardian, 2011).

Depending on the roadmap of the global crisis in the upcoming years there could be changes in Turkey's economic outlook. It is too early to predict the effects of the potential slowdown in growth rates on employment as well as on labour migration to Turkey. Not only the economic conditions in Turkey but also the economic conditions and restrictive migration policies in Europe, as destination countries using Turkey as a transit, will impact the irregular migration flows. On the other hand, migration from countries such as Tajikistan, Kyrgyzstan and Uzbekistan, whose economies are largely dependent on workers' remittances, to Russia may turn to Turkey because of Russia's restrictive migration policies that are decreasing quotas by the day (Martin, 2009; Tilly, 2011).

Turkey's efforts to shape its migration policies and institutionalise migration management are taking place in a time when the global crisis environment is creating significant uncertainties in terms of labour migration. In times of uncertainty across the

globe (Ministry of Development, 2012) and in a period in which Turkey could face a new shrinkage (TEPAV, 2012) it is crucial that the migration management policies adopted are flexible and can rapidly adapt to potential changes in the circumstances. On the other hand, during this period Turkey should keep a close eye on the migration policies in neighbouring countries, primarily Russia, and establish new partnerships in the Eurasia region for migration management. Moreover, there is an obvious need for more research on the effects of the global crisis on labour migration in Turkey.

Policy Recommendations

4.1. International Framework for Policy Recommendations

The 19th and 20th centuries have witnessed the rise of trading states. The second half of the 20th century is the period during which migrant states came about. Trade and migration go hand in hand in strategic, economic and demographic terms. The global convergence of the commodities, services and capital markets will lead to even more international migration. Therefore, if governments want to encourage free trade and investments they should be prepared to manage high migration volumes. It is not possible to achieve this unilaterally or bilaterally. This requires multilateral or regional regimes. At this point, the United Nations has an important role to play in terms of managing migration based on the human rights of migrants. However, it appears that due to the asymmetrical interests, it is not quite possible to achieve cooperation and coordination between developed and developing countries. (Hollifield 2004: 903-905). The UN lacks a formal multilateral structure for migration management, unlike the case for healthcare, financial stability or trade. The International Organisation for Migration (IOM) falls outside of the UN system. The international community has not assigned IOM a normative authority, unlike other UN agencies. The Global Forum on Migration and Development under the UN was established in 2007, despite the opposition of Northern countries, as a discussion forum and carries out dialogue in an informal manner. (Betts 2011: 2, 8)

The UN adopted the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families in 1990. Essentially signed by countries sending migrants, Turkey signed the Convention on 13 January 1999 and the Turkish Grand National Assembly ratified it on 26.4.2001 with Law No. 4662. The key elements of this Convention are:

- to grant civil, political, economic, social and cultural rights to all migrants and their family members, irrespective of whether they are documented or undocumented, as laid down in the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights; and
- interpret the principle of equal treatment of migrants and citizens in a wide sense to include education and emergency healthcare services to the children of migrant workers (ILO 2005: 72);

The Convention also protects the human rights of irregular migrants, providing that irregularity should not lead to the migrant workers losing their employment benefits. Governments should take the necessary measures to ensure that migrant workers are not deprived of their rights based on the principle of equal treatment because of their irregular work or residence status. (ibid: 103)

The other two international standards related to migrant workers are ILO Convention No. 97: Migration for Employment (Revised 1949) and Convention No. 143: Migrant Workers (Supplementary Provisions). Convention No. 97 is related to regular migrant

workers and covers their departure from their home country, their travel, admission and transfer of income. The Convention has three annexes. Two of these annexes are related to the recruitment, placement and working conditions of regular migrant workers. The third annex is about the import of the personal belongings and equipment of migrant workers. The Convention stipulates that, with respect to employment, countries cannot treat migrant workers in an inferior manner than its own citizens. Convention No. 143 was adopted amid increased concerns of irregular migration. It has a more comprehensive scope and focuses on exploitative labour migration. The Convention provides for the prevention of illegal migration and employment of irregular migrant workers as well as the punishment of those who organise irregular migration and employers who employ irregular migrants. It also recognises the fundamental human rights of irregular migrant workers as well as some rights arising from employment (ILO, 2009).

