

New Forms of Inclusion/Exclusion: Undocumented Nigerian Immigrants in Istanbul

by

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It was a usual day at the *African Restaurant Lady V*: I was waiting for my friend and key informant Chidi. I knew nearly all of the customers, mostly Nigerian immigrants sitting in the main room of *Lady V*, where I had spent the majority of my field work. We were watching Benedict, the son of the owner, Lady V sitting in the middle of the room in his walker and jumping. In the meanwhile, some customers were watching a Nigerian movie, imported by the immigrants from Nigeria.

Gabriel's, a Nigerian man in his fifties sudden, panicky entrance into the restaurant's main room interrupted the usually weary mood of the room. I had never seen him this agitated before. "Enough, it is really enough," he shouted. "I am sick, I am sick of them, what do they want from me?" While all of us tried to understand him, he continued: "They asked me for drugs, two boys came to me and asked do you have stuff. Just in front of the apartment. Why do you do this, why should I live like this every time?" he was shouting. I was just only a bit surprised since I knew from my informant accounts that incidents like this happen frequently. Some customers stood up in an effort to make Gabriel relax but most of the customers whom I know were laughing, not at Gabriel but on this very common incident, which had started to become a joke for them in their public discussions. Lady V, the Nigerian owner of the restaurant, was one of those laughing the most. She turned to me and said, " you see my friend, this is what we experience most of the time" and continued by joking with her Nigerian accented Turkish to the middle of the audience by indicating a popular Turkish phrase: "*Burası Türkiye abicim burada her şey var, burada her şey olur* ([Here is Turkey, here might everything happen brother!])." Then a well-known discussion started between me Lady V. and the other customers: their regret for being in Istanbul, out of their countries, and their hopelessness: "Istanbul is a faculty, university for Africans we learn the life here in Istanbul, the troubles of life how to live here...."

This incident illustrates a very common form of abuse experienced by the Sub-Saharan Africans in the host country Turkey, which provides limited institutional and social opportunities for the migrants. The racialized discourses, criminalization, Othering, and symbolic violence techniques appear as other means of power dynamics creating social exclusion. In that sense, African immigrants' complaints on Turkey reflect similarities with the conditions of undocumented or irregular immigrants in the different parts of the world.

The emerging immigrant social spaces in Tarlabası, where cultural and political transformation processes occur, indicate to the establishments of new immigrant communities. In this framework, this study aims to reveal certain strategies developed by this short, twenty year migration group to continue their lives in Istanbul, under the institutional and social limitations of the host society: founding social spaces, forging community associations, claiming rights, and involvement in the transnational trade networks.

Irregular Migration in Turkey

Immigration has been a central constituent since Turkish nation-state's establishment days whereas the ethnic-Turkish population from bordering countries constituted the main groups in these immigration trends (İçduygu 2005; Kirşiçi 1996). In the last two decades Turkey has encountered an irregular migration flow which was atypical for Turkey in the past. This recent immigration flow consisted mainly of asylum seekers, refugees, transit migrants, and clandestine laborers who "began to arrive in small numbers and subsequently in an ever-rising tide which has reached sizeable figures (İçduygu 2005:331)."

The presentation of a comprehensive and accurate profile of irregular migration is very difficult due to the "complex structures of irregular migration flows" (İçduygu and Unalan, 2001 quoted in İçduygu 2003). Making categorical distinction between different irregular migrant groups, such as illegal entrants, over-stayers and rejected asylum seekers is also highly difficult since they overlap.

The irregular migration into Turkey can be classified into three categories: immigration from Eastern Europe; transit migration; and asylum seekers (İçduygu 2005: 333). The immigrants from Eastern Europe are in search of employment. The second group immigrants, the transit migrants are those who intend for temporary stay in Turkey on their route to Western countries. Most of those who cannot continue to Europe decide to stay in Turkey. The asylum seeker group involves people whose asylum application has been rejected but who choose to stay in Turkey.

The second groups of irregular migrants to Turkey consist of the transit migrants who came to Turkey mainly from the Middle East (predominantly Iranians and Iraqis), various Asian (e.g. Bangladesh, Pakistan and Sri Lanka), and African (e.g. Congo, Nigeria and Somalia) countries. These migrants often target Turkey as a transit zone as they attempt to reach and

enter West European countries. Most of them enter in Turkey through illegal means while others become illegal as they overstay their tourist visas (İçduygu, 2005).

African Immigrants in Turkey

The category “Africans” as used by the immigrants themselves, mainly indicate the black community in Istanbul coming from Africa continent and accordingly does not include North Africans such as Moroccans or Algerians. In that sense the sub-Saharan Africa is a more proper for regional description. The immigrants from the sub-Saharan countries fall into the categories of asylum seekers, refugees, and transit migrants. The studies and researches on the African immigrants are not enough to make an outcome on their general demographic structures since they do not include accurate data.

The sub-Saharan Africans in Istanbul are extremely heterogeneous in terms of nation of origin, political and economic conditions in the sending country (including war and civil war) ethnicity, language, and socio-cultural capital. They are mainly coming from Nigeria, Democratic Republic of Congo, Ghana, Somalia, Rwanda, Eritrea, Ethiopia, Liberia and Guinea.

In terms of the language there are two main groups; Anglophones such as Nigerians and Ghanalese and Francophone such as Congolese. One visible data on the increasing African population in Turkey was obtained through asylum seeker numbers indicating “the notable change in the composition of asylum-seekers to Turkey in 2003. In 2003 183 Somali and 64 Sudanese citizens sought asylum (İçduygu, 2004: 333).”

