

Broken Lines of II/Legality and the Reproduction of State Sovereignty: The Impact of Visa Policies on Immigrants to Turkey from Bulgaria

Zeynep Kasli and Ayse Parla*

After the granting of citizenship to 300,000 immigrants from Bulgaria in 1989, Turkey has enacted visa regime changes concerning more recent migrants from Bulgaria, who, according to the most recent modification, are only allowed to stay for 90 days within any six-month period. In this article, the authors demonstrate that the broken lines of legality/illegality produced by these changing policies further entrench the sovereignty of the state through the "inclusive exclusion" of immigrants who are subject to the law but not subject in the law. The temporary legalization of Bulgarian immigrants to Turkey in return for voting in the Bulgarian elections reveals that the state extends its transnational political power by drawing and redrawing the broken lines of legality/illegality. We demonstrate not only the ways in which the migrant population from Bulgaria is managed but also the strategies deployed by the migrants themselves in the face of such sovereign acts. **KEYWORDS:** immigration, Turkey, Bulgaria, visa policy, sovereignty

It has been widely claimed that the acceleration and intensification of globalization, especially in conjunction with the neoliberal economic restructuring of the last few decades, poses challenges to nation-states not only through transnational corporations and international political bodies but also through the transnational ties migrants forge beyond national borders.¹ Nonetheless, as Bauman argues, "there seems to be an intimate kinship, mutual conditioning and reciprocal reinforcement between the globalization of all aspects of the economy

*Department of Anthropology, Sabanci University, Istanbul, Turkey. E-mail: ayseparla@sabanciuniv.edu

and the renewed emphasis on the territorial principle."² The elective affinity between globalization and the territorial principle, or what others have more generally described as the continuing relevance of the nation-state,³ increasingly renders state borders and visa policies the sites of an asymmetric relationship between the sovereign state and immigrants who develop formal and informal strategies to expand spaces for maneuver, the limits of which are nonetheless still demarcated by the sovereign state.

It has also been argued that the reproduction of state sovereignty often utilizes the temporariness of the legal status of immigrants.⁴ According to Calavita's primarily economic emphasis, the law systematically reproduces the irregularity of migrants in order to ensure a vulnerable and dispensable workforce. The sorting of people into categories of otherness no longer occurs on the basis of cultural or ethnic markers, but rather on their positioning in the global economy.⁵ In a similar vein, King underlines that "illegality seems to be constructed in an illogical (but perhaps cynical) way by host societies which seem to be willing to exploit cheap migrant labor (and even be structurally dependent upon it) yet at the same time to deny the legal and civic existence of migrants."⁶ Balibar, too, points to the reproduction of illegality despite the rhetoric of immigration control but places the emphasis on how illegality and discourses about illegality become the *raison d'être* of the security apparatus.⁷

Other scholars have stressed the systematic nature of this temporariness by utilizing Giorgio Agamben's notion of the state-of-exception to understand the conditions of refugees: Sovereign states make the ultimate decision to include or exclude primarily by wielding the power of separating the rights of the citizen from the rights of man.⁸ For Agamben, the separation of rights of the citizen from the rights of man is consolidated through the "irrevocable unification of the principle of nativity and the principle of sovereignty" in the formation of the nation-state, resulting in the "inclusive exclusion" of bare life from the political life, or, of *zoe* from *bios*. As birth immediately becomes nation, the immigrant's subjecthood, irrespective of other affiliations, becomes *homo sacer* (bare life), which is not the subject *in* the law but subject *to* the law, suspended in a permanent state of exception.⁹

In his incisive analysis of global visa regimes, Mark Salter underlines the need to supplement Agamben's notion of exception-to-the-rule with Foucault's confessionary complex in order to recover the agency of the subject who enters a national territory. According to Salter, the specific decision for entry into the *bios* is not comprised of exhaustive regulations, as a stricter reading by Agamben would have it. Rather, the border-crosser can also resist the institutional *and* indi-

vidual decision—as the arbitrary embodiment of authority in the persona of the particular border official—to be included/excluded "through the confessional representation of his/her bodily, economic, and social information, which in turn is reconfigured by the receiving state in terms of health, wealth, and labor/leisure."¹⁰ Thus resistance is possible, but it is a resistance that is structured by the sovereign. It is the particular embodiment of this resistance which Salter, inspired by Foucault, finds to be the key: "It is not simply that the international population is managed, but that we come to manage ourselves through the confessional complex."¹¹

Inspired by Salter's juxtaposition of Agamben's emphasis on sovereign authority with Foucault's biopolitics, this article seeks to analyze the role of constantly changing visa policies in the production of yet another case of temporariness, that of the post-1990s labor migrants from Bulgaria to Turkey. We draw on Agamben in showing how these incessant changes repeatedly redefine the "threshold in life that distinguishes and separates what is inside from what is outside,"¹² and we draw on Foucault's emphasis on power not (just) as the endless resort that the state has to the state of exception but rather power as it operates in the routinized, everyday practices of migrants who come to manage their irregularity.

Extending Salter's analysis, we also call attention to the fact that the bordering process and the moment of decision are not limited to the acts of border-crossing. Rather, the changing immigration policies reach beyond the border to shape the everyday experiences of the post-1990s Turkish immigrants from Bulgaria and their encounters with the state. Our research is thus firmly located in the anthropological approach to sovereignty, which, in the words of Das and Poole, "instead of privileging metaphysical forms of reasoning . . . focuses on the workings of the everyday."¹³ Based on eighteen months of ethnographic fieldwork conducted in Istanbul between January 2007 and July 2008, we unravel the impact of the incessant changes in the visa policies on the post-1990s Bulgarian Turkish immigrants' everyday lives. We conjure the traffic metaphor of "broken lines" to depict the ways in which the state continues to exclude the immigrants while ostensibly including them. Rather than the continuous lines that forbid crossing to the other side and restrict travel to the same lane, visa policies, as "instruments of exclusion," resemble the broken lines that allow one to cross over to the next lane and return as long as the traffic is not disrupted. The state lays down rules for immigrants by constituting the boundaries of legality/illegality not as continuous but *broken* lines. These rules not only define the legal lanes but more importantly determine the conditions and strategies that make the legal lanes transpassable. In other

words, "inclusive exclusion" produces broken lines of regularity and legality, lines that the immigrants are constantly made to cross as *subject to the law* but not *subject in the law*.

The reproduction of state power through this inclusive exclusion concerns both the economic and political power of the state. In terms of economic power, the more flexible visa regimes render, as we will show, the immigrant labor force increasingly vulnerable and thus reinforce their dispensability according to the needs of the labor market.¹⁴ In that, the Turkish state's move toward more flexible visa regimes partakes in the global trend of regularization programs elsewhere in Europe and the United States as dictated by the needs of the labor market. However, there is an additional, political component to these visa policies in the Turkish context that renders our analysis more specific, and that concerns the "ethnic" character of this particular migratory movement. The Turkish state instrumentalizes immigrant illegality for transnational political practices such as getting the immigrants to vote in the Bulgarian national elections in return for granting temporary residence permits. Keeping the immigrants in a permanent state of exception also consolidates the transnational political interests of the state through the instrumentalization of migrants' ethnic affiliation.