ILO's Multilateral Framework on Labour Migration of 2006 also provides for the protection of the rights of regular and irregular migrants, in accordance with the spirit of the Convention. Accordingly, when developing labour market and migration policies each country should, in addition to protecting its sovereign rights, develop consistent and comprehensive policies, cooperate internationally and take measures to eliminate the multiple disadvantages of migrants because of their migrant status, ethnic origin and gender. The main principles that need to be taken into account when developing migration policies are as follows:

- 1) Opportunities for all men and women of working age, including migrant workers, to obtain decent and productive work in conditions of freedom, equity, security and human dignity.
- 2) All states have the sovereign right to develop their own policies to manage labour migration. However, international labour standards and other international instruments, as well as guidelines, should play an important role to make these policies coherent, effective and fair. Accordingly:
 - formulating and implementing coherent, comprehensive, consistent and transparent policies to manage labour migration in a way that is beneficial to migrant workers and members of their families and to origin and destination countries;
 - formulating national and, where appropriate, regional and multilateral labour migration policies and multilateral agreements;
 - formulating policies that take into consideration the specific vulnerabilities faced by certain groups of migrant workers, including irregular migrants in particular;
 - ensuring that labour migration policies are gender-sensitive and address the abuses women may face;
 - providing labour ministries with a key role in policy formulation, implementation and management of labour migration and establishing a mechanism to ensure

coordination and consultation among all ministries and bodies involved with labour migration;

- ensuring that specific units and mechanisms within these ministries have the necessary competencies and capacities to develop and implement labour migration policies;
- establishing tripartite procedures to ensure that employers' and workers' organisations are consulted on labour migration issues and involving migrant organisations and NGOs related to migrants;
- expanding avenues for regular labour migration, taking into account labour market needs and demographic trends.

To this end:

- establishing systems for periodic, objective labour market analyses that take into account gender issues and that include:
- establishing transparent policies for the admission, employment and residence of migrant workers based on clear criteria;
- promoting labour mobility within regional integration schemes;
- ensuring that temporary work schemes respond to labour market needs and that these schemes respect the principle of equal treatment between migrant and national workers. (ILO 2006).

4.2. Regularisation Practices

In the face of increasing irregular migration, states are taking various measures that follow or do not follow the above international framework to solve this problem. One of these measures is to establish mutually binding agreements with origin countries to control labour migration and for readmission. Another possible measure is to impose sanctions on employers who employ foreign workers that do not have a work permit. ILO recommends that (2005:100) in order for the punishments to be deterrent the cost should be higher than that of the cost savings that employer make through migrants and there should also be a high chance of getting caught. Generally these sanctions are not effective because they are poorly implemented. Another possible measure is to inform potential migrants about the dangers of the migration process and of migrant trafficking, through public awareness campaigns in origin countries. Similarly, employers in destination countries should be informed about the sanctions imposed for the illegal employment of foreigners.

Legalisation and amnesties are other types of regulations implemented by countries that have a high volume of irregular migrants to regularise them. ILO's Convention No. 143 and the 1975 Migrant Workers Convention mentions the option of member

states granting residence and work rights to individuals residing and working illegally in their country. However, many states refrain from doing this out of fear that it may encourage further migration. In order for legalisation schemes to be effective they need to be carefully formulated, involve representatives of all affected groups and promoted through public campaigns. The procedures need to be as simple as possible. It is important that too much documentation is not required. In cases where employers, not workers, are required to apply for legalisation, they may not do so in order to sustain the benefits of employing an irregular migrant. Legalisations are generally done one-time and aim a wide target group. Then, the right to apply individually can be granted, provided that specific criteria are met (acquired adaptation). If the worker has an income-generating job, has not violated the entry laws, has made effort to learn the local language for integration, and has relatives in the country then he or she may obtain a legal status (ILO 2005:103-104).

Migrant-receiving countries in the EU have had legalisation practices in place since the 1990's. While legalisation is in very general terms defined as the granting of a legal status to migrants illegally residing in the destination country there are a multitude of different schemes, objectives and results. The most common criteria sought for legalisation schemes are having lived in the destination country before specific date, the duration of stay in the destination country and evidence of employment in the destination country. Between 1996-2008, 43 legalisation schemes were implemented in 17 EU countries, including *de facto* legalisations, where 4.7 million applications were received and 3.2 million of them were granted a legal status. Italy, Spain and Greece accounted for 84% of all the applications placed in the legalisation schemes. Accordingly, 1.5 million people in Italy, 1.3 million in Spain and around 1.2 million people in Greece applied to the legalisation scheme (REGINE Policy Brief, 2009).