The sub-Saharan Africans in Istanbul can be divided in two groups the west- and the east-Africans. The east-Africans, Somalians, Sudanese, Eritrean, and Ethiopian are culturally closer and they are relatively more isolated in comparison to the West Africans, Congolese and Nigerian who have stronger associations. Most East-Africans are undocumented. Language is a significant problem for most East Africans, since most of the Turkish citizens they encounter in their daily lives cannot speak English. The East African immigrants are mostly asylum seekers; whether they apply for refugee status or do not even look for a job since they do not see employment as a possibility. For instance, the Somalians do not even

have passports since the Somalian government does not allow people to leave their countries, thus they do not have any chance of obtaining visa. These spatial categories can be misleading sometimes; For instance the East-African groups such as Tanzanians or Kenyan spend more time together with the West-Africans.

The economic instabilities in West Africa constitute the primary motivation of the West African immigrants' deterritorialization. To obtain upward economic mobility, they become involved in immigration flows like various other immigrants crossing from the global south to the global north venturing their immigration projects through mostly illegal, risky, and expensive roads. Turkey lies on the transit-immigrants' route to Europe and North America. They imagine Europe as the sight of wealth, welfare, and freedom as my informant Chidi did, before he started his journey:

The truth of the matter is that I never knew that Turkey was a state [when he was in Nigeria]. But when I lost my job at the airline, there was this need to move out. Believing if I go out of the country I can find a better job. People are going out: "tomorrow this friend is going to Italy", "May be I can pass to Germany." Then you want to go. Nobody wants try other ways, everybody feel if I can go to Germany to London I can make big dollars. That is the mentality of most of the immigrants.

According to my informants, immigration from Nigeria started 15-20 years ago¹. The only official data on Nigerian immigrants in Turkey is on the apprehension numbers from the Bureau for Foreigners, Borders, and Asylum at the Directorate of General Security of the Ministry of Interior, which reports that nearly 20 Nigerians were apprehended in 1996 and 419 in 2001 (İçduygu 2003: 25). Although this data indicates an increase in the Nigerian immigration regime, one cannot make accurate estimations of the Nigerian immigrants' demographic structures in the past.

Although not primarily, the terminology regarding the migrant status is certainly significant for this study, since it is part of how the immigrant illegality is constructed. The terms illegal, illicit, or clandestine are applied by various discourses of media, politicians, and economic interest groups which represent the issue as a threat to the nation-state order and stability (Pugh, 2001). This study will apply the category of undocumented migrants to refer the

¹ Yasemin N. Sosyal has also a reference to this point in her article She categorizes this migration under the internationalization of labor markets in the "past-war period". She maintains: "the list of sending and receiving countries has grown impressively with time, the new combinations are undermining political and geographical distances and rationalities. Like the Nigerians in Turkey or the Turks in Israel."

immigrant group under examination. Furthermore, most of the Nigerian immigrants can be categorized as transit migrants who intend to make a transit via Turkey to Europe. Inevitably these categories would fail to fully describe the characteristics of the Nigerian immigrants in Turkey, since their community includes different immigrant profiles such as those of asylum seeker, e.g. some Nigerians living in Istanbul have applied for asylum status and did gain asylum status. There is also a group of Nigerians whose destination was not Europe, but Turkey to be involved in the transnational trade networks between Turkey and Nigeria.

My Ethnography:

This essay draws on my ethnographic research conducted between December 2005² and May 2006 in the immigrant social spaces in Tarlabası where the African immigrants found refuge as those other irregular migrants such as Iraqi Arabs, Iraqi Kurds, Iranian, Filipinos and Kurdish immigrants. In the course of this study regarding West African (particularly Nigerian) immigrant community construction, their daily practices in social spaces, the ethnographic data was obtained primarily through in-depth-interviews conducted with total of three women and eleven men, undocumented and legal immigrants. In addition to in depth interviews, the participant observation conducted in the immigrant social spaces constitutes main data around which this paper is constructed.

This section summarizes the early processes research, not only to contextualize my rationale for this study but also to describe the immigrant group's isolation and spatial marginalization by the host society dynamics: by their invisibility in the host society public discourses and their strategies to become invisible due to a general negative treatment in their quotidian encounters with the host society citizens.

The scarcity of studies on the immigrant groups in Turkey, particularly micro-level studies addressing the features of various immigrant ethnic groups as well as basic, quantitative figures constitute one of the main problems for researchers studying the African immigrants in Istanbul. Due to the limited literature on the African immigrants in Istanbul, the initial data

² My first visit to the restaurant was at 10.12.2005. My periodical visits (sometimes twice a week, sometimes twice in a month) continued till the early May.

were collected by contacting with the organizations that have close social links with the African immigrants in Istanbul.

The initial data is based on the contacts and interviews in various NGOs, such as Caritas³ and Helsinki Citizens' Assembly Refugee Legal Aid Program (RLAP)⁴, working with asylum seekers. During my volunteer work at RLAP in summer 2005, I worked with asylum seekers and transit immigrant groups and though not elaborate, I observed the certain applications and practices in the Turkey's refugee law, the asylum seekers' agencies and strategies and how the refugee status is determined through the negotiations between legal aid officers and UHNCR. However, RLAP's institutional structures and policies did not provide enough space for the researchers interested to study the NGO because of the strict confidentiality policies on the asylum applicants' personal information. Also because of the ongoing struggles and conflicts arising between various refugee groups focused NGO's and UNHCR played an important role.