Immigration to Turkey Since the 1990s

While Turkey used to be considered as a country of emigration origination rather than one of immigration destination, this has gradually been reversed as a consequence of the economic and political changes in the region.¹⁵ On the one hand transit migrants, especially from Afghanistan, Iraq, Pakistan, and African countries, increasingly arrive in Turkey illegally with the intention of migrating to a third country.¹⁶ On the other hand, large numbers of people from neighboring countries, such as Iran, Iraq, Moldova, Romania, Bulgaria, the Russian Federation, Ukraine, and Georgia, have started to enter the country through legal routes to work in the informal sector such as the suitcase trade¹⁷ and domestic work.¹⁸ Based on residence permits issued by the Directorate of General Security as the only direct evidence on foreigners in the Turkish labor market, and on the number of legal entries from the neighboring countries as indirect evidence, Içduygu states that the estimated number of illegal workers would have been 150,000-200,000 for the year 2005. He also notes that some senior officials claim the presence of around "one million illegal foreign workers" in Turkey.¹⁹ The occupational breakdown of this population without official papers shows women to be informally em-

ployed primarily in domestic work and the entertainment sector and men in construction and agriculture.²⁰ Meanwhile, the total figure for transit migrants who either entered or exited Turkey illegally between 1995 and 2006 stands at only 616,527,²¹ which might be taken as an indication of the cyclical nature of il/legal immigration that results neither in full illegality nor full regularization, but rather in systematic irregularity.²²

The recent upsurge in labor migration is viewed as the result of the demise of the Soviet Union and communism; transitions to neoliberal capitalism; and subsequent economic difficulties in these sending countries.²³ As for the pull factors, Içduygu identifies the following: Turkey's geographical proximity, the relative ease of crossing the border, low travel costs, low cost of living, and the existence of prior migrant networks.²⁴ One crucial additional pull factor has been the flexibilization of the Turkish visa policy. Since the end of the Cold War, there has been a significant decrease in control and an increase in commercial as well as private traffic in the region, with the Bulgarian-Turkish border constituting the main transit path to Turkey.²⁵ More specifically, through a series of bilateral agreements and the introduction of "sticker visas" for nationals of Iran, the former Soviet Union, and the Balkan countries, Turkish visa policy underwent a gradual liberalization after 2001.²⁶ The quantitative consequences of this liberalization are evident in the number of entries: In 2005 6.2 million people from the Balkans and the post-Soviet world entered Turkey, while this figure for 1980 was less than 54,000.²⁷ For immigrants from Bulgaria, too, the lifting of the visa requirement led to a near tripling of entries: from about 140,000 in 1996 and 380,000 in 2000, to 1.3 million out of six million entries in 2004 from former Soviet republics, and Balkan and Middle Eastern countries.²⁸

Harmonizing with the Schengen Visa Regime

Besides the acceleration of neoliberal restructuring in the region and the concomitant liberalization of the Turkish visa regime, another significant factor that influences both the nature and the management of the migrants from Bulgaria is the EU accession process. Throughout the 1990s and up until 2001, the Bulgaria-to-Turkey migrants needed tourist visas to enter Turkey, limiting the legal immigration of those seeking work. Nonetheless, it was still possible to acquire citizenship once a migrant succeeded in staying legally in Turkey for two years and renewed their residence permit regularly during that time. However, our respondents' narratives reveal that it became increasingly difficult in the latter 1990s to obtain a tourist visa to leave Bulgaria,

and that visas were usually granted to only one of the partners per family. This was not an official rule but the accounts of our informants suggest that it was practiced routinely. Given the increasing difficulty of getting tourist visas, people began to seek illegal routes to reach Turkey, either in search of jobs or to unite with a partner who had already migrated. We have observed that one out of every three respondents who migrated in the late 1990s either sought recourse to smuggling networks themselves or were aware of such a practice through the experience of a friend or a relative.

In 2001 the Turkish government decided to lift the visa requirement for Bulgarian nationals. In this case, the Turkish government's decision regarding visa requirements had to take into account not only the relations between the two neighboring countries but also Turkish-EU and Bulgarian-EU relations, with the two countries positioned as two distinct candidates. Bulgaria was initially included on the Schengen negative list that came into effect in September 1995. This was due to the EU concern about Bulgaria's lack of adequate security measures and the potential risk of illegal immigration originating from and transiting through Bulgaria. In March 2001 the EU Council removed Bulgaria from the negative list as a result of Bulgaria's attempts to adjust to the Schengen rules. Turkey, however, remained on the negative list. According to Joanna Apap et al., and contrary to the former strict visa policy to stop the economically motivated migration from Bulgaria, the EU decision to lift visa requirements for Bulgarian citizens became a major motive for the Turkish government's decision to lift the strict visa requirement for Bulgarian nationals in June 2001.²⁹

From 2001 to May 2007, therefore, migrants from Bulgaria were allowed to stay in Turkey on visa waivers valid for three months. This new procedure also paved the way for legalization of those who had entered the country on a tourist visa in the late 1990s and had overstayed, as well as of those who had entered the country illegally through smugglers. As a result of this change, those who migrated as a family pursued the "residence permit for person accompanying a child studying in Turkey" (in Turkish, *refakatçi izni*), which does not grant the right to work. The majority of others who came as independent migrants became circular migrants on visa waivers.

In May 2007 another new visa agreement came into force as part of the ongoing harmonization with the Schengen visa regime. The former procedure that permitted Bulgarian Turks legal stay as tourists on visa waivers valid for three months was replaced by permission to stay for a maximum of 90 days of every six months. Reciprocally, Turkish passport holders are subject to the same rule, and those who are transiting to the Schengen area with a proper visa are no longer required to get a Bulgarian visa.³⁰ Ironically then, compared to the pre-

vious regulation, the new visa agreement has created a more flexible visa regime for Turkish nationals and a stricter one for Bulgarian nationals, including the Bulgarian labor migrants in Turkey. Therefore, from the point of view of Bulgarian nationals, harmonization with the Schengen visa regime changed the more permeable border between Bulgaria and Turkey to a stricter one while granting the right to free movement within the whole Schengen area for a maximum of ninety days of every six months. Thus, in legal terms, we can claim that the new procedure seems to equalize the conditions for migration from Bulgaria to EU countries and to Turkey. For the labor migrants from Bulgaria to Turkey, however, it has meant the stark choice between losing their jobs and lapsing once again into illegality.

The Turks of Bulgaria Migrate to the "Homeland"

So far we have acknowledged the significance of the acceleration of the neoliberal restructuring in the region and the concomitant liberalization of the Turkish visa policy and the mixed role of the EU accession process for the increasing number of migrants from Bulgaria. We now turn to another factor that is peculiar to the group under study and which has had a profound impact on the changing type and pattern of migration as well. This concerns the "ethnic" character of this particular migration flow. As scholars have pointed out, the management of the Turkish immigrants from Bulgaria has also to do with the particular history of the Turkish state's relationship to those groups officially considered as ethnic kin.³¹

Historically the immigration of those who were officially believed to be the most assimilable to the construct of Turkishness was encouraged and welcomed by the founding fathers of the Turkish republic.³² Their goal was to create a sense of homogenous national identity out of an ethnically and culturally diverse country and the incorporation of desirable migrants was one strategy toward the realization of this goal. As opposed to those who neither speak Turkish nor "belong to Turkish culture," among the groups seen as the most assimilable were past immigrants from the Caucasus and the Balkans, who are ethnically Albanian, Bosnian, Circassian, Pomak, Roma, Tatar, and so on but who speak Turkish.³³ The legal ground on which these groups were appropriated into the national body is the Turkish Settlement Law of 1934. Moreover, notwithstanding the dearth of regulations to put this law into action, the most recent version of the Settlement Law, accepted in 2006, still purports to privilege immigrants of "Turkish descent and culture" in terms of acquiring legal papers.³⁴