When analysed the different practices in different countries, it is observed that legalisation schemes are based on two different rationales: (1) humanitarian, human rights-based rationale; and (2) non-human rights based, regulatory and labour market oriented rationale. According to the human rights based rationale legalisation is the ultimate goal and is implemented to prevent deportation and eliminate the victimisation of migrations due to the policy implementations. For example, the migrants may be victimised because of the asylum system/policies in a country. As for schemes with a regulatory rationale that focus on the labour market the main objectives are more comprehensive such as to prevent unregistered employment due to irregular migration and unregistered economy, ensure that tax and social security liabilities are met, and protect social rights and worker's rights. In summary, it aims to solve the social problems created by increased informal employment due to irregular migration (REGINE 2009).

The results of legalisation schemes are assessed according to whether migrants who have been legalised can maintain this status in the long term and whether these schemes lead to new irregular migration waves. The REGINE study analyses the contribution of the legalisation schemes between 1996-2008 and concludes that overall legalisation has positive effects. Although few in number, migrants permanently legalised their

status and this prevented informal residence and employment. Another finding of the REGINE study reveals that legalisation schemes alone cannot replace policies towards labour migration. However, the study underlines that legalisation schemes play an important role in solving irregular migrations problems in the short term in countries with a high populations of irregular migrants.

4.3. Recommendations for Turkey

As “trading” country in its region that has gained economic, political and cultural power Turkey builds its migration policies on the UN Convention, ILO’s relevant conventions and Multilateral Migration Management Framework of 2006. While Turkey has signed the UN Migrant Workers Convention as a migrant-sending country, today it is obliged to develop policies in line with the Convention as migrant-receiving country. In order to minimise irregular migration Turkey needs to formulate avenues for regular migration, taking into account the need for migrants with different qualifications in the labour market, based on human rights, instead of condoning irregular migration on the grounds of “conscience” or “humanity”. At the same time Turkey should change to holistic migration policies rather than fragmented ones that differ according to different groups. Giving priority to groups of Turkish origin and culture, facilitating a wide range of procedures from granting work permits to naturalisation create discriminatory practices against the other groups. Applying different criteria to different groups, exempting certain groups from the criteria while making it more difficult for other groups result in unregistered employment. Instead, the same legislation should be applied to all migrant workers and migrant workers should have rights equal to those of the national labour force.

Turkey’s efforts to shape its migration policies and institutionalise migration management are taking place in a time when the global crisis environment is creating significant uncertainties in terms of labour migration, making administrative flexibility in migration management all the more important. While it is expected that the irregular migration flows will decrease in the crisis environment, the restrictive measures in the European Union and Russia have diverted irregular migration movement from Turkic Republics and Africa to Turkey. Therefore this projection may not hold true for Turkey. Accordingly, flexible policies based on principles will be more functional in today’s crisis environment.

Along these lines, the recommendations are on two levels. The first level consists of macro recommendations to formulate healthier migration policies as well as recommendations aimed at improving the condition of current regular migrants. The second level consists of recommendations related to the legalisation of irregular migrants and improving the fundamental human rights of irregular migrants that continue to work but do not fall in the scope of legalisation.

4.3.1. Macro Recommendations

- In order for the migration policies to succeed, Turkey first needs to successfully combat unregistered economy and employment, which are among Turkey's most important national problems. Despite various efforts in this field a significant portion of the national labour force continues to work unregistered and this creates a convenient environment for the employment and exploitation of migrant workers. Unless unregistered work is minimised the employment of irregular migrant workers cannot be prevented. However, it is not possible to combat the unregistered sector only through inspections and sanctions. There needs to be incentive policies to eliminate the restrictions for household and small businesses to employ such persons.
- Turkey should increase its cooperation with the regional countries. In addition to formal cooperation, there should be activities to ensure informal cooperation too. The Directorate General for Migration Management that will be established could play an active role in this area together with IOM. This cooperation should not be limited to public actors only but should engage academicians and NGOs.
- The Directorate General for Migration Management to be established will be ensuring coordination between the related agencies and organisations in the field of migration. The DG should implement activities towards ensuring fundamental rights such as access to primary healthcare services, education for children as well as preventing violations of rights such as non-payment of wages to migrants, irrespective of whether migrants and their family members are regular or irregular. A gender-sensitive perspective should be integral to the DG's activities, taking into account the vulnerabilities of migrant women.
- The Migration Advisory Board to be established should include not only representatives of NGOs but also representatives of workers' and employers' confederations, which would be particularly useful in terms of formulating recommendations for the labour market.
- The coordination between the Ministry of Labour and Social Security and affiliated agencies with other public agencies responsible for migrant labour needs to be increased.
- The Department of Work Permits for Foreigners under the Ministry of Labour and Social Security should be upgraded to a Directorate General level and its staff capacity should be increased.
- Law No. 4817 and the Implementing Regulations should be revised with a more flexible, not restrictive, perspective and amended accordingly to become harmonised with the Foreigners and International Protection Law.
- According to Law No. 4817 the Ministry of Labour and Social Security is required to evaluate the conditions in the labour market, the developments in

work life, and changes in the industrial and economic conjuncture. In order for the said evaluation to be based on the needs of the labour market and for the creation of new avenues of regular migration, comprehensive labour market analyses should be conducted on a regular basis. The input of workers' and employers' organisations should be sought when determined quotas etc.