While working at RLAP, I also realized the existence of various undocumented and irregular migrant groups living in the various parts of Istanbul, who were excluded in RLAP client groups because of the legislation excluding them from the asylum seeker status. After learning that some sub-Saharan transit immigrants were Anglophones, I further decided to gather more data on these groups. They lived in Tarlabası, a crime ridden lower class neighborhood of Istanbul and very close to one of the center point of Istanbul, Taksim. I started to conduct spatial ethnographies in Tarlabası and interview real estate dealers. Meanwhile, I found an African restaurant where the African immigrants met regularly.

In my first visit to the restaurant, I was "welcomed to the Africa in Istanbul" by a male immigrant, Chidi, who later became my key informant. Chidi had a movie project on the lives of immigrants in Tarlabası which he searched financial and technical support. His interest in explaining and narrating the living conditions of the African immigrants and my position as host society citizen as well as a university student was determinant in the construction of our close relationship. In this way, I obtained detailed information on the

³ Caritas is an international missionary charity organization providing social services to Iraqi Christians such as food, education and legal aid.

⁴ Helsinki Citizens' Assembly Refugee Legal Aid Program "started in 2004 by a group of lawyers and human rights advocates to support and legally represent the many people who arrive each year in Turkey seeking refugee status. RLAP's primary mission is to empower refugee populations in Turkey and ensure their rights are upheld under national and international law." (www.hca.org.tr)

West African and Nigerian community since he was a well-known person in the restaurant and among the Nigerian immigrants, he is also responsible for public relations of the Nigerian Association; I was gaining more trust from the immigrants and the restaurant's customers. Moreover, when I was at the restaurant, I helped the people by translating or by mediating between the immigrants and their Turkish neighbors. Meanwhile among the immigrants whom I met, I did randomly cull my sample group. This process can be also described as snowball technique. Furthermore, I participated and initiated some group discussions among the immigrants in the restaurant which can be assessed as focused group interviews.

Moreover, I conducted a documentary project in which I first intended to make the restaurant Lady V.'s visual ethnography but later turned to represent different immigrant stories because the customers of the restaurant and accordingly Lady V. were concerned regarding visibility in a documentary due to their illegal positions. My experiences throughout this process will be part of my ethno-methodology.

Claiming Space

In his study *New Citizens, New Rights: Undocumented Immigrants and Latino Cultural Citizenship* based on his fieldwork among the Chicano community of San Jose, William V. Flores argues that the Latinos forge community and, claim space, as well as rights. By formulizing these as cultural citizenship practices, Flores indicates to a process by which the immigrant groups maintain cultural rights and political claims in the society (2003:304). According to Flores claiming space constitutes one of the most fundamental components of Latino immigrants' cultural citizenship practices in which "members of marginalized groups are free to express themselves and feel at home." The Latinos create spaces of their own to create for cultural identity constructions, group survival, and community organization. Flores' main argument is that "without the ability to express themselves the immigrant groups have no ability to belong to the dominant culture (297).

In the similar vein, the Nigerian social spaces enable most of the West African groups a space of freedom, where they can express their cultural practices. In Tarlabası and Taksim area, the main public places where the African immigrants are most visible are restaurants, call centers, hairdressers and night clubs. The night clubs belong mostly to Turkish citizens as

part of the popular entertainment sector on İstiklal Street. These clubs are one of the most well-known places for its high rate of African customers and where they become more visible. In contrast to the night clubs, the international call centers, hair dressers and restaurants are generally in the less crowded but marginalized places of Tarlabası and Taksim. These call centers have become a gathering place for the African immigrants and with restaurants they turn to be more significant spaces for the community construction of the immigrants.

Lady V.: an Immigrant Social Space

Lady V is an African restaurant in Tarlabası, a crime and gangster ridden lower class inner city slum, once home to Istanbul's non-Muslim minorities. After the 80's, the neighborhood witnessed high rates of internal migration, mainly based on the immigrants of Kurdish origins. Tarlabası is a cosmopolitan place where the Kurdish originated internal immigrants, some of the old non-Muslim Turkish citizens in addition to the Iraqi, Iranian, Kurdish, and also African immigrants are living.

The restaurant is a popular place for immigrants, especially those Anglophones such as Nigerians, Ghanalese, and Tanzanians. There are also other Nigerian restaurants in Tarlabası. The restaurant is in a very old building of Tarlabası. The ground floor of the restaurant is a Turkish coffeehouse, where the men play cards game. Behind the coffeehouse, there is call phone center where people can make an international call for cheaper rates to their countries.

The restaurant is in the one apartment of the old Tarlabası building which has three rooms, one kitchen, and one toilet. One of the rooms is used as larder. Just after entering the restaurant, the main room stays on the right-hand. This room has no door and four walls. On the wall where there is entrance to the room, just at the right side of the entrance there is a TV with a VCD player. A showcase which stands to the right of TV has whitening powders and hairs, waiting to be sold. Because of that the restaurant is called also a shop.

The tables and the chairs stand right near the other walls, so that everyone can see the TV wherever they sit. Accordingly, the middle of the room is empty. On the left to the entrance, there is the kitchen which is quite small for a restaurant. On the left of the kitchen is the toilet. On the left of the toilet there is a larder, which becomes the bedroom of the restaurant's

waiter. There is a main floor which lies between the main room of the restaurant, other room, which constitutes the smoking section.