The 1934 Settlement Law, which permitted and occasionally even encouraged the migration of those of Turkish ethnicity, facilitated several large migration waves on the part of the Turkish minority in Bulgaria, often designated, not unproblematically, as the "return" of ethnic kin back to their "homeland."³⁵ The first wave occurred in 1925, following the agreement signed by Bulgaria and Turkey allowing voluntary resettlement; the second in 1950-1951, following the advent of communism and the collectivization of land in Bulgaria; and the third in 1968, by virtue of the treaty to unite separated families.³⁶ The last and most massive wave of immigration took place after the infamous assimilation campaign launched under the leadership of Todor Zhivkov and directed toward the Turkish and other minorities in Bulgaria. More than 300,000 people migrated to Turkey in 1989 fleeing state repression. However, nearly a third of these returned soon after the regime change in Bulgaria in 1990 as the Cold War ended. Those who stayed in Turkey were granted Turkish citizenship.³⁷

After the massive migration wave of 1989, people from Bulgaria were once again on the road to Turkey. But the Turkish authorities have taken an entirely different stance toward the "economic" migration of the Turkish immigrants, which became more frequent by the late 1990s. In contrast to the 1989 immigrants who received Turkish citizenship, the post-1990s migrants, who are technically entitled to the same privileges accorded by the status of "ethnic kin," are being subjected to constantly changing visa regimes. Why is it that a group of people who have historically occupied a privileged position as preferred migrants suddenly find themselves relegated to the status of "mere economic migrants?"

As Erder and Kaska have stated, the economic, social, cultural, and historical differences among the sending countries of the former Soviet Union and the differences in their diplomatic relations with Turkey have resulted in different visa policies at the state level as well as in different attitudes toward the migrants at the societal level.³⁸ Notwithstanding this argument, we further claim that the differences do not solely derive from the specificities of a particular form of migration but rather from how the state positions itself vis-a-vis immigrants over time. In other words, the status of the immigrants are subject to change as long as the terms and conditions of migration are shaped and determined by the sovereign states that dictate who/how/why will be allowed to enter/ stay/leave a national territory. Therefore, we argue that both the policies and the attitudes toward any group of migrants are contextual and relational, and are constantly reshaped according to the political and economic needs of the state. More specifically, despite being motivated with the same ultimate aim to sustain

and extend its realm of sovereignty, in comparison with its stance toward earlier migrants from Bulgaria, the Turkish state takes an altered stance toward the post-1990s migrants by keeping them in a permanent state of exception, by first including them through a more flexible visa regime in 2001 and then excluding them through the withdrawal in 2007 of their privileged right of entry vis-a-vis the other former Soviet Union countries.

The immediate explanation for the above shift is that Turkey is simply adjusting its home affairs to changes in international affairs in accordance with the dictates of both the neoliberal policy of flexible visa regimes and the Schengen acquis. We argue, however, that beyond this seemingly obvious explanation, there are other dynamics that need to be uncovered. The formal visa regulations enacted by law are occasionally circumvented by the Turkish state through circular letters issued by the Ministry of the Interior. For example, almost simultaneously with the formal changes in the Schengen negative list in favor of Bulgaria and the general flexibilization of the Turkish visa regime in the year 2001, Turkey also released an "amnesty" for those migrants who had overstayed their visas but who were willing to vote in the 2001 Bulgarian general elections. The same strategy, which we explain in detail below, was reenacted in 2005 and 2007, thus signaling the systematization of granting free residence permits in return for voting in the Bulgarian elections. As opposed to the former policies of welcoming "ethnic Turks" from the Balkans and thus maintaining the image of a "protective state" on the domestic and international scene, the Turkish state seems to have developed new strategies toward making use of the transnational ties of the Turkish minority in Bulgaria.³⁹

So far we have unraveled the economic, international, legal, and political dynamics that paved the way for a new migration pattern from Bulgaria to Turkey in the course of the 1990s. In the rest of the article we seek to demonstrate how such structural factors are being used by the Turkish state to reiterate its sovereignty and to extend it beyond territorial borders, but with an eye to understanding how immigrants respond to such sovereign acts.

Portraits

The data provided here is based on eighteen months of ethnographic fieldwork conducted from January 2007 to July 2008, although we also incorporate developments as late as March 2009 gleaned from ongoing work in the field. Fieldwork was undertaken in several districts of Istanbul, ones that are densely populated by Turkish immigrants from

Bulgaria. The anthropological methods of participant observation, and semistructured and open-ended interviews were deployed to collect the data. In order to provide the "thick description" integral to the anthropological method, relationships with the migrants who are the subjects of the study were established over multiple encounters, which included visits to their homes, participation in their social activities, and accompanying them to the association where they seek legal advice. Interviews and participant observation were also conducted at the most established migrant association in Istanbul with the association's president and newspaper editor. Finally, a cross-border ethnographic trip to Bulgaria was undertaken in September 2007, following the most recent change in visa policy. The trip was undertaken by bus, the most common mode of transportation used by the migrants themselves. The journey across the Bulgarian-Turkish border made possible the observation of the various arbitrary procedures practiced at the border as well as migrants' responses to these practices. Our micro-level ethnographic analysis, which engages lived experiences across a variety of contexts ranging from the private spaces of the home to the public spaces of travel to the institutional spaces of the association, resonates with the call of Adrian Favell and others for capturing the "human face of migration."

Nurcihan

A mother of two children and a chemist by profession, Nurcihan Hanim has been working as a live-out domestic worker in Istanbul for ten years now. She came to Turkey in 1998 as a tourist, one year after her husband migrated. She flew to Antalya via Moscow, as she was told entry with a tourist visa through this southern border, also a prominent vacation resort, would be easier. (They had previously made an unsuccessful attempt to enter via Batum, the northeastern border, the entire journey lasting fourteen days.) In Antalya, she was harassed by one of the border officials, who said, "Well I can't let you go without a cup of tea. What folly to leave such a beautiful woman and her children unattended." Nurcihan said she cannot forget the face of that officer, and neither can she forget the officer who in the end helped her enter. Thus, crossing the border as a tourist in 1998, Nurcihan then overstayed her visa.

When their younger child began attending school in Istanbul, Nurcihan settled with her family in the decrepit migrant settlements in an outer Istanbul suburb that hosts a low-income population interspersed with middle-class residents of the newly built gated communities throughout the area. The migrant settlements had been commissioned for the earlier wave of 1989 migrants, many of whom were able to move

into better residences and left the migrant settlements vacant. Nurcihan and her husband were able to legalize their status in 2001, when the Turkish state granted a three-month residence permit for free for those Bulgarian immigrants who overstayed their visas. This amnesty was given in return for voting in the Bulgarian general elections in which Movement for Rights and Freedoms (MRF), the party that by and large represents the Turkish minority in Bulgaria, is a major contender.⁴⁰ This permit was nonrenewable, lasting only three months. Unable to renew their permit, Nurcihan and her husband turned to the new flexible visa regime which came into effect also in 2001 and which allowed them to stay in Turkey on visa waivers valid for three months. Then, due to a change in the law which requires a valid residence permit for their children to attend Turkish schools, they were obliged to switch to the special residence permit, called the *refakatfi izni*, to which they are entitled as the companions of their children. Although they annually renewed this *refakatfi izni* from 2004 to 2007, they still were not qualified to apply for citizenship as the standard residence permit would have allowed and were not allowed to apply for a work permit, either. In October 2007, when a similar amnesty was granted in return for voting in the elections in Bulgaria, this time for six months, they switched back to the standard resident permit. However, when at the end of six months, no one who took advantage of the amnesty was able to renew their residence permits as expected, Nurcihan and her husband switched back yet again to the *refakatfi* permit. "All those ten years, all that effort we spent, must count for something," Nurcihan said. "I, too, want to pay taxes; I want to be a citizen ... I don't want my children to take the Foreign Student Exam to enter the university, even if that means they will have to work harder like everyone else for the national university entrance exams." Dismissing the option of going back to Bulgaria on the grounds that her children have been educated in Turkey and no longer speak Bulgarian, Nurcihan pointed to the huge map of Turkey plastered on the wall in their living room. "We did not put this map here for nothing," she said, "We live here now and my children are more familiar with this country than anywhere else." Currently with a standing application for citizenship filed with the Ministry of Interior more than a year ago, Nurcihan is adamant in her desire to obtain Turkish citizenship, and, if possible, to legally practice chemistry, her true profession, in Turkey.