- The compensation that migrant workers receive and their working conditions should be equal to the national labour force.
- A law should be passed governing the minimum working conditions for domestic workers and care providers.
- There should be a legal arrangement that provides for unemployment insurance for migrants that have a work permit for a definite period of time.
- Bilateral social security agreements should be established between Turkey and migrant-sending countries so that migrant workers can consolidate their duration of employment in Turkey and in their home country.
- Irregular migrants in Turkey find jobs through social networks or unauthorised agencies. There are no private employment agencies that assist in job placements for migrants. However, because of the potentially high risk that such agencies may exploit migrants it is known that public agencies in the origin countries help migrant workers to find jobs. ILO Convention No. 97 provides for migrant workers to benefit from public employment services free-of-charge. İŞKUR could cooperate with employment agencies in origin countries to develop an information database on job opportunities and legislation on regular employment.
- Migrants working and living in Turkey legally for a certain period of time should be granted a permanent residence permit. The regulation to this regard in the draft Foreigners and International Protection Law is well-timed.
- There should be regulations that allow for the naturalisation of persons and their family members working and living in Turkey legally for a certain period, upon their request.
- One of the priority goals of the migration policies should be to formulate integration policies.

4.3.2. Recommendations for Irregular Migrants

- The scope of the amnesty covering the period between 7.6.2012-15.8.2012, which aims to legalise irregular migrants in certain industries, is too narrow both in terms of the period and commercial activities that it covers. This should be revised and broadened.
- Not only employers but also migrant workers too should be able to apply for legalisation by evidencing their work.
- Educational rights should be granted to all migrant children. This should include those that do not have a residence permit. A residence permit should not be required for children's right to education.
- Municipalities and headmen should provide information about fundamental human rights. Municipalities should offer free Turkish language courses. In addition, municipal institutions such as Community Training Centres and ISMEK should allow migrants to attend their vocational courses.
- Migrant children should be able to benefit from healthcare services free-of-charge until the age of 18, just like national children, irrespective of whether they have a legal residence document or not.
- Taking into account that healthcare is a fundamental human right, adult migrants should have access to public healthcare institutions and, in particular, the healthcare services provided by the Red Crescent. The Red Crescent's duties and capacity related to migration should be increased.⁶¹
- Women should be able to benefit from the counselling services offered by women's organisations as well as the municipal shelter homes in cases where they are exposed to discrimination, violence and abuse.

61 "The Red Crescent is a non-profit and volunteer social service organisation, of which relief and services are free and which works for the benefit of the public. The purpose of the Red Crescent is to prevent and alleviate human suffering wherever it may be found, to protect life and health, and to ensure respect for the human being. It promotes mutual understanding, friendship, respect, cooperation, and lasting peace among all peoples." The Red Crescent delivers diagnostic and therapeutic services in 81 cities across Turkey through its 748 branches. While some of the 748 branches owned by the Red Crescent deliver a wide range of services as hospitals, some are less equipped and provide primary healthcare services. In addition to polyclinic services the hospitals are fully equipped to perform eye, ear, nose, throat and general surgeries as well as pathology, x-ray, mammography, tomography and various laboratory services. Furthermore the Red Crescent has joined several aid activities internationally as an 'International Humanitarian Aid Organisation'. As the NGO with the most widespread, most efficient and strongest organisational structure in Turkey, the Turkish Red Crescent has the network and equipment needed to deliver healthcare services to migrants. (<http://www.kizilay.org.tr/kurumsal/sayfa.php?t=-Kurumsal-Tarihcemiz>, Turkish Red Crescent Statute, Article 6 (2), http://www.kizilay.org.tr/kurumsal/dosyalar/1235049841_Tuzuk_19.02.2009.pdf)

4.3.3. Recommendations for Future Research

Future comprehensive research in the areas listed below will be useful in terms of better understanding the process of migration and developing healthier migration policies based on human rights. However one thing must be emphasised at this point. For the purposes of conducting research, all researchers should be able to easily access the statistical data collected by the relevant public agencies. The opinion of migration researchers should be sought for the principles guiding the collection and compilation of the statistics.