Lady V. has prepared a green and white card, taking its colors from Nigerian Flag. The top of the card says *Lady V. African Restaurant & Shop*. Although the menu offers Beer/Hot drink, Soft Drink, *Banku*, Pounded Yam Rice, *Gari*, Fried Meat & Fish, Cow Tail & Fish pepper Soup, a famous Nigerian soup, however, the only item that one can find in the restaurant is *Banku* with pounded Yam rice and soup, beer and fruit juice⁵.

The practices of the immigrants at *Lady V.* do not necessarily fit what a common customer practice in any restaurant. At *Lady V.* it is not mandatory to order something. It is not a usual restaurant where everybody has to come in and order something on the contrary the immigrants come there to socialize and unite. Most of the time, the immigrants come in and start waiting for their friends, meanwhile they watch either TV or a Nigerian movie, while talking to each other. Thus the restaurant becomes a place where the immigrants can socialize together. Although Lady V is not always happy with this, she generally accepts it.

It is used as a market place where Textile/Clothing Sales happen. Young immigrants bring clothes in huge bags to show and sell those textile goods to the customers who sometimes buy them to support the new arrivals.⁶ These practices maintain group solidarity. Likewise, the restaurant is a living place for the restaurant's waiter and some newcomer immigrants, who do have a place to live. The restaurant is also used a language school. I am teaching in the restaurant to Lady V Turkish.⁷ Moreover, various religious rituals are also held in the restaurants: one day in a different Nigerian restaurant the immigrants were having their baptism ceremony for the marriage.

⁵ See Picture2

⁶ For instance one day a young immigrant entered to the restaurant and started to show the clothes in his bag. Then some of the immigrants bought clothes from him. After seeing Chidi buying clothes from him, I asked why he bought a cloth from this young guy because he was doing the same job for living. He used to buy clothes from the Turkish textile factories and send them back to Nigeria. He said that he bought because he wanted in way help to this young man. Most of the other customers also looked to this young man's goods and some of them bought something

⁷ After making the interview with Lady V she has asked for teaching Turkish to her. Although she used to live in Turkey more then 5 years and gained a citizenship status she was not able to speak Turkish and it was creating obstacles for her. Then I have started to come to the restaurant one or twice in the week to teach her Turkish.

The public discussions in *Lady V* reflect the different topics through which the migrants are culturally included in the Turkish society. Football, as a major subject in the Nigerian public discussions is mostly on relation with the African players' situation in Turkish teams. During the games, the sense of belonging to the host society increases among the immigrants through the identification with the African football players.

Especially on the weekends during the games *Lady V* gets crowded. Although they do not have in depth knowledge about popular culture icons of Turkey, their knowledge on the Turkish football teams and players are almost close to a fan level. They also know the names of the African football players from the English clubs which indicates that this identification was not only with the African players of the host society but in a more transnational level.

In a similar vein, the main organization held by the African immigrants in Istanbul is an amateur football cup tournament with teams representing their home countries. "We found that people here focused on the negative things about us," said Donald, a slender man who fled Nigeria three years ago after religious riots between Christians and Muslims in his hometown killed his parents. "We thought that as footballers we could let them know about us in a positive aspect (Schleifer 2005)". African immigrants have anticipations that this tournament will change the negative public stigmatization constructed by the racialized host society discourses.

Many immigrants come to Turkey to play football in the major Turkish clubs for an upward social mobility. However, since most of them are not accepted in to the first league clubs, they try their chances in the lower division clubs. Because of the legal restrictions the lower division clubs cannot provide them resident status and work permit in Turkey. Likewise, the main debates in male dominated public spaces of migrants evolve around the African players playing in the Turkish league. Likewise in a short movie, *Long Run*, depicting an African immigrant's experiences in Istanbul the protagonist was a football player who wants to make a contract with a Turkish club.

Forging Association and Claiming Rights

The Nigerian immigrants strongly oppose to the boundaries established by the Turkish state order to distinguish between citizens and non citizens, however restrict them to develop

strong movements for a cultural change. While discussing Latin immigrants' right claims, Flores stresses on the "more visible political and social movements", and struggles (Flores 2003: 297) which to him indicates an essential element of cultural citizenship practices. He sees cultural citizenship as a form of "cultural practices to broader struggles for social change", which becomes oppositional social movements.

Nigerian association forged by the immigrants to demand rights use *Lady V.* as a place for the Nigerian Association set-up. Although this association has not obtained a legal status from the Turkish state yet, the members of the association are working to advance the association through their weekly meetings. But this action cannot be assessed as a political struggle, but rather they use the legal and democratic structures of the host society.

The main form of demands for the rights is not a political struggle but playing within the opportunity structures of the host country and developing certain strategies through which they can obtain those demands. The association works at two levels: first, as a hierarchical institution it helps to a community formation; second through its legal recognition, it helps obtaining certain rights from the host society. The immigrants with higher social and economic status have founded the association with the anticipation of obtaining work permit or resident permit from the Turkish state. However they did not get enough support from the Nigerian embassy and accordingly they were not recognized by the Foreigners Department of the Istanbul Governance [*Yabancı Şube*]. However, if they went to Foreigners Department of the Istanbul Governance as representatives of the Nigerian community to solve the problems of other immigrants they were not recognized as an authority. They tried to get registered by the Istanbul governship as an official association. Furthermore, none of the interviewees indicated that their efforts to empower their situation lead any kind of improvement in their relations with state institutions or public authorities.