Aysel

Aysel has been working in Istanbul as a live-in nanny since 2006. She had initially come to Turkey with her husband and two children as

part of the forced migration wave in 1989, but returned to Bulgaria in less than a year, thereby foregoing the citizenship granted to the 1989 migrants who stayed. She decided to migrate to Turkey again in order to save money for the wedding expenses of her daughter and the university expenses of her son. Until the visa regime change in May 2007, Aysel was subject to the flexible visa regime that has been in effect since 2001 and which allowed Bulgarian passport holders to enter the country legally with visa waivers valid for three months. From 2006 to 2007, therefore, Aysel kept her status legal by exiting and reentering the country every three months (although she lapsed into illegality for working without a permit). Once the May 2007 law, which allowed Bulgarian passport holders up to 90 days only within any six-month period, went into effect, she made an arrangement with another circular migrant from Bulgaria: They would both work for her current employer, rotating every three months. But when the free six-month residence permit was granted in return for voting in the elections, accompanied by semiofficial rumors that the resident permits would be renewed, they terminated the rotation as it no longer appeared to be needed. However, as Aysel, along with all the other migrants in the same situation, was unable to renew the permit as hoped, she became once again subjected to the May 2007 agreement that allowed her only 90 days legal stay in Turkey within every six months.

At this point Aysel decided to seek legal aid from the oldest and most established Balkan migrant association in Istanbul, the Balkan Turks Solidarity Association. The general secretary wrote up her petition to the Ministry of Interior for the renewal of the permit. When the official reply, technically due in three months, did not arrive, she was instructed by the association that she was now entitled to sue the ministry for not processing her claim. However the price demanded by the association for the service for Filing the court action, which would eventually open the path of filing for citizenship, was beyond affordable, exceeding five months of her wages. She therefore decided to wait instead for another amnesty or visa regime change, or go back to the rotation arrangement. In the meantime, she left for Bulgaria to oversee her daughter's wedding. Although she would have logically arranged this most recent trip in accordance with the 90-day regulation, she ended up exiting more than 30 days late, which brings an exorbitant fine at the border. However, her employer bought her a plane ticket: During a previous trip when she had also overstayed, she had been able to exit without being subjected to the fines that her fellow migrants, who traveled by bus at the same time, had not been able to avoid.

This time, however, the plane arrangement did not work and she

was both fined and not allowed to reenter for three months. After waiting out the three months, Aysel returned to work, and once again lapsed into illegality after 90 days of stay. She has just filed an application for an amnesty that was announced very recently in March 2009, giving Turkish migrants from Bulgaria less than one week to apply for one-year-long free residence permits. Like Aysel, thousands of irregular migrants who waited in the long queues in front of the Foreigners Department found out, however, that the amnesty only applied to an already determined list of 900 migrants who had previously filed an application. At the urging of another migrant association, she decided to file a petition to apply for the amnesty anyway, with the hope that the amnesty would be expanded to include all migrants who were currently subjected to the maximum 90 days of stay rule.

The Everyday Manifestations of Law

While each individual's story is unique, the previous portraits were selected because they are representative of what we have found to be the two most common responses to the shifting visa regimes and acts of sovereignty on the part of the immigrants who share the predicament of being labor migrants from Bulgaria to Turkey in the 1990s. Nurcihan's insistence on claiming exclusive belonging to Turkey represents one dominant strategy, while Aysel's prioritization of transnational ties and mobility represents another. However, before analyzing in detail these two different responses to state policies, we first underscore the commonalities in these narratives in terms of how the laws are manifested in the everyday lives of immigrants.

Nurcihan and Aysel are two of the 700,000 Turkish immigrants from Bulgaria currently residing in Turkey, according to the records of the Balkan Turks Solidarity Association (BTSA), the biggest and most established Balkan migrant association in Istanbul. Included in this figure are those who hold dual citizenship (namely the 1989 political migrants from Bulgaria who were granted Turkish citizenship but the majority of whom also kept their Bulgarian citizenship); those with regular residence permits or with *refakatçi izni* like Nurcihan; circular migrants on visa waivers like Aysel; and illegal immigrants. Already this categorization, however, belies the complexity of how the law and legal categories get manifested in and translated into everyday experience and the systematic slippages that occur in that process. Nurcihan, for example, has been on a residence permit for accompanying a child since 2004. Yet this does not qualify her either for citizenship or for a work permit. Her status is thus as the companion of a child, yet she lapses into illegality as someone who works informally

as a domestic. Similarly, although Aysel is legal in terms of her exits and entries as a circular migrant with a visa waiver valid for three months, she, too, lapses into illegality as a migrant worker, because she has to work without a permit. Both Aysel and Nurcihan occupy that gray zone between legality and illegality as people who enter (Aysel) and who reside in (Nurcihan) the country legally but who become illegal as workers in the informal economy. Finally, the broken lines of il/legality are constantly crossed by Aysel, Nurcihan, and all those migrants without Turkish citizenship each time yet a new visa policy or amnesty comes into effect and gets enacted in arbitrary ways.

Let us consider, for example, the most recent visa agreement signed in May 2007 between the Bulgarian and Turkish governments and which stipulated that Bulgarian passport holders are allowed to stay in Turkey legally for a maximum of 90 days in every six-month period. News of the latest regulation spread by word of mouth through migrant networks and usually originated from those migrants who had been warned by border officials or bus drivers that a new law was to come into effect soon. Other migrants complained of not being able to access any information even at the border. Like Aysel, immigrants, who until then had been engaging in circular migration with three-month visa waivers, began to calculate the remaining days they had for legal stay in Turkey for that six-month cycle. The panic stirred by the new policy was further exacerbated by the fact that no one seemed to be certain as to how exactly the dates would be calculated, whether starting on the day the agreement came into force or starting on the date of their last entry. Nor was it obvious how the fines were to be determined. While migrants complained about the lack of response to their inquiries with the Foreigners Department, a query the researchers placed at the information desk of the Istanbul national airport yielded only a partial answer: The fines would increase incrementally in proportion to the length of overstay.