- The relationship between economic crises and the employment of migrant workers
- Practices in various countries to legalise migration flows: needs system, quotas, legalisation models etc.
- Activities carried out by private and public employment agencies in various countries to place migrant workers into jobs.
- The views of employers' and workers' organisations in Turkey on the employment of migrant workers.
- The scale of temporary migrant workers in the agriculture industry and potential legalisation practices.
- An integrated migration statistics system.
- The impact of developments in industries such as healthcare and education on migration policies.
- The history of migration studies in Turkey and bibliography of migration literature.
- The relationship between professional qualifications and regular migration.
- Profiling studies related to countries sending migrants to Turkey.

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Appendix

Appendix 1: The Socio-Economic Profiles of the Migrants Interviewed in Istanbul

No.	Interview No.	Nationality	Gender	Age	Education	Occupation / Work in Home Country	Marital Status	Number of Children	With Family or Alone in Istanbul?
1	2	Armenian	F	60	University	Economist / Civil servant	Married	2	With her spouse and daughter
2*	2/a	Armenian	M	(No data)	University	Civil servant	Married	2	With his spouse and daughter
3*	2/b	Armenian	F	25	University	Psychologist	Single	–	With her parents
4	5	Armenian	F	60	Conservatory	Maestro	Married	2	Her children have visited
5	6	Armenian	F	54	University	Economist/ Civil servant	Widowed	2	Alone
6	9	Crimean Turk	F	57	University	Dietician	Married	4	With her husband, her daughter is in Istanbul
7*	9/a	Crimean Turk	M	(No data)	University	Health official	Married	4	With his wife (his daughter is in Istanbul)
8*	9/b	Crimean Turk	F	40	University	Nurse	Married	1	With her husband (Turkish) and child
9	10	Crimean Turk	F	57	University	(local dances&ballet teacher) /Retired	Married	4	Alone
10	11	Crimean Turk	F	68	University	Economist/ Sales person	Widowed	1	Alone
11	12	Crimean Turk	F	59	University	Teacher / Russian language	Widowed	1	Alone
12	27	Senegal	F	35	Uneducated	Dancer	Married	4	Alone
13	28	Nigerian	M	29	High School	Business &Trade	Single	-	Alone
14	29	Ghanaian	M	27	University	Educated in Management	(No data)	(No data)	Alone

¹ As stated in section 2.2.4. *Findings of the Fieldwork in Istanbul*, a total of 47 interviews were conducted with migrants during the fieldwork. Additionally 7 migrants were not present at the interviews but certain information about their socio-economic profile was gathered (see pp.87) through their relatives such as mother, spouse and sisters. These information are presented in the table in row number 2, 3, 7, 8, 25, 27, 28 and marked with (*) sign (Interview No. 2/a, 2/b, 9/a, 9/b, 42/a, 43/a, 43/b).

No.	Interview No.	Nationality	Gender	Age	Education	Occupation / Work in Home Country	Marital Status	Number of Children	With Family or Alone in Istanbul?
15	29/a	Nigerian	M	28	University	Educated in International Relations & Political Science/Manager in bookstore	(No data)	(No data)	Alone
16	30	Egyptian	M	55	University	Manager in food market	(No data)	(No data)	Alone
17	33	Armenian	M	52	University	Teacher	Single	-	Alone
18	34	Armenian	F	30	University	Teacher /German Language & Literature	Married	None	Her aunt is in Istanbul
19	34/a	Armenian	M	34	University	Technical draftsman	Married	None	His mother is in Istanbul
20	35	Armenian	F	32	High School	Home-based tailor	Married	1	With her husband and child
21	35/a	Armenian	M	36	(No data)	(No data/long-term unemployed)	Married	1	With his wife and child
22	37	Georgian	F	41	High School (12 years)	Housewife	Married	5	Her daughter has visited
23	39	Georgian	F	37	9 years	Housewife	Divorced	2	Alone
24	42	Armenian	F	55	10 years	Cook	Married	3	With her daughter and grandchild
25*	42/a	Armenian	F	31	(No data)	(No data)	Separated	1	With her mother and daughter
26	43	Chechnya	F	30	University Student	Student	Single	-	With her mother, sister and brother
27*	43/a	Chechnya	F	27	Secondary School	Student	Single	-	With her mother, brother and sister
28*	43/b	Chechnya	M	25	Primary School	Student	Single	-	With his mother and two sisters
29	44	Turkmen	M	23	Secondary School (8 years)	Shepherd before military service	Single	-	Alone
30	46	Armenian	F	48	10 years	Textile worker	Widowed	2	Alone
31	50	Georgian	F	31	9 years	Housewife	Married	2	With her husband and children