The Nigerian immigrants demand rights not only for the context host society but also for the transnational context to improve their condition through the required legislation and policy implementation. Their request for the resident permit is not only for protection from the police detention or deportation back home or to a third country. They believe that gaining resident status will enable them to freely move between Turkey and Nigeria, thus enabling more opportunities for commercial activities. For instance, Chidi indicated that the European countries give the immigrants temporary work and resident permit in return to a certain

amount of money. He told me that the Turkish government should also apply such a law what will additionally provide big economic revenue for the Turkish state itself. He continued:

“When the government gets one thousand dollar from every immigrant, they would make a lot of money. Though such a law the immigrants can work and make money and pay the Turkish state for their resident and work permits. It would bring a lot of solution to the problems of the immigrants.”

On the whole, above mentioned legal and political uncertainties in the immigration law and policy have created an ambivalent process which can be witnessed in the African immigrants' practices regarding their social interactions in the host country. Despite the fact that they still suffer under the restrictions of the immigration law and the racialized discourses, they seek to continue their lives via involvement in the transnational trade networks between Turkey and Nigeria. What follows is a discussion on the undocumented immigrant exclusion from the employment opportunities in Turkey.

Immigrant Illegality and Unemployment Problem

For undocumented West African immigrants, unemployment and exclusion from the Turkish labor market constitutes a major concern and complaint. After the new comers encounter immigrant communities in Istanbul particularly in the social spaces of Istanbul they learn about the host society restrictive legal procedures. They start searching for a job but soon they see that the employers require resident and work permits. For undocumented immigrant the most common form of obtaining work and resident permits is founding a business office in Turkey or buying an estate. My informants have maintained that those who register their commercial activity at the state institutions or those who buy real estate can also receive work or resident permits. However, most immigrants do neither have enough economic income nor capital to provide those conditions. Accordingly, in the immigrations process, obtaining rights is equated with sufficient economic status.

The International Organisation of Migration's research on irregular migration phenomenon in Turkey is one of the limited numbers of studies on this subject. This study estimates the number of undocumented African migrants as between 3,000 and 5,000. It also suggests that most of the African immigrants are “overstayers and work illegally in mainly low-paid, difficult and dirty jobs (İçduygu 2005:28).” Overall, this study draws a useful picture to understand the economic activities to which the West-African immigrants are involved.

However, the representation the African immigrants as illegal labor force do not seem to match to what I observed in this research. First of all, most of the African immigrants are excluded from the informal economic activities in Turkey. Since they do not establish networks in Turkey, they have employment opportunities in the informal labor market. Secondly, since most of the Nigerian immigrants are particularly university educated “skillful” labors, their intention is not to work in jobs that are traditionally occupied by immigrants which tend to be dirty, difficult, and, dangerous. On the contrary, they want to find an employment in an area through which they may reach economic empowerment. To investigate this phenomenon more clearly, this part discusses how undocumented African immigrants’ unemployment problem is constructed through the Turkish immigration law and policies.

Since its establishment, Turkey, as most nation-states wants to be the gate-keeper of its boundaries and exercise sovereignty over its territories (Kirişçi 1996). Although “Turkish state defines itself as a secular state, with civic notion of citizenship”, which emphasizes territoriality (*ius soli*) rather than descent (*ius sanguinis*), however in its regulation and policies, the religious and ethnic origins have been determinants of citizenship (Kirişçi 1996). Accordingly, emphasis on ethnic and religious origins are reflected in Turkey’s immigration policy, which is mainly determined by the 1934 Law on Settlement, according to which only individuals with “ethnic” and “cultural” Turkish origin can migrate and settle in Turkey.

Turkey’s 1934 Law on Settlement mainly determines immigration policy, according to which only individuals with “ethnic” and “cultural” Turkish origin can migrate and settle in Turkey. Several decades later, in 2003, the Turkish government proposed a draft law to change the 1934 Law on Settlement to harmonize Turkish immigration policy and its application with that of the EU *acquis* (Kirişçi 2005). However, the law prepared/revised continued to permit only persons of “Turkish descent and Culture” in Turkey, which makes African immigrants’ situation in Turkey even more difficult. The legal reformations in the past three years, regarding attempts at harmonization with the EU laws have also produced major shifts in the West African immigrants conditions, such as the removal of mass deportations, increase in the border controls, changes in the naturalization, and obtaining work permit procedures.

According to the studies on national legislation on immigration, although being of Turkish origin facilitates the application process for Turkish citizenship, it is not a requirement. There

are different ways of obtaining citizenship according to the contemporary regulations, such as: marriage, birth, residence, and the intention of permanent residency (Hecker 2006, Tokuzlu 2005, İçduygu 2004). “The acquisition of Turkish citizenship by means of naturalization requires five years of permanent residence in Turkey and the confirmed intention to settle in the country (Hecker 2006).” Furthermore children foreign nationals born in Turkey have the right to apply for Turkish citizenship within three years after reaching maturity. In principle, Turkish citizenship laws allow dual citizenship.

The only data related to foreigner naturalization applications is the report from the Bureau of Population and Citizenship of the Ministry of Interior, indicating that most candidates for naturalization in the past five years were migrants with Turkish origins (İçduygu 2005: 334). According to this data, 56,000 foreigners acquired Turkish citizenship between 1995 and 2001 by a marriage to a Turkish citizen. As the interviewees indicated most of the undocumented immigrants do not attempt for apply for naturalization.