How the exact fines were calculated became apparent only after migrants began to cross the border. One of our respondents had heard from a customs officer that they knew through acquaintances that a day's extra stay cost 158 YTL (approximately \$131 at the time).⁴¹ The journey undertaken by Kasli across the Turkish-Bulgarian border in September 2007, however, during the heyday of the new regulation, showed that one day of overstay amounted to 275 YTL (approximately \$228 at the time).⁴² While such discrepancies in information obtained by the migrants do not necessarily provide evidence of arbitrariness in actual practice, we nonetheless highlight such discrepancies precisely because such circulating, semiofficial rumors were the only information available until the actual border crossings began.⁴³

Another example of ambiguity concerned the discrepancy in the "day counts" calculated by the migrants and the counts procured by

the border officials, reinforcing the migrants' perceptions of arbitrariness. Halime, a 38-year-old migrant who had been working in Turkey for two years explained how she tried to calculate her exit date in order to avoid the fine:

First we thought that those days that we spent back home [in Bulgaria] were subtracted in calculating the 90 days. But then I heard from my sister that she was fined for what turned out to be a miscalculation. My sister had added on the days she had spent in Bulgaria during that time, since we thought that those days would not count toward our allowed stay of 90 days. So I calculated the days I stayed in Istanbul once again, this time without subtracting the days I had spent in Bulgaria between July 28 and August 6, and I hit the road on the 88th day. But when I reached the Edirnekapi exit [which is only a 6-8 hour bus drive from Istanbul], the computer counted it as my 91st day. I had to pay the 275 YTL for that one extra day.

Beyond all the confusion that resulted from lack of information and clear guidelines, we gathered evidence of actual discrepant fining practices at the border as well: We were told by the migrants that procedures varied also among the two main land exit points, Derekooy and Kapikule, with officials at the latter being more lenient and ad hoc about enforcing the fines. Furthermore, at least for a while, an entirely different procedure seemed to apply at the airport checkpoints: Aysel was not fined at all although she overstayed for almost a month, because her employer had decided to see if it would make a difference to buy Aysel's airfare and have her exit that way. When a friend of Aysel's was turned back at the Kapikule border trying to enter although she had not yet waited out her 90 days, she bought a plane ticket encouraged by Aysel's experience, and was still in disbelief that the officers at the passport control had merely glanced at her passport and said "Welcome to Turkey."⁴⁴

Finally Yasemin, a migrant who came to Turkey with her family in 1999 through smuggling networks but who currently holds a *refakatli izni*, poked fun at the nonstandard applications of the regulations, which she experienced not at the border but at the Foreigners Department. "We were in the same queue with this neighbor for a residence permit. He got fined and I did not. You know, I am a lady [laughter]." The gendered dynamic that had delayed entry for Nurchihan resulted, in this instance, in exemption from fines for Yasemin. But in both instances, the arbitrary authority of the state, as embodied in the border official who may or may not allow, manifests itself as an exercise in sovereignty that is simultaneously a manifestation of hegemonic masculinity.

Meanwhile, not all migrants took to the road when the new regulation was passed. Instead, some decided to risk lapsing into illegality

and to wait and see if an amnesty would be released before the elections in Bulgaria. After **all**, such amnesties had been passed in 2001 and 2005, in both incidents right before the Bulgarian elections. Those who voted in the elections had been given resident permits regardless of their prior (il)legal status. The official assumption here was that the migrants would cast their votes for the Movement of Rights and Freedoms Party (MRF). The general secretary of the Balkan Turks Solidarity Association (BTSA) proudly told us, for example, that they had been the ones to convince the state authorities to give the immigrants three-month resident permits in return for voting in the Bulgarian general election in 2001.⁴⁵

Indeed, this time around, too, the amnesty was granted on October 10, 2007, just eighteen days before the general election in Bulgaria. Ironically, however, the amnesty ended up covering only those who had overstayed after the maximum of ninety days and were thus in violation of the latest regulation. Therefore, only those migrants who lapsed into illegality were able to receive the six-month residence permits, while the ones who abided by the new law were not able to take advantage. Then, contrary to the rumors and a circular signed by the MRF, the six-month residence permits were not renewed.⁴⁶ It turned out, therefore, that the amnesty only allowed a temporary period of legalization for these migrants who, once again, went back to Bulgaria to "wait out" their 90 days, or decided to overstay and are hoping for another amnesty to be declared.

Such arbitrariness, which our respondents perceive as peculiar to the Turkish state, is actually yet another manifestation of the "enabling" as well as the "corrupt" faces of neoliberal states more generally.⁴⁷ The agency of the decisionmaker actually plays a double role here. On the one hand, some space is allowed the migrant for maneuvering the rules of the sovereign. On the other hand, such maneuvers remained as atomized acts that still work to reproduce the power of the sovereign over migrants whose right to collective action is not guaranteed by the law and who are not subjects *in the law* but only *subject to it*.

Migrant Acts

We have so far pointed out what all labor migrants from Bulgaria share in common in terms of their subjection to the shifting visa policies and the often arbitrary ways in which the state puts these into practice through its bureaucratic agents. Now we turn to the strategic ways in which immigrants respond to these policies and their arbitrary

applications. By focusing on the strategies undertaken by the migrants, we hope to locate possible resistances to the arbitrariness of sovereign power as well as the limits of such resistance. Some immigrants, especially those who migrated as a family, like Nurcihan, are adamant in their pursuit of citizenship because they are unequivocal in their intention to settle in Turkey. Other migrants, like Aysel, however, do not necessarily view Turkey as their permanent place of settlement. Rather, they wish to secure themselves as well as possible against the arbitrariness of visa policies, and find that the periodic amnesties provide them some respite. These migrants, too, might pursue the citizenship path, but in instrumental fashion.

Currently, claiming "Turkishness" is the primary legal means of obtaining a residence permit which, if it is renewed for two subsequent years, grants the right to apply citizenship to those of "Turkish descent" in accordance with Article 5 of the Settlement Law. Yet filing an application with the Ministry of Interior in Ankara for the status of *münferit göçmen*, which is the term granted those immigrants of Turkish descent, is not a transparent process, least of all for the irregular migrants whose knowledge of the law is scant and who are intimidated by signing official documents for the obvious reason of being irregular. The BTSA is the one association which claims to be the pioneer of providing "true" legal help to the post-1990s irregular migrants, basing this claim primarily on the fact that the general secretary of the association holds a J.D. and a master's degree in international law. The general secretary compiles the applications on behalf of the migrants in return for a fee of 100YTL (approximately \$83), dubbed a "donation."⁴⁸ The petition sent to the Ministry of the Interior states that the applicant has a relative of the first or second degree who is a Turkish citizen (a valid national identity card of the said relative needs to be attached to the petition) and that the applicant must thus be given a residence permit in accordance with Article 5 of the 1934 Settlement Law, as he or she is of "Turkish descent and culture." Although in theory Article 5 ought to provide sufficient grounds for obtaining a residence permit eventually followed by citizenship, the general secretary underlines that the decisions for the permit are a matter of politics rather than law, thus resulting in various inconsistencies in practice. Still, he insists that compared to other ways to apply for a regular residence permit toward the acquisition of citizenship—such as through marriage or enrolling in school—the most likely one to work in practice for the post-1990s Bulgarian Turkish immigrants is to obtain the special status of *münferit göçmen*.⁴⁹ Moreover, what makes these applications still a rational option for the migrants, according to the general secretary, is that even if the ministry does not grant the

permit, the migrants are still better off for having put in an application: A standing application entitles them to a legal stay for an extra six months, after which they receive an official reply.