No.	Interview No.	Nationality	Gender	Age	Education	Occupation / Work in Home Country	Marital Status	Number of Children	With Family or Alone in Istanbul?
32	51	Uzbek	F	25	MA degree	Teacher /Arabic-English language	Married	1	With her husband and child
33	51/a	Uzbek	M	30	University	Bank clerk	Married	1	With his wife and child
34	53	Georgian	F	32	University	Pharmaceutics	Single	-	Alone
35	54	Georgian	F	42	University	Switchboard operator	Widowed	-	Alone
36	54/a	Georgian	F	(No data)	High School	Worker in aircraft factory	Married	2	With her son
37	56	Armenian	F	42	(No data)	Housewife	Married	6	With her daughter(her son went home for education, her husband was deported)
38	62	Turkmen	M	38	11 years	Taxi driver	Married	2	His aunt is in Istanbul
39	63	Iranian	M	50	Primary School	Auto mechanic	Married	5	With his son
40	64	Ukrainian	F	35	University	Teacher /Linguistics	Married	1	With her husband (Turkish) and child
41	65	Moldovan	F	34	University	Accountancy and Banking	Married	2	With her husband (Turkish) and children
42	67	Turkmen	M	24	9 years	Construction worker	Single	-	Alone
43	69	Armenian	M	63	10 years	Taxi driver	Married	2	With his wife
44	72	Syrian	M	43	(No data)	Cleaner at hospital	Married	3	With his wife and children
45	72/a	Syrian	F	36	(No data)	Housewife	Married	3	With her husband and children
46	72/b	Syrian	M	17	6 th grade	Textile worker	Single	-	With his family
47	72/c	Syrian	F	15	6 th grade	Student	Single	-	With her family
48	72/d	Syrian	M	17	6 th grade	Textile worker	Single	-	With his family
49	72/e	Syrian	M	28	9 th grade	Worker in car tyre atelier	Married	None	With his aunt

No.	Interview No.	Nationality	Gender	Age	Education	Occupation / Work in Home Country	Marital Status	Number of Children	With Family or Alone in Istanbul?
50	78	Congolese	M	42	University	Educated in economics / Manager in GSM operator company	Married	None	His wife (Turkish citizen) works abroad
51	84	Georgian	M	46	Two University degrees	Manager in state-owned textile factory	Married	2	Alone
52	88	Slovenian	F	27	University	Teacher/ English Language & Literature	Married	None	With her husband (Turkish)
53	90	Georgian	F	51	University	Economist/ Civil servant	Her husband died, second marriage with a Turkish man for citizenship	1	Alone (her son has grown up here)
54	90/a	Georgian	F	(No data)	University	Journalist	Widowed	(No data)	(No data)

Appendix 2: The Legal Status and Occupation of the Migrants Interviewed in Istanbul

No.	Nationality	Gender	Age	Education	The latest occupation in Istanbul	Legal Status and Duration of Stay in Turkey	The latest wage	Number of jobs worked?
1	Armenian	F	60	Univ.	Laundry Owner & Manager	Visa violation 9 years	(No data)	1.job: Dish washing 2.job: Child care 3.job: House work, cleaning 4.job: Home-based work 5.job: Laundry management
2*	Armenian	M	(No data)	Univ.	Laundry Owner & Manager	Visa violation 8 years	(No data)	1.job: Work at a restaurant 2.job: Home-based work 3.job: Laundry management
3*	Armenian	F	25	Univ.	Sales representative	Work permit 3 years	1200 Dollar (Monthly)	1.job: Waitress 2.job: Child care 3.job: Sales representative
4	Armenian	F	60	Conser-vatory	Unemployed (Child care & House work)	Visa violation 10 years	900 Dollar (Monthly)	1.job: House work 2.job: House work
5	Armenian	F	54	Univ.	Worker in shoe atelier	Visa violation 6 years	350 TL (Weekly)	1.job: Patient care 2.job: Child care 3.job: Worker in shoe atelier
6	Crimean Turk	F	57	Univ.	Patient Care	Residence permit 11 years	400-500 Dollar (Monthly)	All jobs are patient care (8 jobs)
7*	Crimean Turk	M	(No data)	Univ.	Masseur	Residence permit 2 years	(No data)	(No data)

¹ As stated in section 2.2.4. *Findings of the Fieldwork in Istanbul*, a total of 47 interviews were conducted with migrants during the fieldwork. Additionally 7 migrants were not present at the interviews but certain information about their legal status and occupation was gathered (see pp.87) through their relatives such as mother, spouse and sisters. These information are presented in the table in row number 2, 3, 7, 8, 25, 27, 28 and marked with (*) sign.