Although the above mentioned studies describe some features of immigration laws, there is a certain lack of micro level and quantitative research that details the exact procedure of a paradigm of legislated exclusion in Turkey. Accordingly, one cannot easily comprehend how immigrant illegality is constructed in practice. For instance, like the citizenship issue, the restrictive legislative framework for obtaining work and resident permits play key roles in the construction of immigrant illegality in Turkey.

The case of a Nigerian waiter, exemplifies how most immigrants with graduate degrees are excluded from the employment structures in Turkey. This immigrant has an electronic engineer degree obtained from Nigeria. When he arrived in Istanbul, he started searching for a job to conduct his profession. However without having a work permit the employees did not agreed to give him a job. He told me that most of the employees had asked him whether he was married to a Turkish citizen, since the Turkish employees do not want to deal with the legal procedures of getting work and resident permit for the immigrants. Similar experiences have led undocumented immigrants to develop strategies to obtain permits. They mainly indicate that there are three ways to obtain the resident status: employment, marriage to a Turkish citizen, or study. Therefore marrying Turkish citizen remains as the easiest way of obtaining residence permit. The other option, studying in a Turkish university requires many procedures, and time which the immigrants need to spend working to gain economic stability.

Lady V.'s story illustrates this situation:

I found out that before I can find a good job, I had to become a citizen. Then, how can I become a citizen? Whether you marry a Turkish man or you work in company and which can apply for you. The owner of a company can apply for you to get a working permit. In Turkey it is very difficult to get a job and how can find that? So I decided to fall in love with a Turkish man. He is not really Turkish man. This guy is Kurdish. This guy I met when I was working in *Tünel*. So this guy told me that he wants to marry me. So we agreed to marry. I agreed to that because I would be able to get a good job. So we married, I got my paper I started to look for job. But there were a lot of Turkish people who couldn't find job. And I was thinking how can they give me a job? Even the citizens had difficulties to get job.

In a 1995 IOM survey conducted by Ahmet İçduygu, none of the African informants have work permits while almost one quarter of the Iranians could work based on an obtained permit. Likewise, in İçduygu's research again conducted for IOM in 2003, the African immigrants indicated that none of them have resident permits. Although these data do not accurately explain the various reasons of undocumented African immigrant exclusion from the Turkish labor market, it exposes to a certain extent that the African immigrants are less involved in Turkey's opportunity structures compared to other immigrant groups.

Furthermore Turkey's EU application process has started a new period in the asylum and migration policies. Accordingly, in 2003, the Turkish government proposed a draft law to change the 1934 Law on Settlement to harmonize Turkish immigration policy and its application with that of the EU acquis. However, the revised law continued to permit only persons of "Turkish descent and Culture" to Turkey. (Kirişçi 2005:352). Consequently the legal reformations had significantly impacted on the existing citizenship laws, "particularly concerning the acquisition of citizenship upon marriage (Hecker 2006:4)." According to previous laws, a foreign woman who married a Turkish man automatically obtained Turkish citizenship, as in the case of Lady V. Due to the increasing number of marriages, the legislation has now become subject to some requirements. For example, "foreign spouses are now eligible for naturalization after three years of marriage. With reference to gender equality, the right to acquire citizenship by way of marriage is now also granted to foreign men (Hecker 2006:4)."

A significant change in the course of the work permits for foreigners was approved by the Turkish parliament as of February 27, 2003. With this law, Turkey implements the new rules

for the access of migrant workers to the labor market in the country. According to the new rules, “foreign citizens are now allowed to work as interpreters, guides, photographers, drivers and waiters, as well as in other jobs that used to be open to Turkish citizens only (Hecker 2006:4).” However, the impacts of these reforms were invisible for the immigrants in the practice. Most of them were aware of the recent changes in the law on work permits but they were still unable to find employment in the given professions.

Transnational Trade Networks

Although most of the immigrants have limited access to the income earning opportunities, some of the West African immigrants are involved in some kind of “income generating activities occurring outside the state’s regulatory framework” which can be described as informal economy (Sassen 1998:153). Some ethnic groups in West African countries such as Nigeria, Ghana and Senegal have traditionally been long distance traders (Kelly, 2006:57). In the similar vein, these groups have established certain transnational trade networks between Turkey and Nigeria.

According to immigrant accounts the transnational trade network between Turkey and Nigeria emerged in the 1980s and became the main job opportunity for immigrants who could not make the transit to Europe. In this network, throughout these two decades, Nigerian businessmen have been coming to Turkey to make business and to deal with their Turkish counterparts, buy textile products or car by-products, and to export those products to Nigeria. Moreover the flow of the people in this transnational network is not only one way; there are a lot of Turkish business men who migrate to Nigeria or travel between Turkey and Nigeria on textile business.

In this process, a new job opportunity the ‘middle men’, who are responsible for buying the products in Turkey and exporting them to Nigeria, has emerged. Most of my informants for example are involved in the textile business as agents, negotiating with the Turkish textile producers and then transporting the products to Nigeria. Some of the undocumented immigrants come to Turkey only to be involved in these transnational trade networks rather than immigrants making transit to Europe⁸, with a low rate.

⁸ My informant Gabriel illustrates this. He has wife and children in Nigeria. By overstaying his visa he goes back and forth between Nigeria.