The migrant association representatives, in their official communications, adopt a strict language of rights on behalf of the migrants and boast of having set their goal as nothing short of obtaining citizenship for all the migrants from Bulgaria. The association grounds its claims on natural entitlement: As "ethnic kin" from the Balkans, the migrants are the bearers of the imperial legacy—the contemporary inhabitants of territories once owned by the Ottoman Empire. The Turkish state is thus "indebted" to these migrants, in the association's view, and granting citizenship would be an evident way to repay the debt. However, despite this nationalist discourse, the legal counseling provided by the association secretary also recognizes the arbitrariness of the process of applying for citizenship and explicitly exploits that arbitrariness by pointing out that even if they do not end up receiving citizenship, the migrants work the system to their advantage simply by applying.

It is precisely in this strategic fashion that Aysel has filed a petition via the association to be recognized as a *munferit gdcmen*. She hopes the result will be positive so she can receive citizenship, which will enable her to come and go whenever she pleases instead of continuing to be subjected to the changing visa regimes. Yet Aysel would also settle for the second option of filing repeated applications, even if each application gets rejected so that she can keep "earning" the right to an extra legal stay of six months in addition to the 90 days allowed by the current visa regime. Aysel is pursuing the possibilities for citizenship not because she intends to settle but simply for the convenience of work and travel. She has no qualms about stating that she works in Turkey to save money for her family back home and makes no plans for permanent settlement. Instead she makes short-term calculations about overstays and fines based on the dictates of everyday life back home; whether, for example, she will have saved up enough money for the last piece of furniture for her daughter's wedding trousseau within the legal period of stay allowed to her. The fact that Aysel maneuvers the system as best befits her cost-benefit calculations suggests that she does not aspire to becoming the ideal political subject like the 1989 immigrants or those who were granted *munferit gdcmen* status.

Unlike Aysel, who primarily constitutes herself as an economic body, Nurcihan's self-representation is predicated on the declaration of national belonging. Through the applications she has filed with the Ministry of Interior, Nurcihan engages in legal proclamations of allegiance to the Turkish state as a prospective citizen, one who is worthy of the status as someone of Turkish descent. In addition to the

particular course of legal action she takes, her commitment to the Turkish state is "on display" on an everyday basis through the map of Turkey hanging on her living room wall. She also discursively reiterates her loyalty to Turkey in her exchanges with us: She repeatedly emphasizes her wish to pay taxes; her preference that her son takes the national university entrance exams to although the latter is harder than the foreigners exams; and her lack of interest in ever returning to Bulgaria. Unlike Aysel, who engages in circular migration and whose relationship to Turkey is transient, Nurcihan has settled in the migrant residences with her family. She intends to pursue all it takes to render her stay permanent and struggles to establish her "worth" as a political subject through the law and through everyday discursive acts. Ultimately, however, Aysel and Nurcihan's stories converge once again on the broken line of il/legality: Regardless of their respective motives and strategies, neither has been able to legalize her work and residence status permanently.

Conclusion

We have argued that migrants are systematically kept at the edges of legality in ways that best serve the political and the economic interests of the state. Each encounter with sovereign authority thus ends up creating a different form of subjection for the migrants. We have also tried to show that migrants instrumentalize these encounters for their own purposes as well. However, they seem to succeed only to the extent that these attempts are ultimately compatible with the interest of the sovereign that continues to wield the power to define the states-of-exception. On the one hand, migrants develop tactics to negotiate the changing conditions of il/legality, since, recalling our opening metaphor, the boundaries of legality/illegality are constituted not as continuous but as broken lines rendering the legal lanes transpassable. On the other hand, because it is the sovereign state that lays down the rules of the flow, the individual strategies end up reproducing the power of the state, which reaffirms the tenuous legal status of the immigrants on the edge of being the exceptions to the rule.

Various scholars have pointed to the ways in which the legal status of immigrants is rendered temporary and that this temporariness is sustained by the state.⁵⁰ At the economic level, the broken lines of il/legality that the immigrants are constantly made to cross, work to ensure a vulnerable labor force without the security of proper documents and who therefore are always disposable. We have also argued, however, that the further twist in the case of immigrants from Bulgaria is the added political dimension: The Turkish state keeps immigrants

in a permanent state of exception by means of temporary periods of legalization in order to encourage them to vote in the Bulgarian elections. In contrast to the legal processes of harmonization with the Schengen *acquis*, which regulates and defines the limits to the movement of persons not only among member states but also to and from third countries, the Turkish state politically extends its realm of sovereignty in a move toward what Basch et al. have called the "deterritorialized nation-state."⁵¹ In that sense, "globalization of domestic politics," which is usually perceived as a bottom-up mobilization,⁵² also works as a top-down political tool, as evidenced in the Turkish state's policies to encourage immigrants' political involvement in Bulgaria through voting. It is also through such transnational ties and transnational political practices, therefore, that the neoliberal sovereign reproduces its economic and political power by this particular instance of "inclusive exclusion."

Finally we have suggested that the state of temporariness, reinforced through the constant redefinition of the "threshold in life that distinguishes and separates what is inside from what is outside," is not limited to acts of border crossing. The separation of the rights of man from the rights of citizens within nation-states continues to keep the migrants in a permanent state of exception as the subjects *to* the law but not the subjects *in* the law.⁵³ The Turkish state reiterates its power of the decision to include/exclude through the frequent changes in the visa regimes and through rendering citizenship difficult for these immigrants. The immigrants, on the other hand, try to take advantage of the exceptions to the rule as best as they can, such as the temporary amnesties or the arbitrary practices of the state agents or by hailing the *münferit göçmen* status with reference to their ethnonational identity. Yet such privileged treatments toward Bulgarian Turkish immigrants as exceptions to the general visa policies are also themselves constantly subject to change. Therefore, the broken line of il/legality seems to be preferred by the sovereign state over permanent legality, which for the immigrants, becomes the true exception to the "exceptions to the rule."

Notes

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like to thank the organizers and participants of the workshop on Migrations in the Age of Neoliberalism (University of Florida, 2009), as well as the fellows of the Liberalism's Others project at Columbia University for their feedback on various sections of this work.

1. The literature on this is vast and hence the references we provide inevitably partial. The guiding principle here has been to select a few key works that have been influential across the disciplines of anthropology, sociology, and political science. Stephen Castles and Alastair Davidson, *Citizenship and Migration: Globalisation and the Politics of Belonging* (London: Macmillan, 2000); Arjun Appadurai, *Modernity at Large: Cultural Dimensions of Globalization* (Minneapolis: Minnesota Press, 1996); Ulf Hannerz, *Transnational Connections: Culture, People, Places* (London: Routledge, 1996); David Held and Anthony McGrew, *Globalization /Anti-globalization* (Cambridge: Polity Press, 2002); Eva Ostergaard-Nielsen, "The Politics of Migrants' Transnational Political Practices," *International Migration Review* 37, no. 3 (2003): 760-786; Linda Basch, Nina Glick-Schiller, and Cristina Szanton-Blanc, *Nations Unbound: Transnational Projects, Postcolonial Predicaments and Deterritorialized Nation-States* (Amsterdam: Gordon and Breach, 1994); James N. Rosenau, "Illusions of Power and Empire," *History and Theory* 44, no. 4 (Dec. 2005): 73-87.

2. Zygmunt Bauman, *Globalization: The Human Consequences* (New York: Columbia University Press, 1998), p. 67.

3. Etienne Balibar, *We the People of Europe? Reflections on Transnational Citizenship* (Princeton, NJ: Princeton University Press, 2004); Michael Mann, "Has Globalization Ended the Rise of the Nation-state?" *Review of International Political Economy* 4, no. 3 (Autumn 1997): 472-496; Aristede Zolberg, "Matter of State: Theorizing Immigration Policy," in Charles Hirschman, Philip Kasinitz, and Joshua DeWind, eds., *Handbook of International Migration: The American Experience* (New York: Russell Sage Publications, 1999).