No.	Nationality	Gender	Age	Education	The latest occupation in Istanbul	Legal Status and Duration of Stay in Turkey	The latest wage	Number of jobs worked?
8*	Crimean Turk	F	40	Univ.	Nurse (left the job for caring her own baby)	Acquired Turkish citizenship through marriage (No data about duration of stay)	(No data)	(No data)
9	Crimean Turk	F	57	Univ.	Works at a migrant association	Tourist visa 5 years	(No data)	1.job: Local dance teacher 2.job: Works at an association
10	Crimean Turk	F	68	Univ.	Unemployed (Patient Care)	Tourist visa 10 years	600 Dollar (Monthly)	All jobs are elderly care
11	Crimean Turk	F	59	Univ.	Patient Care	Visa violation 5 years	(No data)	All jobs are elderly care
12	Senegal	F	35	Uneducated	Coiffeur	Visa violation 1 year	(No data)	1.job: Clock/watch sale at the local market 2.job: Worker in bag shop 3.job: Worker in shoe shop 4.job: Coiffeur + dancing
13	Nigerian	M	29	High School	Trade (clothing)	Visa violation 2 years	(No data)	1 job (latest job)
14	Ghanaian	M	27	Univ.	Packaging at cargo company	(No data about legal status) 6 months	(No data)	1 job (latest job)
15	Nigerian	M	28	Univ.	Unemployed (looking for office job)	(No data about legal status) 1 year	(No data)	(No data)
16	Egyptian	M	55	Univ.	Street peddler in local market	Applied to refugee status 1 year	(No data)	1 job (latest job)

No.	Nationality	Gender	Age	Education	The latest occupation in Istanbul	Legal Status and Duration of Stay in Turkey	The latest wage	Number of jobs worked?
17	Armenian	M	52	Univ.	No regular job (Model designer at jewellery & Playing violin)	Without passport 9 years	(No data)	1.job: Playing violin 2.job: Model designer at jewellery
18	Armenian	F	30	Univ.	Sales assistant	Visa violation 1.5 years	(No data)	1.job: Worker in shoe shop 2.job: Sales assistant
19	Armenian	M	34	Univ.	Model designer & Jewellery	Visa violation 1.5 years	(No data)	1.job: Worker in shoe shop 2.job: Model designer & jewellery
20	Armenian	F	32	High School	Unemployed (looking for care and cleaning job)	Visa violation 5 year	(No data)	Care and cleaning jobs (no data about number of the jobs)
21	Armenian	M	36	(No data)	Worker in textile atelier	Visa violation 5 years	(No data)	Worker in textile ateliers (no data about number of the jobs)
22	Georgian	F	41	High School	Unemployed (last job interview for elderly care was positive)	Visa violation 7 years	700 Dollar (Monthly)	1.job: House work 2.job: House work 3.job: House work
23	Georgian	F	37	9 years	Cleaning (Hotel)	Tourist visa 3 years	750 TL (Monthly)	1 job (latest job)
24	Armenian	F	55	10 years	Quality Inspector at Lock Factory	Visa violation 12 years	250 TL (Weekly)	1.job: Worker in shoe atelier 2.job: Quality inspector
25*	Armenian	F	31	(No data)	Cleaning (Hotel)	Visa violation 5 year	1000 TL (Monthly)	1.job: Jewellery shop 2.job: Cleaning
26	Chechnya	F	30	Univ. student	(Translation in summer time+ patient care with her mother and sister)	Student status 12 years	Stipend from the university and migrant association	1.job: Patient care 2.job: Translation