Deniz Yüksekler's study (2004) on transnational textile market in Laleli and informal shuttle trade between Former Soviet Union countries and Turkey describes a larger picture of this economic activity in Istanbul in which the Nigerian immigrants are also partly involved as agents. Like the shuttle traders from FSU, Nigerian agents used to work with the Turkish textile producers in Laleli, "a market place with weak legal regulation (Yükseker 2004:48)" as well as in Osmanbey and Şişli.

Although Nigerian immigrants and business men from Nigeria do not only deal with shuttle trade, but also buy large amounts of goods for exporting, they benefit from similar structures of informal economy. To export goods in larger amounts to Nigeria, the agent immigrants have to pay a certain amount of taxes; however, as undocumented immigrants they are not registered as formal agents of this economic activity.

This transnational trade network and the emergence of informal activities are part of a more complex process necessitating a multidirectional focus. According to Sassen, the immigration regimes of globalization are contradictory: While there is a liberal immigration organization for the elite personal of the global economy providing the flow of the capital around the globe, there are restrictive policies and regulations to prevent the integration of the lower class immigrants into these processes (Sassen 1996).

In the similar vein to Sassen's arguments, the Nigerian business men with higher economic status gain resident and legal permits and thus can travel frequently back and forth between Nigeria and Turkey to purchase moderate amounts of goods. While the lower status immigrants seeking work in textile industry represent a small percentage of the Nigerian immigrants, most of them are nonetheless interested in this trade. The larger group of the immigrants is unable to be involved in the transnational textile networks since they cannot provide the required starting capital.⁹

Exclusion from Social and Humanitarian Aid:

⁹ This I was able to obtain that on these groups simply because they were more visible, they were in a higher legal and economic status. One of the chief difficulties in my research was of course then assessing the profile of the bottom and middle immigrants simply because of their legal status they remain anonymous, they remain invisible.

Aihwa Ong's discussion on the Hong Kong transnationals and the Cambodian refugees enables us to see how Nigerian immigrant cases are distinct from them in the sense that they are neither recognized nor included in the disciplinary discourses of the host country through the civil society, and the social institutions. Ong clearly points to the multiple levels and varying modalities of constructing citizen-subjects. She argues that the Cambodian refugees and Hong Kong transnationals cannot escape the disciplinary forces of civil institutions and social groups that are "reproducing hegemonic criteria for belonging in U.S. (Ong 1996:751). On the other hand, Nigerian immigrants, as a socially isolated group remains invisible in Turkey's public discourses and excluded from the disciplinary forces which might be produced by various social groups and institutions.

In fact some of the local and international NGOs attempt to "reach" the immigrants; however in general, the networks constructed through membership or client system failed to create opportunities for the immigrant groups. During the initial parts of fieldwork, my very first curiosity was the undocumented immigrants' relationship with the local or international NGOs. Since I volunteered in the RLAP office, I have encountered many African people who were applying for the refugee status. I assumed that the undocumented immigrants at *Lady V* would also know about RLAP since they might need aid to legalize their status. The responses of the immigrants were quite shocking for me. For them it is not easy to obtain refugee status from UNHCR since their conditions did not fulfill the legal definition of the refugee as described in the international human rights laws. I did not encounter any immigrant who applies for help from the civil society organizations in Istanbul or any NGO.

The only NGO that was more visible in the social spaces of the undocumented Nigerian immigrants was a local NGO, founded by a United States citizen woman who obtained funding from the Turkish Tuberculosis Foundation (*Verem Savaş Derneği*). For instance, Chidi's housemate, Frank, maintained that he is working for this NGO. He stressed even though their NGO's income is insufficient, they are trying to make the immigrants aware of tuberculosis because most of them do not have access to health services. This lack has led to the more dramatic conditions in which the death of the immigrants subjects could not be prevented. The community, furthermore, which was not able to provide health service, was sometimes not even able to send these dead back home.

The categories of 'immigrant' and 'refugee' constructed through legal and social discourses, change depending on the context; e.g. as the Turkish case exemplifies that refugees have higher legal status and thus they have relatively more rights than the immigrants. On the other hand, undocumented Central Americans in U.S. do not prefer to use the refugee category because more rights and social services are provided to the immigrants (Coutin 1999:5). In other words, the attitude of the host society's civil and state institutions is determined according to these categories.

The isolation of undocumented Nigerian immigrants from the social service channels provided by the Turkish NGO's suggest a reassessment of the recent conceptual trend --post-national Europe-- which claims that the "deterritorialized expansion of rights" occurring through global-level processes challenges the nation state's self contained autonomy and forges norms of appropriate attitude for undocumented migrants (Soysal 1996). A wide range of theoretical trends raise questions on the concept of citizenship to understand the dynamics of contemporary immigration processes. In these, new definitions of citizenship are suggested as a means of studying the questions asked by current modes of pluralism and ways of exclusion emerging with them (Vertovec 1999).

Yasemin Soysal maintains that most of the immigrants in Europe are entitled certain rights and have "a permanent resident status, which is not easily distinguishable from a formal citizenship status in terms of the rights and privileges, it confers (1996: 20)". She clearly points out that "citizenship is losing ground to a more universal model of membership anchored in the transcendent and deterritorialized notions of personal rights (20)". In that sense Soysal defines globalization as a process that challenges the territorially bounded notions of citizenship rights and diminishing the nation-state sovereignty over its subjects.