4. Christina Boswell, "Theorizing Migration Policy: Is There a Third Way?" *International Migration Review* 41, no. 1 (2007): 75-100; Simone A. Browne, "Getting Carded: Border Control and the Politics of Canada's Permanent Resident Card," *Citizenship Studies* 9, no. 4 (2005): 423-438; Kitty Calavita, "Immigration, Law, and Marginalization in a Global Economy: Notes from Spain," *LAW & Society Review* 3 (1998): 529; Kitty Calavita and Liliana Suarez-Navaz, "Spanish Immigration Law and the Construction of Difference: Citizens and 'Illegals' on Europe's Southern Border," in Richard Warren Perry and Bill Maurer, eds., *Globalization Under Construction: Governmentality, Law and Identity* (Minneapolis: University of Minnesota Press, 2003); Russell King, "Towards a New Map of European Migration," *International Journal of Population Geography* 8 (2002): 89-106; Nathalie Peutz, "Out-laws: Deportees, Desire, and The Law," *International Migration* 45, no. 3 (2007): 182-191; Ryoko Yamamoto, "Crossing Boundaries: Legality and the Power of the State in Unauthorized Migration," *Sociology Compass* 1, no. 1 (2007): 95-110.

5. Calavita, "Immigration, Law, and Marginalization in a Global Economy: Notes from Spain," note 4.

6. King, "Towards a New Map of European Migration," note 4, p. 102.

7. Balibar, *We the People of Europe? Reflections on Transnational Citizenship*, note 3.

8. Bulent Diken, "From Refugee Camps to Gated Communities: Biopolitics and the End of the City," *Citizenship Studies* 8, no. 1 (2004): 83-106; Prem Kumar Rajaram and Carl Grundy-Warr, "The Irregular Migrant as Homo Sacer: Migration and Detention in Australia, Malaysia, and Thailand," *International Migration* 42, no. 1 (2004): 33-64; Mark B. Salter, "The Global Visa

Regime and the Political Technologies of the International Self: Borders, Bodies, Biopolitics," *Alternatives: Global, Local, Political!*, no. 2 (2006): 167-189; Peutz, "Out-laws: Deportees, Desire, and 'The Law,'" note 4; Miriam Ticktin, "Policing and Humanitarianism in France: Immigration and the Turn to Law as State of Exception," *Interventions* 7, no. 3 (2005): 347-368.

9. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press, 1998), pp. 128-133.

10. Salter, "Global Visa Regimes," note 8, p. 176.

11. *Ibid.*, p. 180.

12. Agamben, *Home Sacer*, note 9, p. 131.

13. Veena Das and Deborah Poole, "The State and Its Margins: Comparative Ethnographies," in Veena Das and Deborah Poole, eds., *Anthropology in the Margins of the State* (Santa Fe, NM: School of American Research Press, 2004), p. 19.

14. Calavita, "Immigration, Law, and Marginalization in a Global Economy: Notes From Spain," note 4; Calavita and Suarez-Navaz, "Spanish Immigration Law and the Construction of Difference: Citizens and 'Illegals' on Europe's Southern Border," note 4; Nicholas De Genova, "The Legal Production of Mexican/Migrant 'Illegality,'" *Latino Studies* 2, no. 2 (July 2004): 160-185; Belkis Kümbetoglu, "Enformellesme Siireclerinde Genç Göçmen Kadınlar ve Dayanisma Aslari," *Folklor/Edebiyat* 11, no. 41 (2005): 5-25; Leyla J. Keough, "Mobile Domestic and Trafficking Discourse in the Margins of Europe," *Focaa—European Journal of Anthropology* 43 (2004): 14-26; Mine Eder, "Moldavyali Yeni Gocmenler: Uzerinden Turkiye'de Neoliberal Devleti Yeniden Dushunmek," *Birikim* 108 (2007): 129-142; Sema Erder and Selmin Kaska, *Düzensiz Göç ve Kadın Ticareti: Türkiye Ornesi* (Geneva: International Organization for Migration—UNFPA, 2003).

15. Ahmet İcduygu, "Turkey," in Philippe Fargues, ed., *Mediterranean Migration 2005 Report* (The European Commission, MEDA Programme: Robert Schuman Center for Advanced Studies, 2005), pp. 327-371; Kemal Kirisci, "Turkey: A Country of Transition from Emigration to Immigration," *Mediterranean Politics* 12, no. 1 (2007): 91-97.

16. Joanna Apap, Sergio Carrera, and Kemal Kirisci, "Turkey in the European Area of Freedom, Security and Justice," EU-Turkey Working Papers, no. 3 (Brussels: CEPS, 2004); Didem Danis, "Integration in Limbo: Iraqi Afghan and Maghrebi Migrants in Istanbul," MireKoc Project, no. 6 (Istanbul: Koc University, 2006).

17. Deniz Yukseker, "Trust and Gender in a Transnational Marketplace: The Public Culture of Laleli, Istanbul," *Public Culture* 16, no. 1 (2004): 47-65.

18. Aysel Akalin, "Hired as a Caregiver, Demanded as a Housewife: Becoming a Migrant Domestic Worker in Turkey," *European Journal of Women's Studies* 14, no. 3 (2007): 209-225; Didem Danis, "A Faith that Binds: Iraqi Christian Women on the Domestic Service Ladder of Istanbul," *Journal of Ethnic and Migration Studies* 33, no. 4 (2007): 601-615; Eder, "Moldavyali YeniGocmenler Uzerinden Turkiye'de Neoliberal Devleti Yeniden Dushunmek," note 15; Selmin Kaska, "The New International Migration and Migrant Women in Turkey: The Case of Moldovan Domestic Workers," MireKoc Project, no. 25 (Istanbul: Koc University, 2006); Keough, "Mobile Domestic and Trafficking Discourse in the Margins of Europe," note 14; Kiimbetoglu, "Enformellesme Siireclerinde Genç Göçmen Kadınlar ve Dayanisma Aslari," note 14.

19. İcduygu, "Turkey," note 15. As of 2008, a handful have been able to obtain this permit, pointing to the difficulty, indeed virtual impossibility, of taking advantage of this law in practice.

20. In 2005, there were around 132,000 foreign nationals with residence permit in the country, nearly 50,000 from Bulgaria, around 8,000 from Azerbaijan, 7,000 from Germany, almost 5,000 from Iraq, more than 4,000 from Iran, and another 4,000 from the Russian Federation. In 2006 there were over 187,000 foreigners residing in Turkey with residence permits. While 18 percent of them were people with work permits and 13 percent were students, the remaining proportion of foreigners with residence permits were mostly people who are the dependents of working and studying foreigners. For more detailed information see "Table 7: Indicative Number of Migration to Turkey, 1996-2006," by MiroKoc at Koc University, Istanbul, available at: http://www.mirekoc.com/mirekoc_documents/research_and_statistics/statistical_data/2007/table07.htm

21. These numbers are compiled by Ahmet Icduygu from data obtained from UNHCR Ankara Office (2002-2005). Bureau for Foreigners, Borders, and Asylum at the Directorate of General Security of the Ministry of Interior, (2000-2005). Available at: http://www.mirekoc.com/mirekoc_documents/research_and_statistics/statistical_data/2007/table11.htm

22. The endemic difficulties of obtaining quantitative figures for undocumented migration is extensively elaborated in Douglas Massey and Chiarac Capoferro, "Measuring Undocumented Migration," in Alejandro Portes and Josh DeWind, eds., *Rethinking Migration: New Theoretical and Empirical Perspectives* (New York: Berghan, 2007).