No.	Nationality	Gender	Age	Education	The latest occupation in Istanbul	Legal Status and Duration of Stay in Turkey	The latest wage	Number of jobs worked?
27*	Chechnya	F	27	Secondary School	Sales consultant (Perfumery)	Residence permit 12 years	(No data)	1.job: Patient care 2.job: Worker in a supermarket 3.job: Sales consultant
28*	Chechnya	M	25	Primary School	Sales consultant (Perfumery)	Residence permit 12 years	850 TL (Monthly)	1.job: Shop assistant at grocery 2.job: Shop assistant at dry-goods store 3.job: Apprentice 4.job: Sales consultant
29	Turkmen	M	23	8 years	Sales person in a small shop	Visa violation 2.5 years	700-800 TL (Monthly)	1 job (latest job)
30	Armenian	F	48	10 years	Live out cleaner	Visa violation 6 years	100-150 TL (daily)	1.Child care 2.Worker in a shoe atelier 3.Live-out cleaner 4.Live-out cleaner
31	Georgian	F	31	9 years	Cleaning and cooking (in a store)	Tourist visa 11 years	800 dollar (monthly)	Cleaning and cooking in 2 stores
32	Uzbek	F	25	MA degree	Translator (in a store) Sales assistant	Tourist visa 8 months	150 dollar (weekly)	1.Worker in clothing atelier 2.Translation and sales assistant in a store
33	Uzbek	M	30	Univ.	Sales assistant	Tourist visa 8 months	1200 TL (monthly)	1.Worker in a clothing atelier 2.Translator in a store and sales assistant
34	Georgian	F	32	Univ.	Sales assistant	Tourist visa 2-3 years	(No data)	Sales assistant in different stores
35	Georgian	F	42	Univ.	Live out cleaning/translation	Acquired Turkish citizen through marriage 17 years	800 TL (cleaning) 1500 TL (translation) monthly	1. Runninga kiosk 2. Patient care 3. Patient care 4. Elderly care 5. Cleaning and cooking, and translation

No.	Nationality	Gender	Age	Education	The latest occupation in Istanbul	Legal Status and Duration of Stay in Turkey	The latest wage	Number of jobs worked?
36	Georgian	F	(No data)	High school	Shoe atelier	Residence permit 4 years	250-300 TL (weekly)	1. Patient care 2. Worker in a shoe atelier
37	Armenian	F	42	(No data)	Bag atelier	Residence permit 8 years	180-200 TL (weekly)	1. Textile atelier 2. Shoe atelier 3. Bag atelier
38	Turkmen	M	38	11 years	Car wash shop	Visa violation 4 years	1000 TL (monthly)	1. Car washing at a car park 2. Car park worker
39	Iranian	M	50	Primary school	Car repairmen	Applied to refugee status 3 months	220 TL (weekly)	1 job (latest job)
40	Ukrainian	F	35	Univ.	Sales representative	Acquired Turkish citizenship through marriage 9 years	(No data)	1. Sales assistant 2. Modelling at leather store 3. Sales representative
41	Moldovan	F	34	Univ.	Sales representative	Acquired Turkish citizenship through marriage 14 years	(No data)	Sales representative in 3 textile, 4 leather store
42	Turkmen	M	24	9 years	Waiter	Visa violation 1 year	1000 TL (monthly)	1. Waiter (at a hotel) 2. Waiter (at a restaurant)
43	Armenian	M	63	10 years	Unemployed (daily work in construction)	Visa violation 12 years	400 dollar (weekly)	1. Packaging at a factory 2. Porterage at a factory 3. Construction work

No.	Nationality	Gender	Age	Education	The latest occupation in Istanbul	Legal Status and Duration of Stay in Turkey	The latest wage	Number of jobs worked?
44	Syrian	M	43	(No data)	Selling bag in the street	With a passport 2 months	Recently started to the latest job. 250 TL (weekly) at the 2.job	1.Porterage at gas sylinder dealer 2. Park and garden work and construction 3. Selling bag in the street
45	Syrian	F	36	(No data)	Unemployed (looking for home-base work)	Without a passport 2 months	Never worked	Never worked
46	Syrian	M	17	6 th class	Textile worker (machine work)	Without a passport 2 months	300 TL (weekly)	1 job (latest job)
47	Syrian	F	15	6 th class	Textile (ironing and packaging)	Without a passport 2 months	100 TL (weekly)	1.Textile worker 2.Tekstil worker (started two days ago)
48	Syrian	M	17	6 th class	Textile (machine work)	Without a passport 2 months	150 TL (weekly)	1 job (latest job)
49	Syrian	M	28	9 th class	Unemployed	Without a passport 6 months	1000 TL (monthly) Wage unpaid	1.Park&garden work 2.Construction work
50	Congolese	M	42	Univ.	Owner of a Cargo company	Residence permit 3 years	(No data)	1 job (latest job)
51	Georgian	M	46	2 Univ. degrees	Construction worker	Tourist visa 7 year	70-120 TL (daily)	Same job at different construction sites
52	Slovenian	F	27	Univ.	Teacher	Tourist visa 3 year	(No data)	1 job (latest job)
53	Georgian	F	51	Univ.	Sales representative	Acquired Turkish citizenship through marriage 20 years	1350 TL (monthly)	1. Textile store 2.Cargo company worker 3.Sales representative
54	Georgian	F		Univ.	Translator	Tourist visa 6-7 years	(No data)	1. Waitress 2. Translation