A parallel debate evolves around the role of civil society in Turkey's 'democratization' attempts. In their article *Globalization, Civil Society and Citizenship in Turkey*, Ahmet Içduygu and Fuat Keyman (2003) seem to be in agreement with Soysal on some core theoretical observations. They assert that "in a globalizing world the Turkish state is no longer able to operate and maintain its citizenship policies and practices as a result of both external factors (international migrations) and internal affairs (ethnic and religious revivals) (225)." Furthermore they attach a key role to the civil society "in the democratization of

state-centric world” which to them, “provides a space of deliberation for societal forces to transfer their interests and demands to political society (232).”

As I have discussed Nigerian immigrants’ exclusion from the opportunity structures in Turkey, the restrictive regulations of Turkish immigration law and policy challenges explicitly both Soysal’s as well as Keyman and İçduygu’s normative globalization definition. The Nigerian immigrants are not entitled certain rights that provide them access to services and economic opportunities, including public education, health benefits and, free access to the labor market as it is argued in the post-national citizenship debates. Nor are there civil society organizations which create social opportunities for the immigrants through which they can transfer their interests such as work permit, resident permit, employment, and health issues.

Conclusion

In the context of the recent irregular migration flows that Turkey encounters, I elaborated the positionalities, negotiations and interactions occurring at the zone of the public exclusion and inclusion through the case of the Nigerian immigrants who found refuge in a crime ridden lower class urban ghetto of Istanbul, Tarlabası.

This study revealed that the irregular migration dynamics should be studied by comparing various cases and investigating certain continuities and disjuncture in the experiences of immigrants in different parts of the world. Most of the Nigerian transit migrants have been to various other Middle Eastern countries before they enter Turkey Lebanon, Syria, and Israel. The answer to the question why these transit migrants did not decide to stay in these countries, but continued to their journey to Europe can be only answered through further quantitative and qualitative researches on the immigrant experiences in those countries.

Although the following list cannot be enough, this study needs to be furthered with three new sites of discussion. Firstly, by focusing on the quotidian practices taking place between various level state officials and immigrant, further studies should explore immigrants’ public exclusion from the opportunity structures in Turkey. Such a study would also provide insight on the institutionalized racial discriminations.

Secondly, this study could not investigate further the female perspective of the immigration. The reason is twofold. Because of the gender relations I have developed easier rapport with the male immigrants. On the other hand, although the female immigrants existed in the immigrant social spaces, these places were generally dominated by men. However, the gender issue is definitely one worth to explore in future research, particularly because of the high rates of contract marriages.

Thirdly, my findings indicate a significant number of immigrants who work in the small factories and ateliers under unhealthy and bad conditions. However contacting with them was difficult since they visit the Nigerian social spaces rarely. Besides since they over-work they did not have time to spend for the interviews.

Although this study is not explicitly policy oriented, it exposed the implications of the recent applications. Accordingly, ethnographic data and theoretical approaches presented in this study, provides certain suggestions to better the living conditions of the undocumented immigrants.

Reference List:

- Calavita, Kitty (1998) *Immigration, Law, and Marginalization in a Global Economy: Notes from Spain*. Law and Society Review 32(3): 529-566
- Flores, William (2003) *New Citizens, New Rights: Undocumented Immigrants and Latino Cultural Citizenship*. Latin America Perspectives, Issue 129, Vol.30 No.2, March 2003 295-308
- Hecker, Pierre (2006) *Country Profile Turkey*. Focus Migration No.5
- İçduygu, Ahmet (2003) *Irregular Migration in Turkey*. Geneva, IOM
- İçduygu 2005. *Turkey: the demographic and economic dimension of migration*. Mediterrenian Migration Report
- İçduygu, Ahmet and Keyman, Fuat (2003) *Globalization, Civil Society and Citizenship in Turkey*, Citizenship Studies, Vol. 7, No.2
- Yükseker, Deniz (2004) *Trust and Gender in a Transnational Market: The public Culture of Laleli, Istanbul* Public Culrue 16(1): 47-65, Duke University Press
- Kirisci, Kemal (1996) *Disaggregating Turkish citizenship and immigration practices Middle Eastern Studies* 36, No. 3, July.
- Kirişçi (2005) *Turkey: the political dimension of migration*. Mediterrenian Migration Report
- Ong 1996 1996. Cultural citizenship as subject making: Immigrants negotiate racial and cultural boundaries in the United States. *Current anthropology* 35: 737–62.
- Pugh, Michael (2001) *Mediterranean Boat People: A Case for Co-operation?* Mediterranean Politics, Vol.6, No.1 (Spring 2001), pp.1-20
- Sassen, Saskia (1996), *Losing Control?* New York Columbia University Press
- Sassen, Saskia 1998 *Globalization and Its Discontents*. New York The New Press
- Schleifer Yigal (2005), Christian Science Monitor, Africans get waylaid in Turkey
- Siu, Lok (2001) *Diasporic Cultural Citizenship*. Social Text 69, Vol. 19, No. 4, winter 2001
- Soysal, Yasemin (1994) *Limits of Citizenship: Migrants and Post-national Membership in Europe*. Chicago: The University of Chicago Press.
- Tokuzlu (2005) *Turkey: the legal dimension of migration*. Mediterrenian Migration Report
- Vertovec, Steve (1999) *Minority Associations, networks and public policies: re-assasing relationships*. Journal of Ethnic Migration Studies Vol. 25 No.1: 21-42 January 1999