23. Eder, "Moldavyali Yeni Gocmenler Uzerinden Turkiye'de Neoliberal Devleti Yeniden Dusunmek," note 14; Kaska, "The New International Migration and Migrant Women in Turkey: The Case of Moldovan Domestic Workers," note 18; Yukseker, "Trust and Gender in a Transnational Marketplace: The Public Culture of Laleli, Istanbul," note 17.

24. Ahmet Icduygu, "Irregular Migration in Turkey," IOM Research Paper Series, no. 12 (Geneva: International Organization for Migration, 2003).

25. Apap et al., "Turkey in the European Area of Freedom, Security and Justice," note 16.

26. This change further encouraged the development of the "suitcase trade," while illegal employment as well as prostitution and security, became the other "questionable aspects" of this "flexible" visa policy. Apap et al., "Turkey in the European Area of Freedom, Security and Justice," note 16; Icduygu, "Irregular Migration in Turkey," note 24; Kirisci, "Turkey: A Country of Transition from Emigration to Immigration," note 15; Keough, "Mobile Domesticity and Trafficking Discourse in the Margins of Europe," note 14; Eder, "Moldavyali Yeni Gocmenler Uzerinden Turkiye'de Neoliberal Devleti Yeniden Dusunmek," note 14; Erder and Kaska, "Duzensiz Goc ve Kadin Ticareti: Turkiye Ornesi," note 14; Gaye Burcu Yildiz, "Foreign Workers in Turkey, Their Rights and Obligations Regulated in Turkish Labour Law," *European Journal of Migration & Law* 9, no. 2 (2007): 207-227.

27. Kirisci, Turkey: A Country of Transition from Emigration to Immigration," note 15.

28. For detailed information see Tables 1 and 2 in Kemal Kirisci, "A Friendlier Schengen Visa System as a Tool of 'Soft Power': The Experience of Turkey," *European Journal of Migration and Law* 7 (2005): 343-367.

29. Apap et al., "Turkey in the European Area of Freedom, Security and Justice," note 16.

30. For detailed information, see the bilateral agreement between Turkish and Bulgarian governments. Available at: <http://rega.basbakanlik.gov.tr/eskiler/2007/05/20070509-3.html>

31. Kemal Kirisci, "Disaggregating Turkish Citizenship and Immigration Practices," *Middle Eastern Studies* 36, no. 3 (2000): 1-22; Kirisci, "Turkey: A Country of Transition from Emigration to Immigration," note 15; Turgut Tarhanli, "A Legal Analysis of Court Decisions in Turkey Concerning Refugee, Asylum and Immigration Issues" in BMMYK, ed., *Court Decisions in Turkey Concerning Asylum, Refugee and Immigration Issues* (Turkey: BMMYK, 2000), pp. 1-37.

32. Apap et al., "Turkey in the European Area of Freedom, Security and Justice," note 16; Kirisci, "Disaggregating Turkish Citizenship and Immigration Practices," note 31; Kirisci, "Turkey: A Country of Transition from Emigration to Immigration," note 15.

33. Soner Çasaptay, *Islam, Secularism, and Nationalism in Modern Turkey: Who Is a Turk?* (London: Routledge, 2003).

34. Apap et al., "Turkey in the European Area of Freedom, Security and Justice," note 16.

35. Ayşe Parla, "Longing, Belonging and Locations of Homeland among Turkish Immigrants from Bulgaria," *Journal of Southeast European & Black Sea Studies* 6, no. 4 (2006): 543-557.

36. Ali Eminov, *Turkish and other Muslim minorities in Bulgaria* (London: Routledge, 1997); Bilal N. Simsir, *Bulgaristan Turkleri* (Ankara: Bilgi Yayınevi, 1986).

37. Apap et al., "Turkey in the European Area of Freedom, Security and Justice," note 16.

38. Erder and Kaska, "Düzensiz Göç ve Kadın Ticareti: Türkiye Örneği," note 14.

39. For a comparative analysis of the instrumentalization of ethnicity with regard to Turkish immigrants from Bulgaria and from Iraq, see Didem Danis and Ayşe Parla, "Nafile Soydaşlık: Irak ve Bulgaristan Türkleri Örneğinde Göçmen, Dernek ve Devlet," *Toplum ve Bilim* 114 (2008): 131-158.

40. The MRF underlines, however, that it is not an ethnic party, which is unconstitutional in Bulgaria. The majority of the electorate are those who identify as Turkish.

41. The amount is calculated according to the *Indicative Exchange Rates Announced at 15:30 on 09/28/2007 by the Central Bank of Turkey*. Available at: <http://www.tcmb.gov.tr/>

42. Ibid.

43. We would also like to note that during the trip Zeynep Kaslı undertook across the border in September 2007, the difference in treatment was striking. While the researcher asked the customs officer about the fines and was able to receive answers, the immigrants who were inspected in detail and with suspicion were not provided with any explanations but were told to pay the fine that the computer automatically issued without further ado.

44. Nevertheless the same strategy did not work the second time around, and she was fined for her last exit, which was after 90 days of overstay. So it is hard to conclude that the difference in treatment is systematic. We might rather claim that airports seem to "catch up" on this later, as it is extremely rare for labor migrants to travel by plane.

45. This informal interview with the general secretary took place in April 5, 2008, in BTSA office in Cemberlitas, Istanbul.

46. In an interview on 8 November 2007 with the head of the neighborhood (*muhtar*) in which the migrant settlements are located, we were shown this circular by the MRF.

47. Calavita and Suarez-Navaz "Spanish Immigration Law and the Construction of Difference: Citizens and "Illegals" on Europe's Southern Border," note 4; Eder, "Moldavyali Yeni Gocmenler Uzerinden Turkiye'de Neoliberal Devleti Yeniden Dusunmek," note 14; Yamamoto, "Crossing Boundaries: Legality and the Power of the State in Unauthorized Migration," note 4.

48. The amount is calculated according to the *Indicative Exchange Rates Announced at 15:30 on 07/28/2008 by the Central Bank of Turkey*. Available at: <http://www.tcmb.gov.tr/> The fee is much lower, the general secretary insists, than what a regular lawyer would charge. Our informal meeting with the general secretary took place in 26 July 2008 in BTSA office.

49. The general secretary of BTSA states that this citizenship law will change by the year 2010 and the differentiation between "Turkish descent" and "foreigner" will be no longer pursued by the law.

50. Boswell, "Theorizing Migration Policy: Is There a Third Way?" note 4; Browne, "Getting Carded: Border Control and the Politics of Canada's Permanent Resident Card," note 4; Calavita, "Immigration, Law, and Marginalization in a Global Economy: Notes from Spain," note 4; Calavita and Suarez-Navaz "Spanish Immigration Law and the Construction of Difference: Citizens and illegals' on Europe's Southern Border," note 4; Peutz, "Out-laws: Deportees, Desire, and 'The Law,'" note 4; Yamamoto, "Crossing Boundaries: Legality and the Power of the State in Unauthorized Migration," note 4.

51. Basch et al, *Nations Unbound: Transnational Projects, Postcolonial Predicaments and Deterritorialized Nation-States*, note 1.

52. Ostergaard-Nielsen. 'The Politics of Migrants: Transnational Political Practices,' note 1.

53. Agamben, *Home Sacer*, note 